

<b>ACF</b> Administration for Children and Families	<b>U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES</b> <b>Administration for Children and Families</b>	
	<b>1. Log No.:</b> ACYF-CB-IM-06-01	<b>2. Issuance Date:</b> 01/17/06
	<b>3. Originating Office:</b> Children's Bureau	
	<b>4. Key Words:</b> Title IV-E maintenance payments, non-profits	

**INFORMATION MEMORANDUM**

**To:** State and Territorial Agencies Administering or Supervising the Administration of Title IV-E of the Social Security Act.

**Subject:** NEW LEGISLATION - Public Law 109-113, the Fair Access Foster Care Act of 2005.

**References:** Section 472(b) of the Social Security Act.

**Purpose:** The purpose of this Information Memorandum is to inform States and Territories of the passage of the Fair Access Foster Care Act of 2005 and to provide basic information about the law.

**Information:** The President signed the Fair Access Foster Care Act of 2005, Public Law 109-113, into law on November 22, 2005. The law amends Section 472(b) of the Social Security Act to allow foster care maintenance payments to be paid on behalf of eligible children in a licensed or approved foster family home or child care institution regardless of whether such payments are made to the home or institution or a non-profit or for-profit child-placement or child care agency.

**Effective date:** The law is effective upon enactment, November 22, 2005.

**Inquiries to:** Regional Administrators, ACF Regions I – X.

/s/  
Joan E. Ohl  
Commissioner  
Administration on Children, Youth and Families

Attachment:  
Public Law 109-113

Public Law 109–113  
109th Congress

An Act

To amend part E of title IV of the Social Security Act to provide for the making of foster care maintenance payments to private for-profit agencies.

Nov. 22, 2005  
[S. 1894]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Fair Access Foster Care Act of 2005”.

Fair Access  
Foster Care Act  
of 2005.  
42 USC 1305  
note.

**SEC. 2. FOSTER CARE MAINTENANCE PAYMENTS TO PRIVATE FOR-PROFIT AGENCIES.**

Section 472(b) of the Social Security Act (42 U.S.C. 672(b)) is amended by striking “nonprofit” each place it appears.

Approved November 22, 2005.

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**LEGISLATIVE HISTORY—S. 1894:**

CONGRESSIONAL RECORD, Vol. 151 (2005):  
Oct. 19, considered and passed Senate.  
Nov. 8, 9, considered and passed House.

