

Ohio Department of Job and Family Services
Office of Families and Children

Policy and Practice Guidance Document #005
Consolidated Appropriations Act, 2021
January 29, 2021

On December 27th, the Consolidated Appropriations Act became law, targeting temporary support to protect vulnerable youth impacted by the COVID-19 pandemic. The bill provides emergency support and new flexibility for young people in foster care; home visiting for at-risk pregnant and parenting families; foster care prevention funds and other critical child welfare services through September 30th, 2021.

The Ohio Department of Job and Family Services (ODJFS) would like to provide an initial update on practice and policy guidance as we await the release of further federal program instruction.

#	Legislation	Allocation Details	OFC Guidance
1	Increases funding and provides support for older youth who experienced foster care	<p><u>Chafee</u></p> <ul style="list-style-type: none"> • Provides \$350 million for the John H. Chafee Foster Care Program for Successful Transition to Adulthood (Chafee) to support older foster youth and youth transitioning into adulthood. • Temporarily waives state match requirement for additional Chafee funding. • Raises the maximum age for Chafee-eligible former foster youth through age 26. • Provides temporary program flexibilities, including lifting the 30 percent spending cap on housing costs and accommodating pandemic-related disruptions in work and education. • Ohio’s Chafee Foster Care Program for Successful Transition to Adulthood allocation is estimated at just over \$10.8 million. 	<p>ODJFS will be partnering with the Office of Fiscal and Monitoring Services to allocate Ohio’s Chafee supplemental funding to county agencies using the current allocation methodology. There is no required match for this funding and services may be provided for Chafee eligible former foster youth through age 26.</p> <p>There are additional program flexibilities, including the removal of the 30% cap for room and board assistance.</p> <p>Agencies may also use this funding to provide up to \$4,000 per year in driving and transportation assistance for youth age 15-26 for the period 10/1/2019 - 9/30/2021. Eligible uses include vehicle insurance costs, driver’s education classes and testing fees, practice lessons, practice hours, license fees, roadside assistance, deductible assistance, and assistance in purchasing an automobile.</p> <p>Assistance provided under this provision shall be disregarded for</p>

		<p><u>Educational & Training Voucher (ETV)</u></p> <ul style="list-style-type: none"> • Provides \$50 million for ETV Program and increases maximum award amount to \$12,000 per youth. •The Chafee Education and Training Vouchers allocation estimate is \$1.6 million for Ohio. 	<p>the purposes of determining the recipient’s eligibility for or amount of any federal or federally supported assistance. We are awaiting further guidance from our federal partners on this provision of the law and have conducted outreach to the Offices of Family Assistance and Unemployment Compensation to ensure this income disregard has been communicated and incorporated into programs administered by those offices.</p> <p>In addition, work and education requirements can be suspended if the youth is unable to meet them due to impacts of the COVID-19 public health emergency. These provisions are in effect through the pandemic period.</p> <p><u>(ETV)</u> As soon as we receive a final allocation amount and award, we will update the guidance. The voucher can be up to \$12,000, available to age 27, and can address needs beyond those associated with costs of attendance.</p>
2	Prevents children from aging out of foster care and being at risk of homelessness during the pandemic	<ul style="list-style-type: none"> •Prohibits states from requiring a child to leave foster care solely due to their age during the pandemic. •For youth who have “aged out” of foster care during the pandemic, requires states to permit youth to voluntarily re-enter care. •Allows states to use additional Chafee funds to offset costs caused by these requirements for youth not eligible for federal matching funds. 	<p>There are three options for youth and young adults:</p> <p>(1) If a youth is in the custody of an agency and will reach the age of majority during the public health emergency, the youth, may wish to maintain in the custody of the Public Child Welfare Agency OR (2) the child may choose to enter the Bridges program. (3) If a young adult under the age of 22 left foster care due to age during the COVID-19 public health emergency, they may voluntarily re-enter foster care by entering the Bridges program.</p> <p>ODJFS will work collaboratively with the Ohio Supreme Court and Prosecutor’s Association to communicate these options.</p>

			<p>Chafee funds may be used toward additional costs incurred for non-IV-E eligible youth who would emancipate from foster care, but not for the pandemic. <i>Note: Between March 2020- January 28, 2021 there have been 848 kids who emancipated from care.</i></p> <p>Youth who re-enter care must not be determined ineligible for IV-E foster care maintenance payments solely due to age or the education/employment conditions before 10/1/21.</p>
3	Expands access to Family First Prevention Services	<ul style="list-style-type: none"> •During the public health emergency, waives state match for evidence-based mental health, substance abuse, and parenting skill services, to allow states to invest in prevention services that keep children safely at home. 	Family First Prevention Services will be initially funded with Family First Transition Act funding. There is no state or local required match at this time and Ohio will not be eligible to draw these funds until October 1, 2021.
4	Provides emergency funding for the Title IV-B MaryLee Allen Promoting Safe and Stable Families program	<ul style="list-style-type: none"> • Provides \$75 million and waives state match for additional funds to support family preservation, family reunification, adoption, and other supportive services. •Ohio’s estimated allocation for Promoting Safe and Stable Families is approximately \$2.4 million. 	ODJFS is working to identify initiatives and investments to further support the state and county priorities.
5	Expands funding for the Court Improvement Program	<ul style="list-style-type: none"> •Provides an additional \$10 million for courts handling child welfare cases and temporary flexibilities to conduct virtual hearings and waives the state match for the new funds. 	ODJFS is working collaboratively with the Ohio Supreme Court to identify preliminary plans to use this funding.
6	Expands access to kinship navigator programs	<ul style="list-style-type: none"> •During the public health emergency, waives the state match and allows states to use models not yet in the Evidence Clearinghouse for kinship navigator programs, to provide greater access to federal funding to support grandparents and kin caregivers. •Services to kinship families, including kinship families raising children outside of the foster care system; and assistance to allow children to continue safely living with kin. 	From April 1, 2020 through September 30, 2021, allows title IV-E Kinship Navigator Program funding to be used for specified activities, including evaluations and independent systematic reviews, short term support for kinship families for direct services or assistance, and technology for remote learning or other virtual activities. Funds may also be used to ensure that kinship caregivers have access to information and resources for testing and treatment for COVID-19, health care, legal assistance, and assistance with making alternative care plans for the children in their care (sec. 8(c) of Division X).

			ODJFS will be working with Ohio Kinship and Adoption Navigator vendor, Kinnect, to explore all opportunities to maximize funding.
7	Makes technical corrections needed in response to FMAP increase:	<ul style="list-style-type: none"> •Makes a technical correction to Title IV-E treatment of the 6.2% Federal Medical Assistance Percentage (FMAP) increase for Family First Transition Act funding. 	The funding certainty grant baseline for former waiver counties (participating in the waiver as of 9/30/2019) has been recalculated to remove the 6.2% increase in the FMAP rate during the pandemic period so as to not adversely impact the calculated grant amount.
8	Adult Protection	<ul style="list-style-type: none"> •\$100 million for Aging and Disability Services Programs including “not less than \$50 million” for states’ APS programs. •Ohio will receive over \$3 million in funding. 	The federal register notice will officially be published on February 1, 2021. Letters of Assurance and an Initial Spending Plan are due in 30 days from the time the notice is published.

Contacts and Resources

- **Transition Planning and Assisting Youth Emancipating from Care**
 - Ohio’s Independent Living Toolkit: <http://jfs.ohio.gov/ocf/ILSkillsToolkit32019.stm>.
 - Additional questions contact, Laurie Valentine, Laurie.Valentine@jfs.ohio.gov.
- **Bridges**
 - Contact Jana Pearce, Jana.Pearce@jfs.ohio.gov
- **Adult Protective Services**
 - Contact Heidi Turner-Stone, Heidi.turner@jfs.ohio.gov
- **Fiscal**
 - Contact Charlotte Gerhardstein, Charlotte.gerhardstein@jfs.ohio.gov
- **Other Questions**
 - Contact the Office of Families and Children’s Help Desk via email at HELP-DESK-OCF@jfs.ohio.gov.

<h1>ACF</h1> <p>Administration for Children and Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families	
	1. Log No: ACYF-CB-IM-21-05	2. Issuance Date: January 13, 2021
	3. Originating Office: Children’s Bureau	
	4. Key Words: Title IV-B, Title IV-E, Court Improvement Program, John H. Chafee Foster Care Program for Successful Transition to Adulthood, Education and Training Vouchers Program, Kinship Navigator Programs, Family First Transition Act; Supporting Foster Youth and Families through the Pandemic Act	

TO: State, Tribal, and Territorial Agencies Administering or Supervising the Administration of Titles IV-E and IV-B of the Social Security Act, and State and Tribal Court Improvement Programs

SUBJECT: NEW LEGISLATION – Public Law (P.L.) 116-260, Division X and Section 305 of Title III of Division CC of the *Consolidated Appropriations Act, 2021*, enacted December 27, 2020

LEGAL AND RELATED REFERENCES: Titles IV-B and IV-E of the Social Security Act (the Act)

PURPOSE: To inform title IV-B and IV-E agencies and State and Tribal Court Improvement Programs of the enactment of Division X and Section 305 of Title III of Division CC of the *Consolidated Appropriations Act, 2021* and to provide basic information on the new law. Additional guidance on this law is forthcoming in Program Instructions.

BACKGROUND: The President signed the *Consolidated Appropriations Act, 2021*, P.L. 116-260, into law on December 27, 2020. In general, the law makes continuing appropriations for specified federal agencies and provides flexibilities and assistance in response to the COVID-19 pandemic and public health emergency¹. Division X of P.L. 116-260 provides supplemental appropriations for the John H. Chafee Foster Care Program for Successful Transition to Adulthood (Chafee) program, Education and Training Vouchers (ETV) program, the MaryLee Allen Promoting Safe and Stable Families Program, and the Court Improvement Program. Division X also temporarily increases Federal Financial Participation (FFP) for specific programs to 100%, includes temporary provisions related to foster care and Chafee programs for older youth, and includes the District of Columbia in the temporary Federal medical assistance percentage (FMAP) rate increase enacted in sec. 6008 of the *Family First Coronavirus Response Act* (P.L. 116-127). Sec. 305 of Title III of Division CC amends sec. 436 and 438 of the Act to

¹ “COVID-19 public health emergency” is defined in sec. 2(1) of Division X, P.L. 116-260 and began January 27, 2020 and was renewed effective January 21, 2021 for 90 days ([subject to be extended](#)).

extend the authorization of mandatory appropriations for title IV-B, subpart 2 and to change the structure of state CIP grants from three grants to one grant.

INFORMATION: A brief summary of the major child welfare provisions of Division X and sec. 305 of Title III of Division CC are as follows. Specific information regarding implementation is forthcoming.

Division X of P.L. 116-260: Supporting Foster Youth and Families through the Pandemic Act

Sec. 3. Continued Safe Operation of Child Welfare Programs and Support for Older Foster Youth

Chafee and ETV Supplemental Funding

- In addition to the regular appropriation for fiscal year (FY) 2021, appropriates \$400 million for FY 2021 in supplemental funding for Chafee programs, reserving a minimum of \$50 million for ETV (sec. 477(h) of the Act; sec. 3(a)(1) and (2) of Division X).
- The supplemental Chafee and ETV appropriation has a 100% federal match (normally this is 80%) (sec. 474(a)(4) and (e)(1) of the Act; sec. 3(a)(4) of Division X).
- Exempts the supplemental Chafee and ETV funding from the National Youth in Transition Database (NYTD) penalty calculations (sec. 477(c) and (e)(2); sec. 3(a)(6) of Division X).

Maximum ETV Award Amount

- Increases the maximum ETV award amount from \$5,000 to \$12,000 for the period from October 1, 2020 through September 30, 2022 (sec. 477(i)(4)(B) of the Act; sec. 3(a)(5) of Division X).

Maximum Age Limitation on Eligibility for Assistance

- Allows states and tribes to provide Chafee and ETV services and assistance to eligible youth until age 27 for FYs 2020 and 2021 (10/1/19-9/30/21) (sec. 3(b) of Division X).

Technical Assistance

- Sets aside 1.5% of supplemental funding (approximately \$6 million) for evaluations, technical assistance (TA), and data collection, from which at least \$500,000 must be reserved for TA to states implementing or seeking to implement a driving and transportation program for youth in foster care (sec. 477(g)(2) of the Act; sec. 3(a)(3)(A) and (B)(i) of Division X).

Programmatic Flexibilities Effective from April 1, 2020 through September 30, 2021

- Allows states and tribes to waive the requirement that a youth must be enrolled in a post-secondary education or training program or making satisfactory progress toward completing that program if a youth is unable to do so due to the COVID-19 public health emergency (sec. 477(i)(3) of the Act; sec. 3(d)(1) of Division X).
- Allows states and tribes to use ETV to help support youth to remain enrolled in a post-secondary education or training program, including expenses that are not part of the cost of attendance (sec. 3(d)(2) of Division X).
- *Authority to Waive Limitations on Percentage of Funds Used for Housing Assistance and Eligibility for Such Assistance:*

- Allows states and tribes to use more than 30% of its Chafee funds for room and board payments for a fiscal year (sec. 477(b)(3)(B) and (c)(1) of the Act; sec. 3(d)(3)(A) of Division X).
- Allows states and tribes to use Chafee room and board amounts for otherwise eligible youth who are aged 18-26 and experienced foster care at age 14 or older (sec. 3(d)(3)(B) of Division X).
- *Authority to Provide Driving and Transportation Assistance:*
 - Specifies that states and tribes may provide an otherwise eligible youth aged 15-26 with up to \$4,000 per year in Chafee funds for driving and transportation assistance (sec. 3(d)(4)(A) of Division X).
 - Assistance must be disregarded for determining the youth's eligibility for any other federal or federally supported assistance. States and tribes must take steps to prevent duplication of benefits (sec. 3(d)(4)(B) of Division X).

Sec. 4 Preventing Aging Out of Foster Care During the Pandemic

Addressing Aging Out of Foster Care During the Pandemic

- The title IV-E agency may not require a youth to leave foster care solely due to age before October 1, 2021. Also, the title IV-E agency may not find a youth ineligible for title IV-E foster care maintenance payments due to age or failure to meet the education and employment conditions before October 1, 2021 (sec. 475(8)(B) of the Act; sec. 4(a) of Division X).

Re-Entry to Foster Care for Youth Who Age Out During the Pandemic

- The title IV-E agency (regardless of whether the agency has extended title IV-E foster care under sec. 475(8)(B) of the Act) must:
 - Permit any youth who left foster care due to age during the COVID-19 public health emergency (defined in sec. 2 of Division X, renewed effective January 21, 2021 for 90 days, subject to be extended) to voluntarily re-enter foster care.
 - Provide notice of the option to reenter foster care to each youth who aged out during the COVID-19 public health emergency (defined in sec. 2 of Division X, renewed effective January 21, 2021 for 90 days, subject to be extended) (sec. 4(b)(2) of Division X);
 - The agency must conduct a public awareness campaign about the option of re-entry for youth who have not attained 22 years of age, who aged out of foster care in FYs 2020 or 2021, and who are otherwise eligible to return to foster care (sec. 4(b)(4) of Division X).

Protections for Youth in Foster Care

- The title IV-E agency must continue to ensure the safety, permanency, and well-being of older youth who remain in or who age out of foster care and re-enter foster care and continue transition planning (sec. 475(5)(H) of the Act; sec. 4(c) of Division X).

Authority to Use Supplemental Chafee Funding for Certain Costs

- Specifies that states and tribes may use the supplemental Chafee appropriation for certain costs incurred in meeting the requirements related to preventing youth from aging out of foster care, re-entry into foster care, and protections for youth in foster care. These costs must be incurred after enactment and before October 1, 2021 (sec. 4(d)(1) and (2)(A) of Division X).

- States and tribes must not use the supplemental Chafee appropriation for specified foster care costs identified in Division X for title IV-E eligible youth, including youth age 18 or older who are eligible due to a temporary waiver of the age or education/employment requirements (sec. 4(d)(2)(B) of Division X).
- Title IV-E agencies must make reasonable efforts to determine the title IV-E eligibility of each older youth who remains in or reenters foster care for the reasons specified in Division X (sec. 4(d)(2)(C) of Division X).
- Youth who re-enter foster care during the emergency period of April 1, 2020 and September 30, 2021 may not be determined ineligible for title IV-E foster care maintenance payments solely due to age or the education/employment conditions before October 1, 2021 (sec. 4(d)(2)(D) of Division X).
- Sec. 4 has no force or effect after September 30, 2021 (sec. 4(e) of Division X).

Sec. 5 Family First Prevention Services Program Pandemic Flexibility

- From April 1, 2020 through September 30, 2021, the FFP is 100% for the title IV-E prevention program, including for allowable service, administrative, and training costs (sec. 474(a)(6)(A)(i) and (B) of the Act; sec. 5 of Division X).

Sec. 6 Emergency Funding for the MaryLee Allen Promoting Safe and Stable Families (PSSF) Program

- Appropriates \$85 million in supplemental funding for FY 2021 for programs under title IV-B, subpart 2, in addition to any amounts otherwise appropriated (sec. 6(a) of Division X).
- Of this amount, \$75 million is for supplemental grants to states and tribes for the PSSF Program.
- Deems the FFP for the supplemental PSSF funds to be 100% (normally this is 75%) (sec. 434(a)(1) of the Act; sec. 6(b) of Division X).

Sec. 7 Court Improvement Program (CIP)

- Reserves \$10 million from the \$85 million in supplemental title IV-B, subpart 2 program funding, per sec. 6 of Division X, for CIP for FY 2021 (sec. 7(a) of Division X).
- Distribution of the supplemental CIP funds is as follows:
 - Reserves \$500,000 for Tribal court improvement from the \$10 million in supplemental CIP funding (sec. 7(b)(1)(A) of Division X).
 - Out of the remaining \$9.5 million in supplemental CIP funds, HHS must make a grant to the highest state court in each state that is approved to receive a basic CIP grant for FY 2021, in addition to CIP grants already made. Provides a formula for the supplemental state court grant awards, which is \$85,000 plus an amount based on the percentage of the state's population under age 21 (sec. 7(b)(1)(B), (2), and (3) of Division X).
 - There is no additional application required for state courts to receive the supplemental CIP funding (sec. 7(b)(3)(B) of Division X).
 - HHS may require grantees to report on information specific to the supplemental CIP grants (sec. 7(b)(3)(C) of Division X).
 - The 25% match for state courts does not apply to the supplemental grants (sec. 438(d) of the Act; sec. 7(b)(3)(E) of Division X).

- State courts must use the supplemental CIP grant to address needs stemming from the COVID-19 public health emergency, which may include technology investments, training for judges, and programs to help families address the case plan (sec. 7(c) of Division X).
- Amends sec. 438(c)(1) and (d) of the Act to extend the authority for CIP grants through FY 2022 (sec. 7(d) of Division X). Note that sec. 305 of Title III, Division CC of P.L. 116-260 amends sec. 436 and 438 of the Act to change the structure of the state CIP from three grants to one grant, beginning in FY 2022 (see page 6).

Sec. 8 Kinship Navigator Programs² Pandemic Flexibility

Inapplicability of Matching Funds Requirements

- From April 1, 2020 through September 30, 2021, the FFP is 100% for title IV-E Kinship Navigator Programs (sec. 474(a)(7) of the Act; sec. 8(a) of Division X).

Waiver of Evidence Standard

- From April 1, 2020 through September 30, 2021, waives the evidence based standard requirements in sec. 471(e)(4)(C) of the Act, but requires title IV-E agencies to provide an assurance that the title IV-E Kinship Navigator Program will be, or is in the process of being, evaluated for the purpose of building an evidence base to later determine whether the program meets the title IV-E evidence based standard requirements (sec. 8(b) of Division X).

Other Allowable Uses of Funds

- From April 1, 2020 through September 30, 2021, allows title IV-E Kinship Navigator Program funding to be used for specified activities, including evaluations and independent systematic reviews, short term support for kinship families for direct services or assistance, and technology for remote learning or other virtual activities. Funds may also be used to ensure that kinship caregivers have access to information and resources for testing and treatment for COVID-19, health care, legal assistance, and assistance with making alternative care plans for the children in their care (sec. 8(c) of Division X).

Territory Cap Exemption

- Exempts the supplemental title IV-E Kinship Navigator Program funds paid to the territories between April 1, 2020 and September 30, 2021 from the cap under sec. 1108(a)(1) of the Act (sec. 8(d) of Division X).

Sec. 9. Adjustment of Funding Certainty Baselines for Family First Transition Act Funding Certainty Grants

- Amends sec. 602(c)(2) of Division N of the *Further Consolidated Appropriations Act, 2020* (P.L. 116-94) to create a hold harmless provision so as not to penalize title IV-E agencies that were operating a title IV-E child welfare waiver demonstration program on September 30, 2019 for the temporary FMAP increases made due to the COVID-19 public health emergency when calculating baselines for Family First Transition Act funding certainty grants. This change necessitates a revision to the Funding Certainty Baseline table previously issued as Attachment A with Program Instruction [ACYF-CB-](#)

² Division H of P.L. 116-260 also appropriates funding under title IV-B, subpart 2 to make formula grants to title IV-E agencies for the development, enhancement, and evaluation of kinship navigator programs.

[PI-20-08](#). An Adjusted Qualifying Agency Funding Certainty Baselines table for FY 2020 is provided as Attachment B to this IM.

Sec. 11 Technical Correction to Temporary Increase of Medicaid FMAP

- Amends sec. 6008 of the *Family First Coronavirus Response Act* (P.L. 116-127) to include the District of Columbia in the temporary FMAP increase for periods beginning January 1, 2020, which is when the increase for other states took effect.

Sec. 305 of Title III, Division CC of P.L. 116-260: Extension of MaryLee Allen Promoting Safe and Stable Families Program and State Court Support

Title IV-B Extensions (effective October 1, 2021)

- Amends sec. 436(a) of the Act to extend the title IV-B, subpart 2 authorization for mandatory appropriations to FY 2022, from FY 2021 (sec. 305(a) of title III).
- Amends sec. 436(b)(4) and (5) of the Act to extend the authorizations for monthly caseworker visits funding and regional partnership grants to FY 2022, from FY 2021 (sec. 305(a) of title III).

CIP Amendments (effective October 1, 2021)

- Amends sec. 438(b) of the Act to merge the current three CIP grants into one grant for highest state courts. Requires at least 30% of funds to be used for collaboration and data sharing (sec. 305(b) of title III).
- Amends sec. 438(c)(1) and (2) of the Act to specify the formula for awarding state CIP grants, using a base amount of \$255,000 plus an amount based on the percentage of the state's population under age 21 (sec. 305(b) of title III).
- Continues the reservation for Tribal court improvement at \$1 million, per sec. 436(c)(3) of the Act (sec. 305(b) of title III).

INQUIRIES TO: [Children's Bureau Regional Program Managers](#)

/s/

Elizabeth Darling
Commissioner,
Administration on Children, Youth and
Families

Attachments:

A -- [P.L. 116-260, Division X](#) (begins page 1228 of Enrolled legislation) and [sec. 305, title III, Division CC](#) (begins page 1813 of Enrolled legislation)

B – Adjusted Qualifying Agency Funding Certainty Baselines Table

Disclaimer: Information Memoranda (IMs) provide information or recommendations to states, tribes, grantees, and others on a variety of child welfare issues. IMs do not establish requirements or supersede existing laws or official guidance.

Attachment B

Adjusted Qualifying Agency Funding Certainty Baselines Table

Qualifying Title IV-E Agencies*1	FY 2019 Title IV-E Foster Care Capped Allocations - Calculated Federal Shares				FY 2020 Funding Certainty Baseline
	Maintenance Payments - FY 2020 FMAP Rate *2	Maintenance Payments - FY 2021 FMAP Rate *2	Administration - 50% FFP Rate	Training - 75% FFP Rate	
Arkansas	\$ 14,510,753	\$ 14,770,180	\$ 25,955,071	\$ -	\$ 40,465,824
Arizona	\$ 113,168,334	\$ 115,502,327	\$ 69,585,253	\$ -	\$ 182,753,587
California	\$ 307,010,131	\$ 315,717,646	\$ 495,829,761	\$ -	\$ 802,839,891
Colorado*3	\$ 23,332,965	\$ 23,994,741	\$ 30,841,703	\$ -	\$ 54,174,668
District of Columbia	\$ 19,596,547	\$ 20,003,441	\$ 21,634,717	\$ -	\$ 41,231,263
Florida	\$ 80,082,695	\$ 82,553,486	\$ 116,373,753	\$ -	\$ 196,456,447
Hawaii	\$ 5,231,653	\$ 5,330,669	\$ 15,913,670	\$ -	\$ 21,145,323
Illinois	\$ 61,873,168	\$ 64,549,558	\$ 94,161,206	\$ 3,139,354	\$ 159,173,728
Indiana	\$ 51,864,814	\$ 52,997,908	\$ 57,983,280	\$ 4,426,151	\$ 114,274,244
Kentucky	\$ 35,578,585	\$ 36,406,752	\$ 15,764,799	\$ -	\$ 51,343,384
Maryland	\$ 44,091,737	\$ 45,342,281	\$ 25,280,208	\$ -	\$ 69,371,945
Nebraska	\$ 10,089,732	\$ 10,650,556	\$ 8,274,433	\$ -	\$ 18,364,165
Nevada	\$ 14,959,690	\$ 15,160,374	\$ 17,746,607	\$ -	\$ 32,706,297
New York	\$ 151,913,354	\$ 156,221,967	\$ 123,738,770	\$ -	\$ 275,652,124
Ohio*4	\$ 78,324,130	\$ 80,824,206	\$ -	\$ -	\$ 78,324,130
Oklahoma	\$ 30,329,342	\$ 31,840,015	\$ 40,298,869	\$ -	\$ 70,628,211
Oregon	\$ 30,067,092	\$ 30,596,506	\$ -	\$ -	\$ 30,067,092
Pennsylvania	\$ 16,657,682	\$ 17,096,812	\$ 18,063,431	\$ -	\$ 34,721,113
Tennessee	\$ 45,755,778	\$ 47,353,890	\$ 15,440,696	\$ -	\$ 61,196,474
Utah	\$ 12,185,141	\$ 12,332,353	\$ 15,775,319	\$ -	\$ 27,960,459
Washington	\$ 31,476,645	\$ 32,369,395	\$ 65,497,925	\$ -	\$ 96,974,570
Wisconsin	\$ 26,999,794	\$ 27,657,812	\$ 40,919,897	\$ -	\$ 67,919,691
West Virginia	\$ 39,101,653	\$ 39,887,714	\$ 10,701,209	\$ -	\$ 49,802,861
Port Gamble S'Klallam Tribe	\$ 214,579	\$ 218,373	\$ 288,798	\$ -	\$ 503,376
Totals	\$ 1,244,415,992	\$ 1,279,378,961	\$ 1,326,069,370	\$ 7,565,504	\$ 2,578,050,866

*1- Title IV-E agencies with a title IV-E foster care demonstration project that was operational through September 30, 2019.

*2- Calculated using average of quarterly applicable Federal Medical assistance Payment (FMAP) rates in effect for specified FY as per section 9 of Division X of the Consolidated Appropriations Act, 2021.

*3- Colorado's capped allocations differ slightly from amounts in Table 1 of its approved terms and conditions since those amounts are shown by state fiscal year rather than as shown by federal fiscal year.

*4- Ohio's project did not utilize a capped allocation. Therefore, per section 602(c)(2)(A)(i)(II) of the Family First Transition Act, the project's final cost neutrality limit for fiscal year 2018 was utilized. As per Ohio's approved terms & condition's, the state's FY 2018 final computed allocation is displayed on this table.

Ohio Department of Job and Family Services
Office of Families and Children

Policy and Practice Guidance Document #005
Consolidated Appropriations Act, 2021
UPDATE 2/12/2021

On December 27th, the Consolidated Appropriations Act became law, targeting temporary support to protect vulnerable youth impacted by the COVID-19 pandemic. The bill provides emergency support and new flexibility for young people in foster care; home visiting for at-risk pregnant and parenting families; foster care prevention funds and other critical child welfare services through September 30th, 2021.

The Ohio Department of Job and Family Services (ODJFS) would like to provide an initial update on practice and policy guidance as we await the release of further federal program instruction.

#	Legislation	Allocation Details	OFC Guidance
1	Increases funding and provides support for older youth who experienced foster care	<p><u>Chafee</u></p> <ul style="list-style-type: none"> • Provides \$350 million for the John H. Chafee Foster Care Program for Successful Transition to Adulthood (Chafee) to support older foster youth and youth transitioning into adulthood. • Temporarily waives state match requirement for additional Chafee funding. • Raises the maximum age for Chafee-eligible former foster youth through age 26. • Provides temporary program flexibilities, including lifting the 30 percent spending cap on housing costs and accommodating pandemic-related disruptions in work and education. • Ohio's Chafee Foster Care Program for Successful Transition to Adulthood allocation is estimated at just over \$10.8 million. 	<p>ODJFS will be partnering with the Office of Fiscal and Monitoring Services to allocate Ohio's Chafee supplemental funding to county agencies using the current allocation methodology. There is no required match for this funding and services may be provided for Chafee eligible former foster youth through age 26.</p> <p>There are additional program flexibilities, including the removal of the 30% cap for room and board assistance.</p> <p>Agencies may also use this funding to provide up to \$4,000 per year in driving and transportation assistance for youth age 15-26 for the period 10/1/2019 - 9/30/2021. Eligible uses include vehicle insurance costs, driver's education classes and testing fees, practice lessons, practice hours, license fees, roadside assistance, deductible assistance, and assistance in purchasing an automobile.</p> <p>Assistance provided under this provision shall be disregarded for</p>

		<p><u>Educational & Training Voucher (ETV)</u></p> <ul style="list-style-type: none"> • Provides \$50 million for ETV Program and increases maximum award amount to \$12,000 per youth. •The Chafee Education and Training Vouchers allocation estimate is \$1.6 million for Ohio. 	<p>the purposes of determining the recipient’s eligibility for or amount of any federal or federally supported assistance. We are awaiting further guidance from our federal partners on this provision of the law and have conducted outreach to the Offices of Family Assistance and Unemployment Compensation to ensure this income disregard has been communicated and incorporated into programs administered by those offices.</p> <p>In addition, work and education requirements can be suspended if the youth is unable to meet them due to impacts of the COVID-19 public health emergency. These provisions are in effect through the pandemic period.</p> <p><u>(ETV)</u> As soon as we receive a final allocation amount and award, we will update the guidance. The voucher can be up to \$12,000, available to age 27, and can address needs beyond those associated with costs of attendance.</p>
2	Prevents children from aging out of foster care and being at risk of homelessness during the pandemic	<ul style="list-style-type: none"> •Prohibits states from requiring a child to leave foster care solely due to their age during the pandemic. •For youth who have “aged out” of foster care during the pandemic, requires states to permit youth to voluntarily re-enter care. •Allows states to use additional Chafee funds to offset costs caused by these requirements for youth not eligible for federal matching funds. 	<p>There are three options for youth and young adults:</p> <p>(1) If a youth is in the custody of an agency and will reach the age of majority during the public health emergency, the youth, may wish to maintain in the custody of the Public Child Welfare Agency OR (2) the child may choose to enter the Bridges program. (3) If a young adult under the age of 22 left foster care due to age during the COVID-19 public health emergency, they may voluntarily re-enter foster care by entering the Bridges program.</p> <p>ODJFS will work collaboratively with the Ohio Supreme Court and Prosecutor’s Association to communicate these options.</p>

		<p style="text-align: center;">UPDATE 2/12/21</p>	<p>Chafee funds may be used toward additional costs incurred for non-IV-E eligible youth who would emancipate from foster care, but not for the pandemic. <i>Note: Between March 2020- January 28, 2021 there have been 848 kids who emancipated from care.</i></p> <p>Youth who re-enter care must not be determined ineligible for IV-E foster care maintenance payments solely due to age or the education/employment conditions before 10/1/21.</p> <p>Young adults under the age of 22 who wish to re-enter care, can do so through Bridges and all participation requirements will be suspended through September 30, 2021.</p> <p>To effectively serve the large number of young adults who are still in PCSA custody, it is recommended the young adult remains in the custody of the PCSA through September 30, 2021,</p> <p>This guidance is consistent with the recommendation provided at the beginning of the pandemic.</p>
3	Expands access to Family First Prevention Services	<ul style="list-style-type: none"> •During the public health emergency, waives state match for evidence-based mental health, substance abuse, and parenting skill services, to allow states to invest in prevention services that keep children safely at home. 	Family First Prevention Services will be initially funded with Family First Transition Act funding. There is no state or local required match at this time and Ohio will not be eligible to draw these funds until October 1, 2021.
4	Provides emergency funding for the Title IV-B MaryLee Allen Promoting Safe and Stable Families program	<ul style="list-style-type: none"> • Provides \$75 million and waives state match for additional funds to support family preservation, family reunification, adoption, and other supportive services. •Ohio’s estimated allocation for Promoting Safe and Stable Families is approximately \$2.4 million. 	ODJFS is working to identify initiatives and investments to further support the state and county priorities.
5	Expands funding for the Court Improvement Program	<ul style="list-style-type: none"> •Provides an additional \$10 million for courts handling child welfare cases and temporary flexibilities to conduct virtual hearings and waives the state match for the new funds. 	ODJFS is working collaboratively with the Ohio Supreme Court to identify preliminary plans to use this funding.

6	Expands access to kinship navigator programs	<ul style="list-style-type: none"> •During the public health emergency, waives the state match and allows states to use models not yet in the Evidence Clearinghouse for kinship navigator programs, to provide greater access to federal funding to support grandparents and kin caregivers. •Services to kinship families, including kinship families raising children outside of the foster care system; and assistance to allow children to continue safely living with kin. 	<p>From April 1, 2020 through September 30, 2021, allows title IV-E Kinship Navigator Program funding to be used for specified activities, including evaluations and independent systematic reviews, short term support for kinship families for direct services or assistance, and technology for remote learning or other virtual activities. Funds may also be used to ensure that kinship caregivers have access to information and resources for testing and treatment for COVID-19, health care, legal assistance, and assistance with making alternative care plans for the children in their care (sec. 8(c) of Division X).</p>
---	--	--	--

			ODJFS will be working with Ohio Kinship and Adoption Navigator vendor, Kinnect, to explore all opportunities to maximize funding.
7	Makes technical corrections needed in response to FMAP increase:	<ul style="list-style-type: none"> •Makes a technical correction to Title IV-E treatment of the 6.2% Federal Medical Assistance Percentage (FMAP) increase for Family First Transition Act funding. 	The funding certainty grant baseline for former waiver counties (participating in the waiver as of 9/30/2019) has been recalculated to remove the 6.2% increase in the FMAP rate during the pandemic period so as to not adversely impact the calculated grant amount.
8	Adult Protection	<ul style="list-style-type: none"> •\$100 million for Aging and Disability Services Programs including “not less than \$50 million” for states’ APS programs. •Ohio will receive over \$3 million in funding. 	The federal register notice will officially be published on February 1, 2021. Letters of Assurance and an Initial Spending Plan are due in 30 days from the time the notice is published.

Contacts and Resources

- **Transition Planning and Assisting Youth Emancipating from Care**
 - Ohio’s Independent Living Toolkit: <http://jfs.ohio.gov/ocf/ILSkillsToolkit32019.stm>.
 - Additional questions contact, Laurie Valentine, Laurie.Valentine@jfs.ohio.gov.
- **Bridges**
 - Contact Jana Pearce, Jana.Pearce@jfs.ohio.gov
- **Adult Protective Services**
 - Contact Heidi Turner-Stone, Heidi.turner@jfs.ohio.gov
- **Fiscal**
 - Contact Charlotte Gerhardstein, Charlotte.gerhardstein@jfs.ohio.gov
- **Other Questions**
 - Contact the Office of Families and Children’s Help Desk via email at HELP-DESK-OCF@jfs.ohio.gov.

United States Congress recently passed the *Supporting Foster Youth and Families through the Pandemic Act*, that provides temporary supports and flexibilities for older foster youth and young adults who emancipated from foster care during the COVID 19 pandemic.

As a reminder, you are eligible for Medicaid until 26.

If one of the scenarios below describes your experience, you are also eligible for a temporary extension of these services and supports. If you:

Left foster care due to age during the COVID-19 public health emergency, April 1 - September 30, 2021.

OR

You may voluntarily re-enter foster care, up to age 22, by enrolling in Bridges.

For more information, go to:

<https://bridgestosuccess.jfs.ohio.gov>

OR

You may request post-emancipation, young adult services (YAS) from the county child welfare agency where you live, until age 27.

For more information, go to:

https://jfs.ohio.gov/county/County_Directory.pdf

Are preparing to leave foster care after the age of 18

You may voluntarily remain in care until September 30, 2021

You may enroll in the Bridges program. For more information, go to:

<https://bridgestosuccess.jfs.ohio.gov>

After leaving care, you may request post-emancipation, young adult services (YAS) from the county child welfare agency where you live, until age 27

https://jfs.ohio.gov/county/County_Directory.pdf

Currently receive an Ohio Education and Training Voucher (ETV)

You may receive an increase in funding until September 30, 2021.

Contact Foster Care to Success at:

<https://www.fc2sprograms.org/ohio>
for more details



Ohio

**Department of
Job and Family Services**

**Ohio Department of Job and Family Services
Office of Families and Children**

**Policy and Practice Guidance Document #005
Consolidated Appropriations Act, 2021
UPDATE 3/17/2021**

On December 27th, the Consolidated Appropriations Act became law, targeting temporary support to protect vulnerable youth impacted by the COVID-19 pandemic. The bill provides emergency support and new flexibility for young people in foster care; home visiting for at-risk pregnant and parenting families; foster care prevention funds and other critical child welfare services through September 30th, 2021.

The Ohio Department of Job and Family Services (ODJFS) would like to provide an initial update on practice and policy guidance as we await the release of further federal program instruction.

#	Legislation	Allocation Details	OFC Guidance
1	Increases funding and provides support for older youth who experienced foster care	<p><u>Chafee</u></p> <ul style="list-style-type: none"> • Provides \$400 million for the John H. Chafee Foster Care Program for Successful Transition to Adulthood (Chafee) to support older foster youth and youth transitioning into adulthood. • Temporarily waives state match requirement for additional Chafee funding. • Raises the maximum age for Chafee-eligible former foster youth through age 26. • Provides temporary program flexibilities, including lifting the 30 percent spending cap on housing costs and accommodating pandemic-related disruptions in work and education. • Ohio’s Chafee Foster Care Program for Successful Transition to Adulthood allocation is \$13,203,746. 	<p>ODJFS will be partnering with the Office of Fiscal and Monitoring Services to allocate Ohio’s Chafee supplemental funding to county agencies using the current allocation methodology. There is no required match for this funding and services may be provided for Chafee eligible former foster youth through age 26.</p> <p>There are additional program flexibilities, including the removal of the 30% cap for room and board assistance.</p> <p>Uses for this funding:</p> <p>Provide unrestricted one-time or monthly direct financial assistance to youth/young adults to assist them in meeting their needs during the pandemic.</p> <p>Provide targeted payments and supports to allow youth/young adults to remain at home during the COVID-19 pandemic and public health emergency, when needed to ensure their health and well-being. Individuals requiring such assistance may include youth with medical conditions,</p>

pregnant or parenting youth, and youth who need to quarantine due to exposure to COVID-19.

Assist youth in meeting living expenses, including rent, groceries, grocery or meal delivery, and utilities. Such assistance may include helping youth pay back payments and fees and/or paying for expenses for youth/young adults who need to stay home for extended periods of time.

Purchase cell phones, tablets, laptops, internet service, cell phone plans or other technological tools for young people.

Provide respite care services and additional support for parenting or pregnant youth.

Help pay salaries of agency staff who administer and oversee emergency assistance for youth, including fiscal staff responsible for generating and issuing payments paid for the Chafee program.

Partner with national and state organizations to assist young adults, including for activities relating to locating youth, outreach, and marketing.

Hire youth/ young adults with lived experience in child welfare to provide navigation services to fellow youth/young adults.

Navigation services help to connect youth to services and support them as they apply for or engage in those services. Employ youth/young adults, at the agency level and/or as part of contractor staff, to provide outreach and support to fellow youth and young adults. This could include paid internships for youth/young adults to help prepare them to re-enter the job market.

Assist youth in paying medical expenses, including COVID testing and treatment, if these expenses are not already covered by other health insurance or Medicaid.

Purchase or reimburse youth for

personal protective equipment (PPE), including cloth masks. Provide services and support to combat young peoples' social isolation during the pandemic. This could include sending gift boxes, cooking kits, puzzles, art and hobby supplies, or other interactive items to connect youth/ young adults.

Provide outreach and offer any needed assistance to youth who experienced foster care after attaining age 14 and were subsequently reunified and to youth who exited foster care to adoption or guardianship after attaining age 16.

In addition to conducting required public awareness campaign about the option for youth to re-enter foster care, use social media and other strategies to perform outreach to youth, young adults, and other community providers to make them aware of expanded Chafee funding and available supports.

Expand contracts with service providers who are currently working with youth and young adults formerly in foster care to provide services through the agencies to which such youth are already connected (e.g., supportive housing providers and Runway and Homeless Youth (RHY) grantees). Establish websites, hotlines, and other mechanisms to track and provide information on assistance requests.

Agencies may also use this funding to provide up to \$4,000 per year in driving and transportation assistance for youth age 15-26 for the period 10/1/2019 - 9/30/2021. Eligible uses include vehicle insurance costs, driver's education classes and testing fees, practice lessons, practice hours, license fees, roadside assistance, deductible assistance, and assistance in purchasing an automobile.

			<p>Assistance provided under this provision shall be disregarded for the purposes of determining the recipient's eligibility for or amount of any federal or federally supported assistance. We are awaiting further guidance from our federal partners on this provision of the law and have conducted outreach to the Offices of Family Assistance and Unemployment Compensation to ensure this income disregard has been communicated and incorporated into programs administered by those offices.</p> <p>In addition, work and education requirements can be suspended if the youth is unable to meet them due to impacts of the COVID-19 public health emergency. These provisions are in effect through the pandemic period.</p> <p>Funding may be used for services allowable under traditional Chafee through 9/30/2022.</p>
		<p><u>Educational & Training Voucher (ETV)</u></p> <ul style="list-style-type: none"> • Provides \$50 million for ETV Program and increases maximum award amount to \$12,000 per youth. <p>The Chafee Education and Training Vouchers allocation is \$1,919,149 for Ohio.</p>	<p><u>(ETV)</u></p> <p>The voucher can be up to \$12,000, available to age 27, and can address needs beyond those associated with costs of attendance. These vouchers are for youth participating in the ETV program. The Program Instruction did not waive or modify the requirement that a participant cannot be in the program for a period of more than five years.</p> <p>ETV can be used for expenses youth incur that are not associated with the cost of attendance of the youth/young adult. While states have reported some success in working with post-secondary institutions to include additional items in the cost of attendance specific to individual needs of youth, there are other expenses related to attending post-secondary institutions that may not be covered in the cost of attendance.</p> <p>Examples of these expenses include but are not limited to laptops or other technology necessary for virtual education; earbuds/earphones; desks, chairs and other items needed to create a</p>

			<p>learning space; supplies such as printer paper and ink; and tools for internet access (such as broadband internet access, cell phone data cards, routers and WIFI extenders).</p> <p>Federal law allows ETV funding to be used for advanced degrees, as well as qualifying vocational education, and Associate's and Bachelor's degree programs. Therefore, funding may be used to assist young people in attending law school, a Master's Degree, Ph.D., or other doctoral programs.</p>
2	<p>Prevents children from aging out of foster care and being at risk of homelessness during the pandemic</p>	<ul style="list-style-type: none"> •Prohibits states from requiring a child to leave foster care solely due to their age during the pandemic. •For youth who have “aged out” of foster care during the pandemic, requires states to permit youth to voluntarily re-enter care. •Allows states to use additional Chafee funds to offset costs caused by these requirements for youth not eligible for federal matching funds. 	<p>There are three options for youth and young adults:</p> <p>(1) If a youth is in the custody of an agency and will reach the age of majority during the public health emergency, the youth, may wish to maintain in the custody of the Public Child Welfare Agency OR (2) the child may choose to enter the Bridges program. (3) If a young adult under the age of 22 left foster care due to age during the COVID-19 public health emergency, they may voluntarily re-enter foster care by entering the Bridges program.</p> <p>ODJFS will work collaboratively with the Ohio Supreme Court and Prosecutor's Association to communicate these options.</p> <p>The reentry requirement expires September 30, 2021.</p> <p>Although the work and education requirements are waived through September 30, 2021, the judicial requirements are still in effect to draw down title IV-E.</p> <p>Chafee funds may be used toward additional costs incurred for non-IV-E eligible youth who would emancipate from foster care, but not for the pandemic. <i>Note: Between March 2020- January 28, 2021 there have been 848 kids who emancipated from care.</i></p>

			Youth who re-enter care must not be determined ineligible for IV-E foster care maintenance payments solely due to age or the education/employment conditions before 10/1/21.
--	--	--	--

3	Expands access to Family First Prevention Services	During the public health emergency, waives state match for evidence-based mental health, substance abuse, and parenting skill services, to allow states to invest in prevention services that keep children safely at home.	Family First Prevention Services will be initially funded with Family First Transition Act funding. There is no state or local required match at this time and Ohio will not be eligible to draw these funds until October 1, 2021.
4	Provides emergency funding for the Title IV-B MaryLee Allen Promoting Safe and Stable Families program	<ul style="list-style-type: none"> • Provides \$85 million and waives state match for additional funds to support family preservation, family reunification, adoption, and other supportive services. • Ohio's allocation for Promoting Safe and Stable Families is \$2,442,286 	ODJFS is working to identify initiatives and investments to further support the state and county priorities.
5	Expands funding for the Court Improvement Program	Provides an additional \$10 million for courts handling child welfare cases and temporary flexibilities to conduct virtual hearings and waives the state match for the new funds. \$260,139.	<p>ODJFS is working collaboratively with the Ohio Supreme Court to identify preliminary plans to use this funding.</p> <p>Must be used to address needs stemming from the COVID-19 public health emergency to ensure the safety, permanence, and well-being needs of children are met in a timely and complete manner. Courts must collaborate with child welfare agencies on the local and state levels and jointly plan for the collection and sharing of all relevant data and information to ensure those outcomes</p> <p>Use of funds may include:</p> <ul style="list-style-type: none"> • Technology investments to facilitate the transition to remote hearings for dependency courts when necessary as a direct result of the COVID-19 public health

			<p>emergency;</p> <ul style="list-style-type: none"> • Training for judges, attorneys, and caseworkers on facilitating and participating in remote hearings that comply with due process and all applicable laws, ensure child safety and well-being, and help inform judicial decision-making; • Programs to help families address aspects of the case plan to avoid delays in legal proceedings that would occur as a direct result of the COVID-19 public health emergency; and • Other purposes to assist courts, court personnel, or related staff related to the COVID-19 public health emergency.
6	Expands access to kinshipnavigator programs	<ul style="list-style-type: none"> •During the public health emergency, waives the state match and allows states to use models not yet in the Evidence Clearinghouse for kinship navigator programs, to provide greater access to federal funding to support grandparents and kin caregivers. •Services to kinship families, including kinship families raising children outside of the foster care system; and assistance to allow children to continue safely living with kin. •Awaiting approval from Children’s Bureau on our OHKAN program. If approved, we can claim all state funds. 	<p>From April 1, 2020 through September 30, 2021, allows title IV-E Kinship Navigator Program funding to be used for specified activities, including evaluations and independent systematic reviews, short term support for kinship families for direct services or assistance, and technology for remote learning or other virtual activities. Funds may also be used to ensure that kinship caregivers have access to information and resources for testing and treatment for COVID-19, health care, legal assistance, and assistance with making alternative care plans for the children in their care (sec. 8(c) of Division X). Eligibility is not dependent on the title IV-E candidacy requirements.</p>

			ODJFS will be working with Ohio Kinship and Adoption Navigator vendor, Kinnect, to explore all opportunities to maximize funding.
7	Makes technical corrections needed in response to FMAP increase:	<ul style="list-style-type: none"> •Makes a technical correction to Title IV-E treatment of the 6.2% Federal Medical Assistance Percentage (FMAP) increase for Family First Transition Act funding. 	The funding certainty grant baseline for former waiver counties (participating in the waiver as of 9/30/2019) has been recalculated to remove the 6.2% increase in the FMAP rate during the pandemic period so as to not adversely impact the calculated grant amount.
8	Adult Protection	<ul style="list-style-type: none"> •\$100 million for Aging and Disability Services Programs including “not less than \$50 million” for states’ APS programs. •Ohio will receive over \$3 million in funding. 	The federal register notice will officially be published on February 1, 2021. Letters of Assurance and an Initial Spending Plan are due in 30 days from the time the notice is published.

Contacts and Resources

- **Transition Planning and Assisting Youth Emancipating from Care**
 - Ohio’s Independent Living Toolkit: <http://jfs.ohio.gov/ocf/ILSkillsToolkit32019.stm>.
 - Additional questions contact, Laurie Valentine, Laurie.Valentine@jfs.ohio.gov.
- **Bridges**
 - Contact Jana Pearce, Jana.Pearce@jfs.ohio.gov
- **Adult Protective Services**
 - Contact Heidi Turner-Stone, Heidi.turner@jfs.ohio.gov
- **Fiscal**
 - Contact Charlotte Gerhardstein, Charlotte.gerhardstein@jfs.ohio.gov
- **Other Questions**
 - Contact the Office of Families and Children’s Help Desk via email at HELP-DESK-OCF@jfs.ohio.gov.

<h1>ACF</h1> <p>Administration for Children and Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families	
	1. Log No: ACYF-CB-PI-21-04	2. Issuance Date: March 9, 2021
	3. Originating Office: Children’s Bureau	
	4. Key Words: Supporting Foster Youth and Families through the Pandemic Act; Title IV-B, Title IV-E, Court Improvement Program, John H. Chafee Foster Care Program for Successful Transition to Adulthood, Education and Training Vouchers Program, Family First Transition Act	

PROGRAM INSTRUCTION

TO: State, Tribal, and Territorial Agencies Administering or Supervising the Administration of Titles IV-E and IV-B of the Social Security Act, the Highest State Court of Appeals, and State and Tribal Court Improvement Program Grantees.

SUBJECT: Guidance and instruction related to the Supporting Foster Youth and Families through the Pandemic Act, Division X of the *Consolidated Appropriations Act, 2021*, Public Law (P.L.) 116-260, enacted December 27, 2020.

LEGAL AND RELATED REFERENCES: Titles IV-B and IV-E of the Social Security Act (the Act).

PURPOSE: The purpose of this Program Instruction (PI) is to provide instruction and guidance to title IV-B/ IV-E agencies and Court Improvement Program Grantees on actions required to address the Supporting Foster Youth and Families through the Pandemic Act which was enacted as Division X of P.L. 116-260, the *Consolidated Appropriations Act, 2021*.

BACKGROUND: The *Consolidated Appropriations Act, 2021*, P.L. 116-260, enacted into law on December 27, 2020, makes continuing appropriations for specified federal agencies and provides temporary flexibilities and assistance in response to the COVID-19 pandemic and public health emergency.¹ Division X of P.L. 116-260, titled, the “Supporting Foster Youth and Families through the Pandemic Act,” includes additional, supplemental or enhanced funding for

¹ “COVID-19 public health emergency” is defined in section 2(1) of Division X for purposes of Division X as the public health emergency declared by the Secretary entitled “Determination that a Public Health Emergency Exists Nationwide as the Result of the 2019 Novel Coronavirus,” beginning January 27, 2020 and currently authorized until April 20, 2021 ([subject to be extended](#)).

several programs authorized under titles IV-B and IV-E of the Act and requires title IV-E agencies to take a number of actions to protect and support youth/young adults currently or formerly in foster care. Please see Information Memorandum [ACYF-CB-IM-21-05](#) issued on January 13, 2021 for a summary of all provisions in Division X.

This PI addresses the following provisions:

Section A: Youth/Young Adult Provisions.

1. Temporary requirements for title IV-E agencies to allow youth over age 18 to remain in or re-enter foster care and suspension of the age and education/employment requirements for title IV-E foster care maintenance payments for youth;
2. John H. Chafee Foster Care Program for Successful Transition to Adulthood (Chafee program) Additional Funding and Flexibilities;
3. Education and Training Vouchers (ETV) Program Additional Funding and Flexibilities; and
4. Financial and Reporting Information for the Chafee and ETV Program Additional Funding

Section B: Emergency Funding for the MaryLee Allen Promoting Safe and Stable Families Program

Section C: Court Improvement Program Supplemental funding

Section D: Family First Prevention Services Program Pandemic Flexibility

Section E: Adjustment of Baselines for Family First Transition Act Funding Certainty Grants

A separate PI will be issued to address provisions in Division X relating to the title IV-E Kinship Navigator program.

Section A: Youth/Young Adult Provisions.

Overview: The Supporting Foster Youth and Families through the Pandemic Act (Division X of P.L. 116-260) directs title IV-E agencies to prevent youth from “aging out” of foster care and to facilitate re-entry into foster care for youth who previously aged out of foster care for the period specified in Division X. It also temporarily waives certain title IV-E foster care eligibility requirements for youth age 18 and older. The law also provides \$400 million in additional appropriations for the Chafee program for fiscal year (FY) 2021, of which \$50 million is reserved for ETV (see Attachments A and B for Chafee and ETV additional allotments). The law also directs that 1.5 percent of the \$400 million be reserved for HHS technical assistance and evaluation activities. Title IV-E agencies may also use the additional Chafee funding for meeting the extended foster care requirements, as described in detail below.

The temporary title IV-E requirements and the additional Chafee/ETV funding and flexibility address the critical financial needs of youth/young adults who are or were

formerly in foster care. Because many of these young people, once discharged from foster care, lack access to stable housing, income, and other resources that may be available to youth/young adults in intact families, the funding and flexibilities provided by the Supporting Foster Youth and Families through the Pandemic Act are critical to ensuring youth are protected and supported. Without adequate outreach and support, there is a very real risk that youth who have left the foster care system will become homeless or experience other negative outcomes.

In carrying out the provisions of the law, CB encourages all title IV-E agencies to draw on the expertise of those individuals who will receive the assistance and services at both the individual and system-level. Youth and young adults are in the best position to identify their most critical needs. CB encourages title IV-E agencies to make engagement and peer support² a critical part of implementation. Some potential approaches to engaging young people in implementation include:

- Invite existing entities, such as youth advisory boards or other youth leadership groups, to meet with and advise the agency in implementation efforts. Ensure that advisory activities are inclusive of the diverse population of eligible youth, including young people who are expectant or parenting; young people with different racial, cultural and ethnic backgrounds; Lesbian, Gay, Bi-Sexual, Transgender, and Questioning (LGBTQ) youth; and youth from both urban and rural areas.
- Enlist community-based agencies in outreach and notification activities to ensure all eligible young people learn about available assistance and how to access it.
- Partner with community-based organizations that have direct connections with young people, are able to outreach to them, and include young people among their workforce who can support in resource navigation, connection and more.

Investing in these strategies will build youth engagement into the agency's implementation infrastructure from the start and lay the groundwork for sustained youth engagement after the COVID-19 pandemic and public health emergency.

Young adults are a highly mobile population. CB urges states to evaluate and determine the most expeditious way to verify a youth/young adult's former foster care history. In this time of crisis, a youth's state of origin should not preclude them from receiving critical services to prevent their homelessness and ability to connect to the social service system in the community where they now live.

Detailed information on each of the youth/young adult provisions in the Supporting Foster Youth and Families through the Pandemic Act is outlined below.

² Peer support is defined as utilizing other individuals with lived expertise in the child welfare system to engage with other youth and young adults.

A1: Temporary requirements for title IV-E agencies to allow youth over age 18 to remain in or re-enter foster care and suspension of the age and education/employment requirements for title IV-E foster care maintenance payments for youth.

The Supporting Foster Youth and Families through the Pandemic Act establishes new temporary requirements that all title IV-E agencies must carry out to prevent youth from aging out of foster care and to facilitate re-entry into foster care. These requirements apply whether or not a title IV-E agency currently is approved to provide eligible youth age 18 or older title IV-E foster care maintenance payments under section 475(8)(B) of the Act and regardless of the current maximum age for foster care under the laws and policies of the state or tribe. A chart below provides a summary of timeframes for the provisions described in Section A1.

The Supporting Foster Youth and Families through the Pandemic Act requires:

- *Temporary suspension of aging out of foster care and permitting re-entry of youth who have left foster care:* The title IV-E agency may not require a youth to leave foster care solely due to age from December 27, 2020 through September 30, 2021 (section 4(a) of Division X). Further, the title IV-E agency must permit any youth who left foster care due to reaching the state/tribe's maximum age during the COVID-19 public health emergency (defined in section 2(1) of Division X, currently January 27, 2020 – April 20, 2021, subject to be extended) to voluntarily re-enter foster care (section 4(b) of Division X). Regardless of any future extensions of the COVID-19 public health emergency, the re-entry requirement expires after September 30, 2021. There is no upper age limit on remaining in foster care or re-entering foster care under these provisions, meaning it is possible that a state or tribe would be required to allow a youth age 21 or older to remain in or re-enter foster care.

The title IV-E agency must also: 1) continue to ensure that the safety, permanence, and well-being needs of older foster youth, including youth who remain in or re-enter foster care, are met; and 2) work with any youth who remains in foster care after attaining 18 years of age (or such greater age as the state may have elected under section 475(8)(B)(iii) of the Act) to develop, or review and revise, a transition plan consistent with the plan referred to in section 475(5)(H) of the Act, and assist the youth with identifying adults who can offer meaningful, permanent connections (section 475(5)(H) of the Act; section 4(c) of Division X). The title IV-E agency must make reasonable efforts to determine the title IV-E eligibility of each youth remaining in or re-entering foster care due to the requirements and flexibilities of sections 4(a) and (c) of Division X (section 4(d)(2)(C) of Division X).

For purposes of meeting the temporary suspension of aging out of foster care and permitting re-entry of youth who have left foster care, title IV-E agencies may use a definition of foster care that does not fully accord with the definition used for the purposes of title IV-E in 45 CFR 1355.20. For example, a title IV-E agency could allow a youth to re-enter foster care without extending title IV-E agency placement and care to that youth, while still providing monthly financial support, age-appropriate supervision, and case management services. However, in order to claim FFP for title IV-E foster care maintenance payments, the definition of foster care at 45 CFR 1355.20 applies.

Therefore, in the example above, that same youth would not be eligible for title IV-E foster care maintenance payments because the arrangement does not meet the 45 CFR 1355.20 foster care definition due to the lack of title IV-E agency placement and care. In these cases, it is possible that the additional Chafee funding may be able to be used to support these youth, as described below in Section A2 of this PI.

- *Temporary suspension of age and education and employment requirements for title IV-E foster care maintenance payments:*³ The title IV-E agency may not determine a youth ineligible for title IV-E foster care maintenance payments due to age or failure to meet the education and employment conditions from December 27, 2020 through September 30, 2021 (section 475(8)(B) of the Act; section 4(a) of Division X). In addition, the title IV-E agency may not find a youth who re-enters foster care during the COVID-19 public health emergency period (defined as April 1, 2020 through September 30, 2021 in section 2(2) of Division X) ineligible for title IV-E foster care maintenance payments solely due to age or the education and employment conditions before October 1, 2021 (section 4(d)(2)(D) of Division X). There is no upper age limit for title IV-E foster care maintenance payments under this provision. The age and education and employment requirements are suspended for all otherwise eligible youth in foster care, regardless of whether the youth is in foster care due to the requirements delaying aging out and allowing re-entry described in the previous bullet.

To be eligible for title IV-E foster care maintenance payments, the youth must meet all other title IV-E foster care eligibility requirements, such as: removal requirements; the applicable AFDC standard; the title IV-E agency having placement and care of the youth; and living in an allowable foster care setting. The definition of “foster care” in 45 CFR 1355.20 applies for the purposes of title IV-E eligibility. Further, the case review requirements in section 471(a)(16) of the Act (which are defined further at section 475(5) of the Act) apply to all children under age 18 who are in foster care, under the placement and care of the title IV-E agency and those children age 18 or older on whose behalf a title IV-E foster care maintenance payment is made. Therefore, the title IV-E agency must ensure that it is meeting the case plan, periodic review, and permanency hearing requirements for these youth.

The same flexibilities for serving young people age 18 and older in title IV-E foster care previously addressed in [ACYF-CB-PI-10-11](#), published July 9, 2010, are available to youth age 18 and older who may be eligible for title IV-E foster care due to the suspension of the age and education/employment criteria. These flexibilities include the option to allow young people age 18 and older to re-enter care through a voluntary placement agreement and the option to use a range of supervised independent living settings, which need not be licensed, as the youth’s foster care placement. For example, a title IV-E agency may determine that when paired with a supervising agency or supervising worker, host homes, college dormitories, shared housing, semi-supervised

³ Many title IV-E agencies previously requested flexibility under the Stafford Act to serve older youth who did not meet title IV-E foster care requirements relating to education and work activities (see ACF-ACYF-CB-PI-20-10). However, P.L. 116-260 explicitly prohibits title IV-E agencies to impose the education and employment conditions as a title IV-E eligibility requirement for youth to remain in or re-enter foster care until September 30, 2021.

apartments, supervised apartments or another housing arrangement meet the supervised setting requirement (meaning it can be an allowable title IV-E placement option for youth age 18 or older in foster care).

- *Notice to youth and public awareness campaign about the option to re-enter foster care:* Until September 30, 2021, the title IV-E agency must provide notice of the option to re-enter foster care to each youth who was formally discharged from foster care due to age during the COVID-19 public health emergency (defined in section 2(1) of Division X, currently January 27, 2020 – April 20, 2021, subject to be extended), and facilitate the voluntary re-entry of those youth into foster care (section 4(b)(2 & 3) of Division X). The title IV-E agency must also conduct a public awareness campaign about the option to voluntarily re-enter foster care for youth under age 22 who aged out of foster care in FY 2020 or 2021 who are otherwise eligible to return to foster care (section 4(b)(4) of Division X).

In conducting the public awareness campaign, CB encourages title IV-E agencies to reach out not only to youth under age 22 who aged out of foster care in FYs 2020 and 2021, but to other youth formerly in foster care, if they now potentially would be eligible to return to foster care or receive other services from the agency.⁴ CB also encourages agencies to partner with foster care alumni/ae to create the public awareness campaigns and to assist with outreach. It is also important to consider the input of child welfare partners, foster parents, relatives, and others when crafting outreach materials. Finally, CB notes that states are in the process of surveying young adults at age 21 as part of the National Youth in Transition Database (NYTD) reporting requirements of the Chafee program; therefore, outreach the agency is already doing for NYTD may provide an opportunity to communicate the opportunity to re-enter foster care at the same time.

Action Required: All state and tribal title IV-E agencies must submit the certification in Attachment C to their [CB Regional Office](#) no later than 45 days from the issuance of this PI providing an assurance that the agency will implement the provisions related to aging out of, re-entry into, and eligibility for title IV-E foster care, as described above.

Title IV-E agencies may claim for title IV-E foster care maintenance payments and allowable associated in-placement administrative costs made or incurred from December 27, 2020 to September 30, 2021 on behalf of youth/young adults in foster care who otherwise would have been eligible for title IV-E except for the age or the education and employment conditions. There is no upper age limit for title IV-E eligibility during this time period (i.e., youth over age 21 could be eligible). To qualify for title IV-E foster care maintenance payments, youth must meet all other title IV-E eligibility requirements.

To receive title IV-E reimbursement of foster care maintenance payments and administrative costs on behalf of eligible youth, agencies must submit claims on the appropriate lines of the CB-496 Title IV-E Programs Quarterly Financial Report. There is no requirement to separately

⁴ Title IV-E agencies may use the Chafee Program funding to pay for costs incurred related to the public awareness campaign, including efforts targeted to the broader group of youth who are eligible for services or financial assistance.

report costs on behalf of youth/young adults that are eligible due to the temporary suspension of age and education and employment requirements.

As described in Section A2 below (*Use of Chafee Funds to Meet Requirements Relating to Preventing Youth From Aging out of Foster Care and To Facilitate Re-entry into Foster Care*), a state or tribe may use the additional Chafee funding provided through Division X to pay for costs associated with meeting the requirements described in this section, including the public awareness campaign, except that no Chafee funds may be used to pay for maintenance costs incurred on behalf of a title IV-E eligible youth. The title IV-E agency must make reasonable efforts to determine the title IV-E eligibility of each youth remaining in or re-entering foster care under the flexibilities and requirements of Division X (section 4(d)(2)(C) of Division X).

See the Chart 1 below for a summary of timeframes for the provisions described in Section A1.

Chart 1: Summary of Provisions and Timeframes for the temporary requirements for Title IV-E agencies to prevent aging of foster care and allow re-entry into foster care for youth over age 18 (section 4 of Division X)		
<u>Timeframe</u>	<u>Provision</u>	<u>Citation</u>
before October 1, 2021 <i>Provision has no force or effect after September 30, 2021⁵</i>	May not require a youth to leave foster care solely due to age	section 475(8)(B) of the Act section 4(a) of Division X
before October 1, 2021 <i>Provision has no force or effect after September 30, 2021</i>	May not find a youth ineligible for title IV-E foster care maintenance payments due to age or failure to meet the education and employment conditions	section 475(8)(B) of the Act section 4(a) of Division X
before October 1, 2021 <i>Provision has no force or effect after September 30, 2021</i>	Permit any youth who left foster care due to age during the COVID-19 public health emergency (currently between January 27, 2020 to April 20, 2021, subject to be extended) to voluntarily re-enter foster care	section 4(b)(1) of Division X

⁵ Section 4(e) of Division X.

Chart 1: Summary of Provisions and Timeframes for the temporary requirements for Title IV-E agencies to prevent aging of foster care and allow re-entry into foster care for youth over age 18 (section 4 of Division X)

<u>Timeframe</u>	<u>Provision</u>	<u>Citation</u>
before October 1, 2021 <i>Provision has no force or effect after September 30, 2021</i>	Youth who re-enter foster care during the emergency period of April 1, 2020 and September 30, 2021 may not be determined ineligible for title IV-E foster care maintenance payments solely due to age or the education/employment conditions	section 4(d)(2)(D) of Division X
before October 1, 2021 <i>Provision has no force or effect after September 30, 2021</i>	Provide notice of the option to re-enter foster care to each youth who aged out during the COVID-19 public health emergency (currently between January 27, 2020 to April 20, 2021, subject to be extended)	section 4(b)(2) of Division X
before October 1, 2021 <i>Provision has no force or effect after September 30, 2021</i>	Public awareness campaign about the option of re-entry for youth who have not attained 22 years of age, who aged out of foster care in FYs 2020 or 2021 (October 1, 2019 through September 30, 2021), and who are otherwise eligible to return to foster care	section 4(b)(4) of Division X
No timeframe <i>Provision has no force or effect after September 30, 2021</i>	The title IV-E agency must continue to ensure the safety, permanency, and well-being of older youth who remain in or who age out of foster care and re-enter foster care and continue transition planning	section 475(5)(H) of the Act; section 4(c) of Division X

Chart 1: Summary of Provisions and Timeframes for the temporary requirements for Title IV-E agencies to prevent aging of foster care and allow re-entry into foster care for youth over age 18 (section 4 of Division X)

<u>Timeframe</u>	<u>Provision</u>	<u>Citation</u>
<p>Costs incurred between December 27, 2020 and September 30, 2021</p> <p><i>Provision has no force or effect after September 30, 2021</i></p>	<ul style="list-style-type: none"> • May use the additional Chafee appropriation for certain costs incurred in meeting the requirements related to preventing youth from aging out of foster care, re-entry into foster care, and protections for youth in foster care. • Must not use the additional Chafee appropriation for specified foster care costs identified in Division X for title IV-E eligible youth, including youth age 18 or older who are eligible due to a temporary waiver of the age or education/employment requirements. • Must make reasonable efforts to determine the title IV-E eligibility of each older youth who remains in or re-enters foster care for the reasons specified in Division X. 	<p>section 4(d)(1), (2)(A), (B), and (C) of Division X</p>

A2: John H. Chafee Foster Care Program for Successful Transition to Adulthood (Chafee program) Additional Funding and Flexibilities

The Supporting Foster Youth and Families through the Pandemic Act appropriates additional funding for the Chafee program and makes temporary changes in eligibility for Chafee services for the time periods detailed below. Also see Chart 2 at end of Section A for a summary of timeframes for the provisions described in Section A2. The additional Chafee grant provides a flexible source of funding that can be used to provide immediate, critically needed assistance to young people.

In the past year, CB has heard from many young people who are in or were in foster care that they have not benefited from other COVID-19 relief assistance, such as stimulus payments or unemployment insurance. Therefore, CB urges all child welfare agencies receiving the additional Chafee grant to consider using at least a portion of the funds to facilitate quick and streamlined access to direct financial support for youth

who were or are in foster care.⁶ Funding under this program can be used as an opportunity to support young people’s resilience and to create opportunities for economic, social and educational success for these youth/young adults in FY 2021 and beyond.

The following temporary flexibilities in the use of funds are applicable to grants issued under both the regular FYs 2020 and 2021 Chafee grant and the additional grant for the time periods specified. State and tribal agencies administering the Chafee program may make immediate use of these flexibilities using FY 2021 regular and additional Chafee grants as well as any FY 2020 Chafee grant funding that remains available for expenditure through September 30, 2021. There is no need for the agency to make a special request or to submit any documentation to make use of the flexibilities.

Age: For FYs 2020 and 2021, Chafee funding may be used to provide services and assistance to any otherwise eligible youth or young adult who experienced foster care at age 14 or older and has not yet attained age 27 (section 3(b) of Division X).

Room and Board: From April 1, 2020 through September 30, 2021⁷:

- Agencies administering the Chafee Program may use more than 30 percent of their Chafee funds for room and board payments for a fiscal year (section 3(d)(3)(A) of Division X; see also section 477(b)(3)(B) and (c)(1) of the Act).
- Agencies may use Chafee room and board amounts for any otherwise eligible youth who experienced foster care at age 14 or older and who at the time of receiving services is age 18-26 (section 3(d)(3)(B) of Division X).⁸

Authority to Provide Driving and Transportation Assistance: From April 1, 2020 through September 30, 2021, Division X:

- Specifically authorizes Chafee funds to be used to provide driving and transportation assistance to otherwise eligible youth from ages 15- 26. These costs may be related to obtaining a driver’s license, vehicle insurance, driver’s education classes and testing fees, practice lessons, practice hours, license fees, roadside assistance, deductible assistance, and assistance in purchasing an automobile (section 3(d)(4)(A) of Division X).
- Creates a cap on the amount provided to each youth/young adult for this driving and transportation assistance at \$4,000 per year (section 3(d)(4)(B) of Division X).
- The driving and transportation assistance must be disregarded for determining the youth’s eligibility for any other federal or federally supported assistance. The state or tribe must also take steps to prevent duplication of benefits (section 3(d)(4)(B) of Division X).

⁶ We note that many state Chafee programs provide financial relief to youth/young adults. Some of these programs require that a youth complete an action plan, case plan, submit receipts, or other documentation as a condition of receiving the assistance. CB urges child welfare agencies to review all procedures to determine if they are a barrier to receiving needed assistance timely, specifically as viewed by youth and young adults.

⁷ “COVID-19 public health emergency period” is defined in section 2(2) of Division X.

⁸ Previously, states and tribes signed a certification that room and board assistance was to be provided only to youth who experienced foster care at age 18 or older (section 477(b)(3)(C) of the Act). This limitation is not applicable for the specified time period of April 1, 2020 – September 30, 2021.

- While driving and transportation expenses are ordinarily allowable under the Chafee program without dollar limit for eligible youth up to age 21 or 23, as elected by the state or tribe, under the provisions of Division X the services are also available to youth through age 26 during the period from April 1, 2020 – September 30, 2021. During that time period such expenses made for youth ages 15 - 26, whether paid from the regular or additional Chafee appropriation, are subject to the \$4,000 cap per year per youth.

Use of Chafee Funds to Meet Requirements Relating to Preventing Youth from Aging out of Foster Care and to Facilitate Re-entry into Foster Care

Section A1 of this PI outlines requirements and actions that title IV-E agencies must take to prevent youth from aging out of foster care, to allow re-entry into foster care, and to make youth aware of the option to re-enter foster care. The title IV-E agency must make reasonable efforts to determine the title IV-E eligibility of each youth remaining in or re-entering foster care due to the requirements and flexibilities of sections 4(a) and (c) of Division X (section 4(d)(2)(C) of Division X).

The additional Chafee grant funding may be used to pay for certain costs incurred in meeting the requirements relating to preventing youth from aging out of foster care, re-entry into foster care, and protections for youth in foster care (section 4(d)(1) and (2) of Division X). Such costs may include paying for maintenance payments and case management costs for youth who are not title IV-E eligible and paying for the public awareness campaign related to the opportunity for youth to re-enter foster care.⁹

Other Examples of How Additional Chafee Funds May be Used: Consistent with CB’s commitment to youth voice and youth engagement, we encourage child welfare agencies to ask youth and young adults what they need and then, provided consistent with the law, work to provide those identified services and supports in a timely manner.

However, to assist grantees in identifying allowable expenditures to meet the needs of eligible youth while flexibilities remain in effect (until September 30, 2021), CB is providing examples below of allowable use of funds for eligible youth/young adults, consistent with program purposes (for the full text of Chafee program purposes, please see Attachment D):

- Provide unrestricted one-time or monthly direct financial assistance to youth/young adults to assist them in meeting their needs during the pandemic.
- Provide targeted payments and supports to allow youth/young adults to remain at home during the COVID-19 pandemic and public health emergency, when needed to ensure their health and well-being. Individuals requiring such assistance may include youth with medical conditions, pregnant or parenting youth, and youth who need to quarantine due to exposure to COVID-19.

⁹ Title IV-E agencies may use the Chafee Program funding to pay for costs incurred related to the required public awareness campaign, as well as efforts to reach a broader group of youth who are eligible for services or financial assistance through Chafee funding.

- Assist youth in meeting living expenses, including rent, groceries, grocery or meal delivery, and utilities. Such assistance may include helping youth pay back payments and fees and/or paying for expenses for youth/young adults who need to stay home for extended periods of time.
- Purchase cell phones, tablets, laptops, internet service, cell phone plans or other technological tools for young people.
- Provide respite care services and additional support for parenting or pregnant youth.
- Help pay salaries of agency staff who administer and oversee emergency assistance for youth, including fiscal staff responsible for generating and issuing payments paid for the Chafee program.
- Partner with national and state organizations to assist young adults, including for activities relating to locating youth, outreach and marketing.
- Hire youth/ young adults with lived experience in child welfare to provide navigation services to fellow youth/young adults. Navigation services help to connect youth to services and support them as they apply for or engage in those services.
- Employ youth/young adults, at the agency level and/or as part of contractor staff, to provide outreach and support to fellow youth and young adults. This could include paid internships for youth/young adults to help prepare them to re-enter the job market.
- Assist youth in paying medical expenses, including COVID testing and treatment, if these expenses are not already covered by other health insurance or Medicaid.
- Purchase or reimburse youth for personal protective equipment (PPE), including cloth masks.
- Provide services and support to combat young peoples' social isolation during the pandemic. This could include sending gift boxes, cooking kits, puzzles, art and hobby supplies, or other interactive items to connect youth/ young adults.
- Provide outreach and offer any needed assistance to youth who experienced foster care after attaining age 14 and were subsequently reunified and to youth who exited foster care to adoption or guardianship after attaining age 16.
- In addition to conducting required public awareness campaign about the option for youth to re-enter foster care, use social media and other strategies to perform outreach to youth, young adults, and other community providers to make them aware of expanded Chafee funding and available supports.
- Expand contracts with service providers who are currently working with youth and young adults formerly in foster care to provide services through the agencies to which such youth are already connected (e.g., supportive housing providers and Runway and Homeless Youth (RHY) grantees).¹⁰
- Establish websites, hotlines, and other mechanisms to track and provide information on assistance requests.

¹⁰ Please see the [Family and Youth Services Bureau's Website](#) for more information. Agencies must be sure, however, to supplement and not supplant other funds available for the same general purpose (see Child Welfare Policy Manual [CWPM 3.3E Q3](#)).

Agencies should also carefully consider what data and information they may need to determine the effectiveness of their efforts to provide relief and financial assistance and to ensure equity and transparency.

A3: Additional Funding and Temporary Flexibilities for the Education and Training Voucher (ETV) Program

The Supporting Foster Youth and Families through the Pandemic Act provides \$50 million in additional ETV funding and provides temporary flexibilities in the use of funding. This additional funding and flexibility allows agencies to assist youth who had been on track to attend or were attending post-secondary institutions or programs but had their education interrupted due to the COVID-19 pandemic and public health emergency. For many youth the move to virtual classes did not complement their learning paths. Many were forced to “pause” their education due to financial challenges. CB encourages agencies administering the ETV program to use the flexibility offered by the Supporting Youth and Families through the Pandemic Act to provide support to and engage with youth to explore when and how they can reconnect with their educational goals. Youth and young adults may need multiple supportive opportunities to help them reconnect and succeed with their post-secondary education.

The temporary flexibilities detailed below in the use of ETV funds are applicable to grants issued under both the regular FY 2020 and FY 2021 ETV grants and the additional grant provided by Division X. State and tribal agencies administering the ETV program may make immediate use of these flexibilities using FY 2021 regular and additional Chafee grants as well as any FY 2020 ETV grant funding that remains available for expenditure. Agencies do not need to make a special request or to submit any documentation to make use of the flexibilities for expenditures for the applicable time periods. Also see Chart 2 at end of Section A for a summary of timeframes for the provisions described in Section A3.

Ages. For FYs 2020 and 2021, allows ETVs to be provided to youth until they reach age 27 (section 3(b) of Division X).

Maximum Award Amount: From October 1, 2020 to September 30, 2022:

- Increases the maximum ETV award amount in section 477(i)(4)(B) of the Act from \$5,000 to \$12,000 through the end of FY 2022 (section 3(a)(5) of Division X).

Suspension of Certain Requirements under the Education and Training Voucher Program. From April 1, 2020 through September 30, 2021¹¹:

- Allows states and tribes to waive the requirement in 477(i)(3) of the Act that a youth must be enrolled in a post-secondary education or training program or making satisfactory progress toward completing that program if a youth is unable to do so due to the COVID-19 public health emergency (section 3(d)(1) of Division X). (Note, however, that the law does not waive or modify the requirement in section 477(i)(3) of the Act that

¹¹ “COVID-19 public health emergency period” is defined in section 2(2) of Division X.

a youth may participate in the program for no more than 5 years, whether or not consecutive).

Authority to Use Vouchers to Maintain Training and Postsecondary Education. From April 1, 2020 through September 30, 2021:

- Allows additional ETV funding to be used to help support youth to remain enrolled in a post-secondary education or training program, including expenses that are not part of the cost of attendance (section 3(d)(2) of Division X).

Examples of ETV Funding for this purpose: Due to the temporary flexibilities, ETV can be used for expenses youth incur that are not associated with the cost of attendance of the youth/young adult. While states have reported some success in working with post-secondary institutions to include additional items in the cost of attendance specific to individual needs of youth, CB recognizes that there are other expenses related to attending post-secondary institutions that may not be covered in the cost of attendance. Examples of these expenses include but are not limited to laptops or other technology necessary for virtual education; earbuds/earphones; desks, chairs and other items needed to create a learning space; supplies such as printer paper and ink; and tools for internet access (such as broadband internet access, cell phone data cards, routers and WIFI extenders).

CB also reminds agencies that federal law allows ETV funding to be used for advanced degrees, as well as qualifying vocational education, and Associate's and Bachelor's degree programs. Therefore, funding may be used to assist young people in attending law school, a Master's Degree, Ph.D., or other doctoral programs.

A4: Financial and Reporting Information for the Chafee and ETV Program Additional Funding

Eligible Grantees: All states, territories and tribes approved to receive FY 2021 funding for the Chafee Program and/or ETV Program are eligible to receive additional funds, subject to their qualifying for additional funding under the statutory formula. Because eligible grantees were already approved for FY 2021, grantees do not need to submit a separate application for the additional funding.

Additional Allotments: ACF has issued the additional awards to all qualifying Chafee and ETV grantees. Grants were awarded based on the proportionate share of children in foster care in the state or tribe. After reserving 1.5 percent of funding for technical assistance and evaluation activities, as required by the Supporting Foster Youth and Families through the Pandemic Act, \$344 million is available for Chafee additional awards and \$50 million for ETV additional awards. Allotment amounts are provided in Attachments A and B.

Matching Requirements and Limitations: There is no match requirement for the additional funding provided for Chafee and ETV (section 3(a)(4) of Division X).¹² Matching requirements remain in effect for regular FY 2020 and 2021 Chafee and ETV grant awards.

Obligation/Liquidation Period: The Chafee and ETV additional funding provided under the Supporting Foster Youth and Families through the Pandemic Act is available for expenditures over a 2-year period from October 1, 2020 – September 30, 2022 and must be liquidated by December 30, 2022. Note, however, that different time periods (detailed in the previous sections and in Chart 2) apply to specific flexibilities. During the second year of the expenditure period (October 1, 2021 – September 30, 2022), many flexibilities, with the exception of the increase in the maximum ETV award, will no longer be available and regular program requirements must be followed.

Narrative Report on Planned and Actual Use of Additional Chafee/ETV funding: Grantees are required to include information on their planned use of the additional Chafee and ETV funding in the FY 2022 Annual Progress and Services Report (APSR) due June 30, 2021 and information on the actual use of funding in the FY 2023 APSR due June 30, 2022.

The information reported in the FY 2022 APSR should describe the types of assistance to be or being provided to youth/young adults, and the strategies the agency is using to engage youth/young adults. The description should also include the agency's outreach efforts to foster parents, providers, schools, colleges, and the community to make them aware of the additional funding and types of Chafee and ETV support available. States may provide links to policies or other outreach materials as an attachment to the FY 2022 APSR.

CB acknowledges that states and tribes may change their plans for the use of these funds over time to respond to changing community circumstances. Re-programming is allowable as long as activities supported by the funds continue to support in-scope, allowable expenses.

National Youth in Transition Database (NYTD) Reporting: State agencies administering the Chafee program are required to report to NYTD information about youth/young adults of any age who receive an independent living or financial service. Therefore, youth receiving assistance or services through the additional Chafee appropriation are to be included in NYTD reporting.

Financial Management and Reporting: The additional Chafee and ETV awards must be tracked and accounted for separately. Federal funds awarded under these grants must be expended for the purposes for which they were awarded and within the time period allotted.

¹² The additional Chafee and ETV funding is also exempt from the National Youth in Transition Database (NYTD) penalty calculations for April 1, 2020-September 30, 2022 (section 477(c) and (e)(2); section 3(a)(6) of Division X).

Agencies will be required to submit a separate electronic SF-425 for the additional Chafee grant and the additional ETV grant through the Payment Management System (PMS). For more information on gaining access to and using the PMS system, please contact the PMS Help Desk at 1-877-614-5533 or for more information see <https://pms.psc.gov>.

Agencies must submit the SF-425 for expenditures under each additional grant at the end of each year of the 2-year expenditure period. The report is due 90 days after the end of each federal fiscal year (i.e., by December 30, 2021 and December 30, 2022). A negative grant award will recoup any unobligated and/or unliquidated funds reported on the final SF-425.

Use of Funds to Purchase Supplies and Equipment: Agencies that choose to use Chafee and ETV funds for purchase of supplies or equipment, such as cell phones or laptops, must meet specific conditions as outlined in 45 CFR Part 75 described below:

- Identify whether the purchase constitutes supplies or equipment pursuant to the applicable definitions at 45 CFR § 75.2.
- If classified as equipment, regulatory provisions regarding management, use, and disposal (discussed below) must be considered (45 CFR § 75.320).
- If classified as supplies, regulatory provisions regarding use and disposal must be considered (45 CFR § 75.321).
- Assure that any procurement meets applicable state/tribal policies and procedures used for procurements made with non-Federal funds (45 CFR § 75.326).
- Address whether use of the cell phones or other technological devices will continue to serve a program purpose over time and either recover or repurpose these devices when a program purpose is no longer served.
- Assure that purchase and operation costs are appropriately cost allocated to all benefiting programs pursuant to the applicable regulations at 45 CFR § 75.405 and § 75.453.

Used Equipment: When equipment funded by the Department of Health and Human Services (HHS) has reached the end of its useful life, the title IV-E agency may use the items in other activities funded by the original program or other HHS programs (see disposition rules for equipment at 45 CFR § 95.707 and § 75.320). Title IV-E agencies may dispose of this equipment by giving it to other children or youth in foster care, their parents or foster parents being served under title IV-E, or other federal child welfare programs, as deemed appropriate and beneficial.

Redistributions: As with the Chafee and ETV grants made under the regular annual appropriation, the FY 2021 additional Chafee and ETV funds are subject to redistribution if any funding remains unexpended at the end of the two-year expenditure period (section 477(d)(5) of the Act). If ACF identifies unused funds following the close-out of a grant year, these funds will be reallocated to states or participating tribes that request additional funds for FY 2023.

See Chart 2 below for a summary of timeframes for the provisions described in Section A2.

Chart 2: Summary of Chafee/ ETV Provisions from Division X		
<u>Timeframe</u>	<u>Provision</u>	<u>Citation</u>
October 1, 2020 to September 30, 2022	Maximum ETV award amount increased to \$12,000	section 477(i)(4)(B) of the Act section 3(a)(5) of Division X
October 1, 2019 to September 30, 2021	Chafee and ETV services and assistance to eligible youth until age 27	section 3(b) of Division X
April 1, 2020 to September 30, 2021	Waive the requirement that a youth must be enrolled in a post-secondary education or training program or making satisfactory progress toward completing that program if a youth is unable to do so due to the COVID-19 public health emergency	section 477(i)(3) of the Act section 3(d)(1) of Division X
April 1, 2020 to September 30, 2021	Support youth to remain enrolled in a post-secondary education or training program, including expenses that are not part of the cost of attendance	section 3(d)(2) of Division X
April 1, 2020 to September 30, 2021	Use Chafee room and board amounts for otherwise eligible youth who are aged 18-26 and experienced foster care at age 14 or older	section 3(d)(3)(B) of Division X
April 1, 2020 to September 30, 2021	Provide an otherwise eligible youth aged 15-26 with up to \$4,000 per year in Chafee funds for driving and transportation assistance	section 3(d)(4)(B) of Division X

Section B: Emergency Funding for the MaryLee Allen Promoting Safe and Stable Families Program

Overview: Division X appropriates \$85 million in FY 2021 emergency supplemental funding for the MaryLee Allen Promoting Safe and Stable Families Program (PSSF) under title IV-B, subpart 2 of the Act, in addition to any amounts otherwise appropriated (section 6(a) of Division X). Of this amount \$10 million is reserved for the Court Improvement Program (see section 7(a) of Division X and Section C of this program instruction). Consistent with section 436(b)(3) of the Act, 3 percent (\$2,550,000) of the \$85 million supplemental appropriation is reserved for tribes. The remaining balance of \$72,450,000 is to be used for PSSF grants to states and territories.

Eligible Grantees: All states, territories and tribes approved to receive FY 2021 PSSF funding are eligible to receive supplemental PSSF grants. Because eligible grantees

were already approved for FY 2021 funding, no separate application for the supplemental funding is required.

Supplemental allotments: ACF will issue the supplemental awards to all eligible grantees as soon as possible. Grants will be awarded according to the statutory formula in section 433 of the Act. Estimated allotments are not yet available but when finalized will be disseminated and then posted on the CB website as Attachment E to this PI.

Approved Activities: The supplemental PSSF funds may be used for the same purposes as the regular annual PSSF grant, i.e., to provide community-based family support, family preservation, family reunification and adoption promotion and support services, consistent with the purposes and definitions in sections 430 and 431 of the Act. There are no other specific programmatic requirements or limitations on use of the emergency supplemental funding. The Children's Bureau encourages child welfare agencies to reach out to families and community-based agencies to identify the unmet needs for services or supports that families are experiencing during the pandemic, so that funds may be used to address those needs.

Project, Obligation, and Liquidation Period: These supplemental funds are for fiscal year (FY) 2021. Thus, the funds have a project period of October 1, 2020 – September 30, 2022. The funding must be obligated by September 30, 2022 and liquidated by December 30, 2022.

Matching Requirements and Limitations: Funds for this supplemental grant are awarded with a **100 percent** Federal Financial Participation (FFP) rate for program costs; therefore, no match (non-federal share) is required to receive the supplemental PSSF funds (section 6(b) of Division X). Matching requirements remain in effect for the regular 2021 PSSF grant awards.

Administrative Cost Limitation: In accord with section 434(d) of the Act, states may spend no more than 10 percent of the combined total costs for their PSSF grant program (including the federal funds received under this FY 2021 supplemental award and the grantee's regular FY 2021 PSSF federal allotment and the 25 percent non-federal match on the regular grant award) on administrative costs. The administrative cost limitation under the PSSF program is not applicable to tribal grantees.

Instruction for Reporting on Planned and Actual Use of Supplemental PSSF funds.

Narrative Report on Planned and Actual Use of supplemental funding:

Title IV-B grantees are required to include information on their planned use of the supplemental PSSF funding in the 2022 APSR due June 30, 2021 and information on the actual use of funding in the 2023 APSR due June 30, 2022.

CB acknowledges that states and tribes may change their plans for use of these funds over time in response to changing community circumstances. Re-programming is allowable as long as activities supported by the funds continue to support in-scope, allowable expenses.

Financial Management and Reporting: The supplemental PSSF funds will be awarded separately from the regular FY 2021 PSSF grant and must be tracked and accounted for separately to ensure compliance with specific requirements and allowances. Federal funds awarded under this grant must be expended for the purposes for which they were awarded and within the time period allotted.

Title IV-B agencies are required to submit an electronic SF-425 Federal Financial Report through the Payment Management System (PMS) to report expenditures at the end of each fiscal year (i.e., by December 30, 2021 and December 30, 2022). A negative grant award will recoup any unobligated and/or unliquidated funds reported on the final SF-425 for the title IV-B which will be due on December 30, 2022.

Section C: Court Improvement Program Supplemental funding

Overview: From the \$85 million FY 2021 emergency supplemental appropriation for the MaryLee Allen Promoting Safe and Stable Families program, Division X reserves \$10 million in FY 2021 supplemental funding for the Court Improvement Program (CIP) authorized in section 438 of title IV-B, subpart 2 of the Act, in addition to any amounts otherwise appropriated (section 7(a) of Division X). Of this amount, \$500,000 is reserved for Tribal CIP grants which are periodically awarded through a competitive discretionary grant process. The remaining \$9.5 million will be awarded as a supplement to the State CIP Data grant.

The \$500,000 in additional Tribal CIP funding will be distributed as supplements to the current seven Tribal CIP grantees. CB will contact the eligible grantees directly to provide instructions on actions needed to receive funds. The following section provides information and instructions about the \$9.5 million in supplemental funds for state CIP grantees.

Eligible Grantees: All State Courts approved to receive the FY 2021 CIP Data Grant are eligible to receive these funds. No separate application for funding is required (section 7(b)(3)(A) and (B) of Division X).

Supplemental allotments: ACF issued supplemental awards to all eligible grantees during the week of March 8, 2020. Grants were awarded according to the formula specified in section 7(b) of Division X. Each grantee will receive a base amount of \$85,000 and, after the sum of all states' base amounts is subtracted from the total appropriation of \$9.5 million, a percentage of the remainder based on the state's proportionate share of children under age 21. Allotment amounts are provided in Attachment F.

Allowable activities: The supplemental CIP funds must be used to address needs stemming from the COVID-19 public health emergency to ensure the safety, permanence, and well-being needs of children are met in a timely and complete manner. Courts must collaborate with child welfare agencies on the local and state levels and jointly plan for the collection and sharing of all relevant data and information to ensure those outcomes (sections 7(b)(1)(B) & 7(c) of Division X and sections 438(a)(3) and 438(b)(1)(A) of the Act).

Use of funds may include:

- Technology investments to facilitate the transition to remote hearings for dependency courts when necessary as a direct result of the COVID-19 public health emergency;
- Training for judges, attorneys, and caseworkers on facilitating and participating in remote hearings that comply with due process and all applicable laws, ensure child safety and well-being, and help inform judicial decision-making;
- Programs to help families address aspects of the case plan to avoid delays in legal proceedings that would occur as a direct result of the COVID-19 public health emergency; and
- Other purposes to assist courts, court personnel, or related staff related to the COVID-19 public health emergency (section 7(c) of Division X).

As described in detail in [ACYF-CB-PI-20-12](#), two key areas that CIPs can support to ensure safety, permanence, and well-being are quality hearings and legal representation. It is critical that judges, lawyers, and clients have the resources necessary to participate in these aspects of their cases, whether hearings are conducted remotely or in person.

CIP grantees should work with their multidisciplinary task force members to identify areas to be supported with the FY 2021 supplemental funding. However, to assist CIPs in identifying potential uses of funds, the following are additional examples of allowable uses of funding:

- Provide support for remote operations such as hearings, legal representation, and other case activities such as family team meetings.
- Supports to address inequities/disproportionalities in service delivery or access for clients, for example, by supporting internet access for clients or communities where it is lacking.
- Provide support for electronic case file applications, secure electronic document transmission, and electronic notice systems.
- Address case-specific barriers to permanency, safety, or well-being such as virtual alternatives to services.
- Implement systems to allow rapid direct communication with clients or resource parents such as mobile applications or emergency notification systems.
- Provide support for safe in-person operations (e.g. personal protective equipment, time certain docketing systems).
- Pay for staff or consultants to work on policy, regulations, or court rules around COVID-19.
- Provide training to judges, attorneys or partners on pertinent topics relating to working with children and families during the pandemic.

In collaborating with the child welfare agencies and tribes on planned use of funds, CIPs should ensure that efforts are not duplicating efforts funded by state agencies or tribes under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) or other sections of the *Consolidated Appropriations Act, 2021*.

Project, Obligation, and Liquidation Period: These supplemental funds are for FY 2021. Thus, the funds have a project period of October 1, 2020 – September 30, 2022.

The funding must be obligated by September 30, 2022 and liquidated by December 30, 2022.

Matching Requirements and Limitations: Supplemental funds for this program are awarded with a **100 percent** Federal Financial Participation (FFP) rate for program costs; therefore, no match (non-federal share) is required to receive these supplemental funds (section 7(b)(3)(E) of Division X). Matching requirements remain in effect for the regular FY 2021 CIP Basic, Data and Training grants.

Use of Funds to Purchase Supplies and Equipment: CIPs that choose to use their CIP grant to purchase supplies or equipment, such as smart phones or laptops, must meet specific conditions as outlined in 45 CFR Part 75 described below:

- Identify whether the purchase constitutes supplies or equipment pursuant to the applicable definitions at 45 CFR § 75.2.
- If classified as equipment, regulatory provisions regarding management, use, and disposal (discussed below) must be considered (45 CFR § 75.320).
- If classified as supplies, regulatory provisions regarding use and disposal must be considered (45 CFR § 75.321).
- Assure that any procurement meets applicable state/tribal policies and procedures used for procurements made with non-Federal funds (45 CFR § 75.326).
- Address whether use of the equipment will continue to serve a program purpose over time and either recover or repurpose these devices when a program purpose is no longer served.
- Assure that purchase and operation costs are appropriately cost allocated to all benefiting programs pursuant to the applicable regulations at 45 CFR § 75.405 and § 75.453.

Used Equipment: When equipment funded by the Department of Health and Human Services (HHS) has reached the end of its useful life, the grantee may use the items in other activities funded by the original program or other HHS programs (see disposition rules for equipment at 45 CFR § 95.707 and § 75.320). CIPs may dispose of this equipment by giving it to other child welfare stakeholders, as deemed appropriate and beneficial.

Indirect Costs: If the CIP wishes to receive reimbursement for indirect costs within its allotment, it must have an approved indirect cost rate with the cognizant Federal agency. The cognizant Federal agency is that Federal agency that provides the most funds to the court. If a court has not been assigned a cognizant agency, it should work with the Federal agency from which it receives the largest amount of funds to negotiate and receive approval of indirect cost proposals.

Instruction for Reporting on Planned and Actual Use on Supplemental CIP funds.

Narrative Reports on Use of CIP COVID-19 Supplemental funding:

State CIP grantees should include a description of the use of the supplemental funding as part of their Self-Assessment and Strategic Plan submissions as described in [ACYF-CB-PI-20-12](#).

For the Self-Assessment, where projects were supported by the supplement, include the text ‘COVID’ somewhere in the project description. This will allow CB to use a word search for data analysis. Address any efforts supported by the supplement that do not fit into other sections in the response to section IV, question 4.

For the Strategic Plan, CIPs may describe planned uses either as augmenting other projects or as a stand-alone. Include the text ‘COVID’ in the Strategic Plan for projects supported by the supplement.

As noted in [ACYF-CB-PI-20-12](#) and [ACYF-CB-PI-21-02](#), the Self-Assessment and Strategic Plan are due to the Children’s Bureau Regional Office by June 30, 2021.

Financial Management and Reporting: The supplemental CIP Data grant will be awarded separately from the regular FY 2021 CIP Data grant and must be tracked and accounted for separately to ensure compliance with specific requirements and allowances. Federal funds awarded under this grant must be expended for the purposes for which they were awarded and within the time period allotted.

CIP grantees are required to submit an electronic SF-425 Federal Financial Report through the Payment Management System (PMS) to report expenditures at the end of each fiscal year (i.e., by December 30, 2021 and December 30, 2022). A negative grant award will recoup any unobligated and/or unliquidated funds reported on the final SF-425 for the title IV-B which will be due on December 30, 2022.

Section D: Family First Prevention Services Program Pandemic Flexibility

Information. Section 5 of Division X temporarily increases the federal reimbursement rate for the title IV-E Prevention Services Program. During the COVID–19 public health emergency period (April 1, 2020 through September 30, 2021), the costs of title IV-E prevention services and allowable costs for administration and training allocated to the title IV-E prevention program are reimbursable at **100 percent FFP** (section 474(a)(6)(A)(i) and (B) of the Act; section 5 of Division X). See page 9 of [ACYF-CB-PI-18-09](#) for more information about allowable administrative costs under the title IV-E prevention program.

Division X does not make any other changes in the requirements for the title IV-E Prevention Services Program. To qualify for funding, a title IV-E agency must have an approved title IV-E Prevention Plan.

CB and the ACF Office of Grants Management are working to have the necessary computer programming changes completed on Form CB-496 in the On-Line Data Collection (OLDC) System to reflect the 100 percent FFP rate for the applicable quarters and will issue supplemental awards for title IV-E agencies who submitted claims in earlier periods qualifying for the enhanced FFP rate.

ACF does not anticipate that grantees approved to operate the title IV-E Prevention Services Program will need to take any special action to receive the enhanced FFP rate. Should any action be required, ACF Office of Grants Management staff will contact the affected title IV-E agencies directly and provide needed instructions.

Section E. Adjustment of Baselines for Family First Transition Act Funding Certainty Grants

Information: Section 9 of Division X amended section 602(c)(2) of Division N of the *Further Consolidated Appropriations Act, 2020* (P.L. 116-94) to create a hold harmless provision so as not to penalize title IV-E agencies that were operating a title IV-E child welfare waiver demonstration program on September 30, 2019 for the temporary FMAP increases made due to the COVID-19 public health emergency when calculating baselines for Family First Transition Act funding certainty grants. This change necessitated a revision to the Funding Certainty Baseline table previously issued as Attachment A with Program Instruction [ACYF-CB-PI-20-08](#). An Adjusted Qualifying Agency Funding Certainty Baselines table for FY 2020 was provided as Attachment to [ACYF-CB-IM-21-05](#). CB has also now prepared a table displaying the *estimated* Funding Certainty Baselines for FY 2021 and both tables are displayed as Attachment G to this PI. The FY 2021 estimated baseline amount includes a presumption that the temporary FMAP increase of 6.2 percentage points will remain in effect through the end of FY 2021. (The temporary FMAP increase is in effect during the COVID-19 public health emergency from January 27, 2020 through April 20, 2021, [subject to be extended](#).¹³) If the emergency declaration ends before the 4th quarter of FY 2021, ACF will alert grantees to any change in the baseline for FY 2021.

CB and ACF Grants Management are working to make needed revisions to reflect the changes in the Funding Certainty Baseline amounts displayed on Form CB-496 Part 3 in section F in the On-Line Data Collection (OLDC) system. No action is needed on the part of title IV-E agencies. ACF will use the updated FY 2020 baseline amount to calculate the initial Funding Certainty Grant amount for FY 2020 and will provide written notification to each agency on the status of its Funding Certainty Grant.

Paperwork Reduction Act:

Under the Paperwork Reduction Act of 1995 (P.L. 104-13), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless

¹³ “COVID-19 public health emergency” is defined in section 2(1) of Division X.

it displays a currently valid OMB Control Number. The Control Number for this OMB approved information collection is 0970-0426, approved through September 30, 2023.

Inquiries To: [Children's Bureau Regional Program Managers](#)

/s/

Amanda Barlow
Acting Commissioner
Administration on Children, Youth
and Families

Attachments

Attachment A: John H. Chafee Program for Successful Transition to Adulthood Additional Funding Allotments

Attachment B: Educational and Training Voucher Program Additional Funding Allotments

Attachment C: Title IV-E Certification: Temporary Changes Related to Aging Out of and Re-entry into and Eligibility for Title IV-E Foster Care for Older Youth

Attachment D: Program Purposes of the John H. Chafee Foster Care Program for Successful Transition to Adulthood

Attachment E: MaryLee Allen Promoting Safe and Stable Families Program Supplemental Funding Allotment [To be added when available]

Attachment F: Court Improvement Program Supplemental Funding Allotments

Attachment G: Funding Certainty Baseline for FY 2020 and Estimated Baseline for FY 2021

<h1>ACF</h1> Administration for Children and Families	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families	
	1. Log No: ACYF-CB-PI-21-05	2. Issuance Date: March 9, 2021
	3. Originating Office: Children’s Bureau	
	4. Key Words: Supporting Foster Youth and Families through the Pandemic Act; Family First Prevention Services Act, Title IV-E Kinship Navigator Programs	

PROGRAM INSTRUCTION

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

SUBJECT: Temporary Flexibilities for Participating in the Title IV-E Kinship Navigator Program

LEGAL AND RELATED REFERENCES: Title IV-E of the Social Security Act; Public Law (P.L.) 116-260, Division X, Section 8 of the *Consolidated Appropriations Act, 2021*, enacted December 27, 2020.

PURPOSE: To instruct title IV-E agencies on actions needed to receive title IV-E Kinship Navigator funding under the provisions of Section 8, Division X of P.L. 116-260. These provisions authorize programmatic flexibility and enhanced funding for the period of April 1, 2020 through September 30, 2021.

INFORMATION:

Background

The Family First Prevention Services Act (FFPSA), enacted as part of P.L. 115-123, amended the Social Security Act (the Act) to allow title IV-E agencies to receive funding for kinship navigator programs that meet certain criteria. As enacted in FFPSA, the amendment at section 474(a)(7) of the Act authorizes title IV-E agencies to claim 50 percent Federal Financial Participation (FFP) for allowable kinship navigator program costs beginning no earlier than October 1, 2018. The law also required that programs funded under the title IV-E Kinship Navigator Program meet practice criteria of

promising, supported, or well-supported in accordance with U.S. Department of Health and Human Services (HHS) criteria and be approved by the Title IV-E Prevention Services Clearinghouse (section 471(e)(4)(C) of the Act). At this time, none of the kinship navigator program models reviewed by the Clearinghouse has been determined to meet at least the promising practice criteria needed to meet section 474(a)(7) of the Act for allowable claiming under a title IV-E kinship navigator program. Therefore, no title IV-E agencies have yet been able to participate in the program.

To allow title IV-E agencies to begin receiving funding under the program, P.L. 116-260, Division X, Section 8 of the Consolidated Appropriations Act, 2021 enacts temporary flexibilities in the program and also provides 100 percent FFP for allowable costs. This program instruction outlines the applicable program requirements for participating in the title IV-E Kinship Navigator Program during the COVID-19 public health emergency period from April 1, 2020 through September 30, 2021 (section 2(2) of Division X), the temporary flexibilities in the program enacted by P.L. 116-260, and the steps a title IV-E agency must take to participate in the program during this time period only. To elect to participate in the title IV-E Kinship Navigator Program under the original statutory requirements for periods after September 30, 2021, a title IV-E agency must follow the instructions in Program Instruction [ACYF-CB-PI-18-11](#), issued on November 30, 2018.

Title IV-E agencies should note that Congress has also provided special funding in fiscal years (FYs) 2018 - 2021 under title IV-B, subpart 2 of the Act to support the development, enhancement or evaluation of kinship navigator programs. See Program Instruction [ACYF-CB-PI-20-05](#) for further information on the kinship navigator funding made available in FY 2020. The Children’s Bureau (CB) will issue a separate program instruction on how to apply for the FY 2021 title IV-B, subpart 2 kinship navigator funding.

This program instruction addresses requirements of the title IV-E Kinship Navigator Program, including those previously addressed in ACYF-CB-PI-18-11 that remain applicable during the **COVID-19 public health emergency period from April 1, 2020 through September 30, 2021 (emergency period)**, as well as temporary flexibilities that are applicable only during that period.

Title IV-E Kinship Navigator Program Requirements

To qualify for funding under the title IV-E Kinship Navigator program, the program implemented by a title IV-E agency must meet the requirements described in section 427(a)(1) of the Act, as follows:

“ (1) a kinship navigator program to assist kinship caregivers in learning about, finding, and using programs and services to meet the needs of the children they are raising and their own needs, and to promote effective partnerships among public and private agencies to ensure kinship caregiver families are served, which program—

- (A) shall be coordinated with other State or local agencies that promote service coordination or provide information and referral services, including the entities that provide 2-1-1 or 3-1-1 information systems where available, to avoid duplication or fragmentation of services to kinship care families;
- (B) shall be planned and operated in consultation with kinship caregivers and organizations representing them, youth raised by kinship caregivers, relevant government agencies, and relevant community-based or faith based organizations;
- (C) shall establish information and referral systems that link (via toll-free access) kinship caregivers, kinship support group facilitators, and kinship service providers to—
 - (i) each other;
 - (ii) eligibility and enrollment information for Federal, State, and local benefits;
 - (iii) relevant training to assist kinship caregivers in caregiving and in obtaining benefits and services; and
 - (iv) relevant legal assistance and help in obtaining legal services;
- (D) shall provide outreach to kinship care families, including by establishing, distributing, and updating a kinship care website, or other relevant guides or outreach materials;
- (E) shall promote partnerships between public and private agencies, including schools, community based or faith-based organizations, and relevant government agencies, to increase their knowledge of the needs of kinship care families and other individuals who are willing and able to be foster parents for children in foster care under the responsibility of the State who are themselves parents to promote better services for those families;
- (F) may establish and support a kinship care ombudsman with authority to intervene and help kinship caregivers access services; and
- (G) may support any other activities designed to assist kinship caregivers in obtaining benefits and services to improve their caregiving.”

Child and Family Eligibility for Title IV-E Kinship Navigator Programs

Children in kinship care arrangements and their families are eligible for services under the Title IV-E Kinship Navigator Program, without regard to whether the child is currently, or is potentially, eligible for title IV-E foster care maintenance payments (section 474(a)(7) of the Act). There also is no requirement that the child be determined to meet the definition of a foster care candidate to be eligible for services.

A title IV-E agency has discretion to determine the scope of the population to be served through its Kinship Navigator program, including children being cared for by kin while in a foster care or legal guardianship arrangements, children being cared for by kin and at risk of entering foster care, and children being cared for by kin outside of the child welfare system.

The statute does not define “kinship caregiver” for purposes of this program. Therefore, the title IV-E agency may serve families headed by a grandparent or other relative as well as tribal kin, extended family and friends, or other ‘fictive kin’ who are caring for children.

CB encourages title IV-E agencies to adopt a broad definition of kinship care, including children being cared for by kin outside of the formal child welfare system.

Geographic Scope of Services

A title IV-E agency is not required to operate the Kinship Navigator program in all counties and geographic locations in the state or tribal service area, but CB encourages title IV-E agencies to implement the program as broadly as possible in order to make Kinship Navigator services available to as many families in need of those services as possible.

Temporary Flexibilities for the title IV-E Kinship Navigator Program during the Pandemic

P.L. 116-260 establishes the following flexibilities in the title IV-E Kinship Navigator Program for the **emergency period (April 1, 2020 through September 30, 2021)**.

Inapplicability of Matching Funds Requirements

The FFP rate for title IV-E Kinship Navigator Programs is 100 percent during the emergency period (sec. 474(a)(7) of the Act; sec. 8(a) of Division X). Therefore, title IV-E agencies do not need to provide a match or non-federal share for program costs (including any allowable administrative costs allocable to the program) for expenditures made during this time period.

Waiver of Evidence Standard

The evidence-based standard requirements in sec. 471(e)(4)(C) of the Act are temporarily waived during the emergency period. This means that during the emergency period, the kinship navigator program does not need to have received a rating of well-supported, supported or promising from the title IV-E Prevention Services Clearinghouse (or have been approved for transitional payments consistent with [ACYF-CB-PI-19-07](#)). This includes kinship navigator programs that have been rated as “does not currently meet criteria” by the title IV-E Prevention Services Clearinghouse.

The title IV-E agency must, however, provide an assurance that the title IV-E Kinship Navigator Program will be, or is in the process of being, evaluated for the purpose of building an evidence base to later determine whether the program meets the title IV-E evidence based standard requirements (sec. 8(b) of Division X). This could include building additional evidence for a program currently rated as “does not currently meet criteria” by the title IV-E Prevention Services Clearinghouse.

Other Allowable Uses of Funds

Title IV-E Kinship Navigator Program funds may be used during the emergency period for the purposes as described in section 427(a)(1) of the Act or for additional purposes as follows:

- (1) for evaluations, independent systematic review, and related activities;
- (2) to provide short-term support to kinship families for direct services or assistance during the COVID-19 public health emergency period; and
- (3) to ensure that kinship caregivers have the information and resources to allow kinship families to function at their full potential, including--
 - (A) ensuring that those who are at risk of contracting COVID-19 have access to information and resources for necessities, including food, safety supplies, and testing and treatment for COVID-19;
 - (B) access to technology and technological supports needed for remote learning or other activities that must be carried out virtually due to the COVID-19 public health emergency (defined in Section 2(1) of Division X, currently renewed effective until April 20, 2021, subject to be extended);
 - (C) health care and other assistance, including legal assistance and assistance with making alternative care plans for the children in their care if the caregivers were to become unable to continue caring for the children;
 - (D) services to kinship families, including kinship families raising children outside of the foster care system; and
 - (E) assistance to allow children to continue safely living with kin.
(sec. 8(c) of Division X).

Territory Cap Exemption

Funds paid to the territories under the title IV-E Kinship Navigator Program for the emergency period under the provisions of Division X of P.L. 116-260 that would not have been paid to the territory in the absence of these provisions are exempt from the cap under sec. 1108(a)(1) of the Act (sec. 8(d) of Division X).

INSTRUCTIONS FOR ELECTING TO PARTICIPATE IN THE TITLE IV-E KINSHIP NAVIGATOR PROGRAM DURING THE COVID-19 PUBLIC HEALTH EMERGENCY PERIOD (April 1, 2020 – September 30, 2021):

Title IV-E Plan Attachment for Kinship Navigator Program

To receive funding under the title IV-E Kinship Navigator Program during the emergency period, a title IV-E agency must submit to CB for approval an attachment to its title IV-E plan (see Attachment B of this PI) that specifies the Kinship Navigator program it has chosen to implement and the date on which the provision of program services began or will begin, and that provides assurances that the program meets the requirements of section 427(a)(1) of the Act and that the kinship navigator program will be, or is in the process of being evaluated for the purpose of building an evidence base to later determine whether the program meets the title IV-E evidence based standard requirements (section 8(b) of Division X).

The title IV-E agency must also provide a brief narrative describing:

- the target population and service area for the program;
- how the title IV-E agency plans to implement the kinship navigator program (e.g., directly or through contracted service providers)
- how the program is coordinated with other state or local agencies that promote service coordination or provide information and referral services;
- how the development and operation of the program has been and will be informed by consultation with kinship caregivers and organizations representing them, youth raised by kinship caregivers, relevant government agencies, and relevant community-based or faith-based organizations; and
- the agency's current or planned evaluation activities.

Federal Financial Participation

As provided for in section 474(a)(7) of the Act, as temporarily modified by sec. 8(a) of Division X of P.L. 116-260, during the emergency period from April 1, 2020 through September 30, 2021, title IV-E funding is available for program services and administration for the Title IV-E Kinship Navigator Program at the 100 percent FFP rate, provided certain requirements are met, as delineated in this PI and at Section 427(a)(1) of the Act.

Administrative Costs

All administrative costs must be allocable to the Title IV-E Kinship Navigator Program in accordance with an approved or pending public assistance cost allocation plan under Federal regulations at 45 CFR Part 95 Subpart E – Cost Allocation Plans (States) or an approved child welfare cost allocation methodology and a negotiated indirect cost rate (Tribes). Examples of activities constituting administrative costs are those for program policy development in compliance with section 427(a)(1) of the Act and operational support activities centralized in the grantee department or in some other agency such as procurement; payroll; personnel functions; management, maintenance and operation of space and property; data processing and computer services; accounting; budgeting; auditing.

During the emergency period, costs for evaluations, independent systematic review, and related activities that are allocable to the title IV-E Kinship Navigator program may also be claimed as administrative costs and be reimbursed at 100 percent FFP. Any expenditures made during the emergency period for the development, delivery or participation in training by eligible staff and the staff of State/Tribe licensed or approved child welfare agencies providing title IV-E kinship navigator services to or on behalf of eligible clients are also reimbursable at the 100 percent FFP rate during the emergency period.

Submissions and Financial Reporting:

Title IV-E agencies that elect to operate a Title IV-E Kinship Navigator program during the emergency period must submit a title IV-E plan Pre-Print Attachment (found at Attachment B of this PI) by email to the appropriate CB Regional Office resource email address, e.g. CBRegion1@acf.hhs.gov, CBRegion2@acf.hhs.gov, etc. (see Attachment A for list of all Regional Offices and Regional Program Managers) with a copy submitted to Liliana Hernandez in the CB Central Office at liliana.hernandez@acf.hhs.gov.

This submission must identify the date on which title IV-E costs for program operations involving provision of services to families began or will begin during the emergency period (no earlier than April 1, 2020). Once such an attachment is approved by the CB, title IV-E claims for allowable costs may be submitted for periods no earlier than April 1, 2020, as identified in the title IV-E plan attachment.

Title IV-E agencies may only claim 100 percent FFP for allowable costs paid during the emergency period. After the emergency period ends on September 30, 2021, the flexibilities and 100 percent FFP rate expire.

After September 30, 2021, States and tribes may continue to submit title IV-E claims for expenditures and activities carried out during the emergency period as follows:

- The agency may claim 100 percent FFP for prior quarter adjustments for the applicable emergency period during which the program operations were approved for the title IV-E agency. Please note that any prior quarter adjustment title IV-E claims are subject to the time limit for claiming as per federal regulations at 45 CFR 95.7 (i.e., the agency must submit the claim within 2 years after the calendar quarter in which the title IV-E agency made the expenditure).
- The agency may claim 50 percent FFP for current quarter claims for costs of program services that were provided during the emergency period, but were paid in a quarter after September 30, 2021. For example, a bill for a service that is provided to a kinship caregiver in September 2021 may not be paid until October 2021. This cost for services during the emergency period may then be claimed for title IV-E reimbursement at the 50 percent FFP rate in effect in the quarter when payment is made.

The agency may not claim title IV-E FFP for any Kinship Navigator program activities performed on or after October 1, 2021 using the temporary flexibilities provided through P.L. 116-260. The agency may, however, use any available kinship navigator funding provided under title IV-B, subpart 2 of the Act for these costs.

To operate a title IV-E Kinship Navigator Program for periods beginning October 1, 2021, a title IV-E agency must have an approved title IV-E plan attachment establishing how a title IV-E Kinship Navigator program will be operated as per the program requirements delineated in [ACYF-CB-PI-18-11](#). To qualify for FFP, the program must have been rated by the

Clearinghouse or approved for transitional payments as delineated in [ACYF-CB-PI-19-07](#). Allowable claims for periods beginning October 1, 2021 will be reimbursed at 50 percent FFP. Expenditures and next quarter estimates for title IV-E Kinship Navigator Programs are reported on the CB-496 form. The form and specific instructions for reporting such costs can be found in [ACYF-CB-PI-20-09](#).

Inquiries To: Children’s Bureau Regional Program Managers

/s/

Amanda Barlow
Acting Commissioner
Administration on Children, Youth and
Families

Attachment A - Children’s Bureau Regional Program Managers

Attachment B - Title IV-E Plan Pre-Print Attachment – Election to Participate in Kinship Navigator Program During COVID-19 Public Health Emergency Period

Attachment A - Regional Program Managers – Children’s Bureau

<p>Region 1 – Boston CBRegion1@acf.hhs.gov Bob Cavanaugh bob.cavanaugh@acf.hhs.gov JFK Federal Building, Rm. 2000 15 Sudbury Street Boston, MA 02203 States: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont</p>	<p>Region 6 – Dallas CBRegion6@acf.hhs.gov Janis Brown janis.brown@acf.hhs.gov 1301 Young Street, Suite 106-1060 Dallas, TX 75202-5433 States: Arkansas, Louisiana, New Mexico, Oklahoma, Texas</p>
<p>Region 2 - New York City CBRegion2@acf.hhs.gov Alfonso Nicholas alfonso.nicholas@acf.hhs.gov 26 Federal Plaza, Rm. 4114 New York, NY10278 States and Territories: New Jersey, New York, Puerto Rico, Virgin Islands</p>	<p>Region 7 - Kansas City CBRegion7@acf.hhs.gov Kendall Darling Kendall.Darling@acf.hhs.gov Federal Office Building, Room 349 601 E. 12th Street Kansas City, MO 64106 States: Iowa, Kansas, Missouri, Nebraska</p>
<p>Region 3 - Philadelphia CBRegion3@acf.hhs.gov Shari Brown Shari.Brown@acf.hhs.gov The Strawbridge Building 801 Market Street Philadelphia, PA 19107-3134 States: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia</p>	<p>Region 8 – Denver CBRegion8@acf.hhs.gov Marilyn Kennerson marilyn.kennerson@acf.hhs.gov 1961 Stout Street, 8th Floor Byron Rogers Federal Building Denver, CO 80294-3538 States: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming</p>
<p>Region 4 – Atlanta CBRegion4@acf.hhs.gov Shalonda Cawthon shalonda.cawthon@acf.hhs.gov 61 Forsyth Street SW, Ste. 4M60 Atlanta, GA 30303-8909 States: Alabama, Mississippi, Florida, North Carolina, Georgia, South Carolina, Kentucky, Tennessee</p>	<p>Region 9 - San Francisco CBRegion9@acf.hhs.gov Debra Samples debra.samples@acf.hhs.gov 90 7th Street - Ste 9-300 San Francisco, CA 94103 States and Territories: Arizona, California, Hawaii, Nevada, Outer Pacific—American Samoa Commonwealth of the Northern Marianas, Federated States of Micronesia (Chuuk, Pohnpei, Yap) Guam, Marshall Islands, Palau</p>
<p>Region 5 – Chicago CBRegion5@acf.hhs.gov Cindy Lowder Cindy.Lowder@acf.hhs.gov 233 N. Michigan Avenue, Suite 400 Chicago, IL 60601 States: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin</p>	<p>Region 10 – Seattle CBRegion10@acf.hhs.gov Paula Bentz Paula.Bentz@acf.hhs.gov 701 Fifth Avenue, Suite 1600, MS-73 Seattle, WA 9810 States: Alaska, Idaho, Oregon, Washington</p>

Updated February 2021