

<h1>ACF</h1> <p><b>Administration for Children and Families</b></p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  Administration for Children and Families	
	<b>1. Log No:</b> ACYF-CB-IM-23-01	<b>2. Issuance Date:</b> January 27, 2023
	<b>3. Originating Office:</b> Children's Bureau	
	<b>4. Key Words:</b> Title IV-E of the Social Security Act, Coronavirus Disease 2019 (COVID-19), Federal Medical Assistance Percentage (FMAP)	

## INFORMATION MEMORANDUM

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

**SUBJECT:** NEW LEGISLATION – Public Law (P.L.) P.L. 117-328, §5131 of Division FF of the *Consolidated Appropriations Act, 2023*, enacted December 29, 2022.

**LEGAL AND RELATED REFERENCES:** Title IV-E of the Social Security Act

**PURPOSE:** To inform title IV-E agencies of the new law's creation of a transition period for ending the temporary increase in the Federal Medical Assistance Percentage (FMAP) that has been in effect since January 2020 for title IV-E programs.

**BACKGROUND:** The Secretary of Health and Human Services (HHS) declared a [public health emergency](#) on January 27, 2020, pursuant to §319 of the Public Health Service Act (42 U.S.C. §247d), in response to the COVID-19 pandemic.<sup>1</sup> The Secretary most recently renewed this declaration on January 11, 2023 for a 90-day period. Section 6008 of [P.L. 116-127](#) the *Family First Coronavirus Response Act* (later amended by §11 in Division X of [P.L. 116-260](#) *Consolidated Appropriations Act, 2021*<sup>2</sup>) provided a temporary increase of 6.2 percentage points to the FMAP rate (calculated under §1905(b) of the Act) that is used in determining the Federal share of expenditures for assistance payments under the Title IV-E Foster Care, Adoption Assistance and Guardianship Assistance programs.<sup>3</sup> This was permitted for each calendar quarter occurring during the period beginning on the first day of the quarter in which an emergency period was in effect (January 1, 2020) and ending on the last day of the calendar quarter in which the last day of such emergency period occurs.

<sup>1</sup> See also the Children's Bureau website for COVID-19 resources, including letters to child welfare leaders on flexibilities at <https://www.acf.hhs.gov/cb/resource/covid-19-resources>.

<sup>2</sup> See also [ACYF-CB-IM-20-05](#) and [ACYF-CB-IM-21-05](#)

<sup>3</sup> See also [FAQs](#) from the Centers for Medicare & Medicaid Services (CMS).

**INFORMATION:** While the increase in the FMAP rate was originally linked to the Secretary’s declaration of the public health emergency, the *Consolidated Appropriations Act, 2023* (CAA) that was enacted December 29, 2022 revised this provision. Under the CAA, the FMAP increase will gradually phase-out and end on December 31, 2023.

The CAA’s impact on FMAP rates is as follows:

- Calendar quarters occurring during which the declared public health emergency period is in effect thru March 31, 2023 - 6.2 percentage point FMAP increase
- Calendar quarter ending June 30, 2023 - 5.0 percentage point FMAP increase
- Calendar quarter ending September 30, 2023 - 2.5 percentage point FMAP increase
- Calendar quarter ending December 31, 2023 - 1.5 percentage point FMAP increase
- Calendar quarter beginning January 1, 2024 – Regular FMAP (no percentage point increase)

Title IV-E agencies do not need to take any action with respect to the changes in FMAP rates when reporting expenditures. The ACF will assure that the appropriate FMAP rate is applied (either initially or through a subsequent adjustment) based on the reporting of costs for title IV-E programs on Form CB-496.

**INQUIRIES:** [Children’s Bureau Regional Program Managers](#)

/s/

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

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