



ADMINISTRATION FOR
CHILDREN & FAMILIES

330 C Street, S.W., Washington, DC 20201 | www.acf.hhs.gov

Dear Colleague Letter

Date: March 17, 2023

To: State, Local, Territorial, and Tribal agencies administering ACF programs

Subject: COVID-19 Public Health Emergency Transition—Implications for ACF Programs

Dear ACF Partner,

Every day you support our nation’s children and families, and this work has never been more critical than during the COVID-19 pandemic. We thank you for your partnership and your leadership during this difficult time.

Based on current trends regarding COVID-19, the U.S. Department of Health and Human Services is planning for the COVID-19 public health emergency (PHE), as declared under Section 319 of the Public Health Service Act, to end on May 11, 2023. Thanks to the Administration’s whole-of-government approach to combatting the virus, we are in a better place in our response than we were three years ago, and we can transition away from an emergency phase. Our trusted community partners will be a vital part of helping families, individuals, and communities become informed and take action to maintain important benefits and services for which they may be eligible.

Impacts to ACF Programs

This communication is meant to help you prepare for the end of the COVID-19 PHE on May 11, 2023, by summarizing the affected ACF programs and providing resources and materials that will aid in your program administration. It also includes information and resources regarding several program flexibilities that Congress decoupled from the PHE in the Consolidated Appropriations Act, 2023 (CAA, 2023). Below is a summary table organized by the ACF office that administers the program, along with any resources or technical assistance available.

For each program, a contact is provided, and we encourage you to reach out if you have additional questions or need specialized technical assistance.

Program	Office	Provisions/Flexibilities	Technical Assistance/ Resources
Title IV-E child welfare programs	Children’s Bureau (CB)	If state Medicaid programs meet certain conditions, section 6008 of the Families First Coronavirus Response Act (FFCRA) provides a temporary increase in the Federal Medical Assistance Percentage (FMAP) that is used in determining the federal share of assistance	While the end of the FFCRA temporary FMAP increase was originally linked to the end of the COVID-19 PHE, the CAA, 2023; P.L. 117-328 that was enacted December 29, 2022 revised this provision. Under the CAA,

		<p>payments for Title IV-E Foster Care, Adoption Assistance and Guardianship Assistance Programs.</p>	<p>2023, the FFCRA FMAP increase will gradually phase out and end on December 31, 2023.¹</p> <p>Policy guidance on the FMAP increase can be found at ACYF-CB-IM-20-05, in this Center for Medicaid & CHIP Services Informational Bulletin, and in this State Health Official Letter issued by CMS.</p> <p>Contact your CB Regional Program Manager with questions.</p>
<p>Child Care and Development Fund (CCDF)</p>	<p>Office of Child Care (OCC)</p>	<p>If state Medicaid programs meet certain conditions, section 6008 of the Families First Coronavirus Response Act (FFCRA) provides a temporary FMAP increase of 6.2 percentage points. This enhanced FMAP rate decreases the amount that states were required to spend to claim their full CCDF federal match allotment during the public health emergency.</p>	<p>While the end of the FFCRA temporary FMAP increase was originally linked to the end of the COVID-19 PHE, the CAA, 2023; P.L. 117-328 that was enacted December 29, 2022 revised this provision. Under the CAA, 2023, the FFCRA FMAP increase will gradually phase out and end on December 31, 2023.¹</p> <p>Policy guidance on the FMAP increase can be found in this Center for Medicaid & CHIP Services Informational Bulletin, and in this State Health Official Letter issued by CMS.</p> <p>Contact your OCC Regional Program Manager or Office of Grants</p>

¹ For states that meet certain conditions, the temporary FFCRA FMAP increase will be 6.2 percentage points for the quarter ending March 31, 2023, 5 percentage points for the quarter ending June 30, 2023, 2.5 percentage points for the quarter ending September 30, 2023, and 1.5 percentage points for the quarter ending December 31, 2023.

			Management Staff with questions.
Head Start	Office of Head Start (OHS)	Per the OMB M-21-20 Appendix 3 , OHS is providing the following flexibilities to grant recipients: removing prior approval for the purchase of equipment, budget modifications, procurement by noncompetitive proposals, exemption of certain procurement requirements, and extension of financial and other reporting, as well as additional flexibilities listed in ACF-IM-HS-21-01 .	<p>The flexibilities will end upon the termination of the COVID-19 PHE.</p> <p>Policy guidance can be found in the Updated Coronavirus Disease 2019 (COVID-19) Fiscal and Administrative Flexibilities ACF-IM-HS-21-01.</p> <p>ECLKC: OHS COVID Updates has the latest COVID-19 guidance and resources from OHS to help all programs support staff, children, and families during this challenging time.</p> <p>Contact your assigned program and grants specialists with questions.</p>
Tribal child support	Office of Child Support Enforcement (OCSE)	Provides flexibilities on submission requirements under 45 CFR 309.130(e)(2) for tribal child support agencies seeking an emergency waiver of the non-federal share.	<p>Upon termination of the COVID-19 PHE, tribal child support programs will need to provide supporting documentation again for requirements under 45 CFR 309.130(e)(2)(iii) and (v).</p> <p>Contact OCSE.Tribal@acf.hhs.gov with questions.</p>
State child support	Office of Child Support Enforcement (OCSE)	If state Medicaid programs met certain conditions, section 6008 of the Families First Coronavirus Response Act (FFCRA) provided a temporary increase in the Federal Medical	While the end of the FFCRA temporary FMAP increase was originally linked to the end of the COVID-19 PHE, the CAA, 2023; P.L. 117-328 that

		<p>Assistance Percentage (FMAP) which resulted in an increase in the share returned to the federal government on retained child support collections.</p>	<p>was enacted December 29, 2022 revised this provision. Under the CAA, 2023, the FFCRA FMAP increase will gradually phase out and end on December 31, 2023.²</p> <p>Contact OCSEDRO@acf.hhs.gov with questions.</p>
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ACF recognizes that many of the families you serve are also enrolled in the Medicaid program and/or the Children’s Health Insurance Program (CHIP) administered by the Centers for Medicare & Medicaid Services (CMS) and state Medicaid and CHIP agencies. The CAA, 2023 includes significant changes to the Medicaid-specific continuous enrollment condition under section 6008(b)(3) of the Families First Coronavirus Response Act. Under the amendments made by the CAA, 2023, the end of the continuous enrollment condition will no longer be linked to the end of the PHE, and the condition will expire on March 31, 2023. Beginning April 1, 2023, states will be able to terminate Medicaid enrollment for individuals no longer eligible.³

As explained more fully in recent CMS guidance, states will have up to 12 months to initiate, and 14 months to complete, a renewal for all individuals enrolled in Medicaid, CHIP, and the Basic Health Program. States may begin their 12-month unwinding period starting on February 1, 2023 but may not begin Medicaid enrollment terminations until April 1, 2023. CMS has created many tools for community partners to inform those we collectively serve about the coming changes. Please find communication toolkits [here](#) in English and [here](#) in Spanish. Your actions are an important part of this work to help the community be informed and keep coverage available if eligible, or to locate new coverage options if they are no longer eligible.

Please see the CMS [Informational Bulletin](#), [State Health Official Letter](#), and other information at the CMS website [Unwinding and Returning to Regular Operations after COVID-19](#) for more details and information on the end of the Medicaid continuous enrollment condition. ACF’s [Medicaid and Children’s Health Insurance Program \(CHIP\) COVID-19 Public Health Emergency Continuous Enrollment Unwinding Dear Colleague Letter](#) also provides information on how you can assist families in renewing their health care coverage. In addition, HHS has created a [COVID-19 PHE landing page](#) where you can find resources regarding the end of the PHE.

² For states that meet certain conditions, the temporary FFCRA FMAP increase will be 6.2 percentage points for the quarter ending March 31, 2023, 5 percentage points for the quarter ending June 30, 2023, 2.5 percentage points for the quarter ending September 30, 2023, and 1.5 percentage points for the quarter ending December 31, 2023.

³ The CAA, 2023 and CMS set certain conditions prior to termination, including requiring notice and fair hearing rights be provided prior to terminations. See [SHO-23-002 \(medicaid.gov\)](#) for more information.

Thank you for your continued support and collaboration to promote the well-being of children, youth, families, and communities.

Sincerely,

A handwritten signature in black ink, appearing to read "January Contreras". The signature is fluid and cursive, with a long horizontal stroke at the end.

January Contreras

Assistant Secretary for Children and Families