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INFORMATION MEMORANDUM

To: State and Territorial Agencies Administering or Supervising the Administration of title IV-B and title IV-E of the Social Security Act

Subject: Title IV-E and Hurricane Katrina

Legal and Related References: Sections 471, 472, 474 and 474 of the Social Security Act; 45 CFR Part 1356.60; Departmental Appeals Board Decision No. 1737

Purpose: To remind States of flexibility in the title IV-E program that may help them serve vulnerable children and families who have been affected by Hurricane Katrina.

Information: In the aftermath of Hurricane Katrina, we want to remind States of the areas in which title IV-E funds may assist them in their efforts to protect and support hurricane victims. The Child Welfare Policy Manual (CWPM) provides detailed guidance on allowable costs that States may claim under title IV-E. Below we highlight specific policy areas and allowable costs that may be particularly useful to States that have been affected by the hurricane.

Children at risk of foster care placement

A candidate for foster care is a child who is at serious risk of removal from home as evidenced by the State agency either pursuing his/her removal from the home or making reasonable efforts to prevent such removal (see CWPM at 8.1D).

- States may claim Federal Financial Participation (FFP) for the administrative costs associated with foster care candidates regardless of whether the child is actually placed in foster care and becomes a recipient of title IV-E foster care benefits. However, reimbursement is limited to those individuals the State reasonably views as candidates for foster care maintenance payments.
- States must document that a child is a candidate for foster care through one of the following methods: (1) a defined case plan that clearly indicates that, absent effective preventive services, foster care is the planned arrangement for the child; (2) an eligibility determination form which has been completed to establish the child's eligibility under title IV-E; or (3) evidence of court proceedings in relation to the removal of the child from the home, in the form of a

petition to the court, a court order or a transcript of the court's proceedings.

Recruiting foster care providers

States may need to license or approve new foster family homes to accommodate children displaced by Hurricane Katrina. States should be aware of the following:

- States currently have the flexibility to waive non-safety related licensing requirements to allow foster care placements of children with their relatives. These requirements must be waived on a case-by-case basis (see CWPM at 8.3A.8.c #1).
- States may claim title IV-E administrative costs for items such as beds or cribs to help recruit and approve foster family homes or adoptive homes (see CWPM at 8.1 #3).
- As States attempt to manage the overwhelming effects of Hurricane Katrina, licenses for foster homes and child-care institutions may lapse. If a foster family home or child-care institution is licensed for a portion of a month, the State may claim FFP for the entire month when an otherwise eligible child has resided in that home or institution for the entire month. The State must prorate any claims when the otherwise eligible child has resided in the home or institution for a portion of the month (see CWPM at 8.1C #4).

Meeting children's needs in foster care maintenance payments

- States may claim transportation costs for reasonable travel to a child's home or other location for visitation. These costs may be claimed as a foster care maintenance payment (see CWPM at 8.3B.1 #4).
- Foster care maintenance payments to providers can include an allowance for the child's personal incidentals such as: items related to personal hygiene; cosmetics; over-the-counter medications and special dietary foods; infant and toddler supplies, including high chairs and diapers; and fees related to activities (see CWPM at 8.3B.1 #9).

Providing the match for Federal funds

States may claim FFP for allowable title IV-E costs paid with funds donated to support specific activities (see CWPM at 8.1F #3). The following conditions must be met if a State wishes to use donated funds to meet Federal cost-sharing requirements:

- The donated funds must be used to pay for allowable title IV-E expenditures.
- The donor may specify the activities to be supported with its

donations but cannot be a sponsor or operator of a program that provides such activities.

- The donor may specify the geographic area in which the activity is to be provided.

Case review requirements

Areas that have been affected by Hurricane Katrina may not have court systems that are fully functioning. Although periodic reviews and permanency hearings are important protections for children in foster care, we remind States that neither is a title IV-E eligibility requirement and therefore, delays in conducting these activities will not adversely affect a child's eligibility for title IV-E.

Judicial determinations

States also may establish alternative procedures for obtaining judicial determinations regarding contrary to the welfare and reasonable efforts, including reasonable efforts to achieve permanency, as there is no Federal requirement that these determinations be made at a court hearing. These judicial determinations are required to establish a child's eligibility for title IV-E.

Federal oversight

Further, in conducting Child and Family Services Reviews, title IV-E eligibility reviews and other oversight activities in the future, ACF will be cognizant of the extraordinary demands that this natural disaster has placed on many States.

Inquires: ACF Regional Offices

/s/

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