



## DEPARTMENT OF HEALTH & HUMAN SERVICES

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**ADMINISTRATION FOR CHILDREN AND FAMILIES**  
**Administration on Children, Youth and Families**  
330 C Street, S.W.  
Washington, D.C. 20201

September 13, 2018

Jerry R. Foxhoven  
Director  
Iowa Department of Human Services  
1305 East Walnut Street – 5<sup>th</sup> Floor  
Des Moines, Iowa 50319

Dear Director Foxhoven:

The Family First Prevention Services Act (FFPSA), enacted as part of Public Law (P.L.) 115-123, amended many provisions of titles IV-B and IV-E of the Social Security Act (the Act). On July 9, 2018, the Children's Bureau issued Program Instruction (PI) ACYF-CB-PI-18-07 to provide instructions to title IV-E agencies on amendments they are required to make to their Title IV-E Foster Care and Adoption Assistance Plan to address provisions amended or added by FFPSA. The PI provided instructions and deadlines for submitting plan amendments, based on the effective date of the specific provisions. The PI also provided instructions for requesting a delay of effective dates for certain title IV-B and IV-E plan requirements, where permitted by law.

On August 9, 2018, Iowa submitted a title IV-E Plan amendment to the Regional Office. This submission addressed the following requirements:

*Title IV-E plan provisions effective in federal law on January 1 and February 9, 2018*

- Section 473 of the Act addressing the delay in the phase-in of “applicable child” eligibility criteria in the Adoption Assistance program; and
- Section 475(5)(I) of the Act addressing the need to provide proof of foster care documentation for certain youth in foster care.

### Plan Approval

We are pleased to notify you that we have reviewed and approved the revised Iowa title IV-E plan addressing the requirements of the FFPSA indicated above. The effective date of Iowa's title IV-E plan amendment is July 1, 2018. We wish to thank you and your program and legal staff for your work to finalize Iowa's title IV-E Plan for approval.

Delays

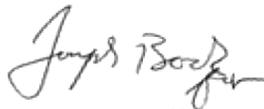
Iowa submitted Attachment B to ACYF-CB-PI-18-07 on August 9, 2018 requesting a legislative delay to implement the following provisions of law:

- 422(b)(15)(A)(vii) of the Act, modifying the title IV-B, subpart 1 plan for protocols to prevent inappropriate diagnoses;
- 471(a)(20)(D) of the Act, addressing criminal record and child abuse and neglect registry checks for adults working in child-care institution; and

This request is approved. The delayed effective date for these provisions is July 1, 2019. Enclosed is a signed copy of Attachment B.

Again, thank you for your submission. Should you have any questions or concerns, please contact Amy Hance, Child and Family Program specialist in Region 7 at (816) 426-2230 or by e-mail [amy.hance@acf.hhs.gov](mailto:amy.hance@acf.hhs.gov). You may also contact Deborah Smith, Child Welfare Regional Program Manager in Region 7 at (816) 426-2262 or by e-mail [deborah.smith@acf.hhs.gov](mailto:deborah.smith@acf.hhs.gov).

Sincerely,



Jerry Milner  
Associate Commissioner  
Children's Bureau

cc: Jana Rhoads, Division Administrator of Adult, Children, and Families Services; DHS; Des Moines, IA  
Gail Collins, Director; CB, Division of Program Implementation; Washington, DC  
Tina Naugler, Director of Regional Programs; CB, Washington, DC  
Deborah Smith, Child Welfare Regional Program Manager; CB, Region 7; Kansas City, MO  
Amy Hance, Child and Family Program Specialist; CB, Region 7; Kansas City, MO

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
475(5)(I)	<p>7. Official Documents.</p> <p>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, and any official documentation necessary to prove that the child was previously in foster care.</p>	<p>Effective 2/9/18</p> <p>Employee Manual 17C: Case Planning, p. 13.</p> <p>Employee Manual 17E: Out-of-Home Placement Policy and Procedures, p. 106C</p> <p>17 Appendix: Form 470-5536, Proof of Foster Care, with instructions</p>
472(h)(1) 473(b)(1) & (b)(2)	<p>E. MEDICAL AND SOCIAL SERVICES</p> <p>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</p>	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
473(a)(2)(C)(ii)	<p>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 assistance payments if the child:</p> <ul style="list-style-type: none"> <li>a. meets the requirements of 473(a)(2)(A)(ii)(II); and</li> <li>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</li> <li>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.</li> </ul>	
	<p>A. II. ELIGIBILITY – Non-applicable Child (Currently effective, but beginning October 1, 2009, decreases based on the criteria in 473(e) until July October 1, 2025<del>17</del>, at which time this authority ends)</p>	<p>Effective 1/1/2018 441 IAC 201.3</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		See Appendix 16 Form 470-4163 - IV-E Adoption Subsidy Determination
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 473(e), for a fiscal year, the child shall not be considered a child with special needs unless:	Employee Manual Chapter 13B: Determining Title IV-E Eligibility, pp 131-139
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	Employee Manual Chapter 13B: Determining Title IV-E Eligibility, pp 131-139
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	Employee Manual Chapter 13B: Determining Title IV-E Eligibility, pp 131-139

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	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.	Employee Manual Chapter 13B: Determining Title IV-E Eligibility, pp 131-139
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:	Employee Manual Chapter 13B: Determining Title IV-E Eligibility, pp 131-139
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	Employee Manual Chapter 13B: Determining Title IV-E Eligibility, pp 131-139

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; and</p> <ul style="list-style-type: none"> <li>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</li> <li>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;</li> </ul> <p>(Tribes, see also section 7 (AFDC))</p>	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
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	Employee Manual Chapter 13B: Determining Title IV-E Eligibility, pp 131-139
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).	Employee Manual Chapter 13B: Determining Title IV-E Eligibility, pp 131-139
473(a)(2)(C)(i)	<p>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:</p> <p>a. meets the requirements of section 473(a)(2)(A)(i) (II); and</p> <p>b. is determined eligible for adoption assistance payments under 473 of the Act with respect to a prior adoption; and</p>	Employee Manual Chapter 13B: Determining Title IV-E Eligibility, pp 131-139

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>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</p> <p>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.</p>	
473(a)(1)(B)	<p>A. III. ELIGIBILITY – General</p> <p>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.</p>	
473(a)(2)(D)	<p>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</p>	

Title IV-E Plan – State/Tribe of Iowa

**PLAN SUBMISSION CERTIFICATION**

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 Jerry Foxhoven (name) hereby certify that I am authorized to submit the title IV-E Plan on behalf of Iowa (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 08/18/2018

  
(Signature)  
Director  
(Title)

APPROVAL DATE 9/14/2018

EFFECTIVE DATE: July 1, 2018

Joseph Beck for Jerry Milner  
(Signature, Associate Commissioner, Children's Bureau)

**Attachment B: CERTIFICATION OF REQUIRED LEGISLATION**

**Instructions for title IV-E agencies:** The official with authority to sign the title IV-E plan must complete and sign either section 1 *OR* section 2 below.

**SECTION 1: Title IV-E agency request for a delayed effective date:**

**A. Title IV-B of the Act.** *Check only those provisions that require legislation<sup>1</sup>:*

I hereby request a delayed effective date and certify that legislation is necessary to comply with the following plan requirements under title IV-B of the Social Security Act (the Act) as amended by Public Law 115-123, The Family First Prevention and Services Act (FFPSA).

- Title IV-B requirement at section 422(b)(15)(A)(vii) of the Act that modifies title IV-B, subpart 1 plan for protocols to prevent inappropriate diagnoses.
- For State title IV-E agencies only*, title IV-B requirements at section 422(b)(19) of the Act, that modifies existing title IV-B, subpart 1 plan requirement related to child maltreatment deaths.

**B. Title IV-E of the Act** *Check only those provisions that require legislation<sup>11</sup>:*

I hereby request a delayed effective date and certify that legislation is necessary to comply with the following plan requirements under title IV-E of the Act as amended by FFPSA:

- Title IV-E plan requirement at 471(a)(20)(D) of the Act, that modifies the requirements for criminal record and registry checks for adults working in child-care institutions.
- For State title IV-E agencies only*, title IV-E plan requirements at section 471(a)(36) of the Act, that requires agencies to follow model licensing standards for foster family homes.

**C. Effective Date and Signature**

The delayed effective date is the first day of the first calendar quarter beginning after the close of the first regular session of the legislature that begins after the date of enactment of FFPSA. In the case of a State or Tribe that has a two-year legislative session, each year of the session shall be deemed to be a separate regular session of the legislature.

- The first regular session of the legislature that begins after February 9, 2018 (date of enactment) begins on 1/9/19 and closes on 4/30/19.
- The calendar quarter that begins after the close date above is 7/1/19.
- The delayed effective date for the checked requirement(s) above will be 7/1/19 (The first day of the calendar quarter above).

09/08/2018  
(Date)

  
(Signature and Title of Designated Agency Official)

CB Approval Date: 9/14/2018

Joseph Bock for Jerry Milner  
(Signature, Associate Commissioner, Children's Bureau)

**SECTION 2: Title IV-E agencies not requesting a delayed effective date:**

I hereby certify that legislation is not necessary to comply with the plan requirements under title IV-B/IV-E of the Act, amended by FFPSA and enumerated above. Therefore a delayed effective date is not applicable.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature and Title of Designated Agency Official)

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<sup>i</sup> In the case of a State plan under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by parts I through III of this subtitle, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

<sup>ii</sup> Id.