

CHAPTER 3140. PLANNING AND FINANCIAL REIMBURSEMENT REQUIREMENTS FOR COUNTY CHILDREN AND YOUTH SOCIAL SERVICE PROGRAMS

Subchap.

A. PRELIMINARY PROVISIONS 3140.1

B. PLACEMENT MAINTENANCE 3140.101

C. ADOPTION ASSISTANCE 3140.201

Authority

The provisions of this Chapter 3140 issued under Articles II, VII and IX of the Public Welfare Code (62 P. S. §§ 201—211, 701—774 and 901—922), unless otherwise noted.

Source

The provisions of this Chapter 3140 amended through October 1, 1982, effective October 1, 1982, 12 Pa.B. 3660, unless otherwise noted.

Cross References

This chapter cited in 55 Pa. Code § 3130.12 (relating to responsibilities for children and youth services); 55 Pa. Code § 3130.21 (relating to responsibilities of county executive officers); 55 Pa. Code § 3130.40 (relating to delivery of services through other service providers); 55 Pa. Code § 3150.12 (relating to county responsibility); 55 Pa. Code § 3170.12 (relating to grants and reimbursement policies); 55 Pa. Code § 3490.4 (relating to definitions); and 55 Pa. Code § 3490.391 (relating to county agency plan).

Subchapter A. PRELIMINARY PROVISIONS

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INTRODUCTION

§ 3140.1. Applicability.

This chapter applies to county children and youth social service programs and governs:

- (1) The development and submission of a children and youth social services plan and budget estimate by the county.
- (2) The reimbursement of expenses incurred by the county for children and youth social services, including services to alleged and adjudicated delinquent and dependent children.
- (3) State and Federal participation in the cost associated with substitute care and adoption assistance.

§ 3140.2. Goal.

The goal of this chapter is to ensure the proper accomplishment of the child welfare duties and functions vested by statute in the counties.

§ 3140.3. Legal base.

The legal base of this chapter is the following statutory provisions:

(1) Articles II, IV, VII and IX of the Public Welfare Code (62 P. S. §§ 201—211, 401—488, 701—774 and 901—922).

(2) Title 42 of the *Pennsylvania Consolidated Statutes*, Chapter 63 (relating to the Juvenile Act).

(3) Title 23 of the *Pennsylvania Consolidated Statutes*, Chapter 63 (relating to child Protective Services Law).

§ 3140.4. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the content clearly indicates otherwise:

Placement—Twenty-four-hour out-of-home care and supervision of a child.

§ 3140.5. Waivers.

(a) A waiver of a requirement of this chapter may be requested as specified in procedures published by the Department.

(b) A waiver may be granted by the Department if the waiver:

(1) Does not alter the applicability, scope or purpose of this chapter.

(2) Is based on evidence, supplied by the requesting agency, that the objective of the requirement will be achieved in another way.

(3) Is based on evidence, supplied by the requesting agency, that a waiver will have no adverse effect on the health, safety and rights of children.

(4) Does not violate or condone noncompliance with Federal statute or regulation, State statute or State regulation other than the requirement of this chapter for which the waiver is approved.

(5) Does not jeopardize receipt of Federal moneys.

Authority

The provisions of this § 3140.5 issued under Articles II, VII, IX and X of the Public Welfare Code (62 P. S. §§ 201—211, 701—774, 901—922 and 1001—1080).

Source

The provisions of this § 3140.5 adopted January 23, 1987, effective January 24, 1987, 17 Pa.B. 392.

PLAN REQUIREMENTS**§ 3140.11. General requirements.**

(a) The executive officers of each county shall submit to the Department for approval a needs-based plan and budget estimate which serves as the basis for

administration of the county children and youth social services program required by Chapter 3130 (relating to administration of county children and youth social service programs).

(b) The needs-based plan and budget estimate shall be signed by the executive officers of the county. The needs-based plan and budget estimate shall be signed by a majority of the executive officers in any county with more than one executive officer.

Source

The provisions of this § 3140.11 amended June 26, 1992, effective July 1, 1992, 22 Pa.B. 3287. Immediately preceding text appears at serial page (114520).

Cross References

This section cited in 55 Pa. Code § 3140.114 (relating to substitute care agreement).

§ 3140.12. Scope of the plan.

The needs-based plan and budget estimate shall identify the functions the county will perform and the services the county will provide or make arrangement for in order to carry out its legal responsibilities to provide public child welfare services.

Source

The provisions of this § 3140.12 amended June 26, 1992, effective July 1, 1992, 22 Pa.B. 3287. Immediately preceding text appears at serial page (114520).

Cross References

This section cited in 55 Pa. Code § 3140.114 (relating to substitute care agreement).

§ 3140.13. Schedule for plan submission.

Prior to August 15 each year, counties shall submit to the Department a needs-based plan and budget in a form prescribed by the Department containing their annual client and budget estimates and a description of proposed changes in their annual plans for the fiscal year beginning the following July 1.

Source

The provisions of this § 3140.13 amended June 26, 1992, effective July 1, 1992, 22 Pa.B. 3287. Immediately preceding text appears at serial page (114520).

Cross References

This section cited in 55 Pa. Code § 3140.114 (relating to substitute care agreement).

§ 3140.14. Plan development process.

(a) The county shall involve the public in the development of the needs-based plan and budget estimate, including the identification of needs and problems to be addressed in the plan.

(b) Prior to development of the needs-based plan and budget estimate, the county shall request that the court, law enforcement agencies and other children and youth service providers participate in developing the plan.

Source

The provisions of this § 3140.14 amended June 26, 1992, effective July 1, 1992, 22 Pa.B. 3287. Immediately preceding text appears at serial pages (114520) to (114521).

Cross References

This section cited in 55 Pa. Code § 3140.114 (relating to substitute care agreement).

§ 3140.15. Public hearing.

(a) Prior to submitting the needs-based plan and budget estimate to the Department, the county shall hold, in compliance with the act of July 19, 1974 (P. L. 486, No. 175) (65 P. S. §§ 261—269), a public hearing on a draft of the plan and budget estimate.

(b) The county shall, at least 10 days prior to the public hearing, make the draft needs-based plan and budget estimate available for review and comment by the public.

(c) The county shall accept comment on the needs-based plan and budget estimate for at least 5 days after the date of the public hearing.

Source

The provisions of this § 3140.15 amended June 26, 1992, effective July 1, 1992, 22 Pa.B. 3287. Immediately preceding text appears at serial page (114521).

Cross References

This section cited in 55 Pa. Code § 3140.114 (relating to substitute care agreement).

§ 3140.16. Content of the plan and budget estimate.

(a) The needs-based plan and budget estimate submitted by the county to the Department shall contain the forms and information specified in the forms and instructions bulletin published annually by the Department.

(b) The plan shall show that services required in Chapter 3130 (relating to administration of county children and youth social service programs) will be provided as specified in that chapter. If the county projects that a required service will not be needed during the plan period, it shall describe what provisions have been made to make the service available if needed.

(c) The plan shall address needs and problems identified in the Department's annual inspection of the county agency if:

(1) The activities planned by the county to meet the needs and address the problems identified in the inspection are scheduled to occur during the plan period.

- (2) The activities planned by the county will require the addition or reallocation of staff time, staff functions or funds.
- (d) The objectives, service projections and service budgets in the plan and budget estimate shall be consistent with the achievement of Commonwealth objectives for the delivery of children and youth social services. Commonwealth objectives for the delivery of children and youth social services are:
 - (1) To protect children from abuse and neglect.
 - (2) To increase the use of in-home services for dependent and delinquent children.
 - (3) To use community-based residential resources, whenever possible, when placement is necessary.
 - (4) To reduce the use of institutional placements for dependent and for delinquent children.
 - (5) To reduce the duration of out-of-home placements.

Source

The provisions of this § 3140.16 amended June 26, 1992, effective July 1, 1992, 22 Pa.B. 3287. Immediately preceding text appears at serial pages (114521) to (114522).

Cross References

This section cited in 55 Pa. Code § 3140.17 (relating to review of county plans and budgets); 55 Pa. Code § 3140.35 (relating to review of the plan and budget amendment); and 55 Pa. Code § 3140.114 (relating to substitute care agreement).

§ 3140.17. Review of county plans and budgets.

- (a) Prior to submitting its determination of a county's total costs and reimbursable costs to the governor and General Assembly, the Department will meet with representatives of each of the counties to review and discuss the needs-based plan and budget estimate. A county may involve the juvenile court and other appropriate agencies in the meeting.
- (b) The Department will review each county's needs-based plan and budget estimate to determine if the following requirements have been fulfilled:
 - (1) The needs-based plan and budget estimate submitted to the Department shall contain the information required in the forms and instructions bulletin published by the Department. Missing or incomplete forms or other information may invalidate the portion of the county's budget request that would be supported by the missing information. The county will be given an opportunity to provide the missing information.
 - (2) The needs-based plan and budget estimate shall show that services required by §§ 3130.34—3130.38 will be provided as required by regulation. Failure of a county to show how required services will be made available will result in disapproval of the county's needs-based plan and budget estimate. Before disapproval, the county will be given an opportunity to respond to the Department's concerns.

(3) The program of services described in a county's needs-based plan and budget estimate shall be consistent with State children and youth service objectives established by § 3140.16(d) (relating to content of the plan and budget estimate). If the Department determines, after taking into consideration the size of the county, its past achievement of State objectives and significant problems the county has experienced, that a county's needs-based plan and budget estimate is not consistent with State children and youth service objectives, the county will be given the opportunity to include initiatives in the plan that are directed at solving problems preventing the achievement of State objectives. Refusal of a county to develop initiatives consistent with State objectives may result in disapproval of the needs-based plan and budget estimate or a portion of the needs-based plan and budget estimate.

(c) The Department will make its determination of the county's total costs and reimbursable costs and the amount of State reimbursement allowed the county in accordance with section 704.1(a) of the Public Welfare Code (62 P. S. § 704.1(a)), this chapter and Chapter 3170 (relating to allowable costs and procedures for county children and youth). The Department's determination will consider whether the county's needs-based plan and budget estimate is reasonable in relation to the following criteria:

(1) The needs-based plan and budget shall provide for no more than the number of families per caseworker required by § 3130.32 (relating to staffing requirements) and may provide for no less than 15 families per one caseworker for nonspecialized programs unless the county had a caseworker to family ratio that provided service to fewer families per caseworker on June 30, 1991. A request for a family to caseworker ratio that is less than required by § 3130.32 will not be approved if it will reduce the ratio of families per caseworker by more than one family from the ratio approved in the previous year, needs-based plan and budget except where the addition of one caseworker may reduce the ratio of families per caseworker by more than one family. The request for staff may not reduce the ratio to less than 15 families per one caseworker. Projected client caseload levels used to develop the caseworker to family ratio shall exclude families and caseworkers in specialized programs and shall be reasonable and adequately justified in the plan as determined by the Department.

(2) The needs-based plan and budget estimate may provide for a direct service staff to supervisor ratio, excluding staff and supervisors assigned to specialized programs, no less than that required by § 3130.32 unless the county had a lower number of direct service staff to supervisors on June 30, 1991, than is provided for by § 3130.32. Replacement of supervisory positions is an allowable cost only if the number of direct service staff to supervisors is higher than that required by § 3130.32.

(3) The needs-based plan and budget estimate may include staffing requests for specialized programs such as family preservation services, child abuse and placement prevention projects, and risk assessment services that

provide for fewer families per caseworker than that established in paragraph (1) and fewer direct service staff per supervisor than that established in paragraph (2) but shall be based on adequate justification as determined by the Department.

(4) Except for staff positions funded under paragraph (8), a request for funding of new staff positions in a county's needs-based plan and budget estimate may provide for no more than 8 months funding during the first fiscal year. A request for funding of vacant staff positions may provide for no more than 10 months funding unless the county can show that all or a portion of the vacancies do not represent a consistent trend as shown by staff vacancy data for the current and previous fiscal years.

(5) Staff salary and staff benefit levels requested in a county's needs-based plan and budget estimate may not exceed the allowable costs for salaries and benefits established in Chapter 3170.

(6) Service levels and service costs, excluding county staff costs, for purchased services projected for cost centers and major service categories in the county's needs-based plan and budget estimate shall be:

(i) Reasonable when compared with current and prior years trends in the number of children in the county and the number of children served and with service level, per diem and cost trends reported to the Department's program and fiscal reporting systems.

(ii) Reasonable when compared with service level, per diem and cost trends shown by other comparable counties.

(iii) Adequately justified in the county's needs-based plan and budget estimate.

(7) The annual percentage increase in budgeted expenditures in the county's needs-based plan and budget estimate over the Departmentally determined, previous year, needs-based budget amounts for currently provided purchased services for the institutional placement, the community-based placement and the in-home and intake major service categories may not be more than the projected consumer price index for wage earners developed for the Department for the plan year.

(8) Service levels, per diem rates and cost estimates for new initiatives and services shall be reasonable and requests included in the county's plan and budget estimate for new initiatives or services shall show that:

(i) The new initiative or service will result in cost savings or reduced rates of increase within its major service category or another major service category.

(ii) The new initiative or service is less expensive or more effective than the current service available.

(9) The cost of the new initiative or service is limited to 6 months funding during the first year but may receive up to 10 months funding based on adequate justification as determined by the Department that the county will

have the new initiative in operation in less than 6 months and the initiative will result in cost savings during the first year. Cost savings shall equal at least the amount of additional funds approved to implement the initiative for more than 6 months.

(10) Based on the service levels and budgeted expenditures requested for the major service categories, the county's needs-based plan and budget estimate shall project Federal Title IV-E revenues under Title IV-E of the Social Security Act (42 U.S.C.A. §§ 670—679a) and other program income that is reasonable when compared to prior years actual and estimated actual costs and shall reflect full compliance with Subchapters B and C (relating to placement maintenance; and adoption assistance) and § 3170.31(a) and (b) (relating to the liability of the county and the Department).

(11) The annual percentage increase in budgeted expenditures in the county's needs-based plan and budget estimate over the approved, previous year, needs-based budget amount for administrative costs may not be more than 3% unless adequately justified as determined by the Department.

(12) Requests included in the county's needs-based plan and budget estimate for expansion or improvement to the county's management information or electronic data processing systems shall describe the purpose and cost of the expansion or improvement.

(13) Based on budgeted administrative and training costs requested, the county's needs-based plan and budget estimate shall project Federal Title IV-E revenues that are reasonable when compared to actual costs of the prior year and Departmentally determined needs-based budget amounts for the previous fiscal years.

(d) If the Department's assessment of the criteria established in subsection (c) indicates that a portion of the county's needs-based plan and budget estimate is not reasonable, that portion of the plan and budget estimate may be determined to be nonreimbursable by the Department.

(e) The county may appeal the Department's determination reached in accordance with subsection (c) under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) and Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings).

Source

The provisions of this § 3140.17 amended June 26, 1992, effective July 1, 1992, 22 Pa.B. 3287; amended October 3, 2008, effective November 3, 2008, 38 Pa.B. 5435. Immediately preceding text appears at serial pages (247636) to (247638) and (257423).

Cross References

This section cited in 55 Pa. Code § 3140.35 (relating to review of the plan and budget amendment); 55 Pa. Code § 3140.114 (relating to substitute care agreement); and 55 Pa. Code § 3490.341 (relating to staff-to-family ratios).

§ 3140.18. Waiver of plan requirements.

Counties engaged in coordinated human services planning or service delivery may request a waiver of plan guidelines relating to the content and format of the plan and the submission of required forms.

Cross References

This section cited in 55 Pa. Code § 3140.114 (relating to substitute care agreement).

REIMBURSEMENT FOR SERVICES**§ 3140.21. General.**

(a) Under section 704.1 of the Public Welfare Code (62 P. S. § 704.1), the Department reimburses expenses incurred by the county for children and youth social services, including services to alleged and adjudicated dependent and delinquent children according to an approved county plan and budget estimate up to the amount of State funds allocated to the county under section 709.3 of the Public Welfare Code (62 P. S. § 709.3).

(b) Reimbursement is made:

(1) At varying percentages based on the type of service or activity for which the expenditure was incurred.

(2) According to allowable cost requirements established in Chapter 3170 (relating to allowable costs and procedures for county children and youth programs).

(c) The following costs will not be considered as reimbursable costs:

(1) The cost of mental health or mental retardation treatment services.

(2) The cost of medical and dental services when the client is eligible for other funding or has private resources.

(3) The cost of basic education programs.

(4) The cost of services for children placed outside this Commonwealth in other states:

(i) If the placements are not made according to the requirements of the Interstate Compact on the Placement of Children in section 761 of the Public Welfare Code (62 P. S. § 761) in states which are signatories to the compact.

(ii) If the placements are not made according to sections 746—765 of the Public Welfare Code (62 P. S. §§ 746—765) in states which are not signatories to the Interstate Compact on the Placement of Children in section 761 of the Public Welfare Code (62 P. S. § 761).

(5) The cost of care, maintenance and treatment of children placed in facilities which do not meet the requirements of § 3130.39 (relating to services and facilities which may be used).

(6) The cost of county probation office staff.

(7) The cost of juvenile court staff.

(8) The cost of county social service staff not a part of the county agency.

Source

The provisions of this § 3140.21 amended June 26, 1992, effective July 1, 1992, 22 Pa.B. 3287. Immediately preceding text appears at serial pages (114522) to (114523).

Notes of Decisions

In ordering a disposition under 42 Pa.C.S. § 6351 (relating to disposition of dependent child) the court does have the authority to order the county institution district to place children in homes not yet approved and to supervise and fund such placements under subsection (c)(5) and the Superior Court judgment was reversed. *In re Lowry*, 484 A.2d 383 (Pa. 1984).

Cross References

This section cited in 55 Pa. Code § 3140.136 (relating to State financial participation). provided.

§ 3140.22. Reimbursable services and reimbursement rates.

(a) The Department reimburses counties at a rate that is dependent on the type of service provided and the setting in which the service is provided.

(b) Beginning July 1, 1991, the Department reimburses at a 100% rate for adoption services. Adoption services are activities designed to culminate in legal adoption of a child, including adoptive home recruitment, study of adoptive parent applicants, adoptive parent preparation, placement and supervision of the child in an adoptive home, preparation and presentation of material for the adoption hearing, help in obtaining adoption assistance when needed, and supportive services to the adoptive family after placement.

(c) The Department reimburses at a 90% rate for the emergency shelter care of a child in the home of a relative, in a foster family home or in a community residential facility. Emergency shelter service is residential care and supervision in a nonsecure setting, not to exceed 30 consecutive days, for a child:

(1) Whose immediate safety, protection and well-being requires removal from the child's home.

(2) Who would present a danger to himself or others or who would abscond if he were living at home.

(d) The Department reimburses at an 80% rate for adoption assistance payments as outlined in Subchapter C (relating to adoption assistance).

(e) Up to and including June 30, 1993, the Department will reimburse the following services at a 75% to 90% rate. Beginning July 1, 1993, the Department reimburses the following services at an 80% rate:

(1) *Community residential service and group home service.* Twenty-four-hour per day placement of a child in a nonsecure facility which serves no more than 25 children. Basic services of the community, including the public school system, recreation and employment, shall be used as a part of the facility's program.

(2) *Foster family service.* Twenty-four-hour per day residential care and supervision of a child in a foster family home, including a foster family home

operated by a court or county juvenile probation service if the home was operational on January 1, 1978.

(3) *Supervised independent living service.* The provision or arrangement of living quarters and social services designed to support and supervise children who are living on their own. The child may be in the custody of the child's parents, the county agency, or another agency or individual.

(4) *Alternative treatment programs.* Activities or services which are alternatives for residential service, juvenile detention service or secure residential service and do not already receive 75%, 80% or 90% reimbursement. Children and youth programs shall be approved by the Department to receive reimbursement as an alternative treatment program. Department approval for 80% funding is granted to a program if it:

- (i) Is provided in a nonsecure setting.
- (ii) Is designed to return the child to the child's home or another legally assured permanent home.
- (iii) Minimizes the duration of out-of-home placement.

(f) The Department reimburses at a 75% to 90% rate for the following:

(1) *Child protective services—child abuse.* Activities, functions and services provided to children reported as abused and to their families under 23 Pa.C.S. Chapter 63 (relating to Child Protective Services Law) and Chapter 3490 (relating to protective services).

(2) *Counseling/intervention services.* Supportive and therapeutic activities provided to a child or a child's family and directed at preventing or alleviating conditions, including crisis conditions, which present a risk to the safety or well-being of the child, by improving problem-solving and coping skills, interpersonal functioning, the stability of the family or the capacity of the family to function independently.

(3) *Day care service.* Out-of-home care for part of a 24-hour day to children provided in day care centers, group day care homes and family day care homes as part of a family service plan required by §§ 3130.61 and 3130.67 (relating to family service plans; and placement planning) to prevent removal of a child from his parents' custody or as a part of the process of reestablishing a child with his family following an out-of-home placement.

(4) *Day treatment service.* Intensive services provided to a child for part of a day. These activities are designed to provide supervision and counseling of the child and coordination of the range of related human services necessary to establish consistent developmental relationships and skills to enable the child to function in the community. They do not include the cost of juvenile probation services, education programs, primary health care programs and programs designed to treat the mental disabilities of a child.

(5) *Emergency shelter service.* Emergency shelter service in a residential service facility as defined in subsection (g).

(6) *Child protective service—general.* Activities and services to protect the health and safety of children who are without proper parental supervision or who have been neglected, exploited or injured by the parents to an extent not sufficient to be covered by 23 Pa.C.S. Chapter 63.

(7) *Homemaker/caretaker service.* Home help, home care skills instruction and child care and supervision provided to a child and the child's family in the child's home by a trained homemaker or caretaker.

(8) *Information and referral service.* The provision to an individual or requested information about needed services and referral to appropriate providers.

(9) *Life skills education.* Practical education and training to the child and other family members, either in or outside of their own homes, in skills needed to perform the activities of daily living, including child care and parenting education, home management and related functions.

(10) *Service planning.* County agency staff activities provided to determine what services are needed, to develop a service plan and to arrange for provision of needed services.

(g) The Department reimburses for expenses incurred for administration at a 60% rate. Administration consists of activities to manage a county children and youth social service agency and to ensure the provision of services and the performance of functions required by this title, including: planning; budgeting; accounting; recordkeeping; staff development; the operation of a volunteer program; and the proportionate costs of planning, research, coordination and evaluation activities performed by a youth service system, a county planning office or other human service planning body.

(h) From July 1, 1992, through June 30, 1993, the Department will reimburse the following services at a 55% rate. Beginning July 1, 1993, the Department reimburses the following services at a 60% rate:

(1) *Residential service.* Twenty-four-hour out-of-home care in a nonsecure facility for children not related to the provider which does not meet the criteria for community residential service or emergency shelter service.

(2) *Secure residential service.* Placement of adjudicated delinquent children for residential care, supervision and rehabilitation in a secure facility.

(i) The Department reimburses juvenile detention service at a 50% rate. Juvenile detention service consists of 24-hour per day secure, temporary care; maintenance; and supervision in a licensed or approved detention facility for alleged or adjudicated delinquents who would present a danger to themselves or others or who would abscond if they remained in their homes or were placed in emergency shelter care.

Authority

The provisions of this § 3140.22 amended under Articles II, VII, IX and X of the Public Welfare Code (62 P. S. §§ 201—211, 701—774, 901—922 and 1001—1080).

Source

The provisions of this § 3140.22 amended January 23, 1987, effective January 24, 1987, 17 Pa.B. 392; amended June 26, 1992, effective July 1, 1992, 22 Pa.B. 3287. Immediately preceding text appears at serial pages (114523) to (114527).

Cross References

This section cited in 55 Pa. Code § 3140.33 (relating to major service categories); and 55 Pa. Code § 3140.136 (relating to State financial participation).

§ 3140.23. Reimbursement of costs incurred in proceedings under the Juvenile Act.

The Department reimburses 50% of the reasonable costs of:

- (1) Medical and other examinations and treatment of a child ordered by the court under 42 Pa.C.S. Chapter 63 (relating to the Juvenile Act).
- (2) A guardian pendente lite, summons, warrants, notices, subpoenas, travel expenses of witnesses, transportation of the child and other similar expenses incurred in proceedings under 42 Pa.C.S. §§ 6301—6365.

Cross References

This section cited in 55 Pa. Code § 3140.136 (relating to State financial participation).

REIMBURSEMENT PROCEDURES**§ 3140.31. Reporting of expenditures.**

The county shall submit, within 45 days of the end of each quarter, a quarterly report of expenditures on forms prescribed by the Department.

§ 3140.32. Plan and budget amendments.

(a) The county shall submit to the Department for approval a request for a plan and budget amendment if it becomes apparent to the county that actual cumulative expenditures in one of the four major service categories will exceed, by 10% or \$10,000, whichever is greater, the approved total annual budget amount for the category.

(b) If no request for a plan and budget amendment has been submitted and approved, reimbursement for actual expenses paid for any quarter will be reduced by the excess of cumulative expenditures for any major service category expenditure which exceeds the approved annual budget amount for the major service category by more than 10% or \$10,000, whichever is greater.

§ 3140.33. Major service categories.

The four major service reimbursement categories and the activities and services which comprise them include:

- (1) In-home and intake services: child protective services—child abuse; child protective services—general; counseling/intervention service; day care

service; day treatment service; homemaker/caretaker service; information and referral service; life skills education; service planning; adoption service; and adoption assistance.

(2) Community based placement services: foster family service; community residential service, including group home service; supervised independent living service; and emergency shelter service.

(3) Institutional placement services: residential service; juvenile detention service; and secure residential service.

(4) Administration services as defined in § 3140.22(f) (relating to reimbursable services and reimbursement rates).

§ 3140.34. Submission of request for plan and budget amendment.

A request for plan and budget amendment may be submitted at any time, up to and including the time the county submits its fourth quarter (April, May, June) quarterly report of expenditures. The request for a plan and budget amendment shall be submitted on the forms and contain the information required by the Department.

§ 3140.35. Review of the plan and budget amendment.

The Department will review and approve or reject the total plan and budget as revised by the proposed amendment. The plan review and budget amendment shall meet criteria established at §§ 3140.16 and 3140.17 (relating to content of the plan and budget estimate; and review of county plans and budgets). If the Department rejects the proposed plan and budget amendment, the current approved plan and budget remains in effect.

Authority

The provisions of this § 3140.35 amended under Articles II, VII, IX and X of the Public Welfare Code (62 P. S. §§ 201—211, 701—774, 901—922 and 1001—1080).

Source

The provisions of this § 3140.35 amended January 23, 1987, effective January 24, 1987, 17 Pa.B. 392; amended June 26, 1992, effective July 1, 1992, 22 Pa.B. 3287. Immediately preceding text appears at serial page (114528).

PAYMENTS TO COUNTIES

§ 3140.41. First and second quarter advance payments.

Upon approval of the county's plan and budget estimate, the Department will make an advance payment, for the first quarter, of 12.5% of the State share of the county's plan and budget estimate. Within 45 days of the second quarter of the fiscal year, the Department will make an advance payment of 12.5% of the State share of the county's approved plan and budget estimate.

§ 3140.42. First quarter actual and third quarter advance payments.

(a) Upon approval of the county's quarterly report of expenditures for the first quarter, the Department will make a payment to the county which combines a reimbursement of the State's share of actual expenses for the first quarter and an advance payment for the third quarter of the fiscal year. Reimbursement for actual expenses for the first quarter will be adjusted by the first quarter advance already paid and will not exceed 25% of the State share of the county's approved plan and budget estimate. Reimbursement for actual expenses paid for the first quarter will be reduced by the excess of any major service category expenditure which exceeds the approved annual budget amount for the major service category by more than 10% or \$10,000, whichever is greater.

(b) The advance payment for the third quarter will be 12.5% of the State share of the county's approved plan and budget estimate.

§ 3140.43. Second quarter actual and fourth quarter advance payments.

Upon approval of the county's quarterly report of expenditures for the second quarter, the Department will make a payment to the county which combines a reimbursement of the State's share of actual expenses for the second quarter and an advance payment for the fourth quarter of the fiscal year. As quarterly reports are cumulative, reimbursement for actual expenses for the second quarter will be adjusted by previous payments and the second quarter advance. The second quarter reimbursement of expenditures will not exceed 50% of the State share of the county's approved plan and budget estimate. Reimbursement for actual expenses paid for the second quarter will be reduced by the excess of cumulative expenditures for any major service category which exceeds the approved annual budget amount of the major service category by more than 10% or \$10,000, whichever is greater. The advance payment for the fourth quarter will be 12.5% of the State share of the county's approved plan and budget estimate.

§ 3140.44. Third quarter actual payments.

Upon approval of the county's quarterly report of expenditures for the third quarter, the Department will make a payment of the State's share of the county's actual expenditures for the third quarter as adjusted by previous payments and the third quarter advance. Third quarter reimbursement of expenditures will not exceed 75% of the State share of the county's approved plan and estimate. Reimbursement of actual expenses for the third quarter will be adjusted by the excess of cumulative expenditures for any major service category which exceeds the approved annual budget amount for the major service category by more than 10% or \$10,000, whichever is greater.

§ 3140.45. Fourth quarter actual payments.

Upon approval of the county's quarterly report of expenditures for the fourth quarter, the Department will make a payment of the State's share of the county's actual expenditures for the fourth quarter as adjusted by previous payments and the fourth quarter advance. Fourth quarter reimbursement of expenditures will not exceed 100% of the State share of the county's approved plan. Reimbursement of actual expenditures for the fourth quarter will be adjusted by the excess of cumulative expenditures for any major service category which exceeds the approved annual budget amount for the major service category by more than 10% or \$10,000, whichever is greater. An overpayment will be adjusted against a scheduled payment in a succeeding year. Adjustments required as a result of the audit of the final quarterly report of expenditures (cumulative report for the full year) or audit conducted by State or Federal officials will be made against payments in a succeeding year.

§ 3140.46. Use of other funds.

Payments made by the Department under this chapter will be made only on the costs remaining after other appropriate funding sources and client-generated revenues have been exhausted.

§ 3140.47. Deduction for youth development center and forestry camp.

(a) The Department will deduct from each quarterly payment to the county the amount that the county owes to the Department for its share of the cost of care and maintenance for adjudicated delinquent children committed to State-operated youth development centers and youth forestry camps.

(b) The amount deducted is based on monthly statements of placements which are aggregated quarterly and sent to each county. The deduction is computed from the monthly statements and interim per diem rates for services in each facility.

(c) The Department will maintain a record of facility costs and days of care for certification by the Auditor General in determining the actual average daily cost for service in each facility. Quarterly payments will be adjusted for the difference between actual costs and interim billings after the costs are certified by the Auditor General.

(d) The interim and actual per diem rates are determined in accordance with a cost allocation procedure published in the Department's Administrative Manual.

Authority

The provisions of this § 3140.47 amended under Articles II, VII, IX and X of the Public Welfare Code (62 P. S. §§ 201—211, 701—774, 901—922 and 1001—1080).

Source

The provisions of this § 3140.47 amended January 23, 1987, effective January 24, 1987, 17 Pa.B. 392. Immediately preceding text appears at serial page (75166).

§ 3140.48. Audits.

(a) The county shall maintain its record of expenditures until it is audited by the Auditor General, or for at least 5 years, unless the county is requested to retain certain records, accounts or supporting documents for a longer period.

(b) Within 105 days of the end of the fiscal year, the county shall obtain and submit to the Department an independent audit report of its record of expenditures. The independent audit report shall be submitted to the appropriate regional office of the Department. The audit shall be conducted by a certified public accountant in accordance with the format established by the Department. The Department will withhold payments for children and youth services to a county that fails to submit an audit to the Department within 105 days of the end of the fiscal year. Payment will be withheld until an acceptable audit is received.

Subchapter B. PLACEMENT MAINTENANCE**GENERAL**

Sec.

3140.101. Applicability.

3140.102. Definitions.

ELIGIBILITY REQUIREMENTS AND PROCEDURES

3140.111. County agency responsibilities.

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3140.113. Recertification of eligibility.

3140.114. Substitute care agreement.

3140.115. Eligibility for additional benefits.

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3140.123. [Reserved].

3140.124. [Reserved].

**EFFECTIVE DATE, ALLOWABLE COSTS AND
REIMBURSEMENT REQUIREMENTS**

3140.130. Effective date for claiming placement maintenance.

3140.131. Allowable costs.

- 3140.132. Additional allowable costs for eligible children in residential child care facilities.
- 3140.133. Cost allocation plan.
- 3140.134. Out-of-State placements.
- 3140.135. Federal financial participation.
- 3140.136. State financial participation.
- 3140.137. [Reserved].
- 3140.138. [Reserved].
- 3140.139. Hearing and appeal.

Cross References

This subchapter cited in 55 Pa. Code § 3140.17 (relating to review of county plans and budgets).

GENERAL

§ 3140.101. Applicability.

This subchapter applies to the reimbursement to the county for the cost of maintaining children in substitute care. The requirements apply only to the reimbursement of costs eligible under Title IV-E of the Social Security Act (42 U.S.C.A. §§ 670—676) for Federal financial participation. This subchapter establishes child eligibility requirements, county agency eligibility certification procedures and requirements, and allowable costs and reimbursement procedures for children placed in substitute care.

§ 3140.102. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Child—An individual who is:

- (i) Under 18 years of age.
- (ii) Eighteen years of age but not yet 19 years of age and a full-time high school or vocational or technical school student and expected to complete school before reaching the age of 19.

Placement maintenance—Payment for the allowable costs of substitute care provided to a child eligible for benefits under Title IV-E of the Social Security Act (42 U.S.C.A. §§ 670—676).

Substitute care—

- (1) Placement of a child outside of the home in either a:
 - (A) Foster family home.
 - (B) Private, not-for-profit residential child care facility.
 - (C) Public residential child care facility which accommodates no more than 25 children.
- (2) The term does not include a:
 - (A) State-operated youth development center or youth forestry camp.
 - (B) Secure facility.

(C) Public residential child care facility which accommodates more than 25 children.

Cross References

This section cited in 55 Pa. Code § 3140.111 (relating to county agency responsibilities).

ELIGIBILITY REQUIREMENTS AND PROCEDURES

§ 3140.111. County agency responsibilities.

(a) The county agency is the sole authority for certifying a child's eligibility for placement maintenance.

(b) The county agency shall, in accordance with procedures established by the Department, certify for placement maintenance children who meet the following requirements:

(1) The child is removed from the home of the parent, guardian or other specified relative by a court order, issued under 42 Pa.C.S. §§ 6301—6365 (relating to the Juvenile Act), which finds that continuation in the home is contrary to the welfare of the child and that reasonable efforts were made to prevent or eliminate the need for removal of the child from the child's home or reasonable efforts were made to make it possible for the child to return home.

(i) The county agency shall request the court to determine if:

(A) Reasonable efforts were made to prevent or eliminate the need for placement.

(B) In the case of emergency placement, the absence of efforts to prevent placement was reasonable.

(ii) If the court determines that the reasonable efforts requirement in subparagraph (i) was not met, or if the court fails to make a reasonable effort determination during the initial court proceedings, the county agency shall, as soon as possible, but no later than the next regularly scheduled court review or dispositional review hearing, as required by Chapter 3130 (relating to administration of county children and youth social service programs), request the court to make a finding that one of the following exists:

(A) Reasonable efforts are under way to make it possible for the child to return home.

(B) If the goal is to not return home—that is permanent foster care, adoption or emancipation—the absence of efforts to make it possible for the child to return home is reasonable.

(iii) The reasonable efforts determination shall be stated in the court order, and the county agency shall maintain a copy of the court order in the case record.

- (iv) If a court determination of reasonable efforts is made under subparagraphs (i) and (ii), no subsequent reasonable efforts determinations are required, unless a child's placement is terminated and the child is placed again.
- (2) The child is placed in licensed or approved substitute care.
- (3) During the month that court proceedings leading to the removal of the child from the home were initiated—month of removal—the child did one of the following:
 - (i) Lived with a specified relative and received AFDC in or for the month of removal or would have received AFDC if an application had been made.
 - (ii) Did not live with a specified relative but had lived with a specified relative within the 6-month period prior to the month of removal and would have received AFDC if he had been living with a specified relative during the month of removal and an application had been made.
- (4) The person meets the definition of child at § 3140.102 (relating to definitions).
- (5) The child's placement is the responsibility of the county agency or other public agency with which the Department has an agreement.
- (c) Prior to requesting State reimbursement for a child in placement, the county agency shall determine the child's eligibility for placement maintenance.
- (d) The county agency shall do the following:
 - (1) Request the Office of Income Maintenance to determine the child's eligibility for AFDC.
 - (2) Notify the Office of Income Maintenance of changes that might affect the child's eligibility for AFDC.
 - (3) Authorize payment of costs.
 - (4) Submit quarterly invoices to the Department for allowable expenditures incurred, along with the quarterly report of expenditures.
 - (5) Terminate placement maintenance payments when the child no longer meets eligibility requirements.

Authority

The provisions of this § 3140.111 amended under Articles II, VII, IX and X of the Public Welfare Code (62 P. S. §§ 201—211, 701—774, 901—922 and 1001—1080).

Source

The provisions of this § 3140.111 amended January 23, 1987, effective January 24, 1987, 17 Pa.B. 392. Immediately preceding text appears at serial pages (75168) to (75169).

§ 3140.112. Office of Income Maintenance responsibilities.

- (a) If requested by the county agency, the Office of Income Maintenance will determine a child's initial and continuing eligibility for AFDC.

(b) The Office of Income Maintenance will issue a Medical Assistance Identification Card to the county agency in the name of each child who is eligible for placement maintenance.

Authority

The provisions of this § 3140.112 amended under Articles II, VII, IX and X of the Public Welfare Code (62 P. S. §§ 201—211, 701—774, 901—922 and 1001—1080).

Source

The provisions of this § 3140.112 amended January 23, 1987, effective January 24, 1987, 17 Pa.B. 392. Immediately preceding text appears at serial page (75169).

§ 3140.113. Recertification of eligibility.

(a) The county agency shall recertify a child's eligibility for placement maintenance on forms provided by the Department no less frequently than once every 12 months.

(b) The county agency shall review a child's continuing eligibility for placement maintenance as often as necessary, but no less frequently than once every 6 months.

Authority

The provisions of this § 3140.113 issued under Articles II, VII, IX and X of the Public Welfare Code (62 P. S. §§ 201—211, 701—774, 901—922 and 1001—1080).

Source

The provisions of this § 3140.113 adopted January 23, 1987, effective January 24, 1987, 17 Pa.B. 392.

§ 3140.114. Substitute care agreement.

In order to receive reimbursement for placement maintenance, the county agency shall have an approved children and youth social services plan and budget estimate under §§ 3140.11—3140.18 (relating to plan requirements).

Authority

The provisions of this § 3140.114 issued under Articles II, VII, IX and X of the Public Welfare Code (62 P. S. §§ 201—211, 701—774, 901—922 and 1001—1080).

Source

The provisions of this § 3140.114 adopted January 23, 1987, effective January 24, 1987, 17 Pa.B. 392.

§ 3140.115. Eligibility for additional benefits.

A child who is eligible for placement maintenance is also eligible for benefits under Titles XIX and XX of the Social Security Act (42 U.S.C.A. §§ 1396—1396q and 1397—1397f).

Authority

The provisions of this § 3140.115 issued under Articles II, VII, IX and X of the Public Welfare Code (62 P. S. §§ 201—211, 701—774, 901—922 and 1001—1080).

Source

The provisions of this § 3140.115 adopted January 23, 1987, effective January 24, 1987, 17 Pa.B. 392.

§ 3140.121. [Reserved].**Source**

The provisions of this § 3140.121 reserved January 23, 1987, effective January 24, 1987, 17 Pa.B. 392. Immediately preceding text appears at serial pages (75169) to (75170).

§ 3140.122. [Reserved].**Source**

The provisions of this § 3140.122 reserved January 23, 1987, effective January 24, 1987, 17 Pa.B. 392. Immediately preceding text appears at serial page (75170).

§ 3140.123. [Reserved].**Source**

The provisions of this § 3140.123 reserved January 23, 1987, effective January 24, 1987, 17 Pa.B. 392. Immediately preceding text appears at serial page (75170).

§ 3140.124. [Reserved].**Source**

The provisions of this § 3140.124 reserved January 23, 1987, effective January 24, 1987, 17 Pa.B. 392. Immediately preceding text appears at serial page (75170).

**EFFECTIVE DATE, ALLOWABLE COSTS AND REIMBURSEMENT
REQUIREMENTS****§ 3140.130. Effective date for claiming placement maintenance.**

(a) The county agency may claim placement maintenance reimbursement for a child from the date that the child meets eligibility requirements.

(b) If a child meets placement maintenance eligibility requirements except the requirements relating to reasonable efforts determinations, and the reasonable efforts requirement is subsequently met, the county may claim placement maintenance reimbursement from the first day of the month in which the reasonable efforts determination was made.

Authority

The provisions of this § 3140.130 issued under Articles II, VII, IX and X of the Public Welfare Code (62 P. S. §§ 201—211, 701—774, 901—922 and 1001—1080).

Source

The provisions of this § 3140.130 adopted January 23, 1987, effective January 24, 1987, 17 Pa.B. 392.

§ 3140.131. Allowable costs.

Placement maintenance may include only the cost of and the cost of providing the following:

- (1) Food.
- (2) Clothing.
- (3) Shelter.
- (4) Child care, which includes daily supervision in a residential facility and part day child care in a foster family home.
- (5) The child's personal incidentals.
- (6) Liability insurance coverage with respect to the child.
- (7) Reasonable travel for the child to visit his family.
- (8) School supplies.

Authority

The provisions of this § 3140.131 amended under Articles II, VII, IX and X of the Public Welfare Code (62 P. S. §§ 201—211, 701—774, 901—922 and 1001—1080).

Source

The provisions of this § 3140.131 amended January 23, 1987, effective January 24, 1987, 17 Pa.B. 392. Immediately preceding text appears at serial pages (75170) to (75171).

Cross References

This section cited in 55 Pa. Code § 3140.132 (relating to additional allowable costs for eligible children in residential child care facilities).

§ 3140.132. Additional allowable costs for eligible children in residential child care facilities.

Placement maintenance may include the reasonable cost of administration and operation necessary to provide the allowable cost items for eligible children in residential child care facilities listed in § 3140.131 (relating to allowable costs). A reasonable cost is no more than the customary cost for performing similar functions in similar facilities, that is, similar in numbers and type of children served.

Authority

The provisions of this § 3140.132 amended under Articles II, VII, IX and X of the Public Welfare Code (62 P. S. §§ 201—211, 701—774, 901—922 and 1001—1080).

Source

The provisions of this § 3140.132 amended January 23, 1987, effective January 24, 1987, 17 Pa.B. 392. Immediately preceding text appears at serial page (75171).

§ 3140.133. Cost allocation plan.

Administrative and operational costs for eligible children placed in substitute care shall be determined and allocated in accordance with procedures issued by the Department.

§ 3140.134. Out-of-State placements.

(a) Placement maintenance is available for eligible children placed in substitute care outside this Commonwealth.

(b) For children placed in states which are signatories to the Interstate Compact on the Placement of Children in section 761 of the Public Welfare Code (62 P. S. § 761), these placements shall be made in compliance with the provisions of sections 761—765 of the Public Welfare Code (62 P. S. §§ 761—765).

(c) For children placed in states which are not signatories to the Interstate Compact on the Placement of Children in section 761 of the Public Welfare Code (62 P. S. § 761), these placements shall be made in compliance with provisions of sections 746—753 of the Public Welfare Code (62 P. S. §§ 746—753).

§ 3140.135. Federal financial participation.

The county agency shall calculate the amount of placement maintenance for which each child is eligible. This amount shall be calculated after subtracting child-specific income, such as Social Security payments and child support payments, from the total cost of substitute care.

§ 3140.136. State financial participation.

State financial participation in placement maintenance will be made in accordance with §§ 3140.21—3140.23 (relating to reimbursement for services).

§ 3140.137. [Reserved].**Source**

The provisions of this § 3140.137 reserved January 23, 1987, effective January 24, 1987, 17 Pa.B. 392. Immediately preceding text appears at serial page (75172).

§ 3140.138. [Reserved].**Source**

The provisions of this § 3140.138 reserved January 23, 1987, effective January 24, 1987, 17 Pa.B. 392. Immediately preceding text appears at serial page (75172).

§ 3140.139. Hearing and appeal.

(a) The child and the child's parent or guardian have the right to appeal and the right to a fair hearing before the Department's Office of Hearings and Appeals on actions and decisions by the county agency with respect to placement maintenance related to:

- (1) Denial of benefits.
- (2) Failure to act on a request for benefits with reasonable promptness.
- (3) A suspension, reduction, discontinuance or termination of benefits.

(b) Hearings will be conducted in accordance with the provisions of Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings) unless otherwise provided by this chapter.

Subchapter C. ADOPTION ASSISTANCE

Sec.

- 3140.201. Applicability.
- 3140.202. Child eligibility.
- 3140.203. Adoption assistance agreement.
- 3140.204. Payments/benefits.
- 3140.205. Eligibility for Federal financial participation.
- 3140.206. State reimbursement.
- 3140.207. Entitlement to other services and benefits.
- 3140.208. Procedures.
- 3140.209. [Reserved].
- 3140.210. Right to hearing and appeal.

Cross References

This subchapter cited in 55 Pa. Code § 3130.36 (relating to adoption services); 55 Pa. Code § 3140.17 (relating to review of county plans and budgets); and 55 Pa. Code § 3140.22 (relating to reimbursable services and reimbursement rates).

§ 3140.201. Applicability.

This subchapter applies to the provision of adoption assistance by county children and youth social service agencies. This subchapter is promulgated by the Department to provide financial assistance to adoptive parents on behalf of children with special needs who meet adoption assistance eligibility criteria. The subchapter presents the requirements for State and Federal financial participation in the costs of providing adoption assistance.

Notes of Decisions*Most Suitable Home*

Based upon the Federal government's official interpretation of the Federal regulations of this program, this court holds that the local agency must first find, not just "an appropriate" adoptive home, but must first "locate the most suitable family for the child," without regard for whether the most

suitable family does or does not require any form of assistance. *Gruzinski v. Department of Public Welfare*, 731 A.2d 246 (Pa. Cmwlth. 1999); appeal denied 747 A.2d 902 (Pa. 1999).

§ 3140.202. Child eligibility.

(a) The county children and youth social service agency (county agency) is the sole authority for certifying a child's eligibility for adoption assistance.

(b) The county agency shall certify for adoption assistance children whose placement goal is adoption and who meet the following requirements:

- (1) The child is 17 years of age or younger.
- (2) Parental rights have been terminated under 23 Pa.C.S. Part III (relating to the Adoption Act).
- (3) The child is in the legal custody of the county agency or another agency approved by the Department.
- (4) The child shall have at least one of the following characteristics:
 - (i) A physical, mental or emotional condition or handicap.
 - (ii) A genetic condition which indicates a high risk of developing a disease or handicap.
 - (iii) Be a member of a minority group.
 - (iv) Be a member of a sibling group.
 - (v) Be 5 years of age or older.

(c) Prior to certification for adoption assistance, the county agency shall make reasonable efforts to find an adoptive home without providing adoption assistance. Evidence of this effort shall be recorded in the case record and include registration with the Department's adoption exchange for at least 3 months.

(d) If it would be against the best interests of the child because of factors, such as the existence of significant emotional ties with prospective adoptive parents while in the care of the parents as a foster child, the requirement of subsection (c) does not apply.

Authority

The provisions of this § 3140.202 amended under Articles II, VII, IX and X of the Public Welfare Code (62 P. S. §§ 201—211, 701—774, 901—922 and 1001—1080).

Source

The provisions of this § 3140.202 amended January 23, 1987, effective July 23, 1987, 17 Pa.B. 392; amended October 26, 1990, effective immediately and apply retroactively to July 30, 1988, 20 Pa.B. 5437. Immediately preceding text appears at serial pages (114540) to (114541).

Notes of Decisions

Eligibility

It is the county agency's responsibility to determine whether to certify a child as eligible for assistance, not the adoptive parents' responsibility and the agency cannot expect the adoptive parents to make an informed decision as to whether or not to accept an adoption assistance subsidy when it is the agency that controls what information is and is not given to the adoptive parents. *York CYS v. Department of Public Welfare*, 833 A.2d 281, 288 (Pa. Cmwlth. 2003)

A child with special needs was not eligible for adoption subsidy payments until March 29, 1989, the date of termination of the natural parents' rights. *Allegheny County Office of Children and Youth Services v. Department of Public Welfare*, 800 A.2d 367 (Pa. Cmwlth. 2002).

The county children and youth services agency is responsible for determining the adoption assistance eligibility not only for children who are in their care and custody, but for all children. *Gruzinski v. Department of Public Welfare*, 731 A.2d 246 (Pa. Cmwlth. 1999); appeal denied 747 A.2d 902 (Pa. 1999).

A child, who was born with a cleft palate, cleft jaw, and a cleft lip, is eligible for adoption assistance retroactive to the first instance where the child was residing with the adoptive mother and the birth mother's parental rights were terminated, where, at the time the adoption petition was filed, the child was eligible for AFDC while living with a specified relative, her aunt, the adoptive mother, and the child, in fact, received AFDC payments while living with the adoptive mother prior to the adoption, even though actual payments are not necessary in order to meet the AFDC relatedness standard for adoption assistance. *Gruzinski v. Department of Public Welfare*, 731 A.2d 246 (Pa. Cmwlth. 1999).

Exception

Extenuating circumstances existed in this case to justify a waiver of the 3-month "reasonable efforts" requirement, where each child was placed in the custody of the adoptive parents at a very tender age and formed familial bonds with their adoptive parents; it would not have been in the best interest of either child to have the child removed and placed with a different family solely because that family did not require an adoption subsidy. *Adoption Resource Center, Inc. v. Department of Public Welfare*, 727 A.2d 1209 (Pa. Cmwlth. 1999).

The exception to the "reasonable efforts" requirement of this regulation should be interpreted broadly, where the "such as" language of the regulation suggests that other situations may come within the exception, and the foster care scenario described therein merely provides one example. *Adoption Resource Center, Inc. v. Department of Public Welfare*, 727 A.2d 1209 (Pa. Cmwlth. 1999).

Federal Law; Consistency

The Adoption Opportunities Act (62 P. S. §§ 771—774) and the regulations promulgated thereunder, are consistent with the Federal Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C.A. §§ 670—676), with respect to the requirement that the child be in agency custody to qualify for certain subsidies. The court found that the child was effectively in that position, thereby satisfying the requirements of the Adoption Opportunities Act. *C.B. and J.B. v. Department of Public Welfare*, 786 A.2d 176 (Pa. 2001).

Three-Month Waiting/Search Period

Although the court agreed that the primary focus of the adoption agency should be on finding the most suitable family for the child, and not on "shopping" for a family that does not require assistance, the court declined to hold that the 3-month registration requirement contained in this regulation is per se unreasonable or in violation of Federal law. *Adoption Resource Center, Inc. v. Department of Public Welfare*, 727 A.2d 1209 (Pa. Cmwlth. 1999).

The extenuating circumstances doctrine states that adoptive parents have a right to a fair hearing if the State or county adoption agency fails to advise adoptive parents of the availability of adoption assistance. The extenuating circumstances doctrine does not apply when a county agency or the Department does not know of the existence of the children before the adoption is finalized. Without knowledge of the children, the county agency or the Department cannot comply with §§ 3140.202(c) or 3140.203(a). *Laird v. Dep't of Pub. Welfare*, 23 A.3d 1015, 1030 (Pa. 2011).

Cross References

This section cited in 55 Pa. Code § 3140.205 (relating to eligibility for Federal financial participation).

§ 3140.203. Adoption assistance agreement.

(a) The county agency shall execute a binding written adoption assistance agreement between the parties—prospective adoptive parents and county agency—at the time of or before the court issues the final adoption decree.

(b) The adoption assistance agreement shall specify benefits and conditions relating to adoption including:

(1) The dollar amount of the adoption assistance payment, if any.

(2) The schedule for making payment and the date on which the payment will commence, which may not be earlier than the date on which the adoption was finalized and the dollar amount of the nonrecurring adoption expenses, if any.

(3) The availability and scope of Medical Assistance coverage, under Title XIX of the Social Security Act (42 U.S.C.A. §§ 1396—1396q) (Title XIX) (Medicaid).

(4) The availability and scope of social services under Title XX of the Social Security Act (42 U.S.C.A. §§ 1397—1397f) (Title XX).

(5) The extent to which benefits for the child will apply when the adoptive family resides in or relocates to another state while the agreement is in effect.

(6) A provision for the protection of the interests of the child in case the adoptive parents and child reside or relocate to another state while the agreement is in effect.

(i) For an adoptive child certified eligible for Federal Financial Participation, eligibility for Medical Assistance and Title XX social service is retained.

(ii) With regard to Medical Assistance eligibility under Title XIX and social services under Title XX, one of the following statements shall be contained in the agreement.

(A) “The child you are adopting has been determined eligible for Federal Financial Participation. If you currently reside or subsequently relocate outside this Commonwealth, the child you are adopting will remain eligible for Medical Assistance benefits under Title XIX of the Social Security Act and social services under Title XX of the act. The authorizing Medical Assistance card will be issued from the child’s state of residence.”

(B) “The child you are adopting has been determined ineligible for Federal Financial Participation. Although a Pennsylvania Medical Assistance card may be provided in the child’s name regardless of your state of

(5) The extent to which benefits for the child will apply when the adoptive family resides in or relocates to another state while the agreement is in effect.

(6) A provision for the protection of the interests of the child in case the adoptive parents and child reside or relocate to another state while the agreement is in effect.

- (i) For an adopted child certified eligible for Federal Financial Participation, eligibility for Medical Assistance and Title XX social service is retained.
- (ii) With regard to Medical Assistance eligibility under Title XIX and social services under Title XX, one of the following statements shall be contained in the agreement.
- (A) “The child you are adopting has been determined eligible for Federal Financial Participation. If you currently reside or subsequently relocate outside this Commonwealth, the child you are adopting will remain eligible for Medical Assistance benefits under Title XIX of the Social Security Act and social services under Title XX of the act. The authorizing Medical Assistance card will be issued from the child’s state of residence.”
- (B) “The child you are adopting has been determined ineligible for Federal Financial Participation. Although a Pennsylvania Medical Assistance card may be provided in the child’s name regardless of your state of residence, it may be difficult to locate medical providers who will accept a Pennsylvania Medical Assistance card if you reside outside Pennsylvania boundaries. Title XX social services as agreed upon will be available to the extent that a voluntary agreement can be worked out between involved states.”
- (iii) For agreements entered into on or after October 1, 1983, if a needed service specified in the adoption assistance agreement is not available in the state of residence, the county making the original adoption assistance agreement remains responsible for assuring reasonable access to specified or comparable service.
- (7) The circumstances that would cause a reduction in the amount paid or termination of the adoption assistance agreement.
- (8) That adoptive parents are responsible for notifying the county agency of changes in circumstances, and that the county agency will contact the parents at least annually to assess the child’s continued dependency.
- (9) Information concerning additional services that are available to the child, such as mental health/mental retardation services.
- (10) Acknowledgement that the adoption assistance agreement remains in effect if a family relocates outside the certifying county.
- (11) The duration of the agreement.
- (12) The schedule for making payment and the date on which payment will commence.
- (c) Each party to the agreement shall be given one signed copy of the agreement.

Authority

The provisions of this § 3140.203 amended under Articles II, VII, IX and X of the Public Welfare Code (62 P. S. §§ 201—211, 701—774, 901—922 and 1001—1080).

Source

The provisions of this § 3140.203 amended January 23, 1987, effective January 24, 1987, 17 Pa.B. 392; amended October 26, 1990, effective immediately and apply retroactively to July 30, 1988, 20 Pa.B. 5437. Immediately preceding text appears at serial pages (114541) to (114542).

Notes of Decisions

The extenuating circumstances doctrine states that adoptive parents have a right to a fair hearing if the State or county adoption agency fails to advise adoptive parents of the availability of adoption assistance. The extenuating circumstances doctrine does not apply when a county agency or the Department does not know of the existence of the children before the adoption is finalized. Without knowledge of the children, the county agency or the Department cannot comply with §§ 3140.202(c) or 3140.203(a). *Laird v. Dep't of Pub. Welfare*, 23 A.3d 1015, 1030 (Pa. 2011).

Cross References

This section cited in 55 Pa. Code § 3140.204 (relating to payments/benefits).

§ 3140.204. Payments/benefits.

(a) The county agency shall certify the child's eligibility for adoption assistance and, in consultation with the adoptive parent, shall determine the terms of the adoption assistance agreement.

(b) Two types of payments, as well as adoption assistance benefits, shall be available to children certified as eligible for adoption assistance under this chapter. The two types of payments are adoption assistance payments and nonrecurring adoption expense payments.

(1) For adoption assistance payments, the following apply:

(i) The amount of the adoption assistance payment may not exceed the foster care maintenance payment which would have been paid if the child for whom the adoption assistance payment is made were living in a foster family home.

(ii) The county agency shall, when determining the dollar amount of the assistance payment, consider the following circumstances of the adoptive parent and child:

(A) Family income and expenses.

(B) Family financial assets and liabilities.

(C) Other family resources, such as employe benefits, available to the adoptive parent which would become accessible to the child.

(D) The cost of supportive child services that are borne by the adoptive parents, such as medical expenses not covered under the State Medical Assistance Program, and special transportation costs.

(E) The possible loss of benefits currently available to the child, such as supplemental security income.

(iii) The county agency which certifies the child eligible for adoption assistance payments shall remain responsible for the agreed upon payments,

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as specified in the adoption assistance agreement, if the adoptive family relocates outside the county.

(iv) The county agency may adjust the amount of the payments with the concurrence of the adoptive parents.

(2) For nonrecurring adoption expense, the following apply:

(i) Nonrecurring adoption expenses shall be reasonable and necessary costs which are directly related to the legal adoption of a child with special needs and which are incurred in compliance with State and Federal laws.

(ii) Nonrecurring adoption expenses include home study fees, court costs, attorney fees and travel, when necessary to complete the placement or adoption process.

(iii) The amount paid to adoptive parents for nonrecurring adoption expenses may not be a factor in determining the maximum amount of adoption assistance payments under paragraph (1)(i).

(iv) Nonrecurring adoption expense payments shall be a one-time payment.

(v) For nonrecurring adoption expenses, the following two exceptions apply to the adoption assistance agreement requirement of § 3140.203(a) (relating to adoption assistance agreement).

(A) The final decree of adoption must have been entered on or after January 1, 1987 and before June 14, 1989.

- (B) A final decree must have been entered before January 1, 1987 but nonrecurring adoption expenses must have been paid after January 1, 1987.
- (vi) For nonrecurring adoption expenses, when the final decree has been entered between January 1, 1987 and June 14, 1989, or if a final decree has been entered before January 1, 1987 but nonrecurring adoption expenses have been paid after January 1, 1987, individuals who seek reimbursement shall enter into an agreement with the county agency that certifies the child, and file a claim before December 14, 1990.
- (3) For adoption assistance benefits the following apply:
- (i) The terms of Medical Assistance benefits shall be specified.
- (ii) The terms of Title XX of the Social Security Act (42 U.S.C.A. §§ 1397—1397f) social services shall be specified.
- (c) Criteria for the adoptive parents, such as residence or a means test designed to exclude prospective adoptive parents from receiving payments or other adoption assistance benefits provided for in this subchapter on behalf of an eligible child, may not be used by the county agency.
- (d) An eligible child shall begin to receive adoption assistance payments and benefits when an adoption assistance agreement is in effect under § 3140.203 and the child is placed in the home of prospective adoptive parents.
- (e) Adoption assistance payments and benefits shall be terminated by the county agency when one of the following occurs:
- (1) The child reaches 18 years of age.
 - (2) The adoptive parents are no longer providing for the financial support of the child.
 - (3) The parents are determined by court action to no longer be legally responsible for the child.
 - (4) The adoptive parents request termination of adoption assistance.

Authority

The provisions of this § 3140.204 amended under Articles II, VII, IX and X of the Public Welfare Code (62 P. S. §§ 201—211, 701—774, 901—922 and 1001—1080).

Source

The provisions of this § 3140.204 amended January 23, 1987, effective January 24, 1987, 17 Pa.B. 392; amended October 26, 1990, effective immediately and apply retroactively to July 30, 1988, 20 Pa.B. 5437. Immediately preceding text appears at serial pages (114542) to (114543).

Notes of Decisions

Eligibility; Retroactivity

Although there was no adoption assistance agreement in effect, between the county agency and the adopting parent at the time of the adoption decree, there were “extenuating circumstances” therefore, it was appropriate to award adoption subsidy payments to the adopting parents retroactive to the date of adoption. *Allegheny County Office of Children and Youth Services v. Department of Public Welfare*, 800 A.2d 367 (Pa. Cmwlth. 2002).

§ 3140.205. Eligibility for Federal financial participation.

(a) Adoption assistance payments shall qualify for Federal financial participation under Title IV-E of the Social Security Act (42 U.S.C.A. §§ 670—676) (Title IV-E), when the requirements of this chapter are met and a child is placed with approved adoptive applicants.

(b) To continue Federal financial participation after the adoption is finalized, the child shall meet one of the following conditions:

(1) The child is eligible for Aid to Families with Dependent Children and is living with a relative at the time the adoption petition is filed.

(2) The child is receiving Title IV-E placement maintenance at the time the adoption petition is filed.

(3) The child meets Supplemental Security Income eligibility requirements.

(4) The child is a child whose placement costs are covered by Title IV-E payment made with respect to the child's minor parent.

(c) A nonrecurring adoption payment shall qualify for Federal financial participation under Title IV-E when, except for the requirements in § 3140.202(b)(3) (relating to child eligibility) and subsection (b), all other requirements of this subchapter have been met.

(d) For each adopted child, Federal financial participation for nonrecurring adoption expenses shall be available at a 50% rate for expenses incurred up to \$2,000.

Authority

The provisions of this § 3140.205 amended under Articles II, VII, IX and X of the Public Welfare Code (62 P. S. §§ 201—211, 701—774, 901—922 and 1001—1080).

Source

The provisions of this § 3140.205 amended January 23, 1987, effective January 24, 1987, 17 Pa.B. 392; amended October 26, 1990, effective immediately and apply retroactively to July 30, 1988, 20 Pa.B. 5437. Immediately preceding text appears at serial pages (114543) to (114544).

§ 3140.206. State reimbursement.

State reimbursement of county agency costs for adoption assistance shall be 80% of one of the following:

(1) Adoption assistance payments or nonrecurring adoption expenses, or both, when the child is not eligible for Federal financial participation.

(2) When the child is eligible for Federal financial participation, the remainder of costs for adoption assistance payments or nonrecurring adoption expenses, or both, after Federal financial participation has been deducted.

Source

The provisions of this § 3140.206 amended October 26, 1990, effective immediately and apply retroactively to July 30, 1988, 20 Pa.B. 5437. Immediately preceding text appears at serial page (114544).

§ 3140.207. Entitlement to other services and benefits.

(a) Notwithstanding another provision of law, families with a signed adoption assistance agreement, who are providing care for a child whom they intend to adopt under sections 771—774 of the Public Welfare Code (62 P. S. §§ 771—774) and in accordance with this chapter are not liable under the Mental Health

and Mental Retardation Act of 1966 (50 P. S. §§ 4101—4704) or the Support Law (62 P. S. §§ 1971—1977) if the child needs services or assistance available under these statutes. A child for whom an adoption assistance agreement has been entered and is living with a family who will or has already adopted under the Pennsylvania Adoption Assistance Program is considered a family of one:

(1) By the county board of assistance in determining eligibility for Medical Assistance.

(2) By the local offices of Mental Health and Mental Retardation in determining eligibility for mental health and mental retardation services.

(b) A child who qualifies for Federal Financial Participation is automatically eligible for services under Title XX (42 U.S.C.A. §§ 1397—1397f) and Title XIX (42 U.S.C.A. §§ 1396—1396q)—Medicaid—of the Social Security Act.

Source

The provisions of this § 3140.207 amended October 26, 1990, effective immediately and apply retroactively to July 30, 1988, 20 Pa.B. 5437. Immediately preceding text appears at serial pages (114544) and (128297).

Cross References

This section cited in 55 Pa. Code § 4305.33 (relating to income to be considered).

§ 3140.208. Procedures.

The county agency shall follow the procedures and execute the forms required by the Department for eligibility determination or documentation, Federal financial participation, State reimbursement and statistical reporting.

§ 3140.209. [Reserved].

Source

The provisions of this § 3140.209 reserved October 26, 1990, effective immediately and apply retroactively to July 30, 1988, 20 Pa.B. 5437. Immediately preceding text appears at serial page (128297).

§ 3140.210. Right to hearing and appeal.

(a) A child applying for or receiving adoption assistance or a person acting on behalf of a child has a right to a Departmental hearing to appeal:

(1) A finding of ineligibility after determination of eligibility.

(2) A denial or reduction of service.

(3) The termination or suspension of service.

(b) The hearings will be conducted in accordance with Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings) unless otherwise provided by this chapter.

APPENDIX A
TITLE IV-E INDEPENDENT LIVING (IL) PROGRAM
GUIDELINES AND APPLICATION PROCESS

(a) *Goals of the Title IV-E IL Program.*

(1) Children in placement are often deprived of the caring and support of a functioning natural family. Their family background is often one of poverty including generations of dependence on the public welfare system. Without social support and programs, many of these children will repeat the economic dependence learned in their families. Critical to breaking this generational cycle of dependence is the opportunity for meaningful, self-sustaining employment or further education.

(2) The goal of the Commonwealth's IL Program is to provide children making the transition from placement to independent living with the skills and resources necessary to make them independent and productive members of society.

(3) To accomplish this goal, the Title IV-E IL Program is directed at:

(i) Assisting counties in developing a continuum of community resources and services that help dependent and delinquent youth in placement make the transition to independence and self-sufficiency.

(ii) Improving the coordination and use of existing community resources to meet the transitional living needs of youth in placement.

(iii) Establishing or expanding IL services for IV-E eligible youth who are 16 to 18 years old.

(iv) Maximizing the use of all Federal and State funds available for IL services to children in placement who could benefit.

(b) *Counties eligible to submit an application.*

(1) An allocation of Title IV-E IL Program money will be made to counties with Title IV-E eligible children who were in placement on March 30, 1988. Counties will be informed by separate letter of their allocation. However, only those counties with youth in placement who meet or who will meet the Title IV-E IL Program eligibility criteria during Federal FY 1988-89 are eligible to submit an application.

(2) To be eligible for Title IV-E IL services, youth shall be 16, 17 or 18 years of age, and receiving Title IV-E Placement Maintenance.

(3) Counties that expect to have youth in placement during 1988-89 who meet these requirements may submit an application for the amount of their allocation. Smaller counties with limited allocations are encouraged to join with a nearby county or counties to submit a joint application. Counties that choose to submit joint applications shall identify the lead county for purposes of payment, audit reporting and the like, in their application.

(c) *Funding.*

(1) There is no local match required to receive Title IV-E IL funds.

(2) Title IV-E IL funding shall be used to increase spending for IL services and the amount of existing (FY 1987-88) spending for IL services shall be maintained. The new funds can be used to initiate new programs and services or expand existing services. For counties that participated last year, these funds may be used to continue or expand the program begun with the initial grant.

(3) To maximize the use of funding available for IL services to youth, the county shall:

(i) Use Title IV-E IL dollars to provide services for Title IV-E eligible youth. Wherever possible, the grant money should be used to pay for social services for Title IV-E eligible youth now being paid for with State and local dollars. The grant funds can also be used to develop new or expand existing services for eligible youth. Title IV-E IL funds may not be used to fund placement maintenance costs such as food, rent, clothing or board payments.

(ii) Use existing State and local IL dollars, when possible, to fund IL services and programs for youth who are not Title IV-E IL eligible. This is where much of the expansion in a county's IL program can be realized. State and local dollars are much more flexible than Title IV-E IL funds. They can be used to provide services to youth under 16 years of age and over age 18, aftercare services for youth who have left placement and a broader range of practice living experiences.

(d) *Program activities for which Title IV-E IL funds can be used.*

(1) *Support.* Title IV-E IL funds can be used to support:

(i) Direct services for 16, 17 and 18 year old youth who are receiving Title IV-E Placement Maintenance Assistance. Counties may not use Title IV-E IL funds to pay for rent, food, clothing or board payments.

(ii) A prorated share of direct services when they are provided both to Title IV-E eligible youth and those youth who are not Title IV-E eligible. For example, the proportional cost of a group counseling program serving both Title IV-E and non-Title IV-E eligible youth.

(iii) The cost of indirect service activities that benefit both Title IV-E eligible and non-Title IV-E eligible youth when it can be shown that the activity is needed to establish or provide services to Title IV-E eligible youth. Indirect services are those activities that support the provision of direct IL services. Some examples are: staff and foster parent training, community coordinating activities, program evaluation and community education and outreach to support transitional living programs for all youth.

(2) *Examples.* Examples of the types of direct and indirect services and activities for which Title IV-E IL funds can be used are listed in paragraph (3). The lists are not exhaustive and are meant to serve as guides. Counties are not strictly bound by the lists in preparing their applications and are encouraged to develop new and innovative services and approaches to achieve the goals of the IL Program and meet the needs of youth in their communities.

(3) *Direct services.*

(i) Direct services are activities conducted on behalf of a youth to achieve the goals and objectives established in the youth's IL plan. The Federal law that established the Title IV-E Program also requires that an IL case plan be developed for youth receiving Title IV-E IL services and, wherever appropriate, for other youth age 16 or over. The youth's IL case plan shall be part of the youth's family service plan and include a description of the services which will help the youth prepare for transition from foster care to independent living.

(ii) For purposes of the Title IV-E IL Program, direct services include, but are not limited to, the following:

(A) Individualized assessment of the IL needs of eligible children and the development of an IL case plan based on that assessment.

(B) Services related to education and vocational training, such as:

- (I) Career planning.
- (II) Preparation for GED or higher education.
- (III) Job readiness.
- (IV) Job search assistance.
- (V) Job placement.
- (VI) Tutoring or other remedial education.
- (VII) Job follow-up activities.

(C) Programs and services in basic living skills such as:

- (I) Money management.
- (II) Home management.
- (III) Consumer skills.
- (IV) Identifying and using community resources.
- (V) Use of transportation.
- (VI) Health care.
- (VII) Locating housing.
- (VIII) Problem solving/decision making.
- (IX) Time management.
- (X) Communication skills.

(D) Individual and group counseling as well as workshops and conferences to promote:

- (I) Self esteem.
- (II) Self confidence.
- (III) Development of interpersonal and social skills.
- (IV) Preparation for transition to independence and termination from substitute care.

(E) Stipends to youth for participation in and completion of IL activities. Stipends can be used as a "nest egg" to fund start-up costs of IL, such as a security deposit for an apartment, apartment utilities and furnishings, and tuition for education and training.

- (F) Activities that promote and assist teen parents and their children in making the transition from foster care.
- (G) The cost of staff that provide direct services.
- (4) *Indirect services.* For purposes of the Title IV-E IL Program indirect services include, but are not limited to, the following:
 - (i) Training efforts.
 - (A) Training of staff to acquire knowledge and skills needed to develop IL programs and IL case plans.
 - (B) Training of staff, foster parents and other child care providers to provide for the IL needs of children in care such as life skills education.
 - (C) Purchase of workbooks, audiovisual and other resources to be used in training staff, foster parents and youth.
 - (ii) Community, outreach and education efforts designed to stimulate support for housing, employment, education, other opportunities for youth leaving care.
 - (iii) Interagency coordination to support IL activities and services at the local level such as:
 - (A) An interagency steering committee.
 - (B) Interagency cooperative agreements that define roles and responsibilities for planning, implementing, funding, staffing and accountability for the various components of the IL initiative.
 - (iv) System change efforts including:
 - (A) Development and implementation of IL policies, procedures and service delivery including requirements and models for the development of IL case plans.
 - (B) Development of an evaluation system for IL programs and case plans.
 - (v) Staff costs—Title IV-E IL funds may be used to fund staff positions whose duties relate directly to administration of IL programs or services, or both.
 - (vi) Equipment such as audio/visual or computer hardware and software that will be used to support the IL program effort.
 - (vii) Staff and training activities are eligible for reimbursement under Title IV-E. Therefore, counties should use the Title IV-E IL funds for staff and training activities only when reimbursement is not available under Title IV-E Placement Maintenance.
- (e) *Coordination with other service providers.*
 - (1) The success of this program is dependent on the involvement and support of other community agencies and programs. Education, job readiness, access to employment and housing are critical to the successful transition of youth from placement to independent living. The development of cooperative relationships between the county children and youth agency and education, job

training, job placement, housing, counseling and other social service agencies is important to the success of the program.

(2) To ensure this cooperation, the county's Title IV-E IL program should be developed and implemented with the involvement and support of:

(i) Local education and vocational programs. Counties should attempt to involve school districts, community colleges and vocational/technical programs in planning and developing the IL program.

(ii) Job placement and training agencies. The local Private Industry Council and the administrative entity for the Council should be involved in the development and implementation of the program. A letter of support should be obtained from the Council.

(iii) Other public and private housing and social service agencies. These should include the juvenile court and probation office, county MH/MR agency, drug and alcohol agency, local housing authority, private counseling, social service and job placement agencies and services, including Federal Job Corps programs.

(iv) Whenever one or more of these agencies or organizations will be involved in the implementation of the IL program by providing staff, funds, services or other support, a letter describing the specific nature of the agency's support for the program should be included.

(3) One of the primary reasons for involving other agencies and programs is to make maximum use of existing community resources and services. Working with these agencies to develop a Title IV-E IL Program will help to build community services for all youth. Whenever possible, counties should use and work with existing programs rather than create new programs.

(f) *Program application process and content.*

(1) *Process.*

(i) To receive its Title IV-E IL Program allocation a county shall submit an application for Title IV-E IL Program funds to the Department. Counties that participated last year are required to submit a complete application for second year funding.

(ii) A county's application shall be postmarked or received by the Department by August 19, 1988. Funds allocated to counties that do not submit an application by the deadline will be reallocated for use by other counties. Counties that receive small allocations are encouraged to join with a nearby county or counties to submit a joint application.

(iii) Counties shall send three copies of their application to: Robert Diethorn, Office of Children, Youth and Families, Post Office Box 2675, Health and Welfare Building, Annex, Harrisburg, Pennsylvania 17105-2675.

(2) *Content.* The county's application shall contain the following five sections. The narrative sections of the application—subparagraphs (iii) and (iv)—shall follow the outline for these sections as follows:

(i) *Certification of the executive officers.* This form shall be signed by the county executive or a majority of the county commissioners.

(ii) *Need for the program and current effort.* Follow the instructions for completing this form. All information shall be provided. Counties that participated in the first year shall update the information contained on the form submitted last year.

(iii) Program description.

(A) Describe the goals of the county's IL program and how Title IV-E IL Program funds will be used to expand and improve services for youth in placement.

(B) Describe the intended outcomes of the program. The outcomes should be defined in measurable terms, for example, the number of youth prepared for or placed in self-sustaining employment.

(C) For counties that participated last year, update the outcome measures and, if appropriate, add new ones.

(D) Describe direct and indirect services to be developed.

(E) List and describe the specific direct and indirect services to be established, expanded or enhanced through the program. Direct services refer to activities that address the needs of youth directly, for example, life skills education. Indirect services are activities directed at building and improving agency or community resources for youth in need of IL services. Each service shall be described in sufficient detail to provide a clear understanding of what is being proposed. The description should include:

(I) The goal of the service—what does the service seek to accomplish?

(II) How will the service be delivered or carried out—what are the activities or approach used to provide the service?

(III) Who will deliver the service or carry out service activities—what agencies will be involved?

(IV) Whether the service will be supported with Title IV-E IL funds, State and county funds, or both,

(V) The number of Title IV-E IL eligible and non-eligible youth to be served in each direct service.

(VI) An estimate of the Title IV-E IL eligible and non-eligible youth who will benefit from each indirect service.

(VII) For counties that participated last year, update or add service descriptions and update the number of Title IV-E and non IV-E eligible youth to be served in each service.

(F) Describe the current IL program to be maintained.

(G) Identify those parts of the county's current IL program that will be continued without change and give the number of Title IV-E II eligible and non-eligible youth to be served during the year in each service listed.

(iv) *Coordination for resource development and service delivery.*

(A) Identify by name the agencies and organizations that will be involved in the program. Describe how they will be involved in the development and implementation of the program and list the services that are available from each of the agencies and organizations identified.

(B) Letters of support from agencies that will be active participants in the IL program—for example, providing resources: space, staff, dollars, equipment and the like—accepting referrals should be attached to the application. A letter should identify the specific type and level of support the agency will provide.

(v) *Budget.*

(A) Follow the instructions for completing the CY-809—Title IV-E IL Program Budget.

(B) The services listed on the budget form shall reflect the IL services provided by the project. If services such as assessment, training, transportation, counseling, and the like are identified in the program description, those services should also be identified on the budget form.

(g) *Review and approval of applications.* Office of Children, Youth and Families (OCYF) staff will review applications submitted and recommend approval based on how well the applications address the criteria in paragraphs (1)—(3). OCYF wishes to assure the approval of all applications. Staff will be available to work with counties as necessary to clarify or revise applications to meet review criteria.

(1) *Review criteria.*

(i) *Required information*—Is the application complete? Does it contain the required information? Does it contain the required forms? Does the application follow the prescribed format?

(ii) *Maintenance of effort*—Does the application show that Title IV-E IL funds will not supplant current funding for IL services in the county?

(iii) *Scope*—Does the application display support for a comprehensive approach to IL services that includes education, employment and counseling services for youth?

(iv) *Coordination*—Does the application reflect the active participation of local education and vocational programs, job placement and training agencies, and other public and private housing and social service agencies?

(2) *Approval process.*

(i) Staff will present their findings and recommendations to the Deputy Secretary for Children, Youth and Families, who will make the final decision on approval or disapproval of applications.

(ii) A county will be notified in writing of approval or disapproval of its application. If the application is disapproved, the notification will identify the specific reasons for disapproval.

(3) *Program reporting.*

(i) Counties will be required to submit quarterly fiscal reports to the Department. Reports are due within 45 days of the end of each fiscal quarter. The reports are to be submitted on forms provided by the Department.

(ii) Fiscal reports will show expenditures for county children and youth IL service activities as well as Title IV-E IL Program expenditures. Expenditures shall be shown by service and intermediate cost category.

(iii) Program reports shall be submitted for each youth receiving IL services under the county's program at the time of program entry, program completion, 90 days after completion and at the end of the program year on forms provided by the Department.

(iv) Program reports shall include:

(A) A description of the IL services planned and provided to each youth.

(B) The age, race, sex, living arrangement, marital and parental status, duration of foster care and special needs of each youth served.

(C) The results achieved 90 days after the youth completed the program including:

(I) Employment status.

(II) Educational status.

(III) Housing status.

(IV) Services being received.

(V) Whether the youth is living independent of agency maintenance programs.

(D) A summary of coordinating and training activities conducted during the year and a description of the results or products of the activities,

(E) Recommendations for program modifications.

Source

The provisions of this Appendix A adopted July 29, 1988, effective July 5, 1988, 18 Pa.B. 3352.

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