

States Courthouse, 1130 'O' Street in Fresno.

POINT OF CONTACT: Mr. Javad Soltani, Asset Manager, United States General Services Administration, The Pacific Rim Region, at (415) 744-5255.

Dated: June 6, 1995.

Aki K. Nakao,

Deputy Regional Administrator.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Child Welfare Waiver Demonstrations Pursuant to Section 1130 of the Social Security Act (the Act); Titles IV-E and IV-B of the Act; Public Law 103-432

AGENCY: Administration on Children, Youth and Families (ACYF), ACF, DHHS.

ACTION: Public notice.

SUMMARY: This public notice announces that the Department of Health and Human Services (Department) is seeking proposals on child welfare demonstration projects and informs interested parties of (1) the principles the Department will consider in exercising its discretion to approve or disapprove demonstration projects under the authority in section 1130 (b) (of Part A of title XI) of the Social Security Act, added by Pub. L. 103-432; (2) the procedures the Department expects States to employ in involving the public in the development of proposed demonstration projects under section 1130; and (3) the procedures the Department will follow in receiving demonstration proposals. The principles and procedures described in the public notice are being provided for the information of interested parties and are not legally binding on the Department. This notice does not create any right or benefit, substantive or procedural, enforceable at law or equity, by any person or entity, against the United States, its agencies or instrumentalities, the States, or any other person.

FOR FURTHER INFORMATION CONTACT: Michael W. Ambrose, Children's Bureau, Administration on Children, Youth and Families, HHS at (202) 205-8740.

SUPPLEMENTARY INFORMATION:

I. Introduction

Demonstration Proposals Pursuant to Section 1130 of the Social Security Act—General Policies and Procedures

Under section 1130, the Department of Health and Human Services is given authority to permit as many as ten States to conduct demonstration projects which involve the waiver of certain requirements of titles IV-B and IV-E, the sections of the Social Security Act which govern foster care, adoption assistance, independent living, child welfare services, family preservation and support, and related expenses for program administration, training, and automated systems.

The Department desires to facilitate the testing of new approaches to the delivery of a broad range of child welfare services. Such demonstrations can provide valuable knowledge that will help lead to improvements in the delivery, effectiveness and efficiency of services. The Department is committed to both a thorough and an expeditious review of State requests to conduct such demonstrations.

In exercising her discretionary authority, the Secretary has developed a number of policies and procedures for reviewing proposals. In order to ensure a sound, expeditious and open decision-making process, the Department will be guided by the policies and procedures described in this statement in accepting and reviewing proposals submitted pursuant to Section 1130.

II. Background

The child welfare system is in a period of great crisis and great challenge. Current social and economic forces are placing enormous pressures and stresses on children and families and on the professionals and agencies that serve them. Rising rates of child and family poverty, a greater number of teen pregnancies, the substance abuse and AIDS epidemics and the increasing levels of interpersonal and community violence have resulted in a loss of family strength and unity and increasing multiple challenges to very fragile families. These issues have resulted in increasing caseloads, consisting of much more complex family problems. Community and State agencies with limited resources are struggling to address these issues.

New, creative efforts are needed to stimulate meaningful changes in the delivery of child welfare services and foster more effective methods of service delivery to children and families. Throughout the country, local and State

child welfare agency administrators are developing innovative responses to these circumstances. Knowledgeable child welfare professionals are developing new solutions to these challenges even when faced with insufficient resources. In order to meet the existing service needs of families with diminishing resources, more flexibility is needed in devising service programs.

In addition, a wide range of efforts is underway to foster more effective working relationships among Federal, State and local governments which will strengthen Federal-State partnerships in developing a responsive child welfare service delivery system. This new partnership is an integral part of several programs administered by the Administration for Children and Families (ACF). For example, the Family Preservation and Support Services program (Subpart 2 of title IV-B of the Social Security Act) provides funds to assist States in assessing the needs of children and families, re-examining the States' systems for meeting such needs, and developing a five-year plan for the implementation of family preservation and support services and for the accomplishment of systems change. The Family Preservation and Support planning process is designed to involve all the stakeholders and other appropriate parties in an effort to improve services for children and families.

Another aspect of the Family Preservation and Support effort provides funds for State Courts to assess their role in responding to the needs of children and families, and develop improvement plans based on these self-assessments. The Statewide Automated Child Welfare Information System (SACWIS) provides funds, at the rate of 75 percent Federal share, for the development or expansion of child welfare information systems which will help States link child welfare program data and operations with other programs, especially AFDC and child abuse and neglect programs.

Another key example of the Department's efforts to foster more effective working relationships is the development of a new outcomes-based approach to child welfare monitoring. Several States have agreed to participate with ACF in the conduct of monitoring pilot tests during fiscal year 1995.

General Considerations

Principles

The implementation of the Child Welfare Waiver Demonstration Project will be guided by the principles

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 well-designed 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 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.

Provisions Not Subject To Waiver

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.¹

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

¹ 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.

project. For example, a large-scale statewide program may require the full five years. Smaller projects, for example a one-to several county demonstration effort, may demonstrate their effectiveness and utility in a shorter timeframe;

- ◆ Provide reasonable time for the preparation of meaningful evaluation results of the demonstration project; and
- ◆ Determine a reasonable start date for the project recognizing that new approaches often involve considerable start-up time.

Prior to final approval, negotiated agreements will be established between the State and the Department which include provisions to cancel/suspend/modify the demonstration project: (1) If it is determined that, in the conduct of the project, appropriate and sufficient services cannot be provided to eligible participants or the safety and protection of children would be jeopardized; or (2) for any other reason deemed adequate and sufficient for suspension/cancellation by the State or the Department.

IV. Evaluation

Section 1130 (f) requires that each State authorized to conduct a waiver demonstration project obtain an evaluation by an independent contractor to assess the effectiveness of the project. The evaluation plan, at a minimum, must provide for:

- (1) A comparison of outcomes for children and families, and groups of children and families, under the project and such outcomes under an existing State plan or plans, for purposes of assessing the effectiveness of the project in achieving program goals; and
- (2) A comparison of methods of service delivery under the project and such methods under a State plan or plans, with respect to efficiency, economy and any other appropriate measures of program management.

Section 1130 (e)(1) requires the proposal to describe both the children and families who would be served by the waiver demonstration project and the services which would be provided. The Department is committed to testing a range of program strategies. The Department encourages, where appropriate, that the proposal provide for random assignment of children and families to groups served under the project and control groups, but is open to various other evaluation techniques. For example, in a proposed demonstration effort that would necessarily affect 100% of the population to be served, a random assignment methodology would not be appropriate.

The Department is also eager to ensure that the evaluation process be as unintrusive as possible to the clients in terms of implementing and operating the approach to be demonstrated, while ensuring that critical lessons are learned from the demonstration effort.

If the State proposes an alternative to random assignment, the proposal must include a justification explaining why random assignment is not appropriate and how the alternative methodology will meet evaluation needs.

The evaluation design must include a clear statement of the evaluation questions.

The State demonstration project managers must meet with Department staff within 30 days after project approval to finalize the evaluation design and reporting schedule and make changes, as necessary. In general, the Department will require an evaluation update report at 12 months; an Interim Evaluation Report to be submitted within 30 months after project start-up; another update report at 48 months; and a Final Evaluation Report to be submitted 90 days after the project ends.

The costs of the required independent evaluation of each State's demonstration project will be excluded from the cost-neutrality calculation. In addition, the costs for the development of the proposal and the evaluation design as well as the costs of the evaluation itself, may be charged to title IV-E administrative costs without cost allocation, so that States may claim a full fifty percent of these costs as title IV-E administrative costs.

Subject to the availability of funding, a national contract will be awarded to collect information from the approved demonstration projects; produce annual reports for the Department and the general public; collect, analyze and report the results of each demonstration project; and prepare a national summary of the Child Welfare Waiver Demonstrations at the completion of the project period. All approved applicants must provide an assurance that they will agree to cooperate and collaborate in this evaluation effort. Periodic meetings between the national contractor and the ten evaluators will be held in order to coordinate the evaluation of the waiver demonstration project. It is anticipated that there will be one coordination meeting annually in addition to the other required meetings indicated in this Public Notice.

V. Cost Neutrality

Section 1130 (g) requires that the waiver demonstration project be cost-neutral, that is, the total amount of federal funds used to support the

demonstration project, over the approved project period, will not exceed the amount of federal funds that would have been expended by the State under the State plans approved under Parts B and E of title IV if the waiver demonstration project were not conducted. The Department will monitor demonstration projects, as outlined in this section and elsewhere in this Announcement, to track interim results and spending, and to assure federal cost neutrality, where needed, as the demonstration project progresses. The Department will work with a State to maintain cost neutrality throughout the period of the demonstration project, by modifying the project or taking other appropriate action.

The Department will allow States to project cost neutrality over the life of a demonstration project, rather than on a year by-year basis, since many demonstrations involve making "up-front" investments in order to achieve out-year savings. The Department will set a cap on the total "up-front" federal dollar amount associated with any demonstration project. The determination of cost-neutrality will be completed before the demonstration project begins, and fiscal effects will be carefully monitored, along with other project results, as the demonstration project progresses and the State submits the required fiscal and programmatic reports.

Waivers will not be granted if the Department determines that up-front costs present too great a risk to the maintenance of cost neutrality over the life of the project. Should added federal costs attributable to the demonstration project exceed projections or a cap on up-front costs, continuation of the demonstration project will be conditioned on modification of the project or other action that will maintain federal cost neutrality.

The Department encourages, where appropriate, the use of random assignment of individuals for evaluation and as a method for determining the fiscal effects of the demonstration project but recognizes that this method may not be appropriate for certain demonstration projects. In randomly assigning individuals to experimental and control groups, the costs associated with the control group (foster care rates and administrative costs) become the baseline for cost neutrality (i.e., the average cost for a control group case is assumed to be the amount that would have been spent on each experimental case). If an alternative method is proposed, then other methods of measuring cost neutrality should be used. In the proposal, States should

outline the projected costs for the demonstration project and detail:

- The method by which current costs have been derived, and their basis;
- The method for projecting costs of the demonstration, and for projecting the costs which would have been incurred in the absence of a demonstration, and their bases;
- Any factors the State may propose for adjusting cost estimates over the life of the demonstration project, and their bases; and
- The method the State proposes for measuring costs during the demonstration, including actual costs of the demonstration, and the frequency, nature, and specific cost elements of proposed fiscal reports.

The Department recognizes the difficulty of projecting and measuring title IV-E and title IV-B expenditures, and is open to methodology(ies) the State(s) may propose. However, the Department favors random assignment, where appropriate, as the methodology for the evaluation component, and as a method for determining the fiscal effects of a demonstration as well. The Department will work with States in measuring actual fiscal experience against cost projections. Fiscal reports on the demonstration project will be due on a quarterly or at least a semi-annual basis.

States may be required to conform, within a reasonable period of time, relevant aspects of the demonstrations to changes in Federal legislation.

VI. Technical Assistance

Pre-approval technical assistance will be provided by Children's Bureau staff or Regional Office staff to any State which requests assistance in applying for a waiver demonstration project. Pre-approval consultation with the State can include answering specific questions, providing assistance with cost neutrality and cost allocation issues, reviewing draft proposals and referring States to sources of non-federal assistance for the formulation of evaluation plans.

Federal staff will not participate in determining the basic nature of a State's demonstration project, but will provide assistance related to preparing a proposal. The Department will provide technical assistance to all interested States, upon request, in order to speed approvals and improve the quality of the review process.

After approval, Federally-provided third-party technical assistance will be available, to a limited extent, to support approved demonstration projects. In addition, the Department will consider proposals from interested States for

other partnership roles which the Department might assume (the conduct of a targeted program review, for example) and which would be memorialized in the waiver approval document.

The Department is committed to minimizing the administrative burden on the States, and the processing time for waiver proposals.

VII. Proposal Review

The proposals will be evaluated by a panel of federal officials, who will also consider any comments received from outside experts and the general public. Regional Office staff will be asked to complete an independent review of proposals submitted by States in their respective Regions; these reviews will be included in the final decision-making process. If the review discloses questions or issues with a proposal, Regional Office staff will be asked to contact the State for more information or to resolve the problem so that the process can continue. The State(s) will be permitted a reasonable period of time to address the issues raised by the review.

Deadlines

Deadlines are established to provide a fair and orderly process for review and approval. It is anticipated that proposals will be received on a "rolling" basis.

The deadline for the initial set of proposals, Round One, is July 31, 1995. Proposals received by that date will be reviewed first and will be given priority for consideration. However, if there are not ten proposals in Round One, or there are not ten proposals approved after completion of the review, then additional proposals will be accepted and considered for approval. *Additional proposals will be received any time after the initial due date until September 30, 1995 (Round Two).* If the Department has not already approved ten child welfare waiver demonstration projects, additional proposals will be reviewed quarterly until ten proposals are approved. Once ten projects have been approved, all States will be notified and all proposals not approved will be returned.

Approvals will be announced as decisions are made. If a State can make a compelling argument for an expedited review, the Department will try to accommodate such a request.

If necessary, an agreement can be negotiated between the State and the Department to start the demonstration project at some date in the future. For example, if some action of the State legislature is required as an integral element of a demonstration, the five

year period for that demonstration would not start until the legislature had acted.

Public comments will be solicited in the course of the review process. (See Section VIII.) The States will be asked to demonstrate that their proposals are based on broad consultation, such as focus groups and public forums, or legislative hearings.

VIII. State Notice Procedures

The Department recognizes that individuals who may be affected by a demonstration project have a legitimate interest in learning about proposed projects and having input into the decision-making process prior to the time a proposal is approved by the Department. The Department requires that States provide notification to the public that a waiver demonstration effort is being proposed.

A process that facilitates public involvement and input promotes sound decision-making. There are many ways that States can provide for such input. In order to allow for public input into the proposal, the Department will accept any process that:

- ◆ Includes the holding of one or more public hearings, at which the most recent working proposal is described and made available to the public, and time is provided during which comments can be received; or

- ◆ Uses a commission or other similar process, where meetings are open to members of the public, in the development of the proposal; or

- ◆ Results from enactment of a proposal by the State legislature prior to submission of the demonstration proposal, where the legislature holds one or more public hearings and the outline of such proposal is contained in the legislative enactment; or

- ◆ Provides for formal notice and comment in accordance with the State's administrative procedures act; provided that such notice must be given at least 30 days prior to submission; or

- ◆ Includes notice of the intent to submit a demonstration proposal in newspapers of general circulation, and provides a mechanism for receiving a copy of the working proposal and an opportunity, which shall not be less than 30 days, to comment on the proposal; or

- ◆ Includes any other similar process for public input that would afford an interested party the opportunity to learn about the contents of the proposal, and to comment on its contents.

The State shall include in the demonstration proposal it submits to the Department a description of the process that was used in the State to obtain

public input. If the Department determines that the process was inadequate to meet the standards set forth above, the State can resolve the inadequacy by posting a notice in the newspaper of widest circulation in each city with a population of 100,000 or more, or in the newspaper of widest circulation in the State if there is no city with a population of 100,000, indicating that a demonstration proposal has been submitted. Such notice shall describe the major elements of the proposed demonstration and any changes in benefits, payments, responsibilities, or provider selection requested in the proposal. The notice shall indicate how an interested person can obtain copies of the proposal and shall specify that written comments will be accepted by the State for a period of thirty days. If a State follows such a procedure, the State should respond to requests for copies of the proposal within seven days. The State should maintain a record of all comments received through this process.

The States must advise the public that comments regarding the proposed child welfare demonstration project can be made directly to ACF. Written comments can be submitted to Michael W. Ambrose, Children's Bureau, ACF, PO Box 1182, Washington, DC 20013.

All HHS commitments with respect to times for responding to demonstration proposals shall be delayed until this process is completed.

IX. Proposal Requirements

Any State seeking to conduct a waiver demonstration must submit a proposal which, at a minimum, must include:

(a) A description of the proposed project with an explanation of its purpose (for example, if the project is intended to overcome barriers to services, a statement to that effect, a description of the barriers, and a description of the process that will be used to overcome the barriers to service provision).

(b) Demographic information, including the geographic area(s) in which the proposed project will be conducted; and a description and an estimate of the number of children or families who would be served by the proposed project.

(c) A description of the services which will be provided by the proposed project.

(d) A copy of letters of agreement between the State and any county, municipality, foundation, private agency or any other governmental organization that is to be a participant in the waiver demonstration project.

(e) A statement of the period during which the proposed project will be conducted.

(f) A discussion of the benefits that are expected from the project as compared to the continuation of current service delivery activities, including a statement of the State's vision or overall purpose for the waiver demonstration; a statement explaining how the State expects service provision will be improved for children and families or any anticipated changes in the service delivery mechanism(s); and a statement explaining what goals/purposes/aims/outcomes the State expects to realize at the end of the demonstration effort and how service provision will have changed for children and families.

(g) An estimate of the costs or savings of the project, along with a description of the basis and methodology for cost estimates or projections and the proposed method for measuring actual costs.

(h) A statement of program requirements for which waivers will be needed to permit the proposed project to be conducted.

(i) A description of the proposed evaluation design.

(j) A description of the State's efforts to encourage and support linkages and coordination among existing planning bodies, for example, the family preservation/family support planning or an Empowerment Zone/Enterprise Community (EZ/EC) planning body to be involved in the monitoring, oversight or support of the proposed waiver demonstration.

(k) A description of any similar project already underway in the State that is supported by State or foundation funds and/or a statement on the State's ability to successfully implement the waiver demonstration project.

(l) A specific proposal, if any is needed, to waive provisions of title IV-A (AFDC) in order to support or enhance the efforts of the title IV-B or IV-E waiver demonstration. (In any event, cost neutrality must be maintained for title IV-B and E funds separately from title IV-A funds.)

X. Federal Notice

The Department intends to publish a periodic summary in the **Federal Register** of all new and pending proposals submitted pursuant to section 1130. The notice will indicate that the Department accepts written comments regarding all child welfare waiver demonstration project proposals.

The Department will maintain a list of organizations that have requested notice that a demonstration proposal has been received and will notify such

organizations when a proposal is received.

XI. Comments

The Department will not approve or disapprove a proposal for at least 30 days after the proposal has been received, in order to receive and consider comments. The Department will attempt, if feasible, to acknowledge receipt of all comments, but the Department will not provide written responses to comments.

XII. Federal Role

Because of the special nature of this effort and the critical national implications, the overall management of the waiver demonstration project will be the responsibility of the Children's Bureau in Washington, DC. ACF Regional Office staff will have the principal responsibility for on-site liaison.

State program managers for the demonstration projects will be required annually to attend a four day meeting in Washington, DC, to be held in conjunction with the Children's Bureau National Child Welfare Conference, to discuss the demonstration projects' developments and progress. The cost of attendance will be excluded from the cost-neutrality calculation, and will be chargeable to title IV-E administrative costs without cost allocation.

XIII. Administrative Record

The Department will maintain an administrative record which will generally consist of: The formal demonstration application from the State; correspondence sent to the State regarding issues/problems with the application and the State's response; public and Congressional comments sent to the Department and any Department responses; the Department's decision memorandum regarding the granting or denial of a proposal; and the final terms and conditions, and waivers, sent to the State and the State acceptance of them.

XIV. Sub-State Demonstration

When a demonstration is to be implemented in only part of a State, the State will be required to provide information on the likely demographic composition of populations subject to and not subject to the demonstration in the State. When relevant, the Department will require that the evaluation component of a project address the impact of the project on particular subgroups of the population.

XV. Implementation Reviews

As part of the terms and conditions of any demonstration proposal that is granted, the Department may require periodic assessments of how the project is being implemented. The Department will review, and when appropriate investigate, documented complaints that a State is failing to comply with requirements specified in the terms and conditions and implementing waivers of any approved demonstration.

XVI. Legal Effect

This notice is intended to inform the public and the States regarding procedures the Department ordinarily will follow in exercising the Secretary's discretionary authority with respect to State demonstration proposals under section 1130. This notice does not create any right or benefit, substantive or procedural, enforceable at law or equity, by any person or entity, against the United States, its agencies or instrumentalities, the States, or any other person.

(Catalog of Federal Domestic Assistance Program Numbers 93.645, Child Services—State Grants; 93.658, Foster Care Maintenance; 93.659, Adoption Assistance)

Dated: June 12, 1995.

Mary Jo Bane,

Assistant Secretary for Children and Families.

Appendix I

This is a list of program ideas that have been suggested by States or others in response to the Department's requests for suggestions. They are listed only as a means of outlining, for States interested in proposing a child welfare waiver demonstration project, the broad range of possible demonstrations that the Department would consider. Whether these sample ideas would be cost-neutral would depend, of course, on how a State proposes to implement them. Similarly, the method of implementation could affect whether a waiver demonstration project would meet the statutory requirement that it not "impair the entitlement of any qualified child or family to benefits under a State" title IV-E Plan.

This list should not be regarded as limiting a State in any way in conceiving demonstration ideas.

- ◆ To meet the need for specialized foster care, and to reduce the amount spent on institutional care, train AFDC recipients or other low income persons to be professional, paid foster parents for specialized foster home placements; ensure appropriate licensing and possibly provide housing subsidies or homeownership assistance to assure the stability of the specialized foster home as a long-term resource.

- ◆ Broaden the use of title IV-E to fund services for children, their parents, and foster families, and to fund preventive services for families at risk, with the expectation that total time in out-of-home care would be

reduced, and in some cases foster placements could be avoided.

- ◆ Provide better services at lower cost by, where appropriate, returning children, especially adolescents, from out-of-State institutional placements. Such a demonstration might include both foster care youth and youth who are in the juvenile justice system. The expectation is that placing them in community-based specialized family foster homes, or community-based group homes, will reduce the total time in out-of-home care.

- ◆ Provide subsidized guardianship or other arrangements which would allow children to stay or be placed in a familial setting that is more cost-effective than continuing them in foster care.

- ◆ For older adolescents in independent living, allow title IV-E funds to be used for the cost of an apartment for a period of time before the youth leaves foster care, and a short period thereafter, to achieve more stable placements for youth.

- ◆ Expand the availability of in-home respite care for foster families, with the expectation that administrative costs, including the costs of recruiting foster families, will be controlled, and more stable placements will result in shortened stays in out-of home care.

- ◆ Provide State-funded parental visitation for parents whose children are in institutional care, including the costs of telephone calls, transportation, and other expenses associated with maintaining or improving contact. The expectation is that more contact between parents/families and children in care can shorten stays in institutional placements.

- ◆ Enter into agreements with private providers to test a managed care concept, with clearly specified and measurable outcomes to be achieved for each family, at a fixed cost negotiated in advance, with the expectation that fiscal incentives would produce a better result with no increase in cost.

- ◆ Enter into agreements with Indian Tribes to permit full access to all aspects of title IV-E funding, with the expectation that services for tribal children and families will improve, while State costs of providing or managing those services will decline.

- ◆ Where court processes are unduly delaying adoptions, enter into agreements with courts to fund adoption-related work as if it were an administrative cost under title IV-E, with the expectation that the courts would then be able to speed adoptions, producing permanency for children earlier, and reducing foster care and case management costs.

- ◆ Seek a waiver of some provision(s) of title IV-A (AFDC), possibly in combination with a title IV-E or IV-B waiver, which might help achieve child welfare objectives. For example, a waiver which allowed a State to continue AFDC payments (in whole or in part) for a period of time, for a family from which the children had been removed, but where reunification is the goal and the loss of AFDC benefits would likely result in

homelessness, thus frustrating reunification efforts.

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Food and Drug Administration

[Docket No. 95N-0165]

Drug Export; COMBIVENT® (Ipratropium Bromide and Albuterol Sulfate) Inhalation Aerosol 20 Micrograms (µg)/120 µg/Metered Dose

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Boehringer Ingelheim Pharmaceuticals, Inc., has filed an application requesting conditional approval for the export of the human drug COMBIVENT® (ipratropium bromide and albuterol sulfate) Inhalation Aerosol 20 µg/120 µg/metered dose to Canada.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: James E. Hamilton, Center for Drug Evaluation and Research (HFD-310), Food and Drug Administration, 7520 Standish Pl., Rockville, MD 20857, 301-594-3150.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Boehringer Ingelheim Pharmaceuticals,