DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
Administration on Children, Youth and Families
330 C Street, S.W.
Washington, D.C. 20201

April 17, 2020

Dear Child Welfare Leaders,

In light of the extraordinary circumstances related to the COVID-19 pandemic and nationwide public health emergency, we received several questions on many topics related to programs funded under title IV-B and IV-E of the Social Security Act (the Act). We appreciate your continued commitment to the safety, health, and well-being of the children and families that States and Tribes serve and appreciate the questions that agencies are sending to the Children's Bureau Regional Offices.

In this letter, we will address the following topics:

- The availability of federal funding and other resources to assist with the purchase of cell phones and plans to facilitate and maintain contact, and
- The purchase of personal protective equipment (PPE) as an allowable cost.

Cell Phones and Maintaining Contact
The Children's Bureau received questions related to the availability of federal funding and other resources to assist with the purchase of cell phones and other tools (e.g. videoconferencing services or hardware) to facilitate or maintain contact between, for example, agencies and children and youth in foster care or children and youth in foster care and their parents. As such, we provide the following information.

Federal Funds: The purchase and operation of cell phones for children and youth in foster care, their parents, or foster parents is an allowable cost under title IV-B and/or the John H. Chafee Foster Care Program for Successful Transition to Adulthood (Chafee) as long as the costs are necessary to fulfill one or more program purposes in §422 (relating to the state plan for child welfare services under title IV-B, subpart 1), §432 (relating to the state plan for child welfare service under title IV-B, subpart 2) and/or §477 (relating to Chafee program purposes) of the Act. For example, access to a cell phone for a youth receiving Chafee services may be determined as necessary if it will either facilitate participation in program services or enhance the effectiveness of the services in transitioning him/her to adulthood. The purchase of a cell phone for a parent or foster parent can meet a title IV-B program purpose if it is determined that it will facilitate needed communications for case management purposes between such an individual and the agency caseworker, or allow a parent to participate in a remotely-located court hearing or visitation with the child. Additionally, the recently enacted *Coronavirus Aid, Relief, and Economic Security Act* (Public Law (P.L.) 116-136) authorized additional funding under title IV-B, subpart 1 "to prevent, prepare for, and respond to coronavirus, domestically or internationally." In order to claim Federal financial participation (FFP) for these costs, the agency must meet specific conditions as outlined in 45 CFR Part 75 described below:

- Identify whether the purchase constitutes supplies or equipment as per applicable definitions at 45 CFR § 75.2.
- If classified as supplies, regulatory provisions regarding use and disposal must be considered (equipment discussed below) (45 CFR § 75.321).
- Assure that any procurement meets applicable state/tribal policies and procedures used for procurements made with non-Federal funds (45 CFR § 75.326).
- Address whether use of the cell phones will continue to serve a program purpose over time and either recover or repurpose the use of these devices when a program purpose is no longer served.
- Assure that purchase and operation costs are appropriately cost allocated to all benefiting programs as per applicable regulations at 45 CFR § 75.405 and § 75.453.

Used Equipment: When equipment funded by the Department of Health and Human Services (HHS) has reached the end of its useful life, the title IV-E agency may use the items in other activities funded by the original program or other HHS programs (see disposition rules for equipment at 45 CFR § 95.707 and § 75.320). Title IV-E agencies may dispose of this equipment by giving it to other children or youth in foster care, their parents or foster parents being served under title IV-B or Chafee, as deemed appropriate and beneficial.

Federal Lifeline Assistance, Assurance Wireless: In addition to the above information, we are sharing the following resource that may help youth and families as it relates to cell phones and cellular service. Assurance Wireless is a Federal Lifeline Assistance program operated by Virgin Mobile. Lifeline is a government assistance program. The Assurance Wireless offer provides eligible low-income individuals free monthly data, unlimited texting, and free monthly minutes and a free phone. Enrollment is available to individuals who qualify based on federal or state-specific eligibility criteria—for example, based on receipt of certain public assistance programs like Medicaid or Supplemental Nutrition Assistance Program (SNAP). Link to the program: https://www.assurancewireless.com/

Personal Protective Equipment as an Allowable Cost

Personal protective equipment, commonly referred to as "PPE", is equipment worn to minimize exposure to certain hazards, including the novel coronavirus (COVID-19), and may include items such as gloves, safety glasses, isolation gowns, facemasks, and respirators (https://www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/index.html). We encourage child welfare agencies to consult with state and local public health officials on the use of PPE for caseworkers. PPE used by child welfare caseworkers to minimize exposure to COVID-19 is an allowable case management administrative cost under title IV-E of the Act (45 CFR §1356.60(c)(2)). Title IV-E agencies must allocate such costs to all benefiting programs.

In addition, PPE is an allowable expenditure of title IV-B funds for program purposes such as caseworker visits (§422(b)(17) of the Act and for states, §424(f) of the Act) by both state and Tribal title IV-B agencies. Under title IV-B, the purchase of PPE for providers such as foster parents, kinship providers and staff of child care institutions may be allowable if it fits within one of the purposes outlined in the statute (§421 of the Act) and may be allowable under title IV-B, subpart 2 if it is consistent with one of the four service categories. Additionally, P.L. 116-136 authorized additional funding under title IV-B, subpart 1 "to prevent, prepare for, and respond to

coronavirus, domestically or internationally." States and Tribal title IV-B agencies must also consider whether the activity is consistent with 45 CFR §1357, grant regulations and OMB Circular A-87 (a cost must be both "necessary and reasonable"). To the extent that providing PPE such as masks and gloves to providers fits within the title IV-B subpart 1 and 2 purposes, it may be allowable.

Thank you for your continued efforts.

Sincerely,



Jerry Milner
Associate Commissioner
Children's Bureau