

# Child Welfare Policy Manual

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## Questions & Answers

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### 8.3A.8b TITLE IV-E, Foster Care Maintenance Payments Program, Eligibility, Facilities requirements, foster family home

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**1. Question:** Does the language in the first part of the definition: "Foster family home means the home of an individual or family..." modify the latter statement: "The term may include group homes...or other facilities?" For example, is corporate ownership of a group home precluded?

**Answer:** The sentence of the regulation at 45 CFR 1355.20 which refers to group homes or boarding homes does not change the required nature of the facility, which must be the home of an individual or family. A group home owned and operated by a corporation would not be within the definition of a foster family home. A foster family group home or foster family boarding home, if it is licensed or approved as such by the State and it is the home of an individual or family, would be considered within the definition of "foster family home," whether payments are made to the individual, family, or to a public agency or non-profit child placement or child care agency (section 472(b)(1) of the Social Security Act).

- **Source/Date:** ACYF-CB-PIQ-87-04 (8/13/87)
- **Legal and Related References:** Social Security Act - section 472; 45 CFR 1355.20 (a)

**2. Question:** The regulation at 45 CFR 1355.20 (a) which includes a definition of the term "foster family home" as " . . . the home of an individual or family licensed or approved by the State licensing or approval authority(ies), . . . The term may include group homes, agency operated boarding homes or other facilities licensed or approved for the purpose of providing foster care by the State agency responsible for approval or licensing of such facilities." Is it the intent of 45 CFR 1355.20 to open up the definition of foster family home to what is essentially institutional care (e.g., residential treatment)?

**Answer:** No. Title IV-E provides at section 472 (b) that foster care maintenance payments may be made on behalf of a title IV-E eligible child who is either: (1) in the foster family home of an individual; or (2) in a child-care institution.

It is not the intent of the regulation to equate residential treatment in a child care institution with foster family care.

- **Source/Date:** ACYF-CB-PIQ-87-04 (8/13/87)

- **Legal and Related References:** Social Security Act - section 472 ; 45 CFR 1355.20

**3. Question: May a title IV-E agency provide title IV-E foster care maintenance payments on behalf of an eligible child when the parent from whom the child is removed is residing in the licensed or approved foster family home where the child is placed?**

**Answer:** No. Foster care is defined as “24-hour substitute care for children placed away from their parents or guardians and for whom the title IV-E agency has placement and care responsibility.” (45 CFR 1355.20). If a parent is residing in the same licensed/approved foster family home, then the child is not placed “away from their parents or guardians.” However, this does not apply to the minor parent and his/her child who are both placed in the same foster family home because the statute specifically identifies such placements as allowable and supersedes the regulation (42 U.S.C. 675(4)(B)).

- **Source/Date:** 9/9/2025
- **Legal and Related References:** 42 U.S.C. 675(4)(B); 45 CFR 1355.20