enumerated below. Projects conducted under this waiver authority must according to statute:

 Be consistent with the purposes of titles IV-B and IV-E of the Social Security Act in providing child welfare services, including foster care and adoption, that is:

- -Assure the safety of children and protect the rights of children and their families; and
- -Ensure permanency for children through intensive family preservation and support or through reunification or adoption efforts;

 Be cost neutral to the federal government for the duration of the project period; and

 Ensure that benefit eligibility to a qualified child or family will not be impaired.

In addition, the demonstration project should also be guided by the following principles:

 Focus on improving outcomes for children and families and the efficacy with which services are provided;

• Be open to public scrutiny at the local, State and Federal levels, and be based upon broad consultation and full opportunity for public comment;

 Provide services in which the level of State intrusion into family life is consistent with the seriousness of the risks to family members;

 Comply with appropriate civil rights statutes and regulations; and

 Present a policy-relevant hypothesis that is testable by a welldesigned evaluation plan.

## **Objectives**

In implementing the waiver demonstrations, the Administration for Children and Families proposes to encourage States to test programmatic hypotheses which accomplish certain service delivery program goals. Some of the general objectives to be considered by the States in developing their demonstration projects may include the following:

 Development of family focused, strengths-based, community-based service delivery networks that enhance the child-rearing abilities of families to enable them to remain safely together in their homes whenever possible;

 Better results for children and families, such as: Better assuring the safety and protection of children; enhancing and enriching child development; strengthening family functioning and averting family crises; providing early intervention to avoid out-of-home placement; reducing the time that children are separated from their families; speeding the process by

which children who cannot return home Provisions Not Subject To Waiver are freed for adoption and adopted; or preparing young people in foster care for independent living;

 Knowledge which, when confirmed by rigorous evaluation, can be employed by other States and Federal policymakers to improve outcomes for children and families or increase efficiency or both;

 Innovation and State demonstrations of the benefits available from thoughtful initiatives developed at the State or local level; and

 Information and experience on which to base legislative changes.

Also, in the testing of new program approaches to the delivery of child welfare services, the Department will consider proposals which involve parallel projects of title IV-A (AFDC) waivers. Associated title IV-A waiver requests must be included in the proposal for titles IV-B and E waivers. However, cost neutrality must be measured for titles IV-B and E separately from the cost neutrality calculations associated with other waivers.

While the Department expects to review a range of proposals, it may disapprove or limit proposals on policy grounds or because the proposal creates potential constitutional problems or violations of civil rights laws or equal protection requirements. The Department seeks proposals which enhance the quality of and access to services. Within this overall policy framework, the Department is prepared to:

- —Grant waivers to test the same or related policy innovations in multiple States (replication is a valid mechanism by which changes can be assessed); and
- -Approve waiver demonstration projects ranging in scale from reasonably small to statewide.

Because this waiver authority must be limited to ten States, the Department will give preference to proposals which would test policy alternatives which are unique; which differ in their approach to serving families and children; and which differ in significant ways from other proposals. However, the Department encourages States which may be planning to propose demonstration projects which are similar to each other, to consider collaborating on the design of the projects and their evaluations, to produce a test of the same demonstration project in diverse settings.

Section 1130 (b)(1) excludes certain provisions of titles IV-E and IV-B from waiver. They are:

A. Certain protections for children in foster care and their families, formerly required by section 427 of the Social Security Act (now section 422(b)(9), which will become effective April 1, 1996, will make those protections an element of a State's Child Welfare Services State Plan). These protections are fully explained in section 475 of the Act. This excludes from waiver: (1) All the protections having to do with periodic reviews of the status and progress of foster care cases; (2) dispositional hearings to determine or confirm the future plan for the child and to determine whether an independent living plan is needed for older children in care; (3) requirements that certain information be contained in a child's case plan; (4) protections for the child such as requirements that the placement be the most family-like setting and in close proximity to the parents' home; and (5) protections for the family such as procedural safeguards to assure that parental rights are respected.<sup>1</sup>

B. Section 479 which establishes the Adoption and Foster Care Data collection requirements.

C. Any provision of title IV-E to the extent that a waiver would impair the entitlement of any qualified child or family to benefits including the provisions of sections 471 (a)(8) and (12) which provide for confidentiality and fair hearings, respectively.

All other provisions are available to be waived. (See Appendix I for a brief listing of possible waivable provisions. This listing should be considered only as a list of possible suggestions and not an all-encompassing list of possible waivers.)

## **III. Duration**

Section 1130 (d) of the Social Security Act limits the duration of the waiver demonstration to not more than five years. The Department will consider demonstrations with a duration of less than five years, and will work with States to:

• Approve waivers of sufficient duration to give new approaches a fair test. The duration of waiver approval should be commensurate with the magnitude and complexity of the

<sup>&</sup>lt;sup>1</sup>While the *documentation* often associated with section 427 protections is not a statutory requirement, and therefore needs no waiver, some States may be interested in proposing alternative, less burdensome methods of assuring compliance with the law. The Department would entertain such alternative methods, even if no formal waiver is required.