Child Welfare Policy Manual

Section 8.3A.8: TITLE IV-E, Foster Care Maintenance Payments Program, Eligibility, Facilities requirements

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8.3A.8. TITLE IV-E, Foster Care Maintenance Payments Program, Eligibility, Facilities requirements

Question 1. How is the 12 month limit calculated for a child placed with his/her parent in a licensed residential family-based substance abuse treatment facility?

Answer

Section 472(j) of the Social Security Act provides that a title IV-E agency may claim title IV-E foster care maintenance payments on behalf of an otherwise eligible child who is placed with his/her parent in a licensed, residential family-based treatment facility for substance abuse (facility) under specified circumstances. The title IV-E agency may claim title IV-E for such a child for no more than 12 months. The "clock" for the 12 months begins to run on the first day that the child is placed with the parent in such a facility, which begins the 12-month period in that placement. As such, if a child is placed with his/her parent in such a facility, the "clock" would start anew: 1) each time that the parent and child move to a different facility, or 2) the child is placed elsewhere away from the parent, and then is placed again with the parent either in the same facility or a different one.
Note that for title IV-E eligibility and plan purposes, the "clock" ends on the last day of the 12th month, regardless of the day in the month that the child was placed with the parent in such a facility 12 months prior. For example, if a child is placed in a facility with his/her parent on January 10th, the 12 month period would end on January 31st of the next year.

Source/Date

11/23/2020

Legal and Related References

Section 472(j) of the Social Security Act

8.3A.8a. TITLE IV-E, Foster Care Maintenance Payments Program, Eligibility, Facilities requirements, child-care institution

Question 1. When and under what conditions can a public agency or unit of government claim reimbursement under title IV-E for multiple facilities operated as licensed public child care institutions for 25 or fewer children?

Answer

Only public child-care institutions which are clearly and definitely separate entities serving 25 or fewer children are covered under the provisions in section 472 of the Social Security Act. Child care institutions operated by a public agency or unit of government must be separate entities that are managed or administered as individual programs complete in themselves.

In addition to a license or approval for 25 or fewer children, other criteria that are indicative of an independent, discrete facility are: (a) separate budget; (b) separate on-site management, including control over personnel, i. e. hiring and firing; (c) separate control over intake and discharge; (d) separate control over development of the child care program; and (e) separate identification of program/treatment purposes and goals.

Although cottages on the same plot of land are not considered to be separate entities, physical proximity to other facilities is not in itself a factor that would disqualify an institution that has otherwise demonstrated its autonomy. For example, a county may operate several small institutions throughout the county within a short distance from each other. If they are not on a common lot and do not share the same address or history of being one institution, it is possible that the costs of

care in each facility may be allowable for FFP, if all other conditions, as outlined above, are met by the institution.

Source/Date

ACYF-CB-PIQ-88-04 (7/19/88)

Legal and Related References

Social Security Act - section 472 (c)

Question 2. An inquiry from a State described a situation in which a local governmental unit is operating a residential child care facility that consists of several cottages on a common plot of land. One of the cottages, licensed by the State, has a licensed capacity of 25 or fewer children. Another cottage is also licensed, but for more than 25. The question is: are the costs of care in the cottage of 25 or less eligible for Federal financial participation (FFP), since it has an individual license and is not considered, for purposes of licensing, as a part of the other cottage housing more than 25 children?

Answer

No. Despite the fact the individual cottage is licensed for 25 or fewer children, it is considered to be part of a single larger institution. The cottages, as described, are located on a common plot of land and are operated and managed by a single administration. Decentralization of living units from one large building to several smaller cottages does not qualify the institution under the definition of "child-care institution" in section 472 (c) of the Social Security Act. Therefore, the costs of foster care maintenance for children living in a public institution of this type, with a total population of over 25, may not be claimed for FFP under title IV-E.

Congressional intent is clear in the Senate Committee Report (No. 96-336 p. 16): "the committee expects that the administration will closely monitor claims for reimbursement under this authority to assure that payments are not made with respect to care in large institutions which

have made superficial changes, such as the establishment of a 'group home' wing within a larger institution. The committee intends that only institutions which are clearly and definitely separate entities serving 25 or fewer children will be covered by the provision."

In addition, the House Conference Report (No. 96-136 p.54) stated that foster care payments for children placed in large public institutions would be disallowed, "even though a wing on the institution, a dormitory, or a cottage on the grounds of the institution may have 25 or fewer residents."

Source/Date

ACYF-CB-PIQ-88-04 (7/19/88)

Legal and Related References

Social Security Act - section 472 (c); House of Representatives Conference Report No. 96-136 and Senate Committee Report No. 96-336

Question 3. What is the operative definition of the term "primarily" when used to describe a facility for the detention of children?

Answer

Section 472 (c)(2) of the Social Security Act (the Act) defines "child-care institution". The word "primarily" is used to modify the use of the facility for detention purposes. The following questions are asked when determining the "primarily" issue: (a) Who operates the facility? (b) For what purposes does it exist? (c) Is it licensed or approved? If so, for what use and by whom? (d) From whom does it receive its major financial resources? (e) What type of children are residents? (f) Would it be viable without the need to house children adjudicated delinquent? (g) Is the facility physically restrictive?

In addition to these questions, the Department would look to the specific facts of a given situation. However, it is important to keep in

mind that separation of serious juvenile offenders from foster care children (including status offenders) is a most significant practice issue.

Source/Date

ACYF-CB-PIQ-82-10 (8/11/82); ACYF-CB-PIQ-88-03 (4/11/88); 10/25/16

Legal and Related References

Social Security Act - sections 472; 45 CFR 1355.20

Question 4. Is Federal financial participation available for children placed in for-profit child-care institutions?

Answer

Formerly, title IV-E foster care maintenance payments for placements in child-care institutions were restricted to public or private nonprofit institutions. Effective August 22, 1996 with the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act, title IV-E reimbursement became available for State foster care maintenance expenditures incurred through placements made in eligible private "for-profit" child-care institutions.

Source/Date

ACYF-CB-PA-97-01 (7/25/97)

Legal and Related References

Social Security Act - section 472 (c)(2).

Question 5. If an otherwise eligible title IV-E child is placed in a child care institution that has locked living units for the child's benefit or safety, does this render the facility "physically restrictive," such that the child is ineligible for title IV-E?

Answer

Not necessarily. A facility that has locked living units may meet the Federal definition of a child care institution enabling the State to claim title IV-E on behalf of a child. The statute at section 472 (c)(2) of the Social Security Act requires the State to place the child in a child care institution that meets certain statutory and regulatory requirements. The law stipulates that a child care institution shall not include detention facilities "or any other facility operated primarily for the detention of children who are determined to be delinquent". The definition of child care institution in Federal regulations at 45 CFR 1355.20 states that:

[A] Detention facility in the context of the definition of child care institution in section 472 (c)(2) of the [Social Security] Act means a physically restricting facility for the care of children who require secure custody pending court adjudication, court disposition, execution of a court order or after commitment.

It is clear that States may not claim title IV-E for a child if the facility is "physically restrictive" in that it is used primarily to detain children who require secure custody. If a facility is not used primarily for this purpose, but the facility has some restrictions for the benefit or safety of the child, then the State may make title IV-E claims on behalf of an otherwise eligible child placed there.

While the State may claim title IV-E for a child placed in a child care institution that is secured for his or her benefit or safety, we want to note one caveat. The Departmental Appeals Board (California Department of Social Services Decision No. 960) noted in its decision that "a mixture of detention and treatment is common in juvenile law." Adding a treatment component to a facility that is used primarily to secure delinquent children does not render the child care institution consistent with the strictures of title IV-E.

Source/Date

6/23/2003

Legal and Related References

Social Security Act - Section 472 (c)(2); 45 CFR 1355.20; Departmental Appeals Board California Department of Social Services Decision No. 960.

Question 7. A 16-year-old youth is placed in a childcare institution (CCI) after October 1, 2019 (or the state's approved delayed effective date), but before the CCI has met the requirements to be a qualified residential treatment program (QRTP). The child remains in the CCI for several months, at which point the CCI meets the QRTP requirements. How may the title IV-E agency claim title IV-E foster care maintenance payments for such a child? When does the QRTP "clock ? begin to run to obtain the 30 day qualified individual assessment; the 60 day judicial review; and the 12 consecutive or 18 non-consecutive months (or six months if under age 13) agency head approval (collectively, the QRTP protections)?

Answer

The agency may claim title IV-E foster care maintenance payments on behalf of such a child for the first 14 days of the child's placement in a CCI that has not met QRTP requirements, or is not an allowable CCI placement specified in the Social Security Act (the Act). See §472(k)(1) and (k)(2) of the Act.

On the day that the CCI meets QRTP requirements, the agency must begin the statutory QRTP "clock," (the clock) to obtain the 30 day individualized assessment; the 60 day judicial review; and the agency head approval for placements in excess of six consecutive or non-consecutive months (for a child under 13) or 12 consecutive/18 non-consecutive months for children 13 and over on the day of the month in which the CCI has met the QRTP requirements. See §472(k)(1); §475A(c) of the Act.

Note that a CCI that meets QRTP program, licensing, and accreditation requirements for part of the month is deemed to have met those requirements for the entire calendar month. This means that if a childcare institution meets QRTP requirements for a portion of a month,

the title IV-E agency may claim foster care maintenance payments for the entire month when an otherwise eligible child has resided in that childcare institution for the entire month. For a child placed in the CCI on or after the date that the CCI meets all QRTP requirements, the agency may claim title IV-E FCMP beginning on the date that the child is placed in the QRTP, and the QRTP statutory "clock" begins to run on that date. See the Child Welfare Policy Manual, at §8.3A.15, Question and Answer #1.

For example, here is how this would work for a 16-year-old youth placed in a CCI if a state's QRTP delayed effective date is July 1, 2021:

October 15, 2021: Youth is placed in a CCI that is not a QRTP.

October 15-October 28, 2021: Agency may claim foster care maintenance payments for 14 days.

October 29, 2021: This is the 15th day that the youth has been in the CCI; the agency may not claim title IV-E FCMP on behalf of the youth.

March 8, 2022: CCI meets all QRTP program requirements, including accreditation and licensing. This is the youth's placement date into the QRTP, and the "clock" begins for the QRTP protections. Note, however, that the agency may begin to claim FCMP for the child back to March 1, 2022 because the child has resided in the CCI continuously and because the CCI is considered a QRTP for the entire calendar month.

April 6, 2022: Agency must have secured a 30-day individual assessment about the most appropriate placement for the child. If the assessment is not completed within 30 days of the start of the placement (March 8, 2022), the title IV-E agency cannot claim title IV-E FCMPs for the entirety of the QRTP placement.

May 6, 2022: Agency must have secured a 60-day judicial review that approves the continued placement of the child in order to continue claiming title IV-E FCMP.

February 28, 2023: This ends the 12th month of placement in the QRTP. Agency must secure head of agency signature in order to continue claiming beyond this date.

Source/Date

11/1/2021

Legal and Related References

See §472(k) of the Social Security Act.

Question 8. May a title IV-E agency claim IV-E foster care maintenance payments for an otherwise IV-E eligible child placed in a child care institution (CCI) if it has not yet received the results of a child abuse and neglect (CAN) registry request that was submitted to another state or tribe where the employee used to live?

Answer

Yes. The CAN registry check procedures in section 471(a)(20)(D) and (B) of the Social Security Act (Act) require that a title IV-E agency "check any child abuse and neglect registry maintained by the State [or tribe] . . . and request any other State [or tribe] in which [the adult working in a child-care institution] has resided in the preceding 5 years, to enable the State to check any child abuse and neglect registry maintained by such other State . . . before the [adult] may be finally approved . . ." The receipt of the results of CAN checks from other states for an adult working in a CCI, however, is not required prior to an agency claiming title IV-E foster care maintenance payments on behalf of an eligible child placed in that CCI provided that the adult awaiting their CAN registry check work under the direct supervision of personnel who have completed CAN registry and criminal record checks in accordance with section 471(a)(20)(D) of the Act until their completed CAN check is received (see guidance for foster family homes in the Child Welfare Policy Manual §8.4F, Q/A #8).

A title IV-E agency that believes that another state or tribe with an approved title IV-E plan that maintains a registry is not responding appropriately to an information request should contact their Administration for Children and Families' regional office.

Source/Date

07/29/2026

Legal and Related References

Social Security Act - section 471(a)(20)(D)

8.3A.8b. TITLE IV-E, Foster Care Maintenance Payments Program, Eligibility, Facilities requirements, foster family home

Question 3. May a title IV-E agency provide title IV-E foster care maintenance payments on behalf of an eligible child when the parent from whom the child is removed is residing in the licensed or approved foster family home where the child is placed?

Answer

No. Foster care is defined as “24-hour substitute care for children placed away from their parents or guardians and for whom the title IV-E agency has placement and care responsibility.” (45 CFR 1355.20). If a parent is residing in the same licensed/approved foster family home, then the child is not placed “away from their parents or guardians.” However, this does not apply to the minor parent and his/her child who are both placed in the same foster family home because the statute specifically identifies such placements as allowable and supersedes the regulation (42 U.S.C. 675(4)(B)).

Source/Date

9/9/2025

Legal and Related References

42 U.S.C. 675(4)(B); 45 CFR 1355.20

8.3A.8c. TITLE IV-E, Foster Care Maintenance Payments Program, Eligibility, Facilities requirements, licensing

Question 1. Can the State waive some foster home standards or criteria for licensure or approval of relative foster homes?

Answer

Yes, in certain situations. In order to meet the requirements of section 471 (a)(10) of the Social Security Act, the State licensing authority must be responsible for establishing standards for foster family homes and child care institutions which are reasonably in accord with recommended standards of national organizations.

However, special situations may arise where there are grounds for waiving a requirement for an individual relative/foster parent on behalf of a foster child. For example, a relative's dwelling may contain 10% less square feet than necessary to meet normal licensing standards. In these exceptional circumstances, the reason for the waiver must be documented in the licensing/approval record for the foster home and the certification of licensure/approval must indicate its applicability only to the specific relative child.

All foster care licensing standards should provide equal protection in terms of safety, sanitation, civil rights, and admission policies (where applicable) for all children in care, regardless of their special situations. Children living in the homes of relatives are entitled to no less protection than children living in non-relative foster homes.

Source/Date

ACYF-CB-PIQ-85-11 (11/21/85)

Legal and Related References

Social Security Act - sections 471 (a)(10), and 472 (c)

Question 2. Must a foster home be licensed by the State or Tribal licensing agency or by a State-certified or Tribe-certified child placement agency for title IV-E payments to be properly made?

Answer

No. Although Federal financial participation (FFP) is available for the costs of foster care maintenance only in licensed or approved foster homes or child care institutions, the statute does not limit licensing authority to the State or Tribe or its certified child placement agency. Foster care facilities may be licensed by the agency responsible for licensing, by other agencies under contract with the title IV-B/IV-E agency, or by Indian Tribal licensing authorities.

With respect to foster family homes on or near reservations, such homes may be licensed or approved by the Tribal licensing or approval authority(ies), pursuant to authority granted under The Indian Child Welfare Act of 1978 at 25 U.S.C. 1931

Source/Date

ACYF-CB-PIQ-87-01 (3/25/87), revised 9/30/26

Legal and Related References

Social Security Act - section 472; 45 CFR 1355.20; 25 U.S.C. of the Indian Child Welfare Act

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Question 6. The regulations permit title IV-E agencies to claim title IV-E reimbursement for children placed in foster family homes for a period of time, up to 60 days, between the date the foster family homes meets all the licensing or approval criteria and the date the agency issues the license or approval. When does the 60-day period begin?

Answer

We recognize that certain administrative procedures may delay the actual issuance of a license beyond the date that all of the required documentation is received by the agency. The 60-day period begins when the agency has, in hand, all of the documentation required to issue a license, based on full compliance with the agency's licensing standards.

Source/Date

Questions and Answers on the Final Rule (65 FR 4020) (1/25/00), revised 9/30/26

Legal and Related References

45 CFR 1355.20

Question 7. Can a title IV-E agency claim title IV-E FFP for eligible children placed in foster family homes or child-care institutions that are not fully licensed or approved, but rather have a provisional license or probationary license/status?

Answer

It depends. The purpose of requiring full licensure or approval of all foster family homes and child-care institutions is to ensure the health, safety, and protection of all children placed in foster care. If a foster family home or child-care institution is granted a provisional license, probationary license, or placed on probationary status due to its failure to fully satisfy all of the licensing or approval standards, then the children in such placement are not eligible for title IV-E foster care maintenance payments and the title IV-E agency may not claim FFP during the time that placement fails to fully comply with the standards. A title IV-E agency may begin claiming FFP for children in such placement when it fully complies with the licensing or approval standards. This means the title IV-E agency must prorate any claims when the otherwise eligible child has resided in the home or institution for a portion of the month.

However, if the foster family home or child care institution meets all of the licensure or approval standards but is on probation only in the sense that it is a newly licensed home or child-care institution requiring more frequent supervision by the agency, then the period of probation would not preclude the agency from providing title IV-E foster care payments on behalf of an otherwise eligible child.

Source/Date

Questions and Answers on the Final Rule (65 FR 4020) (1/25/00), revised 9/30/26

Legal and Related References

Social Security Act - section 471 (a)(10); 45 CFR 1355.20

Question 10. Must foster family homes approved through the tribal process meet the same standard as homes licensed by the State?

Answer

No. Per the definition of "foster family home" at section 1355.20 of the regulations, a licensing or approval authority may be: a state authority in the state in which the foster family home is located; a tribal authority with respect to a foster family home on or near an Indian Reservation pursuant to the Indian Child Welfare Act; or the licensing authority of a Tribe operating a title IV-E program with respect to a foster family home in the tribal title IV-E agency's service area. The licensing or approval of foster or adoptive homes or institutions by an Indian tribe is equivalent to licensing or approval by a State. The authority to license or approve includes the authority to set standards.

Source/Date

Preamble to the Final Rule (65 FR 4020) (1/25/00), revised 9/30/26

Legal and Related References

Social Security Act - 45 CFR 1355.20; 25 U.S.C. of the Indian Child Welfare Act

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Question 11. Licenses for foster family homes and child-care institutions often go into effect or may lapse on a day other than the first or last day of the month. How should the title IV-E agency claim Federal financial participation (FFP) for a title IV-E eligible child who is placed in a foster family home or child-care institution that is licensed for a portion of a month?

Answer

If a foster family home or child-care institution is licensed for a portion of a month, the title IV-E agency may claim FFP for the entire month when an otherwise eligible child has resided in that home for the entire month. The agency must prorate any claims when the otherwise eligible child has resided in the home or institution for a portion of the month.

Source/Date

Questions and Answers on the Final Rule (65 FR 4020) (1/25/00), revised 9/30/26

Legal and Related References

Social Security Act - section 471 (a)(10)

Question 13. Does the law require that licensed child-placing agencies use the same foster home licensing standards as the title IV-E agency?

Answer

Yes. Section 471(a)(10) of the Act requires that the State or Tribal licensing authority establish licensing standards and apply those standards to any foster family home or child care institution receiving funds under titles IV-B or IV-E of the Act. Furthermore, 45 CFR 1355.20 requires a title IV-E agency to apply the foster care licensing standards to all foster family homes for which it claims Federal financial participation. The only exception to these requirements is for foster family homes on or near Indian reservations, which may be licensed or approved in accordance with standards established by the tribal licensing or approval authority. The fact that a child-placing agency is conducting licensing activities on behalf of a title IV-E agency does not diminish the requirement for the agency to apply the licensing standards equally to all foster family homes. Failure to comply with this requirement will be considered a plan compliance issue.

The law does not preclude the title IV-E agency or child-placing agency from establishing additional criteria above and beyond basic licensing

requirements for different levels of care to meet children's needs. For example, the State may license or approve all foster family homes according to the same minimum standards but require additional criteria for foster families that will provide therapeutic care or care for fragile children with special medical needs. As long as the title IV-E agency or child-placing agency adheres to the State's or Tribe’s basic licensing standards, the title IV-E agency meets the requirements of section 471(a)(10) of the Act.

Source/Date

8/16/2002, revised 9/30/26

Legal and Related References

Social Security Act section 471(a)(10); 45 CFR 1355.20

Question 14. May a title IV-E agency claim title IV-E reimbursement on behalf of an otherwise eligible child when a State's or Tribe’s licensure requirements are met as the result of a "variance"?

Answer

Under specific circumstances, a title IV-E agency may claim title IV-E reimbursement on behalf of an otherwise eligible child when a State's or Tribe’s licensure requirements are met through a "variance". For title IV-E purposes, a "variance" is a mechanism that allows the title IV-E agency to meet a standard for licensure in a way other than is specified in the rule that governs licensure in that State or Tribe. A "variance" is acceptable on a case-by-case basis only if the title IV-E agency has the authority to permit "variances", the purpose of the licensing standard is achieved, and the safety of the child is maintained. A "variance" constitutes an alternative equivalent method to meet the standard. For example, a "variance" may be granted when a foster family's well does not have potable water, and the family purchases bottled water for drinking. The title IV-E agency's "variance" from the original rule still meets the State's or Tribe’s licensing requirement that the home is able to provide safe drinking water.

Source/Date

9/29/05, revised 9/30/26

Legal and Related References

45 CFR 1355.20(a)

Question 15. May a title IV-E agency claim title IV-E foster care maintenance payments on behalf of an otherwise eligible child who is in a pre-adoptive placement with an adoptive family if the family does not meet the State's or Tribe’s foster care license/approval requirements but does meet the adoptive home license/approval requirements?

Answer

No. The title IV-E agency may not claim title IV-E foster care maintenance payments for the child because the child is not in a licensed/approved foster family home as required in section 472(b)(1) of the Social Security Act (the Act). Although the child is in a home that meets the State's or Tribe’s adoptive home approval requirements, the requirement in section 472(b)(1) of the Act that the child be placed in a licensed/approved foster family home is not met.

However, if the child meets the adoption assistance eligibility requirements in section 473(a)(2) of the Act, the title IV-E agency may claim for title IV-E adoption assistance payments paid on the child's behalf once an adoption assistance agreement has been signed by all parties prior to finalization.

Source/Date

6-Apr-06, revised 9/30/26

Legal and Related References

Social Security Act - sections 472(b) and 473(a)

Question 16. In response to a question about foster care provider licenses that go into effect or lapse on a day other than the first or last day of the month, section 8.3A.8c of the Child Welfare Policy Manual (CWPM), Q/A #11, states that "[i]f a foster family home or child-care institution is licensed for a portion of a month, the title IV-E agency may claim Federal financial participation (FFP) for the entire month when an otherwise eligible child has resided in that home for the entire month." Does this same policy apply in situations where a foster care provider's license is revoked at some point during the month?

Answer

No. Although it has been long-standing policy that FFP can be claimed from the first day of placement in the month in which all eligibility criteria have been met, such policy does not extend to situations in which a foster care provider's license or approval has been revoked. Revocation of a license/approval implies that the State or Tribe has rescinded, withdrawn or otherwise invalidated the provider's license or approval. Therefore, instead of the Q/A referred to in the question, section 8.3A.8c of the CWPM, Q/A #7, more appropriately applies to this circumstance. This Q/A responds to a question about whether FFP can be claimed in situations where a foster family home has a provisional license, probationary license, or has been placed on probation. A title IV-E agency cannot claim FFP for foster care maintenance payments beyond the date of revocation of a foster care provider's license or approval. A title IV-E agency may, however, claim a full month of administrative costs in accordance with the agency's cost allocation plan (for Tribes, cost allocation methodology).

Source/Date

8/7/2006, revised 9/30/26

Legal and Related References

45 CFR 1355.20 (definition of foster family home); Child Welfare Policy Manual, Section 8.3A.8c, Q/A #7 and Q/A #11

Question 17. May a State claim administrative costs during the unlicensed period that a child is placed in a foster family home whose license has expired, but is in the process of renewal?

Answer

Under certain circumstances, it is possible that the State may claim administrative costs in this situation. Please see section 8.3A.8c, question 11 of the Child Welfare Policy Manual in which we allow the State to claim administrative costs for the entire month when an otherwise eligible child has resided in a home for the entire month, even if it is only licensed for a portion of the month. Furthermore, if the State's policies allow an expired license to remain in effect until renewed, the child placed in such a home is considered placed in a licensed foster family home, and the State may claim Federal Financial Participation (FFP) during that period. If, however, the State does not consider the expired license to remain in effect, the State may not claim FFP from the beginning of the month after the license expired until the beginning of the month in which the license is re-issued.

Source/Date

4/26/2007

Legal and Related References

Social Security Act § section 471(a)(10), Child Welfare Policy Manual § section 8.3A.8c, question 11

Question 18. When a child is placed in a foster care setting outside the jurisdiction of the title IV-E agency that has placement and care responsibility, must the foster family home be licensed by the licensing agency of the State or Tribe in which it is situated for title IV-E eligibility purposes? Will it be considered an error case on a title IV-E eligibility review if a foster family home is not licensed by the State or Tribe in which it is situated?

Answer

Yes, to both questions. In order for a child to be eligible for title IV-E foster care maintenance payments, the statute requires that the foster family home or child care institution be licensed by the licensing authority of the State or Tribe program in which the home is situated.

If during a title IV-E eligibility review, we find that a foster care maintenance payment has been made during the period under review for a child placed in a foster family home (or child care institution) not licensed or approved by the State or Tribe in which it is situated, the case will be found in error. If we find such payments were made outside the period under review, the ineligible payments will be disallowed.

Source/Date

11/14/2007; revised 9/30/26

Legal and Related References

Social Security Act § section 472(c)

Question 19. If a State's license or approval of a private child-placing agency expires but that agency continues to license/approve foster family homes on behalf of the State, will the Administration for Children and Families (ACF) consider such homes fully licensed or approved according to State standards for title IV-E eligibility purposes?

Answer

Section 472(c) of the Social Security Act (the Act) requires a foster family home to be licensed or approved in accordance with section 471(a)(10) of the Act by the agency of the State that has responsibility for licensing such homes. Therefore, as long as the State considers the foster family home licensed, ACF will consider the title IV-E eligibility requirement met.

Source/Date

12/31/2007

Legal and Related References

Social Security Act § sections 471(a)(10) and 472(c)

8.3A.8d. TITLE IV-E, Foster Care Maintenance Payments Program, Eligibility, Facilities requirements, supervised independent living

Question 1. Under what circumstance may a title IV-E agency consider a youth age 18 or older who is residing in the same home as his/her parent or guardian to be in an allowable title IV-E supervised independent living setting if paired with title IV-E agency supervision? May a title IV-E agency consider a youth age 18 or older who is residing in a substance abuse, mental health or other adult residential treatment facility to be in a supervised independent living setting for title IV-E purposes?

Answer

A title IV-E agency has discretion to develop a range of supervised independent living settings for youth age 18 or older, as long as those settings can be reasonably interpreted as consistent with the law at section 472(c)(2) of the Act and are paired with title IV-E agency supervision.

A title IV-E agency may determine that a youth residing in the home of a parent or guardian is an allowable supervised independent living setting. In this arrangement, the parent or guardian is not the foster care provider for the youth, nor has the agency returned the youth home to live under the care of his/her parent or legal guardian.

For example, the title IV-E agency may consider a youth who normally resides in a dorm during college and lives in a room in the home of his/her parent during college breaks, or a youth who takes classes and rents a basement room from his/her guardian, to be in allowable supervised independent living setting when the arrangement is paired with the title IV-E agency supervision.

A title IV-E agency may determine a substance abuse, mental health or other adult residential treatment facility to be a supervised independent living setting only if the youth is living in the facility voluntarily and the arrangement is paired with title IV-E agency supervision.

Ultimately, it is the responsibility of the title IV-E agency to evaluate the individual circumstances of the youth and the nature of the living arrangement to determine whether it is an appropriate and allowable independent living setting consistent with section 472(c)(2) of the Act.

Source/Date

5/6/2013, revised 9/30/26

Legal and Related References

Social Security Act § section 472(c)(2); ACYF-CB-PI-10-11