

<h1>ACF</h1> <p>Administration for Children and Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families	
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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

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<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>
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