ACF Administration for Children and Families	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families	
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	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 title IV-E of the Social Security Act

SUBJECT: Definition of "Short-Term Support" under the Temporary Pandemic Flexibilities of Division X for Title IV-E Agencies 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 provide clarifying guidance to title IV-E agencies on the parameters of short-term support that may be provided to kinship families with title IV-E kinship navigator funding under the flexibilities of Section 8, Division X of P.L. 116-260.

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.[1] Section 8, Division X of P.L. 116-260, the Consolidated Appropriations Act, 2021 enacted temporary flexibilities in

[1] See Program Instruction ACYF-CB-PI-18-11, issued on November 30, 2018, for details on the program as enacted in FFPSA.

the title IV-E Kinship Navigator program and also authorizes 100 percent Federal Financial Participation (FFP) for allowable costs for a limited period of time. The flexibilities and enhanced funding are in effect during the COVID-19 public health emergency period, defined in Division X as the period from April 1, 2020 through September 30, 2021 (section 2(2) of Division X). The flexibilities authorized by Division X include the ability to use title IV-E Kinship Navigator funds ***"to provide short-term support to kinship families for direct services or assistance during the COVID-19 public health emergency period****."*

On March 9, 2021, the Children's Bureau issued Program Instruction ACYF-CB-PI-21-05 providing guidance on the applicable program requirements for participating in the title IV-E Kinship Navigator Program under the flexibilities of Division X during the COVID-19 public health emergency period from April 1, 2020 through September 30, 2021. Since that time, the Children's Bureau has received questions about the scope of "short-term support" that may be provided using title IV-E Kinship Navigator funds, consistent with the flexibilities provided in Division X. This program instruction provides guidance on that issue.

Discussion:

Division X authorized title IV-E agencies to use title IV-E Kinship Navigator Funds "to provide short-term support to kinship families for direct services or assistance during the COVID-19 public health emergency period" but did not provide a definition of the nature, scope or extent of such short-term support. Therefore, to provide guidance to title IV-E agencies on allowable costs, the Children's Bureau has looked to how similar short-term support is defined in other programs authorized under Title IV of the Act.

The Temporary Assistance for Needy Families (TANF) program, authorized under title IV-A of the Social Security Act, distinguishes ongoing assistance from a category of benefits known as "non-recurrent, short-term benefits" which are intended to meet a specific crisis or episode of need. By definition, the benefits cannot extend beyond four months because, as the regulation provides, they are not intended to meet recurrent or ongoing needs but rather are intended to deal with a time-limited crisis or episode of need.[2]

INSTRUCTION:

Title IV-E agencies approved to participate in the title IV-E Kinship Navigator Program

[2] 45 C.F.R. § 260.31(b)(1)(iii) defines non-recurrent short-term benefits as benefits that:

(i) Are designed to deal with a specific crisis situation or episode of need;
(ii) Are not intended to meet recurrent or ongoing needs; and
(iii) Will not extend beyond four months.

under the flexibilities of Division X during the COVID-19 public health emergency may use funding to provide short-term support to kinship families for direct services or assistance during the time period from April 1, 2020 through September 30, 2021. Short-term support encompasses benefits and services for unmet needs that do not extend beyond four months. We believe it is appropriate to interpret the phrase "short-term support" to mean benefit or assistance that does not extend beyond four months consistent with existing TANF regulations that define a similar phrase. Also, we remind title IV-E agencies that when providing short-term support to kinship families during the COVID-19 public health emergency, the expenditures for direct services or assistance must be reasonable and allocable in accordance with federal regulations at 45 C.F.R. Part 75, Subpart E.

The Children's Bureau encourages title IV-E agencies to focus short-term support funds on kinship families who have limited income and resources to meet their unmet needs during this pandemic. We also encourage title IV-E agencies not to supplant federal or state program funds either already provided or otherwise available with title IV-E Kinship Navigator program funds when providing short-term support in the form of direct services or assistance to families.

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/s/

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