

Child Welfare Policy Manual

Questions & Answers

8.6A Program Requirements

1. Question: May program expenditures under Medicaid for well-supported programs count toward the 50% requirement in section 474(a)(6)(B)(ii)?

Answer: No, only amounts expended under the title IV-E prevention services program in section 474(a)(6)(A)(i) for the provision of title IV-E prevention services or programs that are provided in accordance with well-supported practices count towards the 50% requirement in section 474(a)(6)(A)(ii).

- **Source/Date:** 08/28/2019
- **Legal and Related References:** Social Security Act - sections 474(a)(6)(A)(i) and 474(a)(6)(B)(ii)

2. Question: Are title IV-E agencies and community partners required to inform a family receiving title IV-E prevention services that information about the child, services provided, and outcomes will be collected and shared with ACF?

Answer: No. Nothing in section 471(e) of the Act specifically requires title IV-E agencies to inform families about the details of the data collection and submission requirements of sections 471(e)(4)(E) and 471(e)(5)(B)(x) of the Act. Title IV-E agencies operating a title IV-E Prevention Program are required to collect and report child-specific data title IV-E prevention services (sections 471(e)(4)(E) and 471(e)(5)(B)(x) of the Act). As clarified in Revised Technical Bulletin #1 (published June 30, 2021), the information shared with ACF for the purposes of the title IV-E prevention data collection must use a unique child identifier number that is encrypted in accordance with ACF standards. This ensures the confidentiality of the children and families receiving title IV-E prevention services while allowing ACF to collect and analyze the data as required under 471(e)(6) of the Act.

- **Source/Date:** 02/28/2023
- **Legal and Related References:** Social Security Act – sections 471(e), 471(e)(4)(E) and 471(e)(5)(B)(x), and 471(e)(6), and TB #1 revised 6/30/21)

3. Question: Are title IV-E agencies and community partners required to retain information about a child and family receiving title IV-E prevention services for use in future child protective services assessments and investigations, or for future prevention or foster care case planning?

Answer: In section 471(e) of the Social Security Act (Act) there are no requirements for title IV-E agencies to retain information about a child or family for these purposes. However, the title IV-E agency must ensure that it is meeting the title IV-E prevention program requirements related to collecting and maintaining information about children and families, such as the requirements for records maintenance (45 CFR 75.361), data collection (e.g., section 471(e)(4)(E) of the Act), and confidentiality (e.g., section 471(a)(8) of the Act).

- **Source/Date:** 7/30/2024
- **Legal and Related References:** Sections 471(a)(8), 471(e), and 471(e)(4)(E); 45 CFR 75.361; 45 CFR 1355.30(i)

4. Question: What information is a title IV-E agency required to obtain from providers of title IV-E prevention services about a child and family receiving those services?

Answer: The title IV-E agency must meet many requirements as part of operating the five-year title IV-E prevention plan. For example, under section 471(e)(5)(B)(ii) of the Act, the title IV-E agency must ensure that it can fulfill its responsibility to examine the prevention plan as necessary based on periodic risk assessments and provide oversight. Another example of a title IV-E agency responsibility is eligibility determinations. Determinations with respect to foster care candidacy for the purposes of eligibility for the title IV-E prevention program must be made by employees of the title IV-E agency, or the employees of another public agency that has entered into an agreement with the title IV-E agency pursuant to section 472(a)(2)(B)(ii) of the Act.

In many states, the title IV-E prevention program is not operated directly by the title IV-E agency. Instead, the title IV-E prevention program is operated by community-based providers under an agreement or contract with the title IV-E agency. While the community-based provider works directly with the family, the title IV-E agency is ultimately responsible for proper operation of the program and must have access to case records, reports or other informational materials as needed to monitor compliance with all title IV-E prevention requirements.

Therefore, the title IV-E agency must obtain information from community-based providers that is necessary to support and monitor the implementation of the title IV-E prevention program requirements and to meet its responsibilities under the program. The title IV-E agency may also need to collect information to meet the state or tribe's own policies and procedures, rules for data collection, audit and quality assurance processes, and requirements to report and investigate suspected child abuse and neglect. The title IV-E agency may also need to gather information to meet other obligations under title IV-E and other federal laws. For example, under section 471(a)(9) of the Act, the title IV-E agency must "report to an appropriate agency or official, known or suspected instances of physical or mental injury,

sexual abuse or exploitation, or negligent treatment or maltreatment of a child receiving aid under title IV-B or title IV-E, “which indicate that the child’s health or welfare is threatened thereby.”

Title IV-E agencies must be cautious that collecting information about children and families served under the title IV-E prevention program through community-based agencies does not lead to oversurveillance of families by the child protective services agencies and/or the title IV-E agency. Further, the title IV-E agency must carefully balance the agency’s oversight responsibilities and ensuring family engagement in the program when determining what information must be shared with the title IV-E agency. Families may choose to not participate in title IV-E prevention services if there is a concern that the title IV-E agency will use the information shared with the community-based provider to surveil the family beyond the purposes of the title IV-E prevention program.

- **Source/Date:** 7/30/2024
- **Legal and Related References:** Social Security Act sections 471(a)(2)(B)(ii), 471(a)(8), 471(a)(9) and 471(e)(5)(B)(ii); 45 CFR 205.50; 45 CFR 1355.21(a); 45 CFR 1355.30(p)