

ACF Administration for Children and Families	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children and Families	
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	3. Originating Office: Administration for Children and Families	
	4. Key Words: Title IV-E of the Social Security Act, Title IV-E Plan Pre-Print; Trafficking Victims Protection Act	

PROGRAM INSTRUCTION

TO: State, Tribal, and Territorial Agencies Administering or Supervising the Administration of Title IV-E of the Social Security Act

SUBJECT: TITLE IV-E PLAN AMENDMENT– Public Law (P.L.) 117-348 – The Trafficking Victims Prevention and Protection Reauthorization Act of 2022

LEGAL AND RELATED REFERENCES: Title IV-E of the Social Security Act (the Act), the Trafficking Victims Prevention and Protection Reauthorization Act of 2022

PURPOSE: To provide instruction on required actions for title IV-E agencies resulting from the enactment of the Trafficking Victims Prevention and Protection Reauthorization Act of 2022.

BACKGROUND: The President signed the Trafficking Victims Prevention and Protection Reauthorization Act of 2022 ([P.L. 117-348](#)) into law on January 5, 2023. The law reauthorizes and amends the Trafficking Victims Protection Act (TVPA), and amends title IV-E plan requirements.

Title IV-E Plan Amendments

P.L. 117-348 amends section 471(a)(35)(B) of the Act to make modifications to the Title IV-E Plan to:

- require more communication and details when title IV-E agencies report missing or abducted children to law enforcement and the [National Center for Missing & Exploited Children](#) (NCMEC), which include maintaining regular communication with law enforcement and NCMEC in an effort to provide a safe recovery of a missing or abducted child or youth, including sharing information pertaining to the child's or youth's recovery and circumstances related to the recovery;
- require the report submitted to law enforcement agencies and NCMEC to include, where reasonably possible:
 - a photo of the missing or abducted child or youth,
 - a description of the child's or youth's physical features, such as height, weight, sex, ethnicity, race, hair color, and eye color, and
 - endangerment information, such as the child's or youth's pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked, and other health or risk factors.

- The amendments to title IV-E are effective upon enactment. A delay is permitted if state or tribal legislation is required. See below.

Legislative delay

Congress provided a limited period of delay when the Secretary determines that legislation (other than legislation appropriating funds) is required for an agency to comply with the new title IV-E plan requirement. The law defines the delayed effective date for the provision as the first day of the first calendar quarter beginning after the close of the first regular session of the legislature that begins after the date of enactment of P.L. 117-348. If the state or tribe has a two-year legislative session, each year of the session is deemed to be a separate regular session of the legislature. CB defers to states and tribes on what they consider to be a “regular session” of the legislature. For example:

- CB may approve a delayed effective date of January 1, 2024 when the first regular legislative session that begins after January 5, 2023 closes during the last quarter of calendar year 2023.
- If a state has a two-year legislative cycle where the legislature does not meet in 2023, CB may approve a delayed effective date of July 1, 2024 when the first regular session that is held after January 5, 2023 begins January 2024 and closes May 2024.

INSTRUCTION:

- All title IV-E agencies must submit the “Certification of Required Legislation” (Attachment B) indicating whether or not they are requesting a delayed effective date to comply with the new title IV-E requirement in section 471(a)(35)(B) of the Act.
 - If a delayed effective date **is not** requested, the title IV-E agency must complete the Title IV-E Agency Plan Amendment (Attachment C) no later than 90 days from the issuance date of this PI (July 10, 2023).
 - If a delayed effective date **is** requested, the title IV-E agency must indicate the effective date in accordance with the definition above. The Certification of Required Legislation must be signed by the official with authority to sign the title IV-E plan, and submitted no later than 90 days from the issuance date of this PI (July 10, 2023) to the appropriate [CB Regional Program Manager](#) for approval. On or before the delayed effective date identified on the approved Certification of Required Legislation (Attachment B), the title IV-E agency must submit the appropriate plan amendment described below for approval.
- To complete Title IV-E Agency Plan Amendment (whether within 90 days of issuance of this PI or on the delayed effective date identified in Attachment B), the title IV-E agency must:
 1. submit Attachment C and record the applicable statutory, regulatory and/or policy references and citations for the affected federal requirement or, alternatively, submit the same information as described here in its own format;
 2. submit copies of referenced material noting the specific section of the material with page numbers, highlighting or other means, to document compliance for any cited statute, regulation, policy and/or procedure; and
 3. submit the plan and accompanying documentation electronically. A title IV-E agency may not substitute a hyperlink instead of providing electronic documents for its Pre-Print submission.

Inquiries To: [Children’s Bureau Regional Program Managers](#)

/s/

Rebecca Jones Gaston, MSW (she|her|hers)
Commissioner
Administration on Children, Youth,
and Families

Attachments:

A – [Public Law 117-348](#)

B – Certification of Required Legislation

C – Title IV-E Agency Plan Amendment

Disclaimer: The contents of this document do not have the force and effect of law and are not meant to bind the public in anyway, unless specifically incorporated into a contract. This document is intended only to provide clarity to the public regarding existing requirements under the law.

Attachment B: CERTIFICATION OF REQUIRED LEGISLATION

Instructions for title IV-E agencies: The official with authority to sign the title IV-E plan must complete and sign either section 1 or section 2 below.

Section 1: Title IV-E agency request for a delayed effective date:

I hereby request a delayed effective date and certify that legislation is necessary to comply with the title IV-E plan requirement at 471(a)(35)(B) of the Act that modifies the requirements for communication with law enforcement agencies and the National Center for Missing and Exploited Children (NCMEC) as amended by P.L. 117-348.

The delayed effective date is the first day of the first calendar quarter beginning after the close of the first regular session of the legislature that begins after the date of enactment of P.L. 117-348. In the case of a State or Tribe that has a two-year legislative session, each year of the session shall be deemed to be a separate regular session of the legislature.

- The first regular session of the legislature that begins after January 5, 2023 (date of enactment) begins on _____ and closes on _____.
- The calendar quarter that begins after the close date above is _____.
- The delayed effective date for compliance with the title IV-E plan requirement at section 471(a)(35)(B) of the Act will be _____ (The first day of the calendar quarter above).

(Date)

(Signature and Title of Designated Agency Official)

CB Approval Date: _____

(Signature, Associate Commissioner, Children's Bureau)

Section 2: The title IV-E agency *does not request* a delayed effective date:

I hereby certify that a delayed effective date is not necessary to comply with the plan requirement under section 471(a)(35)(B) of the Act amended by P.L. 117-348 and enumerated above.

(Date)

(Signature and Title of Designated Agency Official)

**ATTACHMENT C: AGENCY PLAN AMENDMENT FOR TITLE IV-E
OF THE SOCIAL SECURITY ACT
FOSTER CARE AND ADOPTION ASSISTANCE
STATE/TRIBE OF _____**

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIES
CHILDREN'S BUREAU
April 2023

As a condition of the receipt of Federal funds under title IV-E of the Social Security Act (hereinafter, the Act), the

(Name of State/Tribal Agency)

submits here a plan for the programs to provide, in appropriate cases, foster care and adoption assistance, and if the State/Tribal agency elects, guardianship assistance, under title IV-E of the Act and hereby agrees to administer the programs in accordance with the provisions of this plan, title IV-E of the Act, and all applicable Federal regulations and other official issuances of the Department.

The official text of laws, regulations and official issuances governs, and the State/Tribal agency acknowledges its responsibility to adhere to them regardless of the fact that, for purposes of simplicity, the specific provisions printed herein are sometimes paraphrases of, or excerpts and incomplete quotations from, the full text. Statutory citations refer to provisions in title IV-E of the Social Security Act. Regulatory citations refer to provisions in 45 CFR Parts 1355 and 1356.

The State/Tribal agency understands that if and when title IV-E is amended or regulations are revised, a new or amended plan for title IV-E that conforms to the revisions must be submitted.

Federal Regulatory/ Statutory References	Requirement	State Regulatory, Statutory, and Policy References and Citations for Each
	SECTION 4. GENERAL PROGRAM REQUIREMENTS	
471(a)(35)(B)	P. SEX TRAFFICKING VICTIMS AND MISSING CHILDREN For each child and youth described in 471(a)(9)(C)(i)(I) of the Act, the State/Tribal agency shall report immediately, and in no case later than 24 hours after receiving, information on missing or abducted children to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, and to the National Center for Missing and Exploited Children (referred to in this subparagraph as “NCMEC”), and that the State/Tribal agency shall maintain regular communication with law enforcement agencies and NCMEC in efforts to provide a safe recovery of a missing or abducted child or youth, including by sharing information pertaining to the child’s or youth’s recovery and circumstances related to the recovery, and that the State/Tribe report submitted to law enforcement agencies and NCMEC shall include where reasonably possible— (i) a photo of the missing or abducted child or youth; (ii) a description of the child’s or youth’s physical features, such as height, weight, sex, ethnicity, race, hair color, and eye color; and (iii) endangerment information, such as the child’s or youth’s pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked, and other health or risk factors;	

CERTIFICATION

I hereby certify that I am authorized to submit the title IV-E Plan on behalf of

(Designated State/Tribal Agency)

Date _____

(Signature)

(Title)

APPROVAL
DATE: _____

EFFECTIVE
DATE: _____

(Signature, Associate Commissioner, Children's Bureau)