



## ADMINISTRATION FOR CHILDREN & FAMILIES

### **SUPPLEMENTAL TERMS and CONDITIONS**

The **General Terms and Conditions** apply to all non-discretionary programs. These Supplemental Terms and Conditions are additional requirements applicable to the program(s) named below.

By acceptance of awards for these programs, the recipient agrees to comply with the requirements included in both the General and Supplemental Terms and Conditions for these programs.

#### **Administration on Children Youth and Families (ACYF) Children's Bureau (CB)**

#### **FOSTER CARE PROGRAM**

Assistance Listing No. 93.658

#### **ADOPTION ASSISTANCE PROGRAM**

Assistance Listing No. 93.659

#### **GUARDIANSHIP ASSISTANCE PROGRAM**

Assistance Listing No. 93.090

### **APPLICABLE LEGISLATION, STATUTE, REGULATIONS**

1. The administration of these programs is authorized under Part E (Sections 470 – 479B) of Title IV of the [Social Security Act](#) (the Act).
2. These programs are codified at 42 U.S.C. [§670 to 679c](#).
3. The program-specific implementing regulations are located at 45 CFR Parts [1355](#) and [1356](#). Additional program requirements include:
  - An approved title IV-E plan, including all approved amendments or revisions.
  - The provisions of the [ACF Child Welfare Policy Manual](#).
  - All other applicable Federal regulations, program policies and instructions.
4. The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards is located under 45 CFR Part 75. In accordance with 45 CFR §75.101(e) Applicability and 45 CFR §1355.30(i), the following does not apply to this program:
  - a. *State title IV-E agencies*: Subpart C (except for §75.202)75.306, and 75.341.
  - b. *Tribal title IV-E agencies*: Subpart C (except for §75.202) and 75.341.
5. Additional applicable regulations and requirements can be found in the [General Terms and Conditions for Non-discretionary: Formula, Block Grant, and Entitlement Awards](#).

### **COST SHARING OR MATCHING (NON-FEDERAL SHARE) OF PROGRAM FUNDING**

6. These programs, per Section 474(a) and 479B(d) of the Act, utilize the state/tribal federal medical assistance percentage (FMAP) rate to determine the federal share of maintenance or other assistance

payments. Expenditures in FMAP rate funded categories must be matched using funds appropriated by the state or tribal legislature specifically for use in these programs. The FMAP rate varies annually for each State and is published in the [Federal Register](#). The FMAP rate for each Tribe can also vary annually and is published by HHS on the ACF website as follows: <https://www.acf.hhs.gov/cb/grant-funding/tribal-federal-medical-assistance-percentage-fmap>.

- a. A **50 percent** FFP rate is applicable for administrative costs and a **75 percent** FFP rate for certain training costs. The Federal award provides funds for 50 and 75 percent of allowable, legitimate total program costs for those cost categories, respectively.
- b. **State** recipients are required to provide funding for the remaining **50 percent** and **25 percent** of total costs for these cost categories, respectively.
  - The State share of funding will, generally, include funds appropriated by the State legislature specifically for use in these programs.
  - Third party in-kind contributions **may not be used** as any part of the non-Federal share of program expenditures for this program.
  - The State share of funding may also include,
    - (a) funds donated *without any conditions or restrictions* to the State title IV-E agency,
    - (b) funds transferred from another public agency to the State title IV-E agency, or
    - (c) expenditures made by another public agency within the State on behalf of the State title IV-E agency and must be certified as applicable to the program under the approved title IV-E State plan.
- c. **Tribal** recipients are required to provide funding for the remaining **50 percent** and **25 percent** of total costs for these cost categories, respectively.
  - The Tribe's share of funding will, generally, include funds identified specifically for use in these programs.
  - Per [45 CFR §1356.68](#), third party in-kind contributions **may be used** as any part of the non-Federal share of program expenditures for administrative and training costs under this program.
  - The Tribe's share of funding may also include,
    - (a) funds donated *without any conditions or restrictions* to the Tribe title IV-E agency,
    - (b) funds transferred from another public agency to the Tribe title IV-E agency, or
    - (c) expenditures made by another public agency within the Tribe on behalf of the Tribe title IV-E agency and must be certified as applicable to the program under the approved title IV-E State plan.

## FINANCIAL MANAGEMENT AND REPORTING

7. The OMB approved [0970-0510] Financial Reporting form for this program is **Form CB-496, Title IV-E Programs Quarterly Financial Report** (Detailed instructions are contained in [ACYF-CB-PI-21-08](#))
  - **Part 1.** Report the Total and Federal share of funds expended and children assisted in the designated current quarter and an estimate of the funding required in the designated next quarter.
  - **Part 2.** Report prior quarter expenditure adjustments. Applies to the programs identified in this T&C.
  - **Part 3.** Report Demonstration Project and Post-Demonstration costs (used only by title IV-E agencies that were previously approved for a Demonstration Project.) Applies to the programs identified in this T&C.
  - **Part 4.** Report the methodology used to calculate adoption savings due to the application of differing title IV-E Adoption Assistance eligibility criteria for children designated as an "applicable child" under section 473(e) along with an accounting of the amount of and the expenditure of any such savings in the preceding federal fiscal year (FFY).
8. **Submission Schedule: Quarterly and Annually.** Each quarterly financial report must be submitted no later than 30 days following the end of each fiscal quarter (i.e., no later than January 30, April 30, July 30,

and October 30). The Part 4 annual report must be submitted no later than 30 days following the end of the FFY (i.e., no later than October 30) (See 45 CFR §201.5 and 45 CFR §1355.30(n)(1).)

9. **Obligation Deadline:**

- For each Federal Fiscal Year (FFY), per [45 CFR §95.13](#) and the form instructions, expenditures (including indirect costs allocable) are considered made in the quarter in which the payment was made (regardless of the receipt of the good or performance of the service).

10. **Liquidation Deadline:**

- For each FFY, per [45 CFR §95.7](#) and the form instructions, these programs are subject to the *Two-Year Claiming Time Limit* requirement. In accordance with 45 CFR Part 95, Subpart A – Time Limits for States to File Claims, a State or Tribe may file a claim for reimbursement only within two years after the calendar quarter in which the State made the expenditure. This time limit applies to the reporting of increasing adjustments but does not apply to the reporting of decreasing prior quarter adjustment claims. See 45 CFR §95.19 for a list of exceptions to this rule.

**States**

11. These programs are subject to the *Public Assistance Cost Allocation Plan* (PACAP) requirements. In accordance with 45 CFR Part 95, Subpart E – Cost Allocation Plans, a State must include all State agency costs (incurred by or allocable to the State agency) that are applicable to this program in their cost allocation plan and amendment submissions to the Director, Division of Cost Allocation (DCA), in the appropriate HHS Regional Office. In addition, per 45 CFR §95.517, a State may claim FFP for costs associated with a program only in accordance with an approved PACAP.

**Tribes**

12. Per [ACYF-CB-PI-10-13](#), Tribes are required to claim administrative and training costs under these programs in accordance with an approved cost allocation methodology (CAM).

## **PROGRAM MANAGEMENT AND REPORTING**

13. There is no OMB approved Program Report form for this program.
14. In accordance with 45 CFR §1356.71, the Children's Bureau conducts a federal review of the eligibility of children in foster care and the eligibility of foster care providers in Title IV-E Foster Care programs. Per 45 CFR §1355.31, program performance monitoring for Foster Care and Adoption Assistance programs is conducted through the Child and Family Services Review (CFSR) process.

## **PROPERTY REPORTING**

15. The OMB approved property reporting is the following:
- a. Real Property Reports (SF-429s). The SF-429 Real Property forms are not applicable to this program. Purchase, construction, and major renovation are not an allowable activity or expenditure under these awards.
  - b. Tangible Property Report (SF-428s). The SF-428 Tangible Personal Property forms must be submitted as described in the General Terms and Conditions.

## **EFFECTIVE PERIOD**

16. These program-specific Supplemental Terms and Conditions are effective on the date shown in the footer at the bottom of the page and will remain in effect until updated. They will be updated and reissued only as needed whenever a new program-specific statute, regulation or other requirement is enacted or whenever any of the applicable existing Federal statutes, regulations, policies, procedures, or restrictions is amended, revised, altered, or repealed.

## **POINTS OF CONTACT**

17. Points of contact for additional information or questions concerning either the operation of the program or related financial matters can be found on the Notice of Award.