

<b>ACF</b>  <b>Administration for Children and Families</b>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration for Children and Families	
	<b>1. Log No:</b> ACYF-CB-IM-23-05	<b>2. Issuance Date:</b> April 17, 2023
	<b>3. Originating Office:</b> Children's Bureau	
	<b>4. Key Words:</b> Titles IV-B and IV-E of the Social Security Act, Coronavirus Disease 2019 (COVID-19), Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Health Services Act, Federal Register, Federal Emergency Management	

### INFORMATION MEMORANDUM

**TO:** State, Tribal, and Territorial Agencies Administering or Supervising the Administration of Titles IV-B and Title IV-E of the Social Security Act (the Act)

**SUBJECT:** End date for the flexibilities extended in response to the COVID-19 pandemic under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) for requirements under titles IV-B and IV-E of the Act

**LEGAL AND RELATED REFERENCES:** Section 319 of the Public Health Services Act (42 U.S.C. §247d), the Social Security Act - §§472(c)(1)(A)(i), 472(k)(4)(G), 473, and 475(8)(B); 45 CFR §1355.20(a); the Robert T. Stafford Disaster Relief and Emergency Assistance Act - 42 U.S.C. §5121 et seq.

**PURPOSE:** To inform title IV-B and IV-E agencies that the Stafford Act flexibilities offered by the Children's Bureau in response to the COVID-19 pandemic disaster declarations will expire June 30, 2023.

**BACKGROUND:** The Secretary of Health and Human Services (HHS) declared a [public health emergency](#) on January 27, 2020, pursuant to §319 of the Public Health Service Act (42 U.S.C. §247d), in response to the COVID-19 pandemic.<sup>1</sup> The Secretary most recently renewed this declaration on February 9, 2023 for a 90-day period and announced the Department's plan for the declaration to expire on May 11, 2023 (see: [Fact Sheet: COVID-19 Public Health Emergency Transition Roadmap | HHS.gov](#)).

Similarly, the Federal Emergency Management Agency (FEMA) issued a Federal Register notice on February 10, 2023 (see [88 FR 8884](#)) providing notice that the incident periods for all COVID-19 major disaster declarations and the nationwide emergency disaster declaration will end effective May 11, 2023.

<sup>1</sup> See also the Children's Bureau website for COVID-19 resources, including letters to child welfare leaders on flexibilities at <https://www.acf.hhs.gov/cb/resource/covid-19-resources>.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act allows federal agencies that administer federal assistance programs to modify or waive administrative conditions of federal assistance programs under certain limited circumstances when there has been a declaration of a major disaster with respect to the applicable geographic areas. The Children's Bureau (CB) provided flexibilities in response to the COVID-19 pandemic for some administrative requirements of titles IV-B and IV-E through the following issuances:

- A [letter](#) allowing agencies flexibility in meeting the fingerprint-based criminal records checks (CRC) of national crime information databases (§471(a)(20)(A), (C), and (D) of the Social Security Act (the Act)) and that caseworker visits conducted by video conferencing would count as “in the child’s residence” for meeting the requirement in §424(f)(2)(A) of the Act.
- [ACYF-CB-PI-20-10](#) allowing agencies flexibilities regarding a simplified process for opting to provide title IV-E assistance to youth age 18 and older (§475(8)(B) of the Act), modifying the requirement for older youth to meet education or employment conditions for youth who are unable to fulfill this requirement as a direct result of the pandemic (§475(8)(B)(iv) of the Act), providing flexibility in completing the accreditation or reaccreditation as a Qualified Residential Treatment Program if the requirement is unable to be met as a result of the major disaster (§472(k)(4)(G) of the Act), and allowing claiming for a foster family home that is provisionally or conditionally approved or licensed (§472(c)(1)(A)(i) of the Act).
- A [letter](#) allowing programs and services to be adapted to a virtual environment for the title IV-E prevention program.

**INFORMATION:** The Children's Bureau has determined that the flexibilities described above afforded to title IV-B/IV-E agencies will remain available through June 30, 2023. This extension beyond the May 11, 2023 closing date of the COVID-19 major disaster incident period is being provided to title IV-B/IV-E agencies to facilitate the completion of any needed administrative actions or revisions to agency policy and procedures, and to prevent additional administrative work that may be associated with applying revised guidance in the middle of a month or calendar quarter.

Finally, it should be noted that the flexibilities identified in this issuance as expiring are only those granted in response to the COVID-19 pandemic. Any Stafford Act flexibilities with respect to administrative conditions of federal assistance for title IV-B or IV-E programs that may have been granted, or that may be granted in the future, due to a disaster other than the COVID-19 public health emergency disaster declarations are not addressed in this issuance.

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

A handwritten signature in blue ink, appearing to read 'Rebecca Jones Gaston', with a long horizontal line extending to the right.

Rebecca Jones Gaston, MSW (she/her/hers)  
Commissioner  
Administration on Children, Youth and Families

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