

Child Welfare Policy Manual

Questions & Answers

8.3C.3 TITLE IV-E, Foster Care Maintenance Payments Program, State Plan/Procedural Requirements, Foster care goals

1. Question: Must the foster care goals required at section 471(a)(14) of the Social Security Act be enacted into State statute or may these goals be set forth in administrative code?

Answer: Section 471(a)(14) of the Social Security Act requires that specific goals be established by State law as to the maximum number of children receiving assistance under the State's title IV-E plan who will remain in foster care in excess of 24 months, and that the State plan include a description of the steps which will be taken by the State to achieve such goals. There is no specific requirement that such goals be incorporated into a statutory enactment. Our Office of the General Counsel has found that "State law" includes the administrative regulations of a State, properly promulgated according to the procedural requirements of that State. The goals which are to be established by State law may be either incorporated into a State statute or established through administrative regulation. In either case, they must be specific as to absolute numbers or a percentage of all foster children receiving assistance under the plan.

- **Source/Date:** ACYF-PIQ-82-01 (1/19/82)
- **Legal and Related References:** Social Security Act - section 471 (a)(14)