

ACF

Administration
for Children
and Families

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration on Children, Youth and Families

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4. Key Words: Titles IV-B and IV-E of the Social Security Act; Fostering Connections to Success and Increasing Adoptions Act; Multiethnic Placement Act, Final Rule

INFORMATION MEMORANDUM

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

SUBJECT: Interim Final Rule for Title IV-E of the Social Security Act including provisions and technical amendments necessary to implement a Tribal title IV-E program.

LEGAL AND RELATED REFERENCES: Title IV-E of the Social Security Act; the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law (P.L.) 110-351); 45 CFR 1355 and Appendices; and 45 CFR 1356.

PURPOSE: The purpose of this Information Memorandum (IM) is to inform State, Tribal and Territorial Titles IV-B and IV-E agencies of an interim final rule on the title IV-E program.

INFORMATION: In October 2008, P.L. 110-351 was enacted. The law authorized Federally recognized Indian Tribes, Tribal organizations, and Tribal consortia to directly-operate title IV-E programs for the first time and required that ACF publish interim final rules to carry out the amendments made to title IV-E of the Act to authorize Indian Tribes to directly-operate title IV-E programs. An interim final rule was published on January 6, 2012 in the Federal Register (77 FR 896) that amends the Federal regulations at 45 CFR 1355 and Appendices A-E, and 45 CFR 1356. In sum, this final rule:

- applies existing requirements of title IV-E and the implementing regulations to Tribal title IV-E agencies in the same manner as they apply to State title IV-E agencies, with limited statutory exceptions;
- creates two new regulatory sections:
 - section 1356.67 - State title IV-E agency procedures for the transfer of placement and care responsibility of a child in foster care to a Tribal title IV-E agency;

- section 1356.68 - Tribal title IV-E agency requirements for in-kind administrative and training contributions from third-party sources; and
- includes conforming and technical amendments to existing regulatory requirements that clarify implementation of the title IV-E programs.

EFFECTIVE Date: The interim final rule will be effective February 6, 2012, 30 days after publication.

INQUIRES TO: Children's Bureau Regional Program Managers

Bryan Samuels
Commissioner
Administration on Children, Youth
and Families

Attachments:

[Interim Final Rule](#) (77 FR 896)

Children's Bureau Regional Program Managers

45 CFR Parts 1355 and 1356 as amended by the IFR – DRAFT prepared by the
Children's Bureau