

ACF

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U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration on Children and Families

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4. Key Words: Title IV-E of the Social Security Act, Title IV-E Plan Pre-Print;

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—Separate Licensing Standards for Relative or Kinship Foster Family Homes

LEGAL AND RELATED REFERENCES: Section 471(a)(11) of the Social Security Act; 45 C.F.R. 1355.20; 45 C.F.R. 1356.21(m)

PURPOSE: To provide instruction to title IV-E agencies on title IV-E plan amendments resulting from the promulgation of Separate Licensing Standards for Relative or Kinship Foster Family Homes (88 FR 66700).

BACKGROUND:

On September 28, 2023 ACF issued a final rule amending the regulations at §1355.20 to allow title IV-E agencies to claim title IV-E federal financial participation (FFP) for the cost of foster care maintenance payments (FCMP) on behalf of an otherwise eligible child who is placed in a relative or kinship licensed or approved foster family home when the agency uses licensing or approval standards for relative or kinship foster family homes that differ from the standards used for non-relative foster family homes. The final rule also amended section 1356.21(m) to require that during a periodic review mandated by section 471(a)(11) of the Act, title IV-E agencies assure that a licensed or approved relative or kinship foster family home receives the same amount of FCMP that would have been made if the child was placed in a non-related/non-kinship foster family home ([88 FR 66700](#)). ACF also issued Information Memorandum ACYF-CB-IM-23-07 announcing publication of the final rule.

INSTRUCTION:

A. Separate Licensing or Approval Standards for Relative or Kinship Foster Family Homes.

Title IV-E agencies that choose to adopt standards for all relative or kinship foster family homes that are different from the licensing standards used for non-relative/non-kin foster family homes must submit an amendment to the title IV-E plan to the ACF Regional Office for approval prior to claiming

FFP for administration and/or FCMPs on behalf of children placed in homes licensed under the separate standards. To claim FFP for separate standards, the title IV-E agency must submit Attachment A of this PI, including:

1. Section 4.A of the title IV-E Plan and record the applicable statutory, regulatory and/or policy references and citations to the separate licensing or approval standards for relative or kinship foster family homes, or submit the same information in its own format, including 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
2. Attachment I of the title IV-E plan “PLAN SUBMISSION CERTIFICATION.”

Equity Impact. This option may generate opportunities for a title IV-E agency to collaborate with groups disproportionately represented in foster care placements when developing separate licensing or approval standards that align with the racial, cultural, and ethnic norms of those groups and the needs of youth who identify as lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+).

B. Review of Payments and Licensing Standards.

During the periodic review performed by a title IV-E agency in accordance with 471(a)(11) of the Act, the agency must review the amount of FCMPs to assure that the agency provides a licensed or approved relative or kinship foster family home the same amount of FCMPs that would have been made if the child was placed in a non-related/non-kinship foster family home. Each title IV-E agency must submit to the ACF Regional Office an amendment to the title IV-E plan implementing such procedures within 120 days of the date of issuance of this PI, which is February 8, 2024. The title IV-E agency must submit Attachment B of this PI, including:

1. Section 4.B of the title IV-E plan and record the applicable statutory, regulatory and/or policy references and citations to the periodic reviews, or submit the same information as described here in its own format, including 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 (Attachment B of this PI), and
2. Attachment I of the title IV-E plan “PLAN SUBMISSION CERTIFICATION”.

C. Submission Format.

To complete a plan amendment, the title IV-E agency must: 1) submit Attachment A (if applicable) and Attachment B of this PI, 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; and 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. Title IV-E agencies may submit the plan amendment(s) and accompanying documentation electronically or by mail. A title IV-E agency may not substitute a hyperlink instead of providing paper or electronic documents for its Pre-Print submission. If the title IV-E agency is unable to submit electronic signatures for purposes of the

certification, it may submit the appropriate pages with original signatures by mail to the CB Regional Office.

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

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

Attachments:

Attachment A: Title IV-E Agency Plan Amendment: Standards for Foster Family Homes and Child Care Institutions

Attachment B: Title IV-E Agency Plan Amendment: Review of Payments and Licensing Standards

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.