



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
Administration on Children, Youth and Families
330 C Street, S.W.
Washington, D.C. 20201

April 27, 2020

Dear State and Tribal Child Welfare Leaders:

Over the past several weeks, the Children's Bureau has received numerous inquiries about how to implement the title IV-E program while addressing the needs of children, youth, and families in light of the extraordinary challenges presented by the COVID-19 pandemic and nationwide public health emergency. While we are working diligently to address questions from title IV-E agencies individually through our Regional Offices and updated guidance as needed, I am writing you today to remind you about several areas of existing flexibility under title IV-E. We encourage title IV-E agencies to take advantage of these flexibilities as needed to better serve children, youth, and families, and to provide needed support for caseworkers and caregivers during this crisis.

- Enhanced foster care maintenance payment (FCMP) rates: Title IV-E agencies have the authority to set rates for foster care maintenance payments. Therefore, a title IV-E agency can establish a rate structure to provide an enhanced title IV-E foster care maintenance payment (FCMP) rate for children who have tested positive for COVID-19. If the child is eligible and in an allowable placement, title IV-E reimbursement is available for that enhanced payment (see Child Welfare Policy Manual (CWPM) [section 8.3B.2](#)).
- Modifying foster family home licensing standards: Section 471(a)(10) of the Social Security Act (the Act) requires that the state licensing authority establish licensing standards and apply those standards to any foster family home or child care institution receiving funds under titles IV-B or IV-E of the Act. In general, the authority for setting foster family home licensing standards is vested with the state or tribe. Therefore, title IV-E agencies may modify licensing standards as long as the standards are applied to all of these placements in accordance within the requirements of the statute (see CWPM [section 8.3A.8c](#)).
- Temporary absences from title IV-E foster care placements: Title IV-E agencies have asked about claiming a title IV-E FCMP when a child is absent from a foster family home due to the child or foster parent's COVID-19 related illness or quarantine due to COVID-19 exposure (e.g., respite care or a hospital stay). Section 472(a)(2)(C) of the Act requires that a child be placed in a foster family home, a child care institution, or with a parent residing in a licensed residential family-based treatment facility in order to receive a title

IV-E FCMP. Federal financial participation is not available while the child is placed in a facility that is considered outside the scope of foster care. As long as the original court order pertaining to the child's removal is still in effect, the title IV-E agency may claim title IV-E FCMPs when the child returns to a foster care setting (see CWPM [section 8.3A.4](#), Q/A #1). A title IV-E agency may claim a full month's title IV-E FCMP if a child's brief absence from an otherwise allowable provider does not exceed 14 days, and the child's placement continues with the same provider after the absence (CWPM [section 8.3B](#), Q/A #7). As a reminder, these flexibilities have no impact on the claiming limitations for title IV-E FCMPs for placements that are not foster family homes created by the Family First Prevention Services Act (FFPSA) (these limitations were effective October 1, 2019, with an optional delay of up to two years). Title IV-E agencies not currently under a delayed effective date may claim 14 days of title IV-E FCMPs each time a child is "placed in a child care institution" (section 472(k)(1) of the Act) with limited exceptions for certain placement types (see [ACYF-CB-PI-18-07](#) for more information on these limitations).

- Re-entry into foster care after age 18: We encourage states and tribes to allow youth to re-enter an agency's extended foster care program as quickly as possible and in a way that meets the developmental needs of youth, whether funded exclusively by the title IV-E agency or through the agency's federally approved extended title IV-E FCMP program. Foster care may be a support for youth, providing them with a safe place to stay, subsidy (if in supervised independent living), and Medicaid. As a reminder, [ACYF-CB-PI-10-11](#) details the requirements and flexibilities for extended title IV-E FCMPs, including how youth can meet the removal and placement and care requirements through voluntary placement agreements signed after the youth turns age 18.
- Hazard pay for child welfare agency caseworkers: Title IV-E agencies have inquired whether agencies can provide hazard pay for child welfare caseworkers who will continue to make in-person contact with families and children. This is not dictated by federal child welfare law. States and tribes determine worker salaries, and title IV-E agencies may claim any allowable title IV-E administrative costs associated with this work.
- Option to provide Chafee Foster Care Program for Successful Transition to Adulthood Program (Chafee Program) services until age 23: As a reminder, a title IV-E agency that has an approved title IV-E plan amendment to serve youth in foster care until age 21 or that is operating a comparable program using state or tribal funds may extend Chafee Program services to youth up through their 23rd birthday (see section 477(b)(3) of the Act). In light of the extraordinary pressures the COVID-19 pandemic has placed on many young people who were formerly in foster care, we strongly encourage eligible title IV-E

agencies to elect to increase Chafee Program eligibility to age 23. See [ACYF-CB-PI-18-06](#) for more information on the requirements for extending Chafee Program payment eligibility to age 23.

Please direct any questions about these title IV-E flexibilities to your [Children's Bureau Regional Office](#). Thank you for your ongoing efforts to support and serve children, families, and young people in or formerly in foster care.

Sincerely,

/s/

Jerry Milner
Associate Commissioner
Children's Bureau