
45 C.F.R. § 1355.34

Criteria for determining substantial conformity.

(a) *Criteria to be satisfied.* ACF will determine a title IV-E agency's substantial conformity with title IV-B and title IV-E plan requirements based on the following:

- (1) Its ability to meet national standards, set by the Secretary, for the statewide/Tribal service area data indicators associated with specific outcomes for children and families;
- (2) Its ability to meet criteria related to outcomes for children and families; and
- (3) Its ability to meet criteria related to the title IV-E agency's capacity to deliver services leading to improved outcomes.

(b) *Criteria related to outcomes.* (1) A title IV-E agency's substantial conformity will be determined by its ability to substantially achieve the following child and family service outcomes:

(i) *In the area of child safety:*

- (A) Children are, first and foremost, protected from abuse and neglect; and,
- (B) Children are safely maintained in their own homes whenever possible and appropriate;

(ii) *In the area of permanency for children:*

- (A) Children have permanency and stability in their living situations; and
- (B) The continuity of family relationships and connections is preserved for children; and

(iii) *In the area of child and family well-being:*

- (A) Families have enhanced capacity to provide for their children's needs;
- (B) Children receive appropriate services to meet their educational needs; and
- (C) Children receive adequate services to meet their physical and mental health needs.

(2) A title IV-E agency's level of achievement with regard to each outcome reflects the extent to which a title IV-E agency has:

(i) Met the national standard(s) for the statewide/Tribal service area data indicator(s) associated with that outcome, if applicable; and,

(ii) Implemented the following CFSP requirements or assurances:

- (A) The requirements in 45 CFR 1357.15(p) regarding services designed to assure the safety and protection of
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children and the preservation and support of families;

(B) The requirements in 45 CFR 1357.15(q) regarding the permanency provisions for children and families in sections 422 and 471 of the Act;

(C) The requirements in section 422(b)(7) of the Act regarding recruitment of potential foster and adoptive families;

(D) The assurances as required by section 422(b)(8)(B) of the Act regarding policies and procedures for abandoned children;

(E) The requirements in section 422(b)(9) of the Act regarding the State's compliance with the Indian Child Welfare Act;

(F) The requirements in section 422(b)(10) of the Act regarding a title IV-E agency's plan for effective use of cross-jurisdictional resources to facilitate timely adoptive or permanent placements; and,

(G) The requirements in section 471(a)(15) of the Act regarding reasonable efforts to prevent removals of children from their homes, to make it possible for children in foster care to safely return to their homes, or, when the child is not able to return home, to place the child in accordance with the permanency plan and complete the steps necessary to finalize the permanent placement.

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