

ACF

**Administration
for Children
and Families**

U.S. DEPARTMENT OF HEALTH AND HUMAN
SERVICES

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INFORMATION MEMORANDUM

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

SUBJECT: Final Rule on Separate Licensing Standards for Relative or Kinship Foster Family Homes

RELATED REFERENCES: Sections 471(a)(10), (11), (20), and 474 of Title IV-E of the Social Security Act; Public Law (P.L.) 115-123; 45 CFR 1355.20 and 1356.21(m)

PURPOSE: The purpose of this Information Memorandum (IM) is to inform title IV-E agencies that the Administration for Children and Families (ACF) published a final rule amending 45 CFR 1355.20 and 1356.21(m).

INFORMATION: The ACF published a final rule in the Federal Register on September 28, 2023 ([88 FR 66700](#)). The final rule amends regulations to: (1) allow a title IV-E agency to adopt one set of licensing or approval standards for all relative or kinship foster family homes that is different from the licensing or approval standards used for non-relative foster family homes; (2) require that during a title IV-E agency's periodic review in accordance with section 471(a)(11) of the Act, the agency review foster care maintenance payments to ensure that children receive the same amount of FCMP whether placed in a licensed or approved relative, kinship, or unrelated foster family home; and (3) align the definition of "foster family home" with changes made by Public Law 115-123, the Family First Prevention Services Act, to limit the definition of a foster family home to the "home of an individual or family," and to require that the foster parent reside in the home with the child.

ACF encourages all title IV-E agencies to adopt licensing or approval standards for relative or kinship foster family homes that place as few burdens on such families as possible, consistent with ensuring the safety and well-being of children in foster care. Separate licensing or approval standards can have an especially strong impact on underserved groups that traditionally rely more heavily on kin and family in times of need. Adopting separate licensing standards enables title IV-E agencies to provide more support to low-income prospective relative and kin caregivers, many of

whom are families of color, are from underserved rural areas, or are members of other communities in which long-term systemic factors such as poverty hamper families from making intergenerational progress. Specifically, ACF encourages title IV-E agencies to strongly consider developing standards for relative and kinship foster family homes that meet only the requirements in the Act for: licensing or approval standards established by the licensing authority that are reasonably in accordance with recommended standards of national organizations for foster family homes related to admission policies, safety, sanitation, protection of civil rights, and use of the reasonable and prudent parenting standard (section 471(a)(10)(A) of the Act), and ensuring that the relative or kin fully meets federal requirements for criminal background checks for all foster parents (section 471(a)(20) of the Act). ACF will provide title IV-E agencies instructions for implementing this final rule at a later date.

_____/s/_____
Rebecca Jones Gaston, MSW (she|her|hers)
Commissioner
Administration on Children, Youth, and Families
Administration for Children and Families
U.S. Department of Health and Human Services

LINK: [SEPARATE LICENSING STANDARDS FOR RELATIVE OR KINSHIP FOSTER FAMILY HOMES](#)

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