

Child Welfare Policy Manual

Questions & Answers

8.6 Title IV-E Prevention Services Program

1. Question: Section 479B(c)(1)(E)(i) of the Act provides that in the case of a tribe, organization, or consortium that elects to provide services and programs specified in section 471(e)(1) of the Act under a title IV-E prevention plan, services and programs may be adapted to the culture and context of the tribal communities served. Is this also applicable to a tribe providing title IV-E prevention services and programs under a title IV-E agreement with a state or tribal title IV-E agency (made in accordance with section 472(a)(2)(B)(ii) of the Act)?

Answer: Yes. The Act does not provide an express limitation to the vehicle through which those entities may provide prevention services and programs, therefore, section 479B(c)(1)(E)(i) of the Act applies to any tribe, organization or consortium providing title IV-E prevention services under a title IV-E prevention plan either directly or under a title IV-E agreement under section 472(a)(2)(B)(ii) of the Act. Such tribes may provide title IV-E prevention services and programs adapted to the culture and context of the tribal communities served through the agreement. The title IV-E agency under the title IV-E 472(a)(2)(B)(ii) agreement with the tribe must include the program and describe the adaptations as part of the title IV-E agency's five-year title IV-E prevention program plan.

- **Source/Date:** 7/30/2024
- **Legal and Related References:** Social Security Act – sections 472(a)(2)(B) and 479B(c)(1)(E)(i)

2. Question: Is a tribe that has an agreement with a title IV-E agency under section 472(a)(2)(B)(ii) of the Act required to use programs that have been rated by the title IV-E Prevention Services Clearinghouse as meeting the practice criteria of promising, supported, or well-supported for title IV-E prevention services or may such tribe determine the practice criteria for services that are adapted to the culture and context of the tribal communities served.

Answer: The Children's Bureau has determined it is not practicable for either tribes directly operating the title IV-E Prevention program or for tribes operating under an agreement under section 472(a)(2)(B)(ii) of the Act to meet the same practice criteria as state title IV-E agencies. Therefore, tribes operating under such an agreement may determine the practice criteria for services that are adapted to the culture and context of the tribal communities

served under the agreement. The title IV-E agency that has an agreement with the tribe must include the program and describe the tribal practice criteria in the title IV-E agency's five-year title IV-E prevention services and programs plan.

- **Source/Date:** 7/30/2024
- **Legal and Related References:** Social Security Act – sections 472(a)(2)(B) and 479B(c)(1)(E)(i)

3. Question: May a title IV-E agency deny access to services provided under the title IV-E Prevention Program based on the immigration status of the child, parent, or family members?

(New 01/15/2025)

Answer: Title IV-E agencies that choose to operate the title IV-E Prevention Program may not deny children access to these services based on their immigration status or the immigration status of their family members.

The title IV-E Prevention Program is a “federal public benefit” under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) as defined in section 401(c)(1)(B) of PRWORA. PRWORA defines federal public benefits to include “any... welfare, health...or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of the United States or by any appropriated funds of the United States.” Title IV-E Prevention Services would be considered welfare, health, or similar benefits.

HHS “interpret[s] the phrase ‘individual, household, or family eligibility unit’ to refer to benefits that are (1) provided to an individual, household, or family, and (2) the individual, household, or family must, as a condition of receipt, meet specified criteria (e.g., a specified income level or residency) in order to be conferred the benefit, that is, they must be an ‘eligibility unit.’” (See 63 FR 41658-01; Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) Interpretation of “Federal Public Benefit”). As eligibility for IV-E prevention services is limited to children who meet the requirements of Section 471(e)(2) of the Act as candidates for foster care or pregnant/parenting foster youth, title IV-E prevention services qualify as federal public benefits under PRWORA.

However, PRWORA provides an exception from restrictions on immigrant access to federal public benefits if they fall within the “necessary for the protection of life or safety” exception of 8 U.S.C. § 1611(b)(1)(D) and if they are in-kind services delivered at the community level, which are not conditioned on the recipient’s income or resources. The Attorney General has determined that “services and assistance relating to child protection” fall under the “life or safety” exception to the PRWORA. Order No. 2353-2001, 66 Fed. Reg. 3616 (Jan. 16, 2001). Accordingly, because title IV-E Prevention Program services are services and

assistance relating to child protection and meet the other requirements of the Attorney General's order, they are not subject to the citizenship and qualified alien requirements of PRWORA.

- **Source/Date:** 1/15/2025
- **Legal and Related References:** Social Security Act - Title IV-E; ACYF-CB-IM-98-04; 8 U.S.C. § 1611(a) and (b)(1)(D).; Attorney General Order No. 2353-2001, 66 Fed. Reg. 3616 (Jan. 16, 2001).