

| | | |
|--|--|--|
| <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-18-10 | 2. Issuance Date: November 30, 2018 |
| | 3. Originating Office: Children's Bureau | |
| | 4. Key Words: Family First Prevention Services Act, Title IV-E Prevention and Family Services and Programs, Title IV-E Prevention Program | |

PROGRAM INSTRUCTION

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

SUBJECT: Tribal Title IV-E Agency Requirements for Electing Title IV-E Prevention and Family Services and Programs¹

LEGAL AND RELATED REFERENCES: Titles IV-B and IV-E of the Social Security Act (the Act), as amended by Public Law (P.L.) 115-123 Family First Prevention Services Act, enacted February 9, 2018 and P.L. 115-271, The Substance Use–Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT for Patients and Communities Act), enacted October 24, 2018

PURPOSE: To instruct tribal title IV-E agencies administering or supervising the administration of title IV-E under sections 479B and 471(a) of the Act on the title IV-E prevention program requirements

INFORMATION: The Family First Prevention Services Act (FFPSA) authorized new optional title IV-E funding for time-limited (one year) prevention services for mental health/substance abuse and in-home parent skill-based programs for: 1) a child who is a candidate for foster care (as defined in section 475(13) of the Act), 2) pregnant/parenting foster youth, and 3) the parents/kin caregivers of those children and youth (sections 471(e), 474(a)(6), and 475(13) of the Act).

¹ Hereafter in this document, the title IV-E prevention and family services and programs are referred to as the “title IV-E prevention program.” The prevention and family services provided under the title IV-E program are referred to as “title IV-E prevention services.”

For tribal title IV-E agencies, the law requires the Department of Health and Human Services (HHS) to specify requirements for title IV-E prevention services and programs that are, to the greatest extent practicable, consistent with the requirements applicable to states. The requirements must permit tribal title IV-E agencies to provide prevention services and programs that are adapted to the culture and context of the tribal communities served. HHS must also establish specific performance measures for each tribal title IV-E agency providing prevention services that allow for consideration of factors unique to the provision of the services by tribal title IV-E agencies and to the greatest extent practicable, consistent with the measures for states (section 479B(c)(1)(C)(i)(IV) and (c)(1)(E) of the Act).

To inform the development of the title IV-E prevention program requirements for tribal title IV-E agencies, we requested tribal consultation both in-person and via conference calls. We also invited tribes to submit comments in writing. The focus of the consultation was regarding the extent to which tribal title IV-E agencies are able to meet the same requirements applicable to states, and the adaptations necessary to reflect the culture and context of the tribal communities served. We considered the information provided during tribal consultation on the flexibility available to tribal title IV-E agencies in operating the title IV-E prevention program, consistent with statutory requirements in developing this Program Instruction (PI).

Instructions for the Title IV-E Prevention Programs: This Program Instruction provides instructions on the requirements tribal title IV-E agencies administering or supervising the administration of a title IV-E program under sections 479B and 471(a) of the Act (i.e., tribes, tribal organizations or consortia that are approved to operate the title IV-E program directly rather than through an agreement with a state agency) must meet when electing the title IV-E prevention program as described below.

Tribes that do not operate a title IV-E program directly, but instead operate part of a title IV-E program pursuant to an agreement with a state or tribal title IV-E agency under section 472(a)(2)(B)(ii) of the Act must meet all the requirements applicable to the *state* title IV-E prevention program because the exceptions permitted for a tribal title IV-E prevention program in section 479B(c)(1)(E) of the Act apply only to direct tribal title IV-E agencies. The requirements applicable to state title IV-E prevention program are provided in [ACYF-CB-PI-18-09](#).

Organization of the Program Instruction

Foreword

Section A. Requirements for providing title IV-E prevention programs

1. Title IV-E prevention program components
2. Tribal five-year title IV-E prevention program plan

Section B. Child and family eligibility for the title IV-E prevention program

1. Prevention plan for the child
2. Candidates for foster care

3. Age

- Section C.** Federal financial participation (FFP)
- Section D.** Financial reporting
- Section E.** Maintenance of effort (MOE)
- Section F.** Title IV-E prevention program reporting
- Section G.** Title IV-E plan requirements
- Section H.** Non-impact on eligibility for other assistance
- Section I.** Payer of last resort
- Section J.** Instruction

Attachments

- A. Children’s Bureau Regional Program Managers
- B. Tribal title IV-E agency prevention program five-year plan pre-print
 - Attachment I. Tribal Title IV-E prevention services and programs reporting assurance
 - Attachment II. Tribal title IV-E agency request for waiver of evaluation requirement
 - Attachment III. Tribal title IV-E agency assurance of trauma-informed service-delivery

Foreword

The creation of the title IV-E prevention program is an unprecedented step in recognizing the importance of working with children and families to prevent the need for foster care placement and the trauma of unnecessary parent-child separation. The title IV-E prevention program is part of a much broader vision of strengthening families by preventing child maltreatment, unnecessary removal of children from their families, and homelessness among youth. It provides an opportunity for tribal title IV-E agencies to dramatically re-think how they serve children and families. It creates an impetus to focus attention on prevention and strengthening families as our primary goals, rather than foster care placement as our main intervention. The Children’s Bureau strongly encourages all tribal title IV-E agencies to take this opportunity to not only use the title IV-E prevention program to fund these important services, but also to envision and advance a vastly improved way of serving children and families, one that focuses on strengthening their protective and nurturing capacities instead of separating them and builds on rather than competes with tribal norms, customs and practices that promote healing and overall wellbeing.

A. Requirements for providing the title IV-E prevention program

1. Title IV-E prevention program components

Categories of allowable title IV-E prevention services: Tribal title IV-E agencies may claim reimbursement for mental health and substance abuse prevention and treatment services provided by qualified clinicians, and in-home parent skill-based programs that include parenting skills training, parent education, and individual and family counseling identified in the tribal title IV-E agency’s five-year title IV-E prevention program plan (section 471(e)(1) of the Act). We interpret the term “in-home” broadly in that it does not necessarily refer to the location in which the services are provided. It could mean, for example, that the child is continuing to live in the

home of a parent or relative caretaker during the time the tribal title IV-E agency is providing the services. The needs of the child, parent, or caregiver for the services must be directly related to the safety, permanence, or well-being of the child or to preventing the child from entering foster care. We are not further defining “qualified clinician” as used to describe a provider of mental health and substance abuse prevention and treatment services identified in the plan (section 471(e)(1)(A) of the Act). Consistent with these categories and requirements, tribal title IV-E agencies have flexibility to claim title IV-E funds for prevention services and programs they deem culturally appropriate and that meet the unique needs and context of the tribal community, including traditional healing programs consistent with meeting mental health and substance abuse treatment needs of children, parents and/or caregivers.

Trauma-informed approach to service delivery: Title IV-E prevention services must be provided under an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma and in accordance with recognized principles of a trauma-informed approach and trauma-specific interventions to address trauma’s consequences and facilitate healing (section 471(e)(4)(B) of the Act). Consistent with this requirement, tribal title IV-E agencies may define trauma-informed services in a way that reflects the components of historical trauma unique to their communities. We are not further defining what a trauma-informed approach to service delivery means.

Practice criteria for prevention services: FFPSA requires that, for state title IV-E agencies, the services must be rated as promising, supported, or well-supported in accordance with HHS criteria and be approved by HHS (section 471(e)(4)(C) of the Act) as part of the Title IV-E Prevention Services Clearinghouse (section 476(d)(2) of the Act). We determined that it is not practicable for tribal title IV-E agencies to meet these same practice criteria rated as promising, supported, or well-supported for prevention services. Tribal title IV-E agencies may determine the practice criteria for services that are adapted to the culture and context of the tribal communities served and must describe the practice criteria in the five-year title IV-E prevention program plan as described below. Some examples of evidence-based practice criteria include: longevity of the practice in Indian country, teachings on which the practice is based, values and principles incorporated into the practice, community leader/elder approval, community feedback and evaluation of the practice. These are just a few examples, not a comprehensive list.

This also means that tribal title IV-E agencies are not subject to the FFPSA requirement for states that at least 50 percent of the amounts expended for the title IV-E prevention program for a FY must be for services that meet the well-supported practice criteria (section 474(a)(6)(A)(ii) of the Act).

Time-limited services: The tribal title IV-E agency may provide title IV-E prevention services as specified in the child’s prevention plan for up to 12 months beginning on the date the tribal title IV-E agency identifies the child as either a “candidate for foster care” or a pregnant or parenting foster youth in need of those services (sections 471(e)(2)(A) and (B) of the Act) (see section B.1 below). The tribal title IV-E agency may claim title IV-E reimbursement for prevention services until the last day of the 12th month if services were provided for the entire 12-month period, or if services are provided for less than the entire 12-month period, the end of the month in which the

child's title IV-E prevention services ended. A tribal title IV-E agency may provide title IV-E prevention services to or on behalf of the same child for additional 12-month periods, including for contiguous 12-month periods. In order to claim title IV-E for each additional 12-month period, the tribal title IV-E agency must determine and document in the child's prevention plan that the otherwise eligible candidate for foster care or pregnant/parenting youth meets the requirements in section 471(e)(4)(A) of the Act on a case-by-case basis.

2. Tribal title IV-E agency five-year title IV-E prevention program plan

The tribal title IV-E agency electing to provide the title IV-E prevention program must submit a five-year title IV-E prevention program plan (five-year plan) that meets the statutory requirements and may use the title IV-E prevention program five-year plan pre-print found in Attachment B (section 471(e)(5) of the Act). The tribal title IV-E agency may submit its five-year plan at any time, as there is no deadline by which a tribal title IV-E agency must submit its five-year plan. A tribal title IV-E agency may amend its five-year plan at any time during the five year period. The tribal title IV-E agency is not required to provide services in all of its title IV-E service area, nor is the tribal title IV-E agency required to provide the same type of prevention services in all of its title IV-E service area. We recognize that this flexibility will allow more tribal title IV-E agencies to elect to provide the title IV-E prevention program, but we still encourage agencies to implement the program as broadly as possible in order to make prevention services available to as many families in need of those services as possible.

The five-year plan must contain the following information as required by section 471(e)(5) of the Act:

- *Service description and oversight:* The tribal title IV-E agency must describe how it will assess children and their parents or kin caregivers to determine eligibility for title IV-E prevention services and describe the HHS approved services the tribal title IV-E agency will provide, including:
 - a description of the practice criteria the tribe used to select the proposed services and programs;
 - how the tribal title IV-E agency plans to implement the services, including how implementation of the services will be continuously monitored to ensure fidelity to the practice model and to determine outcomes achieved and how information learned from the monitoring will be used to refine and improve practices;
 - how the tribal title IV-E agency selected the services;
 - the target population for the services;
 - an assurance that each HHS approved title IV-E prevention service provided in the tribal title IV-E agency plan meets the requirements at section 471(e)(4)(B) of the Act related to trauma-informed service-delivery (Attachment III); and
 - how providing the services is expected to improve specific outcomes for children and families.

- *Evaluation strategy:* The FFPSA requires that the state must include a well-designed and rigorous evaluation strategy for each service, with an exception for well-supported programs if approved by HHS. Based on our tribal consultation, we determined that it may not be practicable for a tribal title IV-E agency to implement certain rigorous evaluation strategies such as random-controlled trials for each tribal service because of unique factors impacting tribes. Therefore, we are providing tribal title IV-E agencies with broad flexibility to meet this requirement. Tribal title IV-E agencies may use alternative evaluation strategies and study designs, such as exploratory, community-based participatory research, and qualitative study designs to meet the evaluation requirements.
- *Evaluation waiver request:* Consistent with section 471(e)(5)(C)(ii) of the Act, the Children’s Bureau may waive the requirement for an evaluation strategy if the evidence of the effectiveness of a program or practice is compelling and the tribal title IV-E agency meets the continuous quality improvement requirements included in section 471(e)(5)(B)(iii)(II) of the Act with regard to the practice. The tribal title IV-E agency may request this waiver using Attachment II as part of the five-year title IV-E prevention program plan and must demonstrate the effectiveness of the practice.
- *Monitoring child safety:* The tribal title IV-E agency must describe how it will monitor and oversee the safety of children receiving services during the 12 month period. This must include periodic risk assessments throughout the 12 month period, and if the tribal title IV-E agency determines the risk of the child entering foster care remains high despite the provision of the services, the tribal title IV-E agency must reexamine the child’s prevention plan during the 12 month period.
- *Consultation and coordination:* The tribal title IV-E agency must describe: 1) how it will consult with other agencies responsible for administering health programs, including mental health and substance abuse prevention and treatment services, and with other public and private agencies with experience in administering child and family services (including community-based organizations), in order to foster a continuum of care for children, parents and caregivers receiving prevention services; and 2) how the prevention services provided for or on behalf of a child and the parents or kin caregivers of the child will be coordinated with other child and family services provided to the child and the parents or kin caregivers of the child under the tribe’s title IV-B plan.
- *Child welfare workforce support:* The tribal title IV-E agency must describe the steps it is taking to support and enhance a competent, skilled, and professional child welfare workforce to deliver trauma-informed and evidence-based services, including:
 - ensuring that staff is qualified to provide services that are selected by the tribe; and

- developing appropriate prevention plans, and conducting risk assessments for children receiving prevention services.
- *Child welfare workforce training:* The tribal title IV-E agency must describe how it will provide training and support for caseworkers in assessing what children and their families need; connecting to the families served; knowing how to access and deliver the needed trauma-informed and evidence-based services; and overseeing and evaluating the continuing appropriateness of the services.
- *Prevention caseloads:* The tribal title IV-E agency must describe how the caseload size and type for prevention caseworkers will be determined, managed, and overseen.
- *Assurance on prevention program reporting:* The tribal title IV-E agency must provide an assurance that it will report to the Secretary such information and data as the Secretary may require with respect to the title IV-E prevention program, including information and data necessary to determine the performance measures. Tribal title IV-E agencies must provide this assurance as part of the five-year plan using Attachment I (see section F of this PI for more information on this reporting).

B. Child and family eligibility for the title IV-E prevention program

1. Prevention plan for the child

In a prevention plan for the child, the tribal title IV-E agency must identify whether the child is either a “child who is a candidate for foster care” or is a pregnant or parenting foster youth in need of prevention services in advance of the services being provided. The statute does not define “pregnant or parenting foster youth” and we are not going to further define that population. The definition of a “child who is a candidate for foster care” is defined in the statute at section 475(13) of the Act and is described in section B.2. The age requirements for both pregnant or parenting foster youth and a “child who is a candidate for foster care” are described in section B.3.

If the child is a “child who is a candidate for foster care,” the child’s prevention plan must:

- identify the foster care prevention strategy for the child so that the child may remain safely at home, live temporarily with a kin caregiver until reunification can be safely achieved, or live permanently with a kin caregiver; and
- list the services to be provided to or on behalf of the child to ensure the success of that prevention strategy.

The prevention plan for a pregnant or parenting foster youth must:

- be included in the youth's foster care case plan;
- list the services to be provided to or on behalf of the youth to ensure that the youth is prepared (in the case of a pregnant foster youth) or able (in the case of a parenting foster youth) to be a parent; and

- describe the foster care prevention strategy for any child born to the youth.

2. Candidates for foster care

A *child who is a candidate for foster care* is defined as a child who is identified in a title IV-E prevention plan as being at imminent risk of entering foster care (without regard to whether the child would be eligible for title IV-E foster care maintenance payments, title IV-E adoption assistance or title IV-E kinship guardianship assistance payments), but who can remain safely in the child's home or in a kinship placement as long as the title IV-E prevention services that are necessary to prevent the entry of the child into foster care are provided. A “child who is a candidate for foster care” includes a child whose adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement (section 475(13) of the Act).

We are not further defining the phrase “candidate for foster care” as it appears in section 475(13) of the Act or further defining the term “imminent risk” of entering foster care for the title IV-E prevention program. However, because a child may not be simultaneously in foster care and a “child who is a candidate for foster care,” once the child enters foster care, reimbursement for the child under the title IV-E prevention program must end. Foster care is defined in 45 CFR 1355.20 and includes children under the placement and care of the tribal title IV-E agency who are placed in a licensed or unlicensed kinship placement, regardless of whether payments are made by the state, tribal or local agency for the care of the child or whether there is federal matching of any payments that are made. As such, a child who is *not* under the placement and care of the tribal title IV-E agency and in a kinship placement could be considered a “child who is a candidate for foster care” as defined in section 475(13) of the Act.

Regardless of whether a title IV-E agency is providing the title IV-E prevention program, it may continue to claim administrative costs under the statutory authority at 472(i) of the Act for candidates for title IV-E foster care if, among other things, the child is at imminent risk of removal from the home and the agency is making reasonable efforts to prevent the need to remove the child from the home. The agency should continue to apply section 8.1D of the Child Welfare Policy Manual (CWPM) for guidance on section 472(i) of the Act. CWPM 8.1D does not apply to the phrase “child who is a candidate for foster care” as defined in section 475(13) of the Act for the purposes of the title IV-E prevention program.

3. Age

The definition of “child” in section 475(8) of the Act applies to the title IV-E prevention program.²² Therefore, both a “child who is a candidate for foster care” and a “child who is a

²² As a reminder, this definition includes:

- an individual who has not attained 18 years of age; and
- At the option of the title IV-E agency,

pregnant or parenting foster youth” must meet the definition of child as elected by the tribal title IV-E agency for the title IV-E program to be eligible for the title IV-E prevention program (section 471(e)(4)(A)(i) and (ii) of the Act). This means that a “child who is a candidate for foster care” and pregnant or parenting foster youth who have not attained age 18 are eligible for the title IV-E prevention program. If a tribal title IV-E agency has elected a higher age under the tribe’s title IV-E program, an otherwise eligible youth over age 18 may be eligible for the title IV-E prevention program in the following circumstances:

- If a youth is an otherwise eligible as a “child who is a candidate for foster care” and over age 18, the youth could be eligible for the title IV-E prevention program if:
 - a title IV-E adoption assistance or guardianship assistance agreement is in effect with respect to the youth (that went into effect after the child attained 16 years of age);
 - the youth’s adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement (section 475(13) of the Act);
 - the youth meets the tribal title IV-E agency’s education/employment conditions as elected under title IV-E; and
 - the youth has not yet reached the tribal title IV-E agency’s highest elected age under title IV-E (19, 20 or 21).

- If a youth is an otherwise eligible pregnant or parenting youth in foster care over age 18, the youth could be eligible for the title IV-E prevention program if:
 - the youth meets the tribal title IV-E agency’s education/employment conditions as elected under title IV-E; and
 - the youth has not yet reached the tribal title IV-E agency’s highest elected age under title IV-E (19, 20 or 21).

If a youth turns age 18 (or the higher elected per section 475(8) of the Act) while receiving title IV-E prevention services, the tribal title IV-E agency can only claim FFP for services until the day the youth turns age 18 (or the higher elected age as per section 475(8) of the Act). The tribal title IV-E agency may claim title IV-E administrative costs until the end of the month in which the youth turns age 18 (or the higher elected age as applicable).

-
- an individual age 18 and up to age 19, 20 or 21 who meets the education/employment criteria in section 475(8)(B)(iv) of the Act and who is in foster care under the responsibility of the title IV-E agency;
 - with respect to whom an adoption assistance agreement is in effect under section 473 of the Act if the child had attained 16 years of age before the agreement became effective; or
 - with respect to whom a kinship guardianship assistance agreement is in effect under section 473(d) of the Act if the child had attained 16 years of age before the agreement became effective.

C. Federal financial participation for the title IV-E prevention program

Prevention services: From FYs 2020 – 2026, costs of title IV-E prevention services are reimbursable at 50 percent FFP under title IV-E. Beginning in FY 2027, title IV-E prevention services are reimbursable at the applicable Tribal FMAP rate for the tribal title IV-E agency.

- *Administrative costs:* Beginning in FY 2020, costs for the proper and efficient administration of the title IV-E prevention programs are reimbursable at 50 percent FFP. A tribal title IV-E agency may claim allowable title IV-E administrative costs beginning the first day of the fiscal quarter in which the tribal title IV-E agency submits an approvable five-year prevention plan. These include activities to develop necessary processes and procedures to establish and implement the provision of prevention services for eligible individuals, policy development, program management and data collection and reporting.

Child specific administrative costs may be claimed for allowable activities from the beginning of the month in which the child is identified in a prevention plan until the end of the 12th month, if services were provided for the entire 12-month period, or if the services are provided for less than the entire 12-month period, the end of the month the child's title IV-E prevention services ended. The tribal title IV-E agency may claim for allowable activities that comport with or are closely related to one of the listed activities at 45 CFR 1356.60(c)(2), such as the development and maintenance of the child's prevention plan as defined in section 471(e)(4)(A) of the Act and case management activities such as verification and documentation of program eligibility, referral to services, and preparation for and participation in judicial proceedings. The tribal title IV-E agency may claim title IV-E prevention program administrative costs for data collection and reporting beyond the child's title IV-E prevention service period to meet the requirements in section 471(e)(4)(E) of the Act. Further, there is nothing to prohibit the tribal title IV-E agency from claiming title IV-E foster care administrative costs for a child eligible under section 472(i) of the Act after the child's title IV-E prevention services period has ended. Performance of investigations, physical or mental examinations or evaluations are not allowable administrative costs for the title IV-E prevention program.

- *Training:* Beginning in FY 2020, training for personnel employed or preparing for employment by the tribal title IV-E agency and of the members of the staff of state/tribal-licensed or approved child welfare agencies providing services to children who are candidates for foster care and pregnant/parenting foster youth (and their parents or kin caregiver) is reimbursable at 50 percent FFP. Allowable training topics include how to determine who is eligible for the title IV-E prevention program, how to identify and provide appropriate services, and how to oversee and evaluate the ongoing appropriateness of the services.

D. Financial reporting

Expenditures and next quarter estimates for the title IV-E prevention program must be reported on the CB-496 form. The revised form and specific instructions for reporting such costs can be found in [ACYF-CB-PI-18-12](#).

E. Maintenance of effort (MOE)

States must use title IV-E prevention services to supplement, and not supplant, FY 2014 (or an alternate applicable year) “state foster care prevention expenditures” as defined in the statute. The statute requires the state title IV-E agency to maintain at least the same level of “state foster care prevention expenditures” each FY as the amount the agency spent in FY 2014 (or an alternate applicable year) (section 471(e)(7) of the Act). Based on our tribal consultation, we determined that it is not practicable for a tribal title IV-E agency to adhere to the MOE requirements.

F. Title IV-E prevention program reporting

Tribal title IV-E agencies electing the title IV-E prevention program must report child-specific data to HHS as required by section 471(e)(4)(E) of the Act for each child who receives title IV-E prevention services. We will provide additional information on how to report this information in future guidance, but tribal title IV-E agencies should be prepared to report, at a minimum, the following information for each child who receives services:

- the specific services provided to the child and/or family;
- the total expenditures for each of the services provided to the child and/or family;
- the duration of the services provided;
- if the child was identified in a prevention plan as a “child who is a candidate for foster care”:
 - the child’s placement status at the beginning, and at the end, of the 12-month period that begins on the date the child was identified as a “child who is a candidate for foster care” in a prevention plan; and
 - whether the child entered foster care during the initial 12-month period and during the subsequent 12-month period; and
- basic demographic information (e.g., age, sex, race/Hispanic Latino ethnicity).

G. Title IV-E plan requirements

The title IV-E program and plan requirements (including regulations at 45 CFR 1355 and 1356) that are not specifically limited to the title IV-E foster care maintenance payment or adoption assistance programs also apply to the title IV-E prevention program. The statutory title IV-E plan requirements that apply are in sections 471(a)(2); 471(a)(4) through 471(a)(9)(A) and(B); 471(a)(12), 471(a)(13), and 471(a)(32) of the Act. They address topics such as agency organization and program administration, program audits and monitoring, confidentiality of information, and fair hearings.

H. Non-impact on eligibility for other assistance

Receipt of title IV-E prevention services is not considered receipt of aid for the purposes of eligibility of any other program under the Social Security Act, and does not permit a tribal title IV-E agency to reduce medical or other assistance available to a title IV-E prevention recipient (section 471(e)(10) (A) of the Act).³

I. Payer of last resort

If the cost of providing a title IV-E prevention service to an individual would have been paid from another public or private source if not for the enactment of FFPSA, a tribal title IV-E agency is not considered to be a legally liable third party for the cost of providing such services to that individual with one exception; a tribal title IV-E agency may use title IV-E prevention program funding under section 474(a)(6) to pay a provider for these services to prevent delaying the timely provision of appropriate early intervention services (pending reimbursement from the public or private source that has ultimate responsibility for the payment) (section 471(e)(10)(C) of the Act).⁴

Therefore, if public or private program providers (such as private health insurance or Medicaid) would pay for a service allowable under the title IV-E prevention program, those providers have the responsibility to pay for these services before the title IV-E agency would be required to pay. For example, if a parent with Medicaid coverage is receiving mental health services that would be covered by Medicaid, and that are also allowable under the title IV-E prevention program, Medicaid must pay for the service before the title IV-E portion (if any) is paid. This provision in effect makes title IV-E the payer of last resort for title IV-E prevention services in this instance.

J. Instruction

A tribal title IV-E agency that would like to opt into the title IV-E prevention program must submit a five year plan as follows: 1) submit the five-year plan pre-print in Attachment B to the Regional Office and record the applicable statutory, regulatory and/or policy references and citations for the affected federal requirement or, alternatively, submit the same information as described here in its own format; 2) submit copies of referenced material noting the specific section of the material with page numbers, highlighting or other means, to document compliance for any cited statute, regulation, policy and/or procedure; and 3) submit the five- year plan and accompanying documentation electronically or on a compact disk or USB flash drive to the Children’s Bureau Regional Office. A title IV-E agency may not substitute a hyperlink instead of providing paper or electronic documents for its five-year plan pre-print submission. If the title

³ The last clause of section 471(e)(10) of the Act was added by section 8082(b)(1) of Public Law 115-271, The Substance Use–Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT for Patients and Communities Act) (enacted October 24, 2018).

⁴ Section 471(e)(10)(C) of the Act was added by section 8082(b)(2) Public Law 115-271, The Substance Use–Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT for Patients and Communities Act) (enacted October 24, 2018).

IV-E agency is unable to submit electronic signatures for purposes of the certification, it may submit the appropriate pages with original signatures.

**PAPERWORK
REDUCTION
ACT:**

Under the Paperwork Reduction Act of 1995 (Public Law 13), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number of the Title IV-E Plan Pre-Print is 0970-0433, approved through February 28, 2019.

INQUIRIES TO: Children’s Bureau Regional Program Managers

/s/

Jerry Milner
Acting Commissioner
Administration on Children, Youth and
Families

Attachments:

- A. Children’s Bureau Regional Program Managers
- B. Tribal title IV-E prevention program five-year plan pre-print
 - Attachment I. Tribal title IV-E agency title IV-E prevention program reporting assurance
 - Attachment II. Tribal title IV-E agency request for waiver of evaluation strategy requirement
 - Attachment III. Tribal title IV-E agency assurance of trauma-informed service-delivery

Regional Program Managers – Children’s Bureau

| | | | |
|---|---|----|--|
| 1 | <p>Region 1 - Boston Bob Cavanaugh bob.cavanaugh@acf.hhs.gov JFK Federal Building, Rm. 2000 15 Sudbury Street Boston, MA 02203 (617) 565-1020 States: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont</p> | 6 | <p>Region 6 - 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</p> |
| 2 | <p>Region 2 - 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</p> | 7 | <p>Region 7 - Kansas City Deborah Smith deborah.smith@acf.hhs.gov Federal Office Building, Rm. 349 601 E 12th Street Kansas City, MO 64106 (816) 426-2262 States: Iowa, Kansas, Missouri, Nebraska</p> |
| 3 | <p>Region 3 - Philadelphia Lisa Pearson lisa.pearson@acf.hhs.gov The Strawbridge Building 801 Market Street Philadelphia, PA 19107-3134 (215) 861-4030 States: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia</p> | 8 | <p>Region 8 - Denver Marilyn Kennerson marilyn.kennerson@acf.hhs.gov 1961 Stout Street, 8th Floor Byron Rogers Federal Building Denver, CO 80294-3538 (303) 844-1163 States: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming</p> |
| 4 | <p>Region 4 - Atlanta Shalonda Cawthon shalonda.cawthon@acf.hhs.gov 61 Forsyth Street SW, Ste. 4M60 Atlanta, GA 30303-8909 (404) 562-2242 States: Alabama, Mississippi, Florida, North Carolina, Georgia, South Carolina, Kentucky, Tennessee</p> | 9 | <p>Region 9 - San Francisco Debra Samples debra.samples@acf.hhs.gov 90 7th Street - Ste 9-300 San Francisco, CA 94103 (415) 437-8626 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</p> |
| 5 | <p>Region 5 - Chicago Kendall Darling kendall.darling@acf.hhs.gov 233 N. Michigan Avenue, Suite 400 Chicago, IL 60601 (312) 353-9672 States: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin</p> | 10 | <p>Region 10 - Seattle Paula Bentz paula.bentz@acf.hhs.gov 701 Fifth Avenue, Suite 1600, MS-73 Seattle, WA 98104 (206) 615-3662 States: Alaska, Idaho, Oregon, Washington</p> |

B. TRIBAL TITLE IV-E AGENCY PLAN FOR TITLE IV-E OF THE SOCIAL SECURITY ACT: PREVENTION SERVICES AND PROGRAMS

TRIBE: _____

U.S. Department of Health and Human Services
Administration for Children and Families
Children's Bureau
November 2018

- SECTION 1. Service description and oversight
- SECTION 2. Evaluation strategy and waiver request
- SECTION 3. Monitoring child safety
- SECTION 4. Consultation and coordination
- SECTION 5. Child welfare workforce training
- SECTION 6. Child welfare workforce support
- SECTION 7. Prevention caseloads
- SECTION 8. Assurance on prevention program reporting
- SECTION 9. Child and family eligibility for the title IV-E prevention program

- ATTACHMENT I: Tribal title IV-E prevention program reporting assurance
- ATTACHMENT II: Tribal title IV-E agency request for waiver of evaluation requirement
- ATTACHMENT III: Tribal title IV-E agency assurance of trauma-informed service-delivery

As a condition of the receipt of Prevention Services and Program funds under title IV-E of the Social Security Act (hereinafter, the Act), the

(Name of Tribal Title IV-E Agency)

submits here a plan to provide, in appropriate cases, Prevention Services and Programs 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. This Pre-print is provided as an option for tribal title IV-E agencies to use over the course of the five years that the Prevention Services and Programs Plan is in effect.

The tribal title IV-E 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 | Tribal Regulatory, Statutory, and Policy References and Citations for Each |
|--|---|--|
| Section 1. Service Description and Oversight | | |
| <p>471(e)(1)</p> | <p>A. SERVICES.</p> <p>The tribal title IV-E agency provides the following services or programs for a child and the parents or kin caregivers of the child when the need of the child, such a parent, or such a caregiver for the services or programs are directly related to the safety, permanence, or well-being of the child or to preventing the child from entering foster care:</p> <ol style="list-style-type: none"> 1. MENTAL HEALTH AND SUBSTANCE ABUSE PREVENTION AND TREATMENT SERVICES.—Mental health and substance abuse prevention and treatment services provided by a qualified clinician for not more than a 12-month period that begins on any date described in paragraph (3) of Section 471(e) with respect to the child. 2. IN-HOME PARENT SKILL-BASED PROGRAMS.—In-home parent skill-based programs for not more than a 12-month period that begins on any date described in paragraph (3) of Section 471(e) with respect to the child and that include parenting skills training, parent education, and individual and family counseling. | |
| <p>471(e)(5)(B)(i)</p> | <p>B. OUTCOMES. The tribal title IV-E agency provides services and programs specified in paragraph 471(e)(1) is expected to improve specific outcomes for children and families.</p> | |

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 | Tribal Regulatory, Statutory, and Policy References and Citations for Each |
|---|--|--|
| <p>471(e)(5)(B)(iii)(I)(IV) 471(e)(4)(B)</p> | <p>C. PRACTICES. With respect to the title IV-E prevention services and programs specified in subparagraphs (A) and (B) of paragraph 471(e)(1), information on the specific practices the tribal title IV-E agency plans to use to provide the services or programs, including a description of—</p> <ol style="list-style-type: none"> 1. the services or programs selected by the tribal title IV-E agency, and whether the practices meet the practice criteria identified by the tribe; 2. how the tribal title IV-E agency plans to implement the services or programs, including how implementation of the services or programs will be continuously monitored to ensure fidelity to the practice model and to determine outcomes achieved and how information learned from the monitoring will be used to refine and improve practices; 3. how the tribal title IV-E agency selected the services or programs; 4. the target population for the services or programs; 5. an assurance that each prevention or family service or program provided by the tribal title IV-E agency meets the requirements at section 471(e)(4)(B) of the Act related to trauma-informed service-delivery (tribes must submit Attachment III for each prevention or family service or program); and 6. how each service or program provided will be evaluated. | <p>Attachment III</p> |

| Federal Regulatory/Statutory References ¹ | Requirement | Tribal Regulatory, Statutory, and Policy References and Citations for Each |
|--|---|--|
| Section 2. Evaluation strategy and waiver request | | |
| 471(e)(5)(B)(iii)(V) | A. PRACTICES. With respect to the prevention family services and programs specified in subparagraphs (A) and (B) of paragraph 471(e)(1), information on the specific practices tribal title IV-E agency plans to use to provide the services or programs, including a description of how each service or program provided will be evaluated unless a waiver is approved; and | |
| 471(e)(5)(C)(ii) | B. REQUEST FOR WAIVER. The tribal title IV-E agency must provide evidence of the effectiveness of the practice to be compelling and the tribal title IV-E agency meets the continuous quality improvement requirements included in subparagraph 471(e)(5)(B)(iii)(II) with regard to the practice. | Attachment II |
| Section 3: Monitoring child safety | | |
| 471(e)(5)(B)(ii) | The tribal title IV-E agency monitors and oversees the safety of children who receive services and programs specified in paragraph 471(e)(1), including through periodic risk assessments throughout the 12-month period in which the services and programs are provided on behalf of a child and reexamination of the prevention plan maintained for the child under paragraph 471(e)(4) for the provision of the services or programs if the tribal title IV-E agency determines the risk of the child entering foster care remains high despite the provision of the services or programs. | |
| Section 4: Consultation and coordination | | |
| 471(e)(5)(B)(iv) and (vi) | A. The tribal title IV-E agency must: <ol style="list-style-type: none"> 1. engage in consultation with other tribal agencies responsible for administering health programs, including mental health and substance abuse prevention and treatment services, and with other public and private agencies with experience in administering child and family | |

| Federal Regulatory/Statutory References ¹ | Requirement | Tribal Regulatory, Statutory, and Policy References and Citations for Each |
|--|---|--|
| | <p>services, including community-based organizations, in order to foster a continuum of care for children described in paragraph 471(e)(2) and their parents or kin caregivers and</p> <p>2. describe how the services or programs specified in paragraph (1) of section 471(e) provided for or on behalf of a child and the parents or kin caregivers of the child will be coordinated with other child and family services provided to the child and the parents or kin caregivers of the child under the Tribe’s plans in effect under subparts 1 and 2 of part B.</p> | |
| Section 5: Child welfare workforce support | | |
| 471(e)(5)(B)(vii) | <p>The tribal title IV-E agency supports and enhances a competent, skilled, and professional child welfare workforce to deliver trauma-informed and evidence-based services, including—</p> <ul style="list-style-type: none"> A. ensuring that staff is qualified to provide services or programs that are consistent with the practice models selected by the tribal title IV-E agency; and B. developing appropriate prevention plans, and conducting the risk assessments required under clause (iii) of section 471(e)(5)(B). | |
| Section 6:Child welfare workforce training | | |
| 471(e)(5)(B)(viii) | <p>The tribal title IV-E agency provides training and support for caseworkers in assessing what children and their families need, connecting to the families served, knowing how to access and deliver the needed trauma-informed and evidence-based services, and overseeing and evaluating the continuing appropriateness of the services.</p> | |

| Federal Regulatory/Statutory References ¹ | Requirement | Tribal Regulatory, Statutory, and Policy References and Citations for Each |
|--|---|--|
| Section 7: Prevention caseloads | | |
| 471(e)(5)(B)(ix) | The tribal title IV-E agency must describe how caseload size and type for prevention caseworkers will be determined, managed, and overseen. | |
| Section 8. Assurance on prevention program reporting | | |
| 471(e)(5)(B)(x) | The tribal title IV-E agency provides an assurance in Attachment I that it will report to the Secretary such information and data as the Secretary may require with respect to the provision of services and programs specified in paragraph 471(e)(1), including information and data necessary to determine the performance measures for the tribal title IV-E agency under paragraph 471(e)(6) and compliance with paragraph 471(e)(7). | Attachment I |
| Section 9. Child and family eligibility for the title IV-E prevention program | | |
| 471(e)(2) | <p>A. CHILD DESCRIBED.—For purposes of the title IV-E prevention services program, a child is:</p> <ol style="list-style-type: none"> 1. A child who is a candidate for foster care (as defined in section 475(13)) but can remain safely at home or in a kinship placement with receipt of services or programs specified in paragraph (1) of 471(e). 2. A child in foster care who is a pregnant or parenting foster youth. | |

Title IV-E Plan – Tribe: _____

PLAN SUBMISSION CERTIFICATION

Instructions: This Certification must be signed and submitted by the official authorized to submit the title IV-E plan, and each time the tribal title IV-E agency 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 _____ (Name of Tribal Title IV-E Agency). I also certify that the title IV-E plan was submitted to the governor or designated 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)

Tribal Title IV-E Prevention Program Reporting Assurance

Instructions for tribal title IV-E agencies: This Assurance may be used to satisfy requirements at section 471(e)(5)(B)(x) of the Social Security Act (the Act), and will remain in effect on an ongoing basis. This Assurance must be re-submitted if there is a change in the assurance below.

In accordance with section 471(e)(5)(B)(x) of the Act, _____ (Name of Tribal title IV-E Agency), is providing this assurance consistent with the five-year plan to report to the Secretary such information and data as the Secretary may require with respect to title IV-E prevention and family services and programs, including information and data necessary to determine the performance measures.

Signature: This assurance must be signed by the official with authority to sign the title IV-E plan, and submitted to the appropriate Children’s Bureau Regional Office for approval.

(Date)

(Signature and Title)

(CB Approval Date)

(Signature, Associate Commissioner, Children’s Bureau)

Tribal Title IV-E Agency Request for Waiver of Evaluation Requirement

Instructions: This request must be used if a title IV-E agency seeks a waiver of section 471(e)(5)(B)(iii)(V) of the Social Security Act (the Act), and will remain in effect on an ongoing basis. This waiver request must be re-submitted anytime there is a change to the information below.

In accordance with section 471(e)(5)(C)(ii) of the Act, a tribal title IV-E agency may request that ACF grant a waiver of the evaluation strategy selected by the tribe if the evidence of the effectiveness of the practice is: 1) compelling; and 2) the tribal title IV-E agency meets the continuous quality improvement requirements included in section 471(e)(5)(B)(iii)(II) of the Act with regard to the practice. The tribal title IV-E agency must demonstrate the effectiveness of the practice.

The tribal title IV-E agency must submit a separate request for each program or service for which the agency is requesting a waiver under section 471(e)(5)(C)(ii) of the Act.

The _____ (Name of Tribal title IV-E Agency) requests a waiver of the evaluation strategy in accordance with section 471(e)(5)(C)(2) of the Act for _____ (Name of Program/Service) and has included documentation assuring the evidence of the effectiveness of this practice is: 1) compelling; and 2) the tribal title IV-E agency meets the continuous quality improvement requirements supporting this request.

Signature: This certification must be signed by the official with authority to sign the title IV-E plan, and submitted to the appropriate Children’s Bureau Regional Office for approval.

(Date)

(Signature and Title)

(CB Approval Date)

(Signature, Associate Commissioner, Children’s Bureau)

Tribal Title IV-E Agency Assurance of Trauma-Informed Service-Delivery

Instructions: This Assurance may be used to satisfy requirements at section 471(e)(4)(B) of the Social Security Act (the Act), and will remain in effect on an ongoing basis. This Assurance must be re-submitted if there is a change in the tribe’s five-year plan to include additional title IV-E prevention or family services or programs.

Consistent with the agency’s five-year title IV-E prevention plan, section 471(e)(4)(B) of the Act requires the title IV-E agency to provide services or programs to or on behalf of a child under an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma and in accordance with recognized principles of a trauma-informed approach and trauma-specific interventions to address trauma’s consequences and facilitate healing.

The _____ (Name of Tribal Title IV-E Agency) assures that in accordance with section 471(e)(4)(B) of the Act, each title IV-E prevention or family service or program identified in the five-year plan is provided in accordance with a trauma-informed approach.

Signature: This assurance must be signed by the official with authority to sign the title IV-E plan, and submitted to the appropriate Children’s Bureau Regional Office for approval.

(Date)

(Signature and Title)

(CB Approval Date)

(Signature, Associate Commissioner, Children’s Bureau)