

DECLARATION A

4. Attached as Exhibit 3 is a true and correct copy of the document bearing the bates number range HHS04221-HHS04281, as produced by Federal Defendants in this case.

5. Attached as Exhibit 4 is a true and correct copy of the document bearing the bates number range USCCB000004-USCCB000024, as produced by Defendant United States Conference of Catholic Bishops (“USCCB”) in this case. Federal Defendants have withdrawn the confidentiality designations for the un-redacted portions of this Exhibit.

6. Attached as Exhibit 5 is a true and correct copy of the document bearing the bates number range HHS_SUPP_000248-HHS_SUPP_000266, as produced by USCCB in this case.

7. Attached as Exhibit 6 is a true and correct copy of excerpts from the October 2, 2020 deposition transcript of Krystin Peck. Federal Defendants have withdrawn the confidentiality designation for this Exhibit.

8. Attached as Exhibit 7 is a true and correct copy of excerpts from the December 7, 2020 Rule 30(b)(6) deposition transcript of Kathryn Kuennen, a corporate representative of USCCB. Federal Defendants have withdrawn the confidentiality designation of this Exhibit.

9. Attached as Exhibit 8 is a true and correct copy of the document bearing bates number HHS00216, as produced by Federal Defendants in this case.

10. Attached as Exhibit 9 is a true and correct copy of the document bearing the bates number range HHS03478-HHS03596, as produced by Federal Defendants in this case.

11. Attached as Exhibit 10 is a true and correct copy of the document bearing the bates number range HHS23981-HHS23989, as produced by Federal Defendants in this case.

12. Attached as Exhibit 11 is a true and correct copy of the document bearing bates number range USCCB000200-USCCB000205, as produced by USCCB in this case.

13. Attached as Exhibit 12 is a true and correct copy of the document bearing bates number range HHS10364-HHS10369, as produced by Federal Defendants in this case.

14. Attached as Exhibit 13 is a true and correct copy of excerpts from the September 28, 2020 deposition transcript of Kenneth Tota.

15. Attached as Exhibit 14 is a true and correct copy of the document bearing bates number range HHS04129-HHS04155, as produced by Federal Defendants in this case.

16. Attached as Exhibit 15 is a true and correct copy of excerpts from the August 26, 2020 deposition transcript of Jallyn Sualog.

17. Attached as Exhibit 16 is a true and correct copy of the document bearing bates number range HHS14859-HHS14860, as produced by Federal Defendants in this case.

18. Attached as Exhibit 17 is a true and correct copy of excerpts from the November 18, 2020 deposition transcript of Dana Springer.

19. Attached as Exhibit 18 is a true and correct copy of excerpts from the November 6, 2020 deposition transcript of Plaintiff Fatma Marouf.

20. Attached as Exhibit 19 is a true and correct copy of the document bearing bates number range USCCB000234-USCCB000236, as produced by USCCB in this case.

21. Attached as Exhibit 20 is a true and correct copy of the document bearing bates number range HHS02683-HHS02687, as produced by Federal Defendants in this case.

22. Attached as Exhibit 21 is a true and correct copy of the document bearing bates number range HHS03006-HHS03008, as produced by Federal Defendants in this case.

23. Attached as Exhibit 22 is a true and correct copy of excerpts from the November 6, 2020 deposition transcript of Plaintiff Bryn Esplin.

24. Attached as Exhibit 23 is a true and correct copy of the document bearing bates number HHS01572, as produced by Federal Defendants in this case. Federal Defendants have withdrawn the confidentiality designations for the un-redacted portions of this Exhibit.

25. Attached as Exhibit 24 is a true and correct copy of the document bearing bates number range HHS25012-HHS25013, as produced by Federal Defendants in this case. Federal Defendants have withdrawn the confidentiality designations for the un-redacted portions of this Exhibit.

26. Attached as Exhibit 25 is a true and correct copy of the document bearing bates number range HHS25014-HHS25015, as produced by Federal Defendants in this case. Federal Defendants have withdrawn the confidentiality designations for the un-redacted portions of this Exhibit.

27. Attached as Exhibit 26 is a true and correct copy of the document bearing bates number HHS25009, as produced by Federal Defendants in this case. Federal Defendants have withdrawn the confidentiality designations for the un-redacted portions of this Exhibit.

28. Attached as Exhibit 27 is a true and correct copy of the document bearing bates number range CCFW 000088-CCFW 000093, as produced by Catholic Charities of Fort Worth (“CCFW”) in this case.

29. Attached as Exhibit 28 is a true and correct copy of the document bearing bates number range CCFW 000045-CCFW 000047, as produced by CCFW in this case.

30. Attached as Exhibit 29 is a true and correct copy of the document bearing bates number range HHS22260-HHS22261, as produced by Federal Defendants in this case. Federal Defendants have withdrawn the confidentiality designations for the un-redacted portions of this Exhibit.

31. Attached as Exhibit 30 is a true and correct copy of as the document bearing bates number HHS_SUPP_000043, as produced by Federal Defendants in this case. Federal Defendants have withdrawn the confidentiality designation of this Exhibit.

32. Attached as Exhibit 31 is a true and correct copy of the document bearing bates number range HHS_SUPP_000011-HHS_SUPP_000014, as produced by Federal Defendants in this case.

33. Attached as Exhibit 32 is a true and correct copy of excerpts from the May 18, 2022 Rule 30(b)(6) deposition transcript of Anne Mullooly, a representative of Federal Defendants.

34. Attached as Exhibit 33 is a true and correct copy of the document bearing bates number range HHS_SUPP_000193-HHS_SUPP_000195, as produced by Federal Defendants in this case.

35. Attached as Exhibit 34 is a true and correct copy of the document bearing bates number range HHS_SUPP_000269-HHS_SUPP_000271, as produced by Federal Defendants in this case.

36. Attached as Exhibit 35 is a true and correct copy of the document bearing bates number HHS_SUPP_000009, as produced by Federal Defendants in this case. Federal Defendants have withdrawn the confidentiality designation of this Exhibit.

37. Attached as Exhibit 36 is a true and correct copy of the document bearing bates number range HHS_SUPP_000146-HHS_SUPP_000158, as produced by Federal Defendants in this case. Federal Defendants have withdrawn the confidentiality designation of this Exhibit.

38. Attached as Exhibit 37 is a true and correct copy of the document bearing bates number range HHS_SUPP_000179-HHS_SUPP_000180, as produced by Federal Defendants in this case.

39. Attached as Exhibit 38 is a true and correct copy of the document bearing bates number HHS_SUPP_000196, as produced by Federal Defendants in this case.

40. Attached as Exhibit 39 is a true and correct copy of as the document bearing bates number HHS_SUPP_000010, as produced by Federal Defendants in this case. Federal Defendants have withdrawn the confidentiality designation of this Exhibit.

41. Attached as Exhibit 40 is a true and correct copy of the document bearing bates number range HHS_SUPP_000053-HHS_SUPP_000055, as produced by Federal Defendants in this case. Federal Defendants have withdrawn the confidentiality designation of this Exhibit.

42. Attached as Exhibit 41 is a true and correct copy of the document bearing bates number range HHS_SUPP_000161-HHS_SUPP_000163, as produced by Federal Defendants in this case.

43. Attached as Exhibit 42 is a true and correct copy of the document bearing bates number range HHS_SUPP_000164-HHS_SUPP_000168, as produced by Federal Defendants in this case.

44. Attached as Exhibit 43 is a true and correct copy of the document bearing bates number HHS_SUPP_000202, as produced by Federal Defendants in this case. Federal Defendants have withdrawn the confidentiality designation of this Exhibit.

45. Attached as Exhibit 44 is a true and correct copy of the document bearing bates number range HHS_SUPP_000015-HHS_SUPP_000021, as produced by Federal Defendants in this case.

46. Attached as Exhibit 45 is a true and correct copy of the document bearing bates number range HHS_SUPP_000187-HHS_SUPP_000188, as produced by Federal Defendants in this case.

47. Attached as Exhibit 46 is a true and correct copy of the document bearing bates number range HHS_SUPP_000076-HHS_SUPP_000078, as produced by Federal Defendants in this case. Federal Defendants have withdrawn the confidentiality designation of this Exhibit.

48. Attached as Exhibit 47 is a true and correct copy of the document bearing bates number HHS_SUPP_000094, as produced by Federal Defendants in this case. Federal Defendants have withdrawn the confidentiality designation of this Exhibit.

49. Attached as Exhibit 48 is a true and correct copy of the document bearing bates number range HHS_SUPP_000110-HHS_SUPP_000142, as produced by Federal Defendants in this case.

50. Attached as Exhibit 49 is a true and correct copy of the document bearing bates number HHS_SUPP_000083, as produced by Federal Defendants in this case. Federal Defendants have withdrawn the confidentiality designation of this Exhibit.

51. Attached as Exhibit 50 is a true and correct copy of the Expert Report of David M. Brodzinsky, Ph.D., dated August 24, 2020.

52. Attached as Exhibit 51 is a true and correct copy of an excerpt of Child Welfare League of America, *Standards of Excellence for Family Foster Care Services* 97 (Child Welfare League of America ed., rev. ed. 1995).

53. Attached as Exhibit 52 is a true and correct copy of an excerpt of Child Welfare League of America, *CWLA Standards of Excellence for Adoption Services* 56-5 (Child Welfare League of America ed., rev. ed. 2000).

54. Attached as Exhibit 53 is a true and correct copy of Gary J. Gates, *LGBT Parenting in the United States*, The Williams Inst. (Feb. 2013).

55. Attached as Exhibit 54 is a true and correct copy of Gary J. Gates et al., *Adoption and Foster Care by Gay and Lesbian Parents in the United States*, The Williams Inst. (Mar. 2007).

56. Attached as Exhibit 55 is a true and correct copy of Rachel H. Farr et al., *LGBTQ Adoptive Parents and Their Children*, in *LGBTQ-Parent Families: Innovations in Research and Implications for Practice* 45-64 (Abbie E. Goldberg & Katherine R. Allen, eds., 2d ed. (2020).

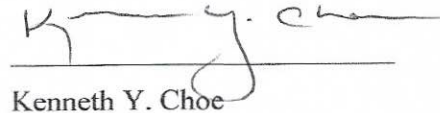
57. Attached as Exhibit 56 is a true and correct copy of Exhibit 9 to the November 18, 2020 deposition of Dana Springer.

58. Attached as Exhibit 57 is a true and correct copy of Exhibit 10 to the November 18, 2020 deposition of Dana Springer.

59. Attached as Exhibit 58 is a true and correct copy of Exhibit 7 to the December 3, 2020 Rule 30(b)(6) deposition of Sarah Viola, a representative of Federal Defendants.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 27th day of July 2022, in Washington, D.C.


Kenneth Y. Choe

DECLARATION B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

)	
FATMA MAROUF AND BRYN ESPLIN,)	
)	
<i>Plaintiffs,</i>)	
	)	Case No. 1:18-cv-378 (APM)
v.)	
)	
XAVIER BECERRA, in his official capacity as	)	DECLARATION OF BRYN
Secretary of the UNITED STATES	)	ESPLIN IN SUPPORT OF
DEPARTMENT OF HEALTH AND HUMAN	)	PLAINTIFFS’ MOTION FOR
SERVICES, <i>et al.</i>,	)	SUMMARY JUDGMENT
<i>Defendants.</i>)	

Bryn Esplin, of lawful age and competent to testify as to each fact below, makes the following declaration based on her personal knowledge:

1. I am an Assistant Professor in the Department of Medical Education at the University of North Texas Health Science Center Texas College of Osteopathic Medicine, where I teach Medical Ethics and Jurisprudence.

2. I was raised as a member of the Church of Jesus Christ of Latter-day Saints in St. George, Utah, and have parents in the healthcare field—one a physician and the other a Clinical Social Worker—so the principle of serving others in need was instilled in me by both faith and family from the beginning. It continues to guide my personal and professional life and serve as the foundation of who I am and what I do. I chose to pursue law and bioethics in hopes that I might also be of service to others at their most vulnerable, faced with dilemmas that present impossible decisions. As an educator, I seek to equip future physicians with these tools as well.

3. Only in hindsight have I come to realize just how fortunate and unique my experience of revealing my sexual orientation was. Despite the societal discrimination I knew that LGBTQ

persons face, I never once feared rejection from my family, nor doubted my own intrinsic worth, so coming out was easy. My family embraced me just the way that I am, and, when I met my wife, Fatma Marouf, they quickly embraced her, too. Fatma and I were married in the same small town where I grew up, surrounded by friends and all of my family—immediate and extended.

4. Though we both always wanted to have children, Fatma and I were long distance while I finished my Bioethics Fellowship at the Cleveland Clinic in Cleveland, Ohio, so we had to wait. It was not until we moved to Fort Worth, Texas, in 2016 that we were finally able to try. Unfortunately, it was not as easy as we had hoped. After an unsuccessful In Vitro Fertilization attempt, we began exploring different avenues to adopt or foster a child. We both felt strongly that family consists of more than just biology and knew we could offer a loving, secure home to a child in need. Because of Fatma's background and her expertise in immigration and asylum law, she worked with countless children who had endured unspeakable trauma, including torture and persecution, and knew how desperately they were in need of a loving, stable home. Because of our backgrounds, our focus on family, and our shared passion for helping others, we believe we are uniquely suited to provide just that, especially for any LGBTQ child.

5. In January of 2017, Fatma was invited to tour a Catholic Charities of Fort Worth (CCFW) facility and urged to apply to the refugee foster care program, which CCFW administered through the government. I remember that it felt like the answer to our prayers when she told me about it that night, and we soon began to e-mail CCFW for more information about how to start the process. After multiple e-mails with a CCFW employee, we set up an initial telephone interview in February with a CCFW representative. During the call, the representative described the population of children in need of a foster home and listed various requirements necessary to become foster parents. I remember the list began with tangible items: a bed, a

dresser, a fire extinguisher. And, then, the representative told us of an additional requirement—in order to apply, couples must “mirror the holy family.” Seeking clarification, Fatma explicitly stated that we were a same-sex couple. The CCFW representative responded that, because of this, we did not “qualify” to sponsor a child. I was devastated by her statement and remember looking at Fatma in disbelief. Fatma asked about children in the government’s care who might be lesbian, gay, bisexual, or transgender, or might be questioning their identities, because persecution due to one’s sexual orientation is a basis for granting asylum. The CCFW representative told us that she had not known that about the law and proceeded to say that there were not any LGBTQ children in the program. The call ended abruptly after that. We both sat speechless for a while, stunned and saddened that we were locked out of a governmental program before we even had the chance to be considered.

6. The next day, I was still feeling distressed about being rejected and feeling powerless. Given our legal training, we were certain that the government must be unaware of CCFW’s discriminatory requirement, so Fatma sent an e-mail to the general address for the federal government’s Office of Refugee Resettlement (ORR) to inform them. In the e-mail, she asked whether this discriminatory criteria was permissible and sought information about alternative programs that would allow same-sex couples to foster refugee children in the government’s care.

7. We did not hear back from ORR until April of 2017, when we received an e-mail asking for the name of the individual who told us that “the agency does not license foster families who do not mirror the holy family.” Fatma responded with the requested information, and ORR sent an email acknowledging receipt. That was last communication we ever received.

8. The experience of being denied the opportunity to be a potential foster parent was not only shocking but deeply insulting, demeaning, and harmful. To be turned away solely on the

basis of my sexual orientation sent a clear message that my home will always be lesser. More than that, it meant that who I am as a person will always be inferior. Though I thought I had an unshakeable sense of self-worth, this feeling of unworthiness and shame began to creep in and has not left since. In fact, it has become even more pronounced now that I have become a parent. Fatma and I were blessed to welcome a daughter into our lives in December of 2019. She is undoubtedly the light of our lives, and parenthood is simultaneously the most rewarding and difficult thing I have ever experienced. Keeping our children safe from harm is a fundamental responsibility of any parent, and the precariousness of life is something that, despite constant vigilance, we can never fully protect them from. Yet I feel like I am failing to protect her from the stigma of being a child of same-sex parents, one who is the product of a home that has been deemed inferior not just by others who hold different religious beliefs, but by the government itself.

9. For the first time, I have felt an urgent need to hide who I am and whom I love so that my daughter will not be subjected to the discrimination she otherwise could be because of this. I struggle with the dilemma of being completely truthful about who we are or hiding it in hopes I can protect her. I feel compelled to omit details about our family to people at her day care center, evading questions when asked quotidian questions about what my spouse does when we are at the park, failing to correct anyone who assumes I am straight and asks a question about what my husband does, or outright deceiving others so that my daughter will not be the target of hate. Worst of all, I fear for her physical safety because of the backlash against LGBTQ people and same-sex marriage. I would do anything to keep her from harm in any form even though it feels wrong. And ironically, doing so despite my good intentions, hurt her, too. because she absorbs everything I do and say. And everything I stay silent about sends a message, too. It

breaks my heart to know that I might be reinforcing the same insidious message that there is something shameful about our family, but I feel as though I don't have a real choice.

10. I believe that there are kids who are in the government's refugee program who deserve loving homes, ones that are not demeaned solely by the makeup of marriages like mine, and it is important to me to maximize the pool of potential families. Any system that treats us differently—whether by excluding us or referring us to a different and inferior process—does not simply disadvantage us, but also disadvantages the kids as well. Some of these kids very likely are lesbian, gay, bisexual, or transgender themselves, or questioning or struggling with their identities. A program that views same-sex relationships or LGBTQ persons as “lesser than” cannot serve the developmental needs of any child.

11. I have often thought about the day in February 2017 on which we had the call with the CCFW representative and the items on CCFW's list of requirements. As a mother now, I think about what was not on its list: to love the child. Love, without condition, along with a bed, a dresser, and a fire extinguisher, is something I know Fatma and I can provide.

I declare under penalty of perjury that the foregoing is true and correct. If called as a witness in the matter, my testimony would be consistent with this declaration.

Dated July 24, 2022.



Bryn Esplin

DECLARATION C

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

<hr/>)	
FATMA MAROUF AND BRYN ESPLIN,)	
)	
	<i>Plaintiffs,</i>)	
)	
	v.	)	Case No. 1:18-cv-378 (APM)
)	
XAVIER BECERRA, in his official capacity as)	
Secretary of the UNITED STATES		)	DECLARATION OF FATMA
DEPARTMENT OF HEALTH AND HUMAN)	MAROUF IN SUPPORT OF
SERVICES, <i>et al.</i> ,)	PLAINTIFFS’ MOTION FOR
)	SUMMARY JUDGMENT
	<i>Defendants.</i>)	
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Fatma Marouf, of lawful age and competent to testify as to each fact below, makes the following declaration based on her personal knowledge:

1. I am Professor of Law and Director of the Immigrant Rights Clinic at Texas A&M University School of Law. My parents immigrated to the United States from Egypt and Turkey, and, at a young age, I was exposed to the enormous economic and social disparities in our world. My interest in human rights eventually drew me to law school. I wanted to learn to use law as a tool to empower people and create social change.

2. I was raised Muslim, and it took years for me to come out to my parents, and many more years for them to accept my sexual orientation. Throughout my life, I had to battle feelings of brokenness and guilt for inflicting shame on my family. There were countless times when I did not disclose my sexual orientation to others out of fear of how they might react, or because of social pressure to conform. It often felt easier to stay quiet than to risk rejection by correcting false assumptions. But I knew that owning and speaking my truth was the only way I would be able to survive. Developing my own sense of identity—an identity that embraces both self-

acceptance and spirituality—was painstakingly hard.

3. Long after I came out, marriage was still just a distant dream. But, when Bryn and I began dating, the high was dizzying. From the moment she put her arms around me in front of the Bellagio fountains in Las Vegas, I knew that she was the one. After a whirlwind romance, we were married on May 24, 2015, in Saint George, Utah. My immediate family and all of Bryn's extended family attended our wedding. We got married shortly before *Obergefell* was decided, but, after the Tenth Circuit had upheld the right of same sex couples to marry. Walking into the Washington County, Utah Clerk's Office to obtain our marriage license filled me with an unexpected sense of pride. The judge I clerked for officiated our ceremony and announced us married "under the laws of the state of Utah *and the Constitution of the United States*," a sentence that still gives me goosebumps seven years later.

4. At the time we got married, I was teaching law and co-directing the Immigration Clinic at the University of Nevada, Las Vegas (UNLV), while Bryn was finishing a fellowship in bioethics at the Cleveland Clinic. One of the programs I helped establish at UNLV focused on providing immigration services to undocumented children. Most of the children we worked with were seeking asylum and/or Special Immigrant Juvenile Status. Through this job and my prior work experience in immigration, I had heard numerous harrowing accounts of persecution recounted by children and their families seeking refugee status in the United States.

5. Bryn and I moved to Fort Worth, Texas, in August 2016, after we both obtained academic positions at Texas A&M University. I was hired by the law school as a tenured professor to establish an Immigrant Rights Clinic, and Bryn was hired by the medical school to teach bioethics.

6. Once we were settled in Texas, we decided it was the right time for us to start a family.

Both of us had grown up in religious traditions that prized family above all else, and that value was deeply engrained in us. We both love children and yearned to become parents. But there was no easy path for us. We talked about different options, including adoption (international and domestic), fostering, and assisted reproductive technology. Because of our own struggles, we were especially open to fostering or adopting children who might be grappling with their own identities.

7. On December 2, 2016, I was invited in my professional capacity to tour a Catholic Charities of Fort Worth (CCFW) facility. I, along with two of my law school colleagues and eight other people, toured the CCFW facility on January 10, 2017. During the tour, we were shown an area inside CCFW's building where refugee children were housed. It was hard to imagine children living in such a sterile office environment. I felt saddened to see the walls devoid of art and the children's paltry possessions. The CCFW staff stressed how much they needed foster parents and encouraged us to apply.

8. Shortly after the tour, Bryn and I began to discuss the possibility of fostering and potentially adopting a child through the refugee foster care program. Given our work history, family history, and diverse backgrounds, we decided that this program was not only right for us, but also that we could be uniquely beneficial foster parents to a child in the program.

9. We began to e-mail CCFW for more information. Through multiple e-mails, we communicated with a CCFW employee about the next steps for bringing a refugee child into our home. We then scheduled an initial telephone interview with a CCFW representative, which occurred in February 2017.

10. During the interview, the representative described the various requirements to become foster parents, as well as the population of children in need of foster homes. It soon

became apparent to CCFW that Bryn and I are a same-sex couple, at which point the representative told us that, to foster a child, we must “mirror the holy family.” For a few seconds, I was stunned and speechless. I struggled to comprehend what this statement meant. Did we need to be Christian or even Catholic to apply? Or was this a vague reference to sexual orientation? Seeking clarification, I explicitly stated that we are a same-sex couple. The CCFW representative then responded that we did not “qualify” to foster a child.

11. Because this was a federal program, it had never occurred to me that the program could be administered based on Catholic religious beliefs. Requiring prospective parents to “mirror the holy family” also seemed to require applicants themselves to adopt certain religious beliefs. I felt like I was being asked to conform to someone else’s religion in order to have an opportunity to foster a refugee child, especially because CCFW was the only agency operating the refugee program in the Dallas-Fort Worth area. I was as shocked as if they had told me that I was ineligible to apply based on my religion or race.

12. It was insulting and hurtful to be disqualified based on my sexual orientation. I could not understand how our marriage could be degraded in this way by a federal program. At the same time, being rejected based on one aspect of my identity made me feel like less than a full person. We were not even given a chance to be evaluated based on the environment and care that we could provide a child—the inquiry ended based on our same-sex marriage.

13. My next thought was about the refugee children in CCFW’s care. Because sexual orientation is a ground for refugee status in the United States, I asked about children in the program who might be LGBTQ. The representative responded that she was not aware of any LGBTQ children served by CCFW. This response made me even more concerned about the well-being of LGBTQ children in the federal foster care program.

14. The following day, I was still reeling from the shock and rejection I felt during that phone call. Certain that the federal government could not possibly be aware of this discrimination, I decided to send an e-mail to the general address for the Office of Refugee Resettlement (ORR) to report that CCFW had discriminated against me and my spouse by telling us that we were not eligible to foster because we did not “mirror the holy family.” In this e-mail I asked whether such conduct was permissible and sought information about any alternative organizations that would allow same-sex couples to become foster parents of refugee children.

15. I did not receive an e-mail response until April 2017, when ORR asked for the names of the individual at CCFW who had informed me that “the agency does not license foster families who do not mirror the holy family.” I provided the requested information, and ORR acknowledged its receipt. That was the last communication I received from them.

16. That our own government would reject us as potential foster parents—not based on our ability to care for a refugee child, but solely because of disapproval of who we are—is incredibly painful in ways people may not easily understand who have never experienced the sting of discrimination.

17. After multiple IVF cycles, Bryn and I now have a two-year-old daughter. Motherhood has changed us, made us stronger and more vulnerable at the same time. I learned that love comes not from giving birth to this divine little spirit, but through every act of care. We put her to bed exhausted and then cannot stop talking about her. When our daughter caresses the photo of her family on her classroom wall, announces with delight that she has “*two* mommies,” and demands “family hugs,” we relax knowing that she feels pride in her family. But we also worry about how long that feeling will last. Soon, she may realize that none of the other children in her class have two mommies or that her family does not look like the ones in the stories read

by her teachers. As mothers, the idea that our daughter may one day feel devalued is crushing.

18. We are keenly aware that the rejection we experienced by the federal refugee foster care program sends a message not only to us, but also to our daughter, that her family is less worthy than other families. It stigmatizes her and sets her apart from other children whose opposite-sex parents are deemed “good enough” to foster a refugee child. We are already apprehensive about what messages our daughter will receive from society. One day care center that we visited told us that they would “tolerate” our sexual orientation, even though they do not “promote” it. Being “tolerated” does not feel like acceptance or equality; being rejected outright as potential foster parents hurts far more. We want our daughter to grow up confident that her family has as much dignity as anyone else’s. We want her to have an unshakable sense of self-love and belonging. We know that the lessons she absorbs as she grows will be based not only on how she is treated, but also on how her parents are treated.

19. We have provided a nurturing and loving home to our daughter, and I believe we can do the same for other children who desperately need a family. Bryn and I have worked for many years with vulnerable populations, we are culturally competent, and we understand the impact of trauma on children. We can offer a stable and supportive home to a refugee child if given an opportunity to do so.

20. The proposed consortium involving USCRI, which would operate only in the Dallas-Fort Worth area and appears intended to moot out our lawsuit, does not remedy the stigma, rejection, and humiliation that we felt when turned away by CCFW. To us, it sounds like a thinly veiled attempt by the federal government to fashion a “separate but equal” scheme, where same-sex couples are shunted through one door, while heterosexual couples are invited to apply through another. Even if a screen is placed over the segregation, we know it exists, and the

screen itself symbolizes the stigma that we feel. We understand that USCRI's primary job is to identify same-sex couples in the pool of applicants and place them in a separate pile. Being segregated in this way is as upsetting and insulting as a blanket rejection. We had hoped that the federal government would address the discrimination we experienced. Instead, they set up a system that, shielded from public view, segregates same sex couples, thereby perpetuating discrimination.

21. Additionally, we fear that the newly created consortium with USCRI will not provide us with the same opportunities to foster a child. We understand that Upbring is still trying to put together its staffing and has licensed only one family since the Consortium was created, and that family has yet to receive placement of a child. Meanwhile, CCFW, as well as its successor Catholic Charities of Dallas (CCD), have licensed over a dozen families. In terms of resources and staffing, Upbring clearly is not an equal partner in the Consortium at this time, and USCRI would inevitably send us there. This new system therefore diminishes not only our marriage but also our chance of becoming foster parents. Whether we are locked out of an entire system of federal foster care, or only part of it, the feeling of exclusion and inferiority endures.

22. At the same time, the Consortium prevents a significant number of refugee children, some of whom are doubtless LGBTQ, from the opportunity to be placed with same-sex couples who could affirm their identity. I believe this could be extremely harmful to the children, especially given the national shortage of foster parents and the risk of children being left in refugee camps abroad or repatriated to countries where they experienced persecution. Cutting the children off from any group of potential foster parents is potentially destructive to their lives.

23. For the children, as well as for prospective LGBTQ foster parents like ourselves, we hope that the Court will recognize the discrimination we experienced as unconstitutional.

I declare under penalty of perjury that the foregoing is true and correct. If called as a witness in the matter, my testimony would be consistent with this declaration.

Dated July 22, 2022.

A handwritten signature in blue ink, appearing to read 'Fatma Marouf', written in a cursive style.

Fatma Marouf

DECLARATION D

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

)	
FATMA MAROUF AND BRYN ESPLIN,)	
)	
<i>Plaintiffs,</i>)	
)	
v.	)	Case No. 1:18-cv-378 (APM)
)	
XAVIER BECERRA, in his official capacity as)	
Secretary of the UNITED STATES	)	DECLARATION OF VIVIANA
DEPARTMENT OF HEALTH AND HUMAN	)	CHAPA IN SUPPORT OF
SERVICES, <i>et al.</i>,	)	PLAINTIFFS’ MOTION FOR
	)	SUMMARY JUDGMENT
<i>Defendants.</i>)	

I, Viviana Chapa, declare as follows:

1. I make this declaration of my own personal knowledge; if called as a witness, I would be competent to testify to the contents hereof.
2. I am 42 years old and live in Nashville, Tennessee, with my wife of six years, Kirstin Mason, and our two children. I am a quality assurance engineer at Reify Health, and Kirstin, who is 44 years old, is an occupational therapist at TriStar Skyline Medical Center.
3. Kirstin and I met working at the same restaurant while in college at the University of Tennessee, Knoxville. Following graduation, Kirstin moved to South Carolina. We reconnected in 2005, when Kirstin began to commute to Nashville, where I was living at the time, to pursue a master’s degree at Belmont University. Kirstin and I began dating in 2007 and we both moved to South Carolina in 2010.
4. In 2012, Kirstin and I began to consider having children. We visited a fertility clinic and began in vitro fertilization treatments. We were thrilled when our first child was born in 2014. We now have two wonderful children.

5. Kirstin and I decided to get married in 2015 and had a small ceremony in South Carolina on June 13th, 2015, with our two close friends as witnesses. A week later, we had a large wedding in Charleston, South Carolina with each of our friends and family present. We decided to have our ceremony before the U.S. Supreme Court was set to issue its decision on marriage equality for same-sex couples out of fear that it would not rule in our favor.

6. In 2015, while living in Greenville, South Carolina, I was moved by the news stories of unaccompanied youth migrating from Central America. As I am of Mexican heritage and our children's heritage on the donor's side is El Salvadorian, I felt a particular pull to get involved and use my resources to help these kids by providing them a loving home. Kirstin and I had a house and were already parents. I felt we were in a good position to become foster parents.

7. I contacted Lutheran Immigration and Refugee Services ("LIRS") in Greenville, South Carolina, regarding the unaccompanied youth foster care program. I was told that there was not a facility in South Carolina, so we were unable to participate in this program.

8. After relocating to Tennessee, I continued to read news stories on the immigration crisis and was particularly upset upon reading about an Immigration and Customs Enforcement raid that took place in Mississippi during a school day, leaving children without parents to take them home. These stories are always personal to me as I can relate to the plight of Hispanic immigrants who cross the border and, because of my legal status, I am fortunate not to have to worry about my family being separated. After reading this story, Kirstin and I decided to try to foster again and look into the process. Because we had moved, I wondered if there was a facility and unaccompanied youth foster program in Tennessee.

9. In August 2019, I contacted Bethany Christian Services ("BCS") by e-mail to request information about its unaccompanied youth foster program. A few days later, I was

contacted by a BCS recruiter from its program. After thanking me for my interest, the recruiter expressed that she was excited to know I was bilingual because “[t]here is not only a huge need for foster parents but also foster parents who are bilingual.” The recruiter included 15 bullet points of information about the program in the same e-mail.

10. I was completely overjoyed when soon thereafter, I spoke over the phone with the BCS recruiter who was very eager to begin the process of foster parent licensure. I felt that I was being actively pursued by BCS specifically because I am bilingual, and language would be one less thing for children to worry about during an already challenging period of transition.

11. The BCS recruiter and I discussed the logistics of traveling to East Nashville, where the educational facility for the program is located. As the facility is close to my office, I would drive the child/children there during my morning commute.

12. At first, I was not concerned about my sexual orientation and marriage to my wife being an issue, but I began to grow concerned after doing additional research into BCS and its policies regarding working with same-sex couples at that time. To address these concerns, I e-mailed the BCS recruiter to explain that Kirstin and I were a same-sex couple with two children of our own. The recruiter responded that BCS was “discussing this with our stakeholder” and included the e-mail contact information for a designated United State Conference of Catholic Bishop (“USCCB”) employee. I understood this to mean that whether we could work with BCS would be in the hands of USCCB. After this e-mail, I received no further communication from the BCS recruiter.

13. Seeking more information, I contacted the USCCB employee, Kylie Diebold, I was referred to. In the e-mail I included information about myself and my family, and I mentioned that I “didn’t think my homosexuality would be an issue, but the more I researched,

the more it became apparent that my sexual orientation could indeed be a problem.” I received no response from the USCCB employee.

14. Finding no other recourse, on August 8, 2019, we contacted the United States Department of Health and Human Services (“HHS”), Administration of Children and Families (“ACF”), Office of Refugee Resettlement (“ORR”) by e-mail. I wrote that I am “legally married to another woman,” recounted my correspondence and experiences with BCS, USCCB, and LIRS, and the following lack of response from BCS or USCCB resulting in our inability to participate in their unaccompanied youth foster care program.

15. In a reply e-mail, I was informed that, “there are no URM [Unaccompanied Refugee Minors] programs in the state of Tennessee” and was directed to contact the Unaccompanied Alien Children program (“UAC”) “to inquire if there are currently any long-term foster care providers or plan to open any facilities in your area.” I received no additional correspondence or assistance. We were incredibly disappointed by the lack of action to address the harm and rejection we experienced.

16. This rejection from fostering under a federal program based upon a fundamental part of who we are, and enabled by federal agencies, has left both Kirstin and me dealing with feelings of rejection and defeat. I had felt so much enthusiasm. Kirstin and I had already discussed the logistics and were ready to provide a home to children in need. Instead, I faced a system that treated me differently solely because of my sexual orientation and my marriage to a woman. Kirstin and I had already navigated inequality and stigma because we were unable to get married as soon as we wanted because it was not legal where we lived at the time.

17. As I was raised Catholic, I have long had to navigate the stigma and shame of a faith community that does not accept my identity. While I would like to say I have risen above

all the psychological harm the Catholic Church has caused me, I still am easy to tears when I stop to think of all the harm that has been done to me and others. So this rejection by USCCB while trying to foster had a special sting for me.

18. To me, discrimination in foster parent licensing by programs that are designed to help children in need was yet another unfortunate example of the hardships and harm same-sex couples experience. While the reality of this discrimination did not come as a huge shock, the pain of the rejection does not lessen. Especially after contacting the federal government, alerting it of the discrimination we faced, and receiving no assistance, I was extremely defeated and felt that there was no other route to pursue: that our options to foster children in need were stopped dead in their tracks.

19. It continues to be very upsetting and hurtful to me that my country, through the actions of the federal government, condones this behavior and continues to provide funding to organizations with discriminatory practices. By not taking action, the government sent me the message that unaccompanied youth are better off placed in subpar living conditions in group homes or detention centers than with a loving family headed by a same-sex couple, such as my family.

20. Because the federal government seemed unable or unwilling to stop this discrimination, it made it seem that there was no recourse. Our only hope was that, in the future, fostering children would be an option for Kirstin and me and other couples like us, regardless of our sexual orientation or marriage.

21. I was saddened by our experience because I had felt that we could have been helpful to children who are currently housed in detention centers, rather than loving family homes, like ours. My personal connection to immigration and being bilingual made this program

particularly compelling and being denied the opportunity to participate was a major blow to me and our family.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 24 day of July 2022.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Viviana Chapa", written over a horizontal line.

Viviana Chapa

DECLARATION E

foster parents working with URM/UC programs.

3. Domestic foster care programs are separate from federal child welfare programs, especially in terms of funding, foster youth eligibility, and admission into foster care. Since contracts and funding sources for domestic youth, URM, and UC youth are different, youth services are strictly separated for accounting purposes. This financial separation can impact services, specifically in limiting the ability to share resources. In Texas, foster families are also unable to be licensed with more than one foster care agency. CCFW was unable to place URM or UC youth in foster homes serving domestic foster youth, creating a dramatically smaller pool of available foster homes compared to homes available for domestic youth.

4. Regarding difference in foster youth eligibility: youth eligibility for domestic foster care involves safety risks within a parent-child relationship which reach the legal threshold for grounds for the removal of the child from their caregivers. Youth eligibility for URM or UC involves the child's history as it relates to their immigration status and their lack of an available caregiver. Both child candidates for domestic foster care and child candidates for the URM/UC program face documented safety risks, but local jurisdictions determine youth eligibility for domestic foster care while federal agencies determine youth eligibility for the URM/UC program. Further, children in domestic foster care are separated from their parents through legal means while URM/UCs are separated from their parents largely through circumstances such as war, persecution, or genocide.

5. Regarding difference in admission: generally, once a child is determined to be eligible for domestic foster care, local authorities remove the child from an unsafe situation and place them in out-of-home care (i.e. foster care). Even if there are no foster homes available for children in domestic foster care, local authorities still remove children due to imminent danger and safety risks, and children may spend time in a shelter, residential facility, or even in local

protective service providers' offices until a foster family can be found. For domestic foster care, eligibility determination is consistently followed by admission into foster care as foster home availability has no impact for the legal grounds for removal. However, eligible URM youth are only admitted into a federal foster care program if there are available foster homes to take them.

During my time at CCFW, by the time CCFW received referrals for URM/UC youth, URM/UC youth had been deemed eligible for federal foster care by the federal government, and the last step before they were admitted to the CCFW program was to determine if we had an available foster home for them. If there were no available foster homes, URM youth would remain in refugee camps and UC youth would remain in residential shelters. Eligibility for the URM program does not mean the child will be admitted to the program despite a documented safety risk of remaining unaccompanied in refugee camps or child immigrant shelters, as admission into the CCFW program depends on available foster families. While admission is automatic for domestic youth, admission for URM youth is dependent on available foster families.

6. At CCFW, we recruited throughout North Texas to try to find enough foster families to serve URM/UC youth in need. Between 2011 and 2015, our recruitment policy at CCFW stated we could only license single individuals or "legally married couples." It was understood by staff that by only licensing legally married couples, this automatically disqualified LGBTQ+ couples from becoming licensed at CCFW due to the lack of marriage equality in Texas prior to 2015. For single foster parent applicants, we did not directly ask about their sexual orientation but asked about their dating history during the home study interview process. If the applicant disclosed that they previously dated the opposite sex, we did not ask any further questions to assess their sexual orientation and assumed that they were straight. To my knowledge no foster parent applicants disclosed that they dated any same-sex persons during the home study process during my time at CCFW. During my time at CCFW it was understood that we were not allowed

to license openly gay or lesbian individuals. I first learned about this policy when I was an intern. During the hiring process, I was asked to commit explicitly to adhering to this policy. During my employment, this policy was enforced.

7. While I was employed at CCFW, I recall a CCFW director stated explicitly that CCFW employees should not even refer lesbian or gay applicants to other foster care agencies. I never provided such a referral and I do not know of any instance when any other employee gave one.

8. In the early years of my employment, I can remember an instance in which a gay man called to inquire about becoming a foster parent. A coworker turned him away before he could apply to become a foster parent, informing him that CCFW could not license him because he was openly gay. I recall overhearing part of that conversation and that he sounded upset.

9. This policy of prohibiting staff from accepting foster parent applications from lesbian or gay people became more explicit in 2015 after the decision by the United States Supreme Court in *Obergefell v. Hodges* which struck down laws banning same-sex couples from marriage in June of 2015. In or about August of 2015, CCFW leadership informed our program management staff that, because of the *Obergefell v. Hodges* ruling, Catholic Bishops in the U.S. were evaluating whether to keep certain Catholic Charities programs in operation based on whether the program would have to assist or work with LGBTQ+ couples. CCFW leadership informed program management staff that Bishops have authoritative and unilateral power in determining how Catholic Charities programs within their diocese (i.e. jurisdiction) interpret and implement Catholic doctrine as a practical matter when administering programs, including federal child welfare programs administered by Catholic Charities. CCFW leadership explained that a process by which Bishops determine how to respond to issues like this was called “Cooperation with Evil” (sometimes alternatively described as “Cooperation in Evil”). CCFW leadership explained that Bishops can subjectively arrive at different conclusions in their

assessment of “Cooperation with Evil” and that Bishops have authority to direct programs operating within their diocese based on their interpretation. CCFW leadership shared that the outcome of this process in the Fort Worth area meant CCFW would continue to operate federal child welfare programs for Unaccompanied Children and Unaccompanied Refugee Minors notwithstanding Obergefell, but that the Obergefell decision necessitated changes to policies concerning the identities of permissible foster parent applicants.

10. Around the time of Obergefell, CCFW leadership and employees began to discuss how foster families needed to reflect or mirror “the holy family” as a requirement to become a licensed foster family. In their view, there was no “family” unless it was a married male-female couple with children. In order to enforce this policy of “mirroring the holy family,” single people—regardless of sexual orientation—were not allowed to become foster parents, and lesbian and gay people, whether married or single, continued to be prohibited from licensure. Prior to implementation of this policy, CCFW would license single people as foster parents regularly. At the time the policy was changed, there were three single foster parents with URM/UC placements, and there had been more before. The three licensed single foster parents with children placed in their homes were allowed to be grandfathered in under the new policy, but later there was discussion that no new URM/UC youth would be placed in their homes, which would have effectively resulted in their homes closing once the youth already placed in their homes left foster care.

11. At the time of the single-parent policy was changed, at least two different single women who were in the pipeline to become foster parents were turned away as a result of the new requirement that applicants “mirror the holy family.” Another program manager and I called the single foster parent applicants who were in the process of becoming licensed to let them know we would not be able to move forward with licensing them. The woman I called had

almost finished the licensure process and already accepted a sibling group of approximately 4 children to be placed in her home. She had already purchased bunk beds for the youth. When I spoke with her over the phone and told her we would not be able to license her as we were only allowed to license couples moving forward, she said “but my husband just died.” I understood this to mean that since her husband had only died a couple years ago, she was upset that she was so close to being able to be licensed and that now that her husband was dead, she was no longer eligible to become a foster parent. I asked CCFW leadership to reimburse the woman for the cost of the bunk beds, and then I was tasked with finding a different foster home who could take a large sibling group at the risk of otherwise having to split the siblings across multiple foster homes. I recall my coworker had to call a single foster parent applicant who had separated from her previous husband due to intimate partner violence, and I remember discussing how upsetting that could be for the applicant to be told she was suddenly ineligible for foster placement because she was single after her experience of intimate partner violence.

12. In or about August of 2015 when the “single parent policy” was rolled out, prohibiting us from licensing single adults, CCFW leadership also discussed that the Bishop’s preference for foster family licensing was to prioritize Catholic families first, then Christian families. Previously we had licensed people of various faiths, and our policies and practices of recruiting within communities with diverse religions and ethnicities were critically important to providing quality care for URM/UC children and youth.

13. CCFW policies required us to make every effort to place youth ages 12 and under in an ethnically matched foster home to support their cultural development; when we were unable to do so, we had to justify and document as much in the youth’s file. Further, youth in foster care in Texas, including URM and UC youth served by CCFW, had explicit rights to speak and be spoken to in their own language. Foster care agencies in Texas were tasked in making every

effort to place children and youth with foster parents who can communicate with foster youth placed in their home, and foster families were required to be able to communicate with foster youth in the foster youth's own language or have means to communicate with the youth in the youth's own language. Inability to meet these requirements had to be documented. Subsequently, CCFW made every effort to recruit foster families who spoke the languages spoken by URM/UCs, including Spanish, Arabic, Swahili, Lingala, Burmese, etc. Since the majority of CCFW foster families spoke English, federal funding had to pay for interpretation services as needed when CCFW was unable to recruit diverse foster families. CCFW policies required us to continue recruiting until a foster family who spoke the youth's language could be recruited and licensed or until the foster family and youth placed in their home were able to develop a way to communicate with each other.

14. Per our policies prior to 2015, we worked to recruit Muslim families and partnered with at least one Muslim organization in our attempts to license Muslim families, because it was particularly challenging to recruit Muslim foster families which made it harder to match Rohingya, Hazara, or Somali youth by language or ethnicity. We even held recruitment events at various religious organizations and in nonreligious settings, which was reported to USCCB. However, after the changes were made in response to Obergefell, CCFW leadership communicated that, per the Bishop's request, we were to license Catholic families first, then Christian families, then non-Christian families in that order. CCFW leadership shared that the Bishop would prefer we would only license Catholic couples, but we discussed how that would be impossible to sustain since we had so few Catholic couples who were licensed or seemed interested in becoming licensed.

15. There were also discussions on CCFW leadership's preference to not license any non-Christian families at all. Around this time, I remember CCFW leadership asking me to look and

see if there was anything in our contract or other program requirements that required we worked to recruit Muslim families. My understanding is that we were being asked to stop licensing non-Christian families by executive CCFW leadership, and some at CCFW were trying to see if there was any way we could show we were required to recruit non-Christian families. I showed staff our policies and annual work plan which indicated we were to recruit families from diverse backgrounds. Not being able to license Muslim families would have made it virtually impossible to place Rohingya, Hazara, or Somali children in foster homes that were language or ethnicity matches. I also assisted in licensing an atheist couple in summer 2016, and it was my understanding we did not know they were atheist until we completed the home study. At that point, we had already designated two foster youth to be placed with the atheist family because the foster youth's previous foster parents decided to close their home, requiring CCFW to find another foster home to care for the two foster youth already in care. I was later told by CCFW staff that the family I assisted in licensing was intended to be the last non-Christian family they allowed into the program.

16. There were also increasingly stringent expectations of foster families, URM, and UC youth to follow Catholic Church's teaching on sexuality. In the beginning of my time at CCFW, there were limitations on who could discuss contraception with foster youth. CCFW staff and foster parents were prohibited from discussing contraception, and foster parents were to take foster youth to the doctor where medical professionals could discuss contraception as necessary. Later on, it was discussed that CCFW did not even want foster parents to provide transportation for youth to go to the doctor or to go to the pharmacy to pick up contraception medications, regardless of whether contraception was provided for medical reasons outside of sexual activity. State foster care regulations generally require that foster care staff and foster parents follow doctors' orders, including filling prescriptions prescribed by doctors, and refusing to fill

prescriptions prescribed by doctors can be a major violation of best practices and licensing requirements. During my employment at CCFW, URM/UC staff also reviewed “abstinence-only” sexual education material that had been selected for us by CCFW leadership to use with URM/UC youth. URM/UC staff shared our concerns with CCFW leadership about how harmful the content could be for youth, including parts of the curriculum which described same-sex behavior as being wrong or sinful and parts which told girls and young women to practice modesty to prevent men from lusting after them. We were concerned what message this would send to URM/UC youth, including many URM/UC youth who had experienced sexual assault and rape. It was also understood that CCFW would never consent to a foster youth’s abortion, and if the foster youth was between ages 18-21 and obtained an abortion, CCFW would discharge the foster youth from the foster care program. I was made aware of this policy as an intern, asked to enforce this policy as an employee, and this remained the policy throughout my employment at CCFW.

17. Based on my personal observations, diminishing the pool of potential foster parent applicants in the ways described above harms children and youth. When CCFW leadership first told program management staff about the decision to further limit the pool of eligible potential foster families, I vividly remember the first thing I said in response was “this means more kids in camps.” What I meant was that not licensing appropriate foster families for characteristics which did not impact their ability to provide a safe home would result in CCFW saying no to more referrals of URM/UC youth in need of placement, leaving them in dangerous situations. Over the course of my work with CCFW, we chronically lacked sufficient foster homes in which to place children and youth. A severe shortage of foster parents caused many children to be stuck in refugee camps abroad or in disfavored group settings instead of being safe in a foster home.

18. For example, we would receive referrals from USCCB for refugee children living in

refugee camps. Often, these referrals would be for youth who were 17 years old. We needed to get conservatorship for these minors before they turned 18. The Tarrant County court system in Fort Worth could process conservatorship for these children more quickly than other courts working with URM programs, resulting in CCFW receiving a disproportionate number of referrals for 17-year-old youth. To my knowledge, if CCFW was unable to place URM youth nearing their 18th birthday in a foster home, there were no other federal foster care programs for USSCB to send the referral because other locations' courts were unable to grant conservatorship before the youth turned 18. To my knowledge, every time we said no to a URM/UC referral it was only because we did not have a foster home who had room to take the URM/UC in. If we could not accept URMs, they would be stuck in refugee camps abroad, unaccompanied, ineligible for services, often in horrendous conditions.

19. Other times, we would receive referrals of youth with medical conditions requiring prompt treatment or complex treatment in the U.S.; with no available foster homes we either were unable to accept the youth into the program or medical care would be delayed while we finished licensing a new foster home because there were no other foster homes available. We would also receive referrals for youth with companion cases where URMs had extended family members who would be resettled in the adult resettlement program for whichever city accepted the URM placement. Occasionally a related adult or child on the case would need prompt medical care, and if we were unable to accept the URM youth, the entire family would be unable to be resettled or face delays in resettlement, complicating the need for prompt medical care.

20. We also received referrals for URMs residing in hostile foreign countries who would be deported back to the country they fled from if we were unable to place them in foster homes expeditiously. In order to be eligible as a URM, youth had to have fled their home country due to war, violence, or persecution, be outside their country of origin, and be unable to avail

themselves to the protection of their country of origin, and deporting URM's back to their country of origin can have deadly consequences. On at least one occasion, USCCB sent us a referral for approximately six URM's who urgently needed placement as the country they entered was about to deport them. Their referral described how they all almost died in trying to flee their country of origin and how many of their family members and neighbors had been persecuted, disenfranchised, and killed. We only had enough foster homes to accept two of the six youth. I am unsure if the other four children found safe placements or if they were deported back to the country whose military regime had attempted to kill them.

21. USCCB would regularly send us referrals of unaccompanied refugee children living alone in refugee camps, complete with a photo of the child, and I would have to say no because we didn't have enough foster homes for them. There was always a greater need for foster homes with the number of children in need of resettlement and placement far exceeding the number of available beds. At certain points USCCB would stop sending us referrals of children in need and wait until we informed them we had a foster care placement bed open up because of how frequently and regularly we had to say no to referrals of children due to a chronic severe shortage of foster homes. I was never told what happened to the referrals I said no to due to not having enough foster families, and while we were able to resettle the referrals we accepted, I was always fearful the children might die of something like malaria or a militant attack on a refugee camp, both of which are common occurrences within refugee camps.

22. In addition to unaccompanied refugee minors, unaccompanied children also had needs for a speedy and efficient court process. It was important for UCs to get special immigrant juvenile status (SIJS) quickly because once they had SIJS, they could apply for the URM program where they could stay in federal foster care until they were 21. However, CCFW had to be appointed as conservator for the SIJS youth before they turned 18 to ensure eligibility into the

URM program. Without getting conservatorship of SIJS youth before they turn 18, SIJS youth would essentially age-out of foster care at age 18. Consequently, we received a significant number of referrals for older children in the UC program, too. Prior to that happening, UC children would be placed in shelters if they didn't have a family member deemed a safe and appropriate placement or if a foster care agency like CCFW did not have enough foster homes to provide a safe placement for UC youth.

23. Based on our use of trauma-informed care models at CCFW, we understood that harms to children in shelters can be extensive. For decades foster families have been preferable over shelters. A child's experience in a shelter can be psychologically and educationally harmful and disruptive to the child's development, particularly for younger children for whom it is particularly important to have a consistent caregiver. Children can be vulnerable to abuse, physical assault, and other forms of mistreatment in shelters, and frequently develop post-traumatic stress disorder. A shelter placement is rarely in a child's best interest when a potential foster placement is available as an alternative.

24. Foster families are severely in short supply for domestic foster care in the U.S., but there were additional challenges which made foster parent recruitment for immigrant children and youth even more difficult, making our pool of potential applicants even smaller. We tried to recruit in domestic foster care circles, but certain domestic foster parents and applicants would be offended that we were there trying to recruit foster families to serve kids who would be immigrating into the US while there was also a shortage of foster homes for domestic youth in foster care. Subsequently, we stopped recruiting within those circles and had that much more difficulty recruiting foster families than domestic foster care programs do. Anti-immigrant sentiment and Islamophobia were additional barriers we faced which domestic programs did not face to the same extent. During surges of unaccompanied children crossing the border, we even

had a bomb threat to CCFW which required us to remove the name from one of the buildings for another program that temporarily housed migrant youth before family reunification. Families were concerned about language barriers with federal foster care, which was less commonly a barrier for domestic foster care. In foster care, families commonly prefer to care for younger kids, and finding foster families willing to take older youth is commonly a challenge. Since CCFW served almost exclusively older international youth with few exceptions, this also made CCFW's foster family pool even smaller. The time commitment was also an additional barrier CCFW faced in foster family recruitment which was not a challenge within domestic foster care to the same extent. Domestic foster care programs operate on the legal case timeline, which has specific timeframes ranging from 12 months to 24 months as it revolves around the government having the burden of proof for why children should not be returned to their parents. For federal foster care, the majority of URM youth aged out of care by age 21, and federal foster care programs need foster families to commit to being a foster parent for years. Subsequently, foster families would at times quit because they couldn't maintain such a long commitment to care for a child from age 17 to 21 (which would be one of the shorter placement durations).

25. Placement disruptions are harmful to foster youth, and being a placement for a URM/UC from age 17 to 21 is difficult for many families to commit to. We had attrition of foster families, which meant new foster families had to be recruited to replace families who left, in addition to needing to recruit new foster families to serve URM/UC children in unsafe conditions in camps or shelters. Not only did a severe undersupply of foster parents result in children being left in refugee camps or shelters, it also was harmful to the URM and UC children and youth under CCFW's conservatorship. I can recall at least six youth who had placement breakdowns where their foster parents decided to close their home, and we had no place to put the youth because all other foster home beds were full. Due to this foster parent shortage, these

URM youth spent short lengths of time in respite at various foster homes, had to change schools, and experienced detrimental disruption and stress.

26. When we had few foster homes to pick from, it was difficult to place youth in a foster home best suited to meet their needs; at times, placing youth in a foster home simply because the foster home had an open bed for the youth took precedent over the youth's best interests due to a shortage of foster families.

27. There was clear pressure from USCCB and the government to recruit more foster families due to the high number of children who needed foster family placements who were going unserved, left unaccompanied in camps or shelters with lasting risk of harm to their legal immigration status. To add additional barriers to foster family recruitment when federal foster family recruitment was already difficult enough made a small foster parent pool even smaller.

28. CCFW program managers knew the risk of how much more difficult this would make the already challenging task of foster parent recruitment and how harmful reducing the foster parent pool would be for URM/UC children in unsafe situations. The other program managers and I discussed our concerns over this policy change and the deadly effects it would have for the children we worked to serve. We expressed our understanding that this policy was communicating the idea that it was better for children to be unaccompanied in unsafe situations than to be accompanied by single, non-Christian, or LGBTQ+ caregivers in safe homes. From my conversations with CCFW, it was understood that CCFW was aware of the effect of this policy, that its recruitment policies would in effect result in children remaining unaccompanied in unsafe situations rather than be accompanied by single, non-Christian, or LGBTQ+ parents in a safe situations.

29. The entire program budget depended on the recruitment of foster parents. The size of the grant and the reimbursement for expenses turned on the number of foster parents recruited,

trained, licensed, and available. The number of new foster families recruited determined the number of trainers and home developers working within the agency as they could only train and license so many families at once. With more newly recruited foster families, we could hire more staff for training and licensure, but with fewer recruited foster families, we were at-risk of having to cut those positions. We would also consider new families with new placements when we could calculate mileage reimbursements for staff – with fewer foster families, less would be spent on mileage, putting the mileage line item at risk of being underspent.

30. As part of licensing foster parents, staff assessed the number of children they could appropriately care for. Once we placed those children in their home, the family would be reimbursed approximately \$45 a day per child. For serving approximately 20-50 URMs within a year, foster parent reimbursements made up a large portion of our budget. Whenever we would create our budget, we estimated how many new foster families we expected to recruit and how many URMs we expected to place in those families. We consistently overestimated the number of foster families we thought we could recruit, so while we thought we might be able to serve 50 kids a year, we would only end up serving 30 kids a year because we were unable to find enough foster homes for the other 20 children we expected to be able to serve, resulting in a lot of unspent funding due to not having places to put URM children and having to decline referrals.

31. After being underspent on the grant for at least more than one fiscal year, in 2014, CCFW's URM program had a significant budget cut because of unspent funding due to the inability to recruit enough foster families. As a result of the budget cut, important vacant positions were not filled, including a case manager and our Educational Specialist. Case managers could only serve so many children on a caseload, so the number of children we placed determined how many case managers we hired. The number of case managers or home developers we had on staff determined how many program managers we needed to supervise

these positions. The Educational Specialist position was cut with their tasks being allocated to case managers, but previously the Educational Specialist was a skilled position available to assist with school enrollment, special needs testing, English as a Second Language (ESL) services, and tutoring – all of which were critical to immigrant youth succeeding educationally. Further, the budget covered lots of youth expenses which had expenses tied to each child, including the estimated costs of tutoring per anticipated youth, interpretation per youth, legal assistance per youth, respite (paid babysitting for foster families) per youth, international phone cards per youth, etc. With fewer youth served due to insufficient foster families recruited, we would be underspent in these categories as well.

32. My understanding of our purpose as a federal foster care provider was that we provided foster parents to unaccompanied children and unaccompanied refugee minors – that we helped them go from being “unaccompanied” to “accompanied.” Each best interest determination (BID) sent to me by USCCB described children’s eligibility in the URM/UC program within two prongs: 1) their eligibility as a refugee or unaccompanied child (the harrowing experiences of children fleeing persecution and facing likely death if the US or their current country-of-residence were to deport them back to their country-of-origin) and 2) their eligibility as an *unaccompanied* refugee minor or *unaccompanied* child, specifically what happened to the child’s parents and how the child became unaccompanied.

33. To work with unaccompanied children is to know that they were not always unaccompanied. We typically did not work with very young children because very young children (ages 0-7) typically do not survive an unaccompanied flight from their country-of-origin or survive living unaccompanied in a refugee camp. We were able to work with children typically ages 8-17 because they were previously accompanied. The BIDs I read began with a picture of the child’s face and then detailed what happened to each child’s parents: mothers and

fathers, parents who put their babies on boats, placed their children in trunks of cars or into the hands of strangers to escort them to a safer, future country. By the time I was a Program Manager of the URM/UC programs, we had served over 100 children, and each of their USCCB referrals detailed what happened to their parents and how the children became unaccompanied in the first place. While many children faced persecution that their parents did not (i.e. child soldiers) which resulted in their parents sending their children away while the parents remained behind, many other accounts described parents dying en route to a safer, future country and placing their children in the hands of relatives, loved ones, and even strangers, asking them to make sure the entrusted adult keeps their child safe and alive and en route.

34. After accepting a USCCB referral, picking a child up from the airport, and placing them into a foster home, I would often wonder about the child's parents. Having read what their parents went through to keep their children alive and get them to a safe country, I would wonder what their parents would think of the foster family I licensed: what they thought of the home I put their child in, the family I placed their child with. After I was told by CCFW leadership that I would not be able to license single parents due to the Obergefell ruling, it was very difficult to think of the parents who put their babies on boats, their children in trunks, parents who put their children's lives in the hands of strangers like me, only to have those strangers fail them. Parents who were failed by strangers like me who were not able to grant their children safe passage to a future country where their children could live safely and without persecution, where their children could stay alive. I became a parent myself in the last three months of my employment at CCFW, but even before I became a parent, I knew the gravity of what over 100 children's parents gave up for their children and the cruelty of what our program, CCFW, did with full-knowing of how harmful policies prohibiting any single, non-Christian, or LGBTQ parent were to children and the legacies of their parents. Knowing how much the parents of URM children

gave up all to make sure their children reached a safer, future country, I do not imagine any of them agreeing with the idea that it is better for their children to live alone, in an unsafe refugee camp where they continue to face persecution and risk of death than to be placed with a single, non-Christian, or LGBTQ parent in a safer country. I declare under penalty of perjury that the foregoing is true and correct. Executed on this 26th day of July, 2022.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Catelyn Devlin", written over a horizontal line.

Catelyn Devlin

EXHIBIT 1

COOPERATIVE AGREEMENT

BETWEEN

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES,

ADMINISTRATION FOR CHILDREN AND FAMILIES (ACF),

OFFICE OF REFUGEE RESETTLEMENT (ORR)

DIVISION OF UNACCOMPANIED CHILDREN'S OPERATIONS (DUCO)

AND

UNITED STATES CONFERENCE OF CATHOLIC BISHOPS

SECTION I: Summary

The Director of the Office of Refugee Resettlement (ORR) of the Department of Health and Human Services (HHS) has responsibility for the care and placement of unaccompanied children (UC) in accordance with Section 462 of the Homeland Security Act of 2002 (HSA of 2002), 6 U.S.C. § 279. An unaccompanied child is defined under 6 U.S.C. § 279(g)(2) as a child who is: under 18 years old, who has no lawful immigration status in the United States, and no parent or legal guardian in the United States or no parent or legal guardian in the United States available to provide care and physical custody.

Within ORR, the Division of Unaccompanied Children's Operations (DUCO) has delegated authority for the care and placement of UC.

The DUCO's primary objectives are to provide a safe, appropriate, and placement in the least restrictive environment for UC, taking into consideration the risk of harm to the UC or others, the community and the risk of flight, while in ORR custody until they are released to a sponsor, obtain immigration legal relief, age out, or are discharged to the Department of Homeland Security (DHS).

ORR provides residential care and services through contracts or through the competitive or non-competitive grant process to organizations incorporated under State law which have demonstrated child welfare, social service, or related experience and are appropriately licensed to provide care and related services to dependent children. Recipients of ORR funding, that provide residential services for UC, must comply with State residential care licensing requirements; the Flores Settlement Agreement, Case No. CV85-4544-RJK (C.D. Cal. 1996) (Flores settlement agreement); pertinent federal laws and regulations, and all ORR policies and procedures.

Pursuant to 6 U.S.C. §279 the Director of the ORR, hereinafter called the Director, approves awards for residential services to UC. In accordance with this award and pursuant to the aforementioned laws, **United States Conference of Catholic Bishops** has funding approved to provide residential services for UC, which meets the requirements in the previous paragraph.

Pursuant to the aforementioned laws, **United States Conference of Catholic Bishops**, hereinafter called **United States Conference of Catholic Bishops** has submitted an application and has been approved for funding to provide residential services for UC.

By signing this Cooperative Agreement, the Director agrees to make a grant award in accordance with approved annual continuation applications and quarterly reviews of program performance and financial reports for the project period of the grant. Under the terms of this agreement, **United States Conference of Catholic Bishops** will provide residential services for UC.

This Cooperative Agreement and the Terms and Conditions, listed in **United States Conference of Catholic Bishops** Notice of Award (NoA), establish the requirements and responsibilities for implementing **United States Conference of Catholic Bishops** residential services for UC.

Continued funding is contingent upon satisfactory performance, availability of funds, and determination that continuation is in the best interests of the Federal Government.

SECTION II: Purpose and Objective

The purpose of this agreement is to support the provision of residential services for UC according to the objectives and activities outlined in the application and consistent with State residential care licensing requirements.

In making decisions on placement and residential services provided to UC, the Director is governed by §462 of the HSA of 2002, 6 U.S.C. §279; § 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA of 2008), 8 U.S.C. §1232, as amended¹; relevant portions of the Prison Rape Elimination Act of 2003 (PREA of 2003), 42 U.S.C. §15607, as amended²; and when it is not inconsistent with subsequent law, the Flores settlement agreement and the Perez-Olano Settlement Agreement, Case No. CV85-4544RJK (C. D. Cal. 1996) (Perez-Olano settlement agreement).

In December 2014, HHS released an Interim Final Rule (IFR) on standards to prevent, detect, and respond to sexual abuse and sexual harassment involving UC. The IFR sets forth standards to prevent, detect, and respond to sexual abuse and sexual harassment in ORR care provider facilities that house unaccompanied children (UCs) in accordance with section 1101(c) of the Violence Against Women Reauthorization Act of 2013, Pub. L. 113-4 (VAWA 2013). VAWA 2013 directed the Secretary of the Department of Health and Human Services (HHS) to adopt national standards for the detection, prevention, reduction, and punishment of rape and sexual assault in facilities that maintain custody of UCs. The standards apply to all ORR care provider facilities housing UCs except secure care provider facilities and individual foster care homes. The standards build upon and enhance existing State and local laws, regulations, and licensing standards.

¹ Section 235 of the TVPRA of 2008 was amended in part by section 1262 of the Violence Against Women Reauthorization Act of 2013.

² Section 8 of PREA of 2003, was amended in part by section 1101(c) of the Violence Against Women Reauthorization Act of 2013.

SECTION III: Authority

As provided by the terms of the Federal Grant and Cooperative Agreement Act of 1977 (FGCAA), 31 U.S.C. §6301, as amended, the grant awarded establishes a Cooperative Agreement between the Office of Refugee Resettlement (ORR) and GRANTEE NAME. Pursuant to the FGCAA, this cooperative agreement (hereinafter "agreement") provides for substantial involvement and collaboration of ORR in activities related to cooperative agreements for residential services.

Furthermore, ORR is authorized to enter into this agreement under 6 U.S.C. §279 and 8 U.S.C. §1232(i) of the TVPRA of 2008.

SECTION IV: Description of Activities

A. Residential and Other Services

1. **United States Conference of Catholic Bishops** must provide residential shelter and services for UC in compliance with respective State residential care licensing requirements, the Flores settlement agreement, pertinent federal laws and regulations, and the ORR policies and procedures, unless otherwise expressly waived (in writing) by authorized ORR staff.
2. Under the terms of the Flores settlement agreement, care providers must provide the following services for each UC in their care:
 - Proper physical care and maintenance, including suitable living accommodations, food, appropriate clothing and personal grooming items.
 - Appropriate routine medical and dental care, family planning services, and emergency health care services, including a complete medical examination (including screenings for infectious disease) within 48 hours of admission, excluding weekends and holidays, unless the UC was recently examined at another ORR care provider facility; appropriate immunizations in accordance with recommendations of the U.S. Department of Health and Human Services / U.S. Public Health Service (PHS),

Centers for Disease Control and Prevention (CDC) Advisory Committee on Immunization Practices; administration of prescribed medication and special diets; appropriate mental health interventions when necessary.

- An individualized needs assessment, which includes the various initial intake forms, collection of essential data relating to the identification and history of the child and his or her family, identification of the UC's special needs including any specific problems which appear to require immediate intervention, an educational assessment and plan, an assessment of family relationships and interaction with adults, peers and authority figures; a statement of religious preference and practice; an assessment of the unaccompanied child's personal goals, strengths and weaknesses; identifying information regarding immediate family members, other relatives, godparents or friends who may be residing in the United States and may be able to assist in connecting the child with family members.
- Educational services appropriate to the unaccompanied child's level of development and communication skills in a structured classroom setting Monday through Friday, which concentrates primarily on the development of basic academic competencies and secondarily on English Language Training. The educational program must include instruction and educational and other reading materials in such languages as needed. Basic academic areas should include Science, Social Studies, Math, Reading, Writing and Physical Education. The program must provide unaccompanied children with appropriate reading materials in languages other than English and spoken by the UC in care for use during leisure time.
- Activities according to a recreation and leisure time plan that include daily outdoor activity, weather permitting, with at least one hour per day of large muscle activity and one hour per day of structured leisure time activities (that should not include time spent watching television). Activities should be increased to a total of three hours on days when school is not in session.
- At least one individual counseling session per week conducted by trained social work staff with the specific objective of reviewing the child's progress, establishing new

short term objectives, and addressing both the developmental and crisis-related needs of each child.

- Group counseling sessions at least twice a week.
- Acculturation and adaptation services which include information regarding the development of social and inter-personal skills which contribute to those abilities necessary to live independently and responsibly.
- A comprehensive orientation regarding program intent, services, rules (written and verbal), expectations and the availability of legal assistance.
- Whenever possible, access to religious services of the child's choice, and in an environment that ensures children feel free to ask for such access.
- Visitation and contact with family members (regardless of their immigration status), which is structured to encourage such visitation.
- A reasonable right to privacy, which includes (1) the right to wear his or her own clothes when available, (2) retain a private space in the residential facility, group or foster home for the storage of personal belongings, (3) talk privately on the phone and visit privately with guests, as permitted by ORR policy and applicable regulations, (4) receive and send uncensored mail unless there is a reasonable belief that the mail contains contraband.
- Services designed to identify relatives in the United States as well as in foreign countries and assistance in obtaining legal guardianship when necessary for the release of the unaccompanied child.
- Legal services information, including the availability of free legal assistance, the right to be represented by counsel at no expense to the government, the right to a removal hearing before an immigration judge, the right to apply for asylum or to request voluntary departure in lieu of deportation.

B. Organizational Capacity and Structure

1. **United States Conference of Catholic Bishops** must have the infrastructure and organizational capacity (governance structure, procedures, standards, and accountability controls) to meet all ORR program requirements and to properly manage all program resources (finances, personnel, physical plant structures, technology) and other provisions within the scope of this agreement.
2. Unless waived by ORR, **United States Conference of Catholic Bishops** should be accredited by a nationally recognized accreditation organization, at ORR's discretion.³
3. **United States Conference of Catholic Bishops** must have an effective program management structure that designates clear lines of authority and responsibility and promotes the effective use of organizational resources and positive outcomes, including the safe and timely release of unaccompanied children.
4. **United States Conference of Catholic Bishops** must have internal policies and procedures in place for monitoring and evaluating their program and conducting ongoing quality assurance activities to identify areas in need of improvement and/or modification.
5. **United States Conference of Catholic Bishops** must provide services in a culturally sensitive and knowledgeable manner. The majority of staff responsible for direct service delivery must be bilingual in English and Spanish. Staff who routinely work with unaccompanied children who speak other languages must be proficient in that language. Care providers must have access to interpreters for other languages that unaccompanied children in their care may speak.
6. **United States Conference of Catholic Bishops** must maintain internal policies and procedures in electronic and hard copy form and readily accessible for all care provider and ORR staff. Internal policies and procedures are subject to ORR approval and must

³ As applicable: The Council on Accreditation (COA), the Joint Commission (TJC), the Commission on Accreditation of Rehabilitation Facilities (CARF) or the American Correctional Association (ACA).

comply with all applicable federal law, regulations, and ORR's policies and procedures. The care provider's internal policies and procedures must address the following:

- Provision of services that is specific to the type/level of care;
- State mandated placement criteria, including licensing-related restrictions;
- Population of children and youth served and facility capacity;
- Personnel policies and procedures⁴, including training requirements;
- Emergency and evacuation policies and procedures;
- Physical plant requirements and maintenance policies and procedures (inspections for safety and maintenance, review of heating and cooling systems, plumbing, etc.);
- Health policies and procedures for unaccompanied children;
- Procedures for meeting mandated reporting requirements (reporting suspected neglect, maltreatment and/or abuse and sexual abuse and/or sexual harassment);
- Zero tolerance policy for sexual abuse and harassment;
- Grievance policies and procedures for both unaccompanied children and staff;
- Financial management policies and procedures (including internal controls for errors, mismanagement or fraud and provisions for regular audits performed by an outside, independent auditor)⁵;
- Internal monitoring, evaluation, and continued quality assurance policies and procedures;

⁴ Including equal employment policies, prohibitions against nepotism and favoritism, policies on benefits, insurance protections, promotions and professional development, reporting requirements, sanctions and discipline of staff, working conditions, wage, time-off and lay off policies, activities and behaviors that require immediate suspension and possible termination.

⁵ All modifications to award budgets require prior approval from both the Administration for Children and Families Office of Grants Management (ACF/OGM) and an ORR PO.

- Relationships with key external stakeholders; and,
 - “Drug Free Workplace” policies.
7. **United States Conference of Catholic Bishops** must maintain or attempt to enter into memoranda of understanding (MOUs) or other agreements with local child advocacy centers, rape crisis centers, immigrant victim service providers, and/or other community service providers to provide services to victims of sexual abuse and sexual harassment that occurred at the care provider facility. If local service providers are not available, **United States Conference of Catholic Bishops** must maintain or attempt to enter into MOUs or other agreements with national service provider organizations. All agreements must have provisions that require the community or immigrant service provider to report any allegations of mistreatment or abuse to ORR. Care provider facilities must maintain copies of its agreements or documentation showing attempts to enter into such agreements and provide copies to ORR upon request.

C. Management of Personnel and Volunteers

1. **United States Conference of Catholic Bishops** must develop, implement, and document a staffing plan based on the populations served, the scope and type of provided services, anticipated requirements, current and projected staff vacancies, and project budgets. The staffing plan must:
- a. Include staffing ratios in accordance with State licensing requirements, and as required by ORR’s policies and guidelines;
 - b. Include a UC to Case Manager ratio of 8:1, unless waived by ORR; and,
 - c. Include a UC to Clinician ratio of 12:1, unless waived by ORR.
2. **United States Conference of Catholic Bishops** must complete background investigations on all staff, contractors, and volunteers prior to hire to ensure the candidate is suitable for employment to work with minors in a residential setting. Background

checks must be completed in accordance with ORR's minimum standards and State licensing requirements. The results must be included in the employee's personnel file. If State licensing requirements do not require a national criminal history fingerprint check, **United States Conference of Catholic Bishops** must complete the check using a public or private vendor. If there is an additional cost associated with this fingerprint check, the cost may be included in **United States Conference of Catholic Bishops**'s budget plan.

3. Requirements for all hired staff. All staff must:

- Be at least 21 years of age;
- Exhibit integrity and good moral character to provide appropriate care to UC;
- Possess the relevant experience and/or qualifications to work with UC and UC with special needs; and,
- Be properly trained and licensed, as necessary.

4. **United States Conference of Catholic Bishops** may not hire, continue employment, or enlist the services of any contractor or volunteer who:

- Has engaged in any form of child abuse or neglect, including domestic violence;
- Has been convicted of engaging or attempting to engage in sexual abuse facilitated by force, overt or implied threats of force, coercion or if the victim did not consent or was unable to consent or refused; and/or,
- Is undergoing civil or administrative adjudication or has been civilly or administratively adjudicated for engaging in an activity listed above.

5. **United States Conference of Catholic Bishops** must consider incidents of sexual harassment in determining whether to hire anyone or to enlist the services of any contractor or volunteer. **United States Conference of Catholic Bishops** must ask all applicants about previous misconduct in written applications or interviews for hiring. Applicants or employees must disclose any misconduct, whether the conduct occurs on or off duty. **United States Conference of Catholic Bishops** personnel policies and

procedures must provide that material omissions regarding such misconduct or providing materially false information will be grounds for termination.

6. **United States Conference of Catholic Bishops** must have job descriptions and selection criteria for all staff positions that state the qualifications, performance standards, and responsibilities for each position. (Each job description must include a section on Essential Functions as mandated by the Americans with Disabilities Act).

7. **United States Conference of Catholic Bishops** must obtain prior approval for the positions noted in the table below. The table also includes job descriptions and minimum qualifications for positions that require ORR approval as well as those that do not. Exceptions to the minimum qualifications require ORR’s explicit written approval prior to hire and ORR may require supervision plans and additional training.

Positions Requiring ORR Prior Approval		
Position	Job Description	Minimum Qualifications
Program Director	Overall management of the programmatic, administrative, financial, and operational systems related to the provision of care and services; provision of regular and timely reports to ORR regarding operations, services, and finances; establishing a respectful and supportive workplace environment; elevating any issues or concerns to ORR.	Master’s degree in social work or an equivalent degree in education, psychology, sociology, or other relevant behavioral science degree or bachelor’s degree plus 5 years’ experience in child welfare administration, child protective services; and, 2 years of experience in program management or as director of a licensed child care program. Possess the administrator’s license for the care provider’s facility.

Assistant Program Director	Serves as secondary liaison with ORR. The need for an Assistant Program Director will vary depending on the number of unaccompanied children served at a care provider facility.	Bachelor's degree in education, psychology, sociology or other relevant behavioral science plus 5 years of progressive employment experience with a social services or childcare agency or organization.
Clinician	Conducts mental health assessments; provides ongoing individual and group counseling services, screens for human trafficking concerns, and provides crisis intervention services.	Master's degree in social work with clinical experience in the program, or Master's degree in psychology, sociology, or other relevant behavioral science in which direct clinical experience is a program requirement, or a bachelor's degree plus 5 years clinical employment experience. Must be licensed or eligible for licensure.
Lead Clinician	Coordinating clinical services, training new clinicians, and supervising the clinical staff.	Master's degree in social work, 2 years of postgraduate direct service delivery experience or a Master's degree or Ph.D. in psychology, sociology, or other relevant behavioral science in which clinical experience is a program requirement, plus 2 years of postgraduate direct service delivery experience/or bachelor's degree plus 5 years clinical employment experience in the behavioral sciences. Must have supervisory experience and be licensed to provide clinical services in the State where the care provider is located.
Lead Case Manager	Responsible for coordinating case management and safe and timely release services, training new case managers, and supervising the work of other case manager.	Master's degree in the behavioral sciences, human services or social services fields or bachelor's degree and at least 3 years progressive employment experience that demonstrates supervisory and case management experience.

Prevention of Sexual Abuse (PSA) Compliance Manager	Oversees implementation and ongoing compliance with the Interim Final Rule on UC Sexual Abuse and Sexual Harassment standards at care provider facilities.	Bachelor’s degree in behavioral sciences, human services, or social service fields and at least 1 year experience working with child welfare standards, best practices, and compliance issues.
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Positions NOT Requiring ORR Prior Approval		
Position	Job Description	Minimum Qualifications
Case Manager ⁶	Assesses the needs of unaccompanied children in care, develops Individual Service Plans, screens for human trafficking concerns, facilitates the safe and timely release or discharge of children and youth, documents the provision of services in case files.	Bachelor’s degree in the behavioral sciences, human services or social services fields. Child welfare and/or case management experience is strongly encouraged.
Medical Coordinator	Arrange or partners with other health professionals regarding health and safety standards for out-of-home child care, child care licensing requirements, disease reporting requirements for care providers, immunizations for children, injury prevention for children, medication management and knowledge of community health and mental health resources for children. If the size of the program does not justify hiring a full time Medical Coordinator, the responsibilities may be combined with another position.	High school diploma or equivalent degree and a minimum of 1 year employment experience in the child welfare field working with children and/or adolescents in a social service setting.

⁶ This position may require ORR approval if the Case Manager is conducting clinical assessments.

Teacher	Provides educational services and assessments, including curriculum building meeting Flores standards for education requirements.	Bachelor's degree; certification by the relevant governing authority, Teaching English as a Second Language/Teaching English to Speakers of Other Languages certification or other appropriate accrediting body and additional training to meet the special needs of unaccompanied children.
Trainer	Conduct trainings, select or develop training materials; maintain records on training program attendance, trainings offered, and evaluation measures. This position does not have to be full time and the responsibilities may be combined with another position.	Bachelor's degree.
Youth Care Worker	Provide direct supervision of children in care, and maintain line-of-sight at all times	High school diploma or equivalent degree and a minimum of 1 year employment experience in the child welfare field working with children and/or adolescents in a social service setting.

8. **United States Conference of Catholic Bishops** must maintain a personnel file for each employee, whether part-time or full-time, that documents the employee's credentials, competencies, and performance, and provide access to ORR upon request. The employee personnel file must be up-to-date and must include the criteria for the employee's selection, hiring, suspension, or termination.

a. Personnel files must include at the minimum:

- Resume;
- Job Description
- Employment application;
- Professional references;

- Educational records/diploma;
- Professional licensure (if applicable);
- Form I-9, Employment Eligibility Verification, and appropriate identification documentation;
- Results of medical examination (as required by State licensing, including results of TB tests and immunization records);
- Child Abuse Mandated Reporter agreement (signed);
- Confidentiality policy acknowledgement;
- Most recent performance review (signed);
- Child abuse and neglect record check results (for all jurisdictions lived in for the past 5 years);
- National FBI criminal background check and State repository check results (for all jurisdictions lived in for the past 5 years);
- Driver's Record and Clearance (if transporting children and youth); and,
- Record of completion of mandated trainings and required acknowledgements.

b. **United States Conference of Catholic Bishops** must have policies and procedures for using and managing volunteers and interns (this includes those working in foster care).⁷ This includes:

- Establishing requirements for their selection;
- Ensuring that each volunteer and intern complete pre-service and annual training, if applicable;

⁷ Family and friends of the foster family may interact with unaccompanied children as they would in a normal community setting without having to complete the volunteer requirements listed above.

- Using paid staff to supervise all volunteers and interns;
- Requiring authorization for any volunteers or interns to accompany unaccompanied children and care provider staff outside the facility for trips, medical appointments, or other visits;
- Requiring all volunteers and interns to complete a volunteer application, provide disclosures, and references; and,
- Conducting background checks on all volunteers and interns.

D. Code of Conduct and Conflict of Interest Requirements

1. Code of Conduct

- a. **United States Conference of Catholic Bishops** must create and implement a Code of Conduct that reflects the ethical standards of a reputable professional organization, such as the National Association of Social Workers, Child Welfare League of America, or the American Public Health Human Services Association. The Code of Conduct must specifically address the employee's obligations with respect to interactions and interventions with unaccompanied children, staff, and external stakeholders.
- b. **United States Conference of Catholic Bishops** must train all employees on the Code of Conduct and have a "whistleblower policy" that provides staff an opportunity to report suspicious unethical, inappropriate or illegal activities without negative consequence. **United States Conference of Catholic Bishops** must include proof in the employee's file that the employee has received training in the Code of Conduct. **United States Conference of Catholic Bishops** must have policies and procedures for the discipline or termination of personnel who violate the Code of Conduct.
- c. The Code of Conduct is required to indicate that staff must:

- Respect the boundaries inherent in the relationship between unaccompanied children and care provider staff both while in ORR care and after release (for example staff should not take an unaccompanied child to his or her home (with the exception of community-based foster care parents) or the home of the employee's personal acquaintances);
- Enforce zero tolerance and other policies to prevent, detect and respond to sexual abuse and harassment by not engaging in any kind of sexual activity or personal relationship with unaccompanied children, or former unaccompanied children; or parents, guardians, or sponsors of unaccompanied children;
- Not provide legal advice to UC;
- Only provide therapeutic counseling if properly licensed and authorized;
- Maintain professional standards and manner when dealing with children and youth, visitors or fellow employees by dressing appropriately and refraining from giving money or gifts, using inappropriate language, proselytizing religion or making unauthorized disclosures of confidential information, or campaigning on behalf of a political party, politician or interest group;
- Not discriminate against any person on the basis of race, color, religion, national origin, or sex; lesbian, gay, bisexual, transgender, questioning or intersex status; veteran status, age, or disability;
- Employ strength-based behavior management approaches and never hit, harass, humiliate or degrade an unaccompanied child or other staff member;
- Cooperate with official investigations (Child Protective Services, State licensing, etc.) as well as other legally sanctioned investigations, such as those conducted by law enforcement;
- Report any criminal or inappropriate conduct of other staff and never participate in the activities of a criminal gang; and,

- Protect fellow care provider staff and unaccompanied children from retaliation if they disclose or threaten to disclose the existence of an illegal or unsafe practice.
2. **United States Conference of Catholic Bishops** staff are required to timely report to care provider management any misconduct (on or off duty). Failure to report misconduct or reporting false information will be grounds for termination.
- a. Misconduct may include but is not limited to:
 - Any criminal arrests and/or convictions;
 - Any child abuse and/or neglect allegations, adjudications, or convictions (whether criminal, civil or administrative); and,
 - Any engagement or attempt to engage in sexual activities facilitated by force, overt or implied threats of force or coercion; or if the victim did not consent or was unable to consent or refuse.
 - b. Timely reporting is defined as no later than 24 hours from when a subject has knowledge of an arrest, conviction, or allegation, or earlier if the subject has unsupervised access to unaccompanied children. Other unethical conduct may also be the basis for disciplinary action and/or termination. Program Directors or other care provider management officials must report any disciplinary action and/or termination of any employee to ORR.
3. **Conflict of Interest**
- a. **United States Conference of Catholic Bishops** staff are prohibited from taking unfair advantage of any professional or personal relationship or from exploiting their position to further their personal, religious, political, financial, or business interests.
 - b. **United States Conference of Catholic Bishops** must establish and maintain a written Conflict of Interest policy applicable to all staff, board members, contractors,

sub-contractors, sub-grantees, volunteers, and other internal stakeholders. The policy must:

- Identify and define conduct that creates a conflict of interest or a potential conflict of interest;
- Prohibit employees from having any direct or indirect financial interests in the transactions of services of the program;
- Require staff to recuse themselves from the decision-making process if there is a conflict of interest or a potential conflict of interest;
- Require staff to disclose any conflicts of interest prior to their involvement in a decision related to or affected by the conflict; and,
- State that failure to disclose conflicts of interest or potential conflicts of interest may result in discipline or termination of employment.

E. Training

1. **United States Conference of Catholic Bishops** must ensure all prospective employees meet all required educational and professional experience qualification and demonstrate that ability to provide culturally competent services and all employees, contractors, and volunteers complete pre-service training prior to having direct contact with UC and complete the required annual training.
2. Newly hired employees must complete pre-service training prior to having direct contact with unaccompanied children. **United States Conference of Catholic Bishops** must provide pre-training on the following:
 - ORR's Standards to Prevent, Detect, and Respond to Sexual Abuse and Sexual Harassment involving Unaccompanied Children;
 - All State and local licensing requirements; and,

- State license required trainings (for example, CPR, first aid, mandatory reporting).
3. Staff who are required to have professional certifications must abide by continuing education requirements necessary to maintain licensure. In addition, all care provider staff must complete 40 hours of training annually of which 2 hours must involve training on the Flores settlement agreement, the HSA of 2002, the TVPRA of 2008, the Perez-Olano settlement agreement, and 10 hours on ORR policies and procedures. Foster care providers and foster families are subject to all ORR training and documentation requirements. In addition, the foster care providers must ensure that foster parents meet the competencies required at the time of licensing and focus the foster parent pre-service and ongoing training on developing these competencies.
4. **United States Conference of Catholic Bishops** must develop annual staff trainings based on the following areas⁸:
- State licensing requirements, laws, regulations, and policies relevant to the ORR UC Program;
 - ORR operational policies and relevant guidance⁹;
 - The Safe and Timely Release process;
 - Cultural competency, including awareness of and sensitivity to different cultural backgrounds;
 - Prohibition against providing legal advice or counsel;
 - Strength-based behavior management approaches, such as using conflict resolution, problem solving skills, using rewards and consequences and de-escalation techniques and helping children and youth learn accountability and self-control;
 - Prohibition against conflicts of interest;

⁸ Care providers have two years to complete. They are not required to cover all topic areas within the same year.

⁹ Care providers must have policies and procedures for the prompt dissemination, training, and implementation of new or updated ORR policies and procedures.

- Crisis/intervention procedures and techniques;
 - Immigration and child welfare systems (local, national, international);
 - Child development theory;
 - Issues related to loss and family separation;
 - Common health and mental health issues;
 - First aid and cardiopulmonary resuscitation (CPR);
 - Medication management;
 - Infection control procedures and Occupational Safety and Health Administration (OSHA) or equivalent course that covers blood borne pathogens, airborne pathogens, and employee safety;
 - Working with victims of human trafficking and other crimes;
 - Mandatory child abuse and neglect reporting requirements: prevention, signs, and reporting;
 - Professional boundaries;
 - Emergency and disaster preparedness;
 - Code of Conduct and Conflicts of Interest;
 - Grievance policies and procedures; and,
 - Incident reporting.
5. **United States Conference of Catholic Bishops** must provide training to all new contractors and volunteers, where the level and type of training provided is based on the services they provide and the level of contact they have with unaccompanied children. Contractors hired for a term that is expected to last one year or more must undergo the standard 40 hours of training required for all care provider employees. All contractors

and volunteers must undergo pre-service training prior to having direct contact with UC.

6. **United States Conference of Catholic Bishops** must document all trainings completed by staff and place a copy in the staff's personnel file, including:
 - The date, number of hours, and subject-matter of the employee's orientation training;
 - The date and number of hours of in-service training completed by the employee in each topic area listed above;
 - A confirmation that the employee understood each training that he/she completed; and,
 - The name of the individual and/or entity providing the training.

F. Grant Administration

1. **United States Conference of Catholic Bishops** must submit a detailed project plan of the approach, activities, staffing, and timelines which is approved by ORR and is in compliance with respective State residential care licensing requirements, the Flores settlement agreement, applicable federal laws and regulations, and the ORR policies and procedures. Any modifications must be discussed with the ORR Project Officer prior to implementation.
2. **United States Conference of Catholic Bishops** must submit a program budget for ORR and ACF's Office of Grants Management (OGM) approval that accurately reflects proposed activities as described in the project plan.
3. **United States Conference of Catholic Bishops** must notify the ORR Project Officer of any significant delays or issues regarding implementation of grant activities.
4. **United States Conference of Catholic Bishops** must regularly consult with the ORR Project Officer and other ORR staff while implementing grant activities during each

phase of the project. Consultation shall include, but is not limited to, participation in status meetings by telephone to review project implementation or as required by ORR.

5. **United States Conference of Catholic Bishops** must provide ORR with unrestricted access to clear, timely, and accurate information about all aspects of the program. This access includes, but is not limited to: activities, policies, and financial information; documentation on individual UC and provided services; and unrestricted physical access to **United States Conference of Catholic Bishops** 's premises, buildings, staff and UC in the programs physical custody; and any physical property on the premises, such as video monitoring equipment and footage.
6. **United States Conference of Catholic Bishops** must ensure that all Sub-Recipients comply with respective state residential care licensing requirements, the Flores settlement agreement, pertinent federal laws and regulations, and the ORR policies and procedures, unless otherwise expressly waived (in writing) by authorized ORR staff.
7. **United States Conference of Catholic Bishops** must submit the following documents to the ORR Project Officer:
 - a. All applicable State and local licensures, incorporations, and/or authorizations for **United States Conference of Catholic Bishops** and any Sub-Recipient at the beginning of each Federal fiscal year.
 - b. A description of responsibilities and activities of all organizations, individuals, or Sub- Recipients providing services to UC within 30 days of ORR's award date. All Sub- Recipients are subject to approval by the ORR Project Officer and must include the following considerations:
 - o Memoranda of Understanding (MOU) or similar instrument, with organizations or individuals selected for receipt of sub-awarded funds;

- A detailed description of the Sub-Recipients' activities, if not adequately described in the MOUs (or similar instrument) or project plan (may include a monitoring tool jointly developed by Project Officer and Grantee);
 - Complete budget for each Sub-Recipient;
 - Schedule for monitoring Sub-Awardees with respect to location, dates, and agenda will be reported in **United States Conference of Catholic Bishops** quarterly reports to ORR;
 - Reports following monitoring visits of sub-awardees and immediately notifies the ORR Project Officer of any serious concerns and will submit the final report within 30 days following the monitoring visit; and,
 - Prompt notification to ORR Project Officer of any changes regarding Sub-Recipient.
- c. Report of all State defined residential care placement restrictions to be submitted within 7 days of date of ORR award.
- d. Notify the ORR Project Officer immediately but no later than 24 hours after the care provider, service provider/contractor or Sub- Recipient receives a revocation or suspension of a license, incorporation or authorization to provide services.
- e. Notify the ORR Project Officer immediately but no later than 24 hours after the care provider, service provider/contractor or Sub-Recipient receives any citation from a State or local licensing agency or other accrediting agency and any citation for health, safety or environmental code violations.
- f. List of all State mandated staff trainings, including required timeline for completion dates within 30 days of date of ORR award.
- g. All materials (e.g., forms and other tools) used or created for residential services for UC. Materials are subject to approval by ORR Project Officer and must be submitted to the Project Officer 30 days prior to being implemented.

- h. Quarterly performance and financial reports are to be uploaded into GrantSolutions unless otherwise directed by OGM or ORR..

8. United States Conference of Catholic Bishops also agrees:

- a. To comply with HHS policy and regulations, unless otherwise expressly waived in the approved application and all other applicable Federal statutes and regulations in effect during the time that it is receiving grant funding.
- b. To amend the approved project plan as needed to comply with standards, goals, and priorities established by the Director;
- c. To submit quarterly performance and financial reports in a timely fashion based on the schedule that is described in Section VIII of this agreement.
- d. To abide by provisions of the Service Contract Act, Code of Federal Regulations (CFR) Title 29 and abide by applicable State wage determination guidelines in its program.

G. Adherence to ACF Policy on Grants to Faith-Based Organizations

Consistent with the ACF Policy on Grants to Faith-Based, ACF is mindful that potential grantees may have religious objections to providing certain kinds of services. ACF is committed to providing the full range of legally permissible services to people who need them, and to do so in a timely fashion and in a manner that respects the diverse religious and cultural backgrounds of those we serve. At the same time, ACF is also committed to exploring ways for organizations to partner with ACF and other grantees even if they object to providing specific services on religious grounds.

The following are ways in which organizations with such objections may be able to participate in human services programs:

- Serve as subgrantees: In many cases, subgrantees do not need to provide every service for which the grantee is responsible, so long as all clients served have access to all services required under the grant in a timely and respectful manner. Grantees must ensure that their overall program provides all of the required services, but grantees can use subgrantees to provide some services. Under this arrangement, as long as other subgrantees are readily available to provide clients with the objected-to services, a subgrantee may participate in the grant program while declining to provide services to which they have religious objection.
- Apply in a consortium: A second possibility is for faith-based organizations to apply in a consortium with one or more partners. The consortium would allow for a division of responsibility consistent with each organization's principles. Again, as long as clients have timely access to all required services, different organizations could divide up the services provided.
- Notify grantor: A third possibility in some circumstances would be for the grantee to notify the federal program office responsible for the grant if a client's needs or circumstances may require services, including referrals, to which the organization has a religious objection. It would then be the federal agency's responsibility to follow through with the needed services, or, if appropriate, transfer the case to another provider.

ACF will consider any combination of these approaches and is open to considering other approaches that would accomplish the goal of ensuring that people have access to a full range of services while enabling qualified faith-based organizations to participate in the delivery of those services in a manner consistent with their principles.

H. Responsibilities of ORR

ORR hereby agrees to the following:

1. To confirm project plan (which includes approach, activities, timelines, and results expected) and budget, and discuss minor modifications;
2. To submit and/or review FFR SF-425 to be sure it accurately reflects proposed activities;

3. To participate in status meetings by telephone to review project implementation (monthly, or as required by the ORR Project Officer or other ORR staff);
4. To keep United States Conference of Catholic Bishops informed of policy, regulatory and legal developments as they affect the implementation of the project;
5. To review and approve United States Conference of Catholic Bishops Sub-awards of organizations providing residential services;
6. To review and approve additions or hiring of key personnel, including those of Sub-Awardee of organizations providing residential services, in a timely manner;
7. To review all internal policies, procedures, and protocols used or created for the residential services for DUCO in a timely fashion;
8. To provide training and technical assistance, as needed, regarding project implementation, and residential service delivery; and,
9. To promptly review written requests for prior approval of deviations from the project plan or approved budget. Any changes that affect the terms and conditions of the grant award or revisions/amendments to the Cooperative Agreement or to the approved scope of activities will require prior approval by the ORR Project Officer and the Grants Management Specialist in the Office of Grants Management (OGM).

SECTION V: Budget and Financial Arrangement

The approved budget is reflected in the Notice of Award (NoA). The award will be based on the ORR and the OGM approved negotiated budget and project plan.

The Government shall not be obligated to reimburse the recipient for costs incurred in excess of the total amount allotted to this project, and the recipient shall not be obligated to continue performance under the Agreement (including actions under the termination clause) or otherwise to incur costs in excess of the amount allotted to this Agreement unless and until ORR and the OGM have notified the recipient in writing that additional funds have been awarded. No notice, communication, or representation from any person other than the Grants Management Specialist

shall authorize the expenditure of additional funds. The United States Government will not be obligated for any excess costs in the absence of a written notice of authorization from the Grants Management Officer. Changes issued pursuant to this Agreement shall not be considered an authorization to the recipient to exceed the allotted amount of this Agreement unless specifically stated by the Grants Management Officer.

SECTION VI: Monitoring

ORR will conduct announced and unannounced monitoring activities throughout the project period. The purpose of ORR monitoring is to ensure compliance with the Flores settlement agreement, pertinent federal laws and regulations, and ORR policies and procedures.

Performance and compliance measures are reflected in:

- The grant application, as funded;
- Program requirements contained in the authorizing statutes;
- Program regulations and guidelines incorporated in the grant award;
- Program grant and administrative requirements contained in regulations and policy;
- Relevant public policy requirements (assurances, certifications);
- This agreement;
- The ORR Policy Guide and relevant procedures; and,
- Special programmatic terms and conditions, if any .

ORR monitoring activities will include desk and on-site (announced and unannounced) monitoring and site visits. ORR will monitor or conduct site visits on programs based on some of the following factors:

- Costs and Total Support – high cost projects
- Complexity – projects with multiple service components;

- Age and Experience of Program – newly established program, one receiving Federal funds for the first time, one with inexperienced key personnel, or one whose legislation has recently undergone substantial change, may require closer scrutiny than a long established program;
- Prior Indication of Compliance issues – available audit or evaluation findings, recipient requests for assistance, or data on financial stability of an organization;
- Length of Grant – multi-year award, particularly one up for continuation awards that have never been visited may take precedent over new ones;
- Time Since Last Visit – if program has not been recently or previously visited;
- Geographic Location – proximity to other recipients, accessibility to program office;
- Agency Priority – high priority / visibility projects within the agency, high interest to Congress, the executive branch, or the public; and,
- Potential for Dissemination – programs / projects that show potential for developing exemplary practices suitable for dissemination.

ORR will provide United States Conference of Catholic Bishops with a monitoring report following formal monitoring visits or if required site visits, that will include citations for noncompliance, recommendations, a corrective action plan if needed, timelines for reporting, and consequences for not responding.

The monitoring report is not exhaustive of all that is reviewed during the monitoring visit. Rather, the report highlights the key issues in need of attention, as determined by the monitor and based on the review of all ORR policies and procedures. After review of the monitoring report, a formal corrective action plan should be submitted to the designated Project Officer within 30 business days. The corrective action plan will identify objectives, specific actions, persons responsible and date of completion for each monitoring citation.

SECTION VII: Continuation Applications

United States Conference of Catholic Bishops must submit an ORR provided continuation application by June 1, or a later date determined by ORR. For continuation applications, United States Conference of Catholic Bishops will provide the following information:

1. Standard Forms: SF 424 Application for Federal Assistance, SF 424A Budget Information for Non-Construction Programs, and SF 424B Assurances for Non-Construction Programs;
2. Certification Regarding Lobbying
3. Budget worksheets and narrative;
4. Program Description and Work plan;
5. Current State Residential Care License;
6. Proof of Insurance;
7. Facility lease or bank mortgage note on property (as applicable);
8. Indirect Cost Rate approval, if any;
9. Current Program Organizational Chart;
10. Staffing and Volunteer Roster;
11. Copy of all Child Protective Services reports, allegations and CPS investigations;
12. Property/Inventory List;
13. Project/Performance Site Location(s) form

United States Conference of Catholic Bishops must use the current version of all standard applications and reporting forms.

Current versions of the forms are available at: <https://www.grants.gov>

SECTION VIII: Applicable Regulations

United States Conference of Catholic Bishops must provide all residential services for UC in compliance with respective state residential care licensing, the Flores settlement agreement, pertinent federal laws and regulations, including Standards to Prevent, Detect, and Respond to Sexual Abuse and Sexual Harassment involving Unaccompanied Children, 45 C.F.R. 411, and ORR policies and procedures. Other applicable federal regulations are discussed in the attached Standard Terms and Conditions.

SECTION IX: Records and Reports

For quarterly performance reports, United States Conference of Catholic Bishops will use the ACF Performance Progress Report ACF-OGM SF-PPR form. Performance Reports are due quarterly based on the project period start date.

For financial status reports, United States Conference of Catholic Bishops will use the SF-425 form, which will include report of expenditures and unliquidated obligations. Quarterly financial reports are due every 90 days based on the project period start date.. The Annual Financial Status and Performance report is due 90 days after the end of the budget period. The Final Financial Status and Performance report is due 90 days after the end of the project period.

Funds awarded under this Cooperative Agreement shall be accounted for and reported upon separately from all other grant activities.

United States Conference of Catholic Bishops must use the current version of all reporting forms. Current versions of the forms are available at: <https://www.grants.gov>

All correspondence and reports related to this agreement must include the Grant Number and should be uploaded to GrantSolutions at <https://home.grantsolutions.gov/home/>. Notification of submission should be sent via email to the ORR Project Officer.

SECTION X: Project Contacts

United States Conference of Catholic Bishops designates the following person as project contact for this cooperative agreement:

Name: Kristyn Peck
Title: Associate Director, Children's Services
Address: 3211 4th Street, NE, Washington, DC 20017
Telephone: (202) 541-3039
Fax:

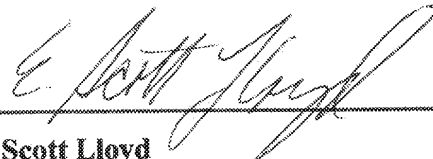
Email: kpeck@uscce.org

ORR designates the following person as ORR Project Officer for this cooperative agreement:


Name: Sathya Acevedo
Address: 330 C Street, SW, Washington, DC 20201
Telephone: (202) 401-5737
Fax: (202) 401-1022
Email: Sathya.Acevedo@acf.hhs.gov

SECTION XI: Duration of Agreement


This agreement will be effective February 1, 2017- January 31, 2020. Annual continuations will be entertained on a non-competitive basis, subject to availability of funds, satisfactory performance of the project, capacity needs and a determination that continued funding is in the best interest of the Federal Government.



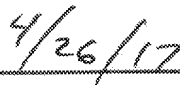
E. Scott Lloyd
Director
Office of Refugee Resettlement



Date



Anthony Picarello
Associate General Secretary & General Counsel
United States Conference of Catholic Bishops



Date

EXHIBIT 3



Administration for Children and Families

Office of Refugee Resettlement

Standing Announcement for Residential (Long Term Foster Care) Services for Unaccompanied
Alien Children

HHS-2017-ACF-ORR-ZU-1135

Due Date for Applications:

06/29/18



Signature

5/9/18

Date

Standing Announcement for Residential (Long Term Foster Care) Services for Unaccompanied
Alien Children

HHS-2017-ACF-ORR-ZU-1135

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Department of Health & Human Services
Administration for Children and Families

Funding Opportunity Title: Standing Announcement for Residential (Long Term Foster Care) Services for Unaccompanied Alien Children
Announcement Type: Modification
Funding Opportunity Number: HHS-2017-ACF-ORR-ZU-1135
Primary CFDA Number: 93.676
Due Date for Applications: [Insert 60 days from date of publication]

Due Date for Applications:
06/29/18

Executive Summary

Notice:

- Applicants are strongly encouraged to read the entire funding opportunity announcement (FOA) carefully and observe the application formatting requirements listed in *Section IV.2. Content and Form of Application Submission*. For more information on applying for grants, please visit "How to Apply for a Grant" on the ACF Grants Page at <https://www.acf.hhs.gov/grants/howto>.

The Office of Refugee Resettlement/Division of Unaccompanied Children's Operations (ORR/DUCO), within the Administration for Children and Families (ACF), provides temporary shelter care and other child welfare-related services to unaccompanied alien children (UAC) in ORR custody. Residential care services begin once ORR accepts a UAC for placement and ends when the UAC is released from ORR custody, turns 18 years of age or the UAC's immigration case results in a final disposition of removal from the United States. Residential care and other child welfare-related services are provided by state-licensed residential care programs in the least restrictive setting appropriate for the UAC's age and needs.

ORR is announcing this funding opportunity announcement (FOA) to seek long term foster care providers. Long term foster care providers are required to be licensed in the state in which they are located to provide foster care services and are required to meet the needs of UAC by providing quality care in a community setting. UAC who may qualify for placement in long term foster care include UAC between the ages of 0-17 years of age, sibling groups, pregnant/parenting teens and/or UAC who are especially vulnerable or with other needs.

All entities, funded under this FOA, must also comply with the Flores v. Reno, Case No. CV 85-4544RJK (C.D. Cal. 1996) (the Flores settlement agreement), the Perez-Olano Settlement Agreement, Case No. CV05-3604 (C.D. Cal., Dec. 14, 2010), pertinent regulations, laws, and

ORR policies, instructions, and procedures. ORR encourages applicants to review ORR's policies, instructions, and procedures <http://www.acf.hhs.gov/programs/orr/resource/children-entering-the-united-states-unaccompanied> as these will be critical to the overall program design.

I. Program Description

Statutory Authority

This program is governed by: Section 462 of the Homeland Security Act of 2002 (HSA of 2002), 6 U.S.C. § 279, which transferred responsibility for the care and custody of UAC from the Commissioner of the former Immigration and Naturalization Service to the Director of ORR. In making decisions on placement and residential services provided to UAC, the Director is governed by §462 of the HSA of 2002; section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA of 2008), 8 U.S.C. §1232, as amended;¹ relevant portions of the Prison Rape Elimination Act of 2003 (PREA of 2003), 42 U.S.C. §15607, as amended;² and when it is not inconsistent with subsequent law, the Flores settlement agreement and the Perez-Olano settlement agreement.

In December 2014, HHS released an Interim Final Rule (IFR) on standards to prevent, detect, and respond to sexual abuse and sexual harassment involving UAC. The IFR sets forth standards to prevent, detect, and respond to sexual abuse and sexual harassment in ORR care provider facilities that house UAC in accordance with section 1101(c) of the Violence Against Women Reauthorization Act of 2013, Pub. L. 113-4 (VAWA 2013). VAWA 2013 directed the Secretary of the Department of Health and Human Services (HHS) to adopt national standards for the detection, prevention, reduction, and punishment of rape and sexual assault in facilities that maintain custody of UAC. The standards apply to all ORR care provider facilities housing UAC except secure care provider facilities and individual foster care homes. The standards build upon and enhance existing State and local laws, regulations, and licensing standards.

¹Section 235 of the TVPRA of 2008 was amended in part by section 1262 of the Violence Against Women Reauthorization Act of 2013.

²Section 8 of PREA of 2003, was amended in part by section 1101(c) of the Violence Against Women Reauthorization Act of 2013.

Description

BACKGROUND

The primary function of ORR/DUCO is to provide temporary shelter care and other related services to UAC in ORR custody. An unaccompanied alien child is defined at 6 U.S.C. § 279 (g)(2) as a child who:

- (A) has no lawful immigration status in the United States;
- (B) has not attained 18 years of age; and
- (C) with respect to whom—
 - (i) there is no parent or legal guardian in the

- United States; or
- (ii) no parent or legal guardian in the United States is available to provide care and physical custody.

Although the UAC population generally consists of adolescents 12 to 17 years of age, with males representing a higher percentage of the overall population, ORR is seeking applicants who can provide services for a diverse population of UAC of all ages and genders, as well as pregnant and parenting teens. UAC come from all over the world, but most are from El Salvador, Honduras, Guatemala, and Mexico. Unless otherwise specified, successful applicants are expected to provide services for UAC from any country.

UAC are in the legal custody of the federal government throughout their stay in ORR care but are in the physical custody of the care provider. The length of time that a UAC remains in ORR custody must be no longer than necessary to facilitate a safe and timely release. The size of the entire UAC population in ORR custody will fluctuate depending on the number of UAC referred to ORR for placement and the rate at which UAC are discharged from ORR custody.

PROGRAM STRUCTURE

UAC are referred to long term foster care (LTFC) following placement in a ORR/DUCO care provider facility after efforts for the safe and timely release indicated no sponsor being willing or able to care for the UAC. Generally, before placement into LTFC, the UAC is interviewed by an immigration attorney and assessed for the basis of legal relief to remain in the United States. Once placed in LTFC, ORR continues to explore options for release. LTFC providers (care providers) meet the individual needs of UAC aged from 0-17, sibling groups, pregnant/parenting teens, and/or UAC who are especially vulnerable or with other special needs. Care providers must be licensed to provide foster care services by the relevant state or local agency or authority with jurisdiction where services will be rendered. In addition, care providers must have state-certified caregivers, referred to as a "foster parent" or "house parent" or an equivalent (as accepted by ORR). Care providers are responsible for recruiting, assessing, selecting, credentialing, training, monitoring, and retaining foster/house parents and foster care sites.

As community based care, not all services are provided directly by the care provider. However, care providers remain responsible for ensuring that all required services, under the *Program Requirements* section in this FOA, are properly administered and documented. Care provider services include a continuum of services with a focus on basic care and providing placement in a home or home-like environment such as a group home. In a LTFC setting, care and stabilization of UAC occurs in accordance with domestic child welfare guidelines administered through contracted provider programs specifically designed to meet the unique needs of UACs.

LTFC types vary depending on placement setting and level of care. Categories include: basic foster care, therapeutic foster care, basic group home (extended care), and/or therapeutic group home. Applicants can apply for one, multiple, or all levels of care under this FOA.

- Basic foster care: UAC resides with an unrelated licensed foster parent(s) and requires only the minimal services required in a licensed foster care setting.
- Therapeutic foster care: UAC resides with an unrelated licensed foster parent(s) but receives additional treatment services and/or supervision specific to the UAC identified treatment needs. UAC with significant emotional, behavioral, medical, and/or

- developmental needs receive structured treatment within a therapeutic foster care setting.
- Basic group home: UAC resides in a group care living arrangement, with a designated house parent(s) and/or staff. This setting is used for those UAC who do not wish to be placed in a family setting.
 - Therapeutic group home: UAC resides in a group care living arrangement with a designated house parent(s) and/or staff. This setting is used for those UAC that have difficulties within a family setting and require therapeutic services/interventions due to significant emotional, behavioral, medical, and/or developmental needs. The UAC receives additional treatment services and/or supervision specific to the UAC identified treatment needs.

In addition to the placement settings mentioned above, care providers must have Respite Care/Homes available. Respite care is designed as short term care for a UAC by someone other than the primary foster parent(s). Respite care gives foster parent(s) and UAC the chance to have short, regular periods of time apart. Respite care can also be offered in emergency situations, and it involves caring for a UAC when a foster family must temporarily transfer the UAC to a different home due to an emergency or other extenuating circumstances.

Care providers, not individual foster homes, must comply with the following ORR policies on sexual abuse and harassment:

- Maintaining and enforcing a zero tolerance policy for all forms of sexual abuse, sexual harassment, and inappropriate sexual behavior;
- Meeting personnel requirements including but not limited to background checks, training, and disciplinary sanctions and corrective actions;
- Meeting staffing and supervision requirements, including but not limited to staffing levels, staffing plans, and video monitoring restrictions;
- Providing responsive planning in the event there is an incident of sexual abuse or sexual harassment that occurs at the care provider facility;
- Providing a coordinated response in coordination with medical and mental health care practitioners community service providers, outside investigators, and care provider leadership immediately following an incident of sexual abuse or sexual harassment, as well as the follow-up necessary to ensure the safety of all UAC and staff;
- Educating UAC of policies and topics related to preventing, detecting, and responding to sexual abuse and harassment via an orientation, pamphlets, and bulletin board postings; Assessing all UAC for risk of being a victim or a perpetrator of sexual abuse while in ORR care and custody in order to inform the UAC's housing, education, recreation, and other service assignments;
- Providing medical and mental health care, including services following an incident of sexual abuse; and
- Reporting, providing notifications, and following up on sexual abuse, sexual harassment, and inappropriate sexual behavior occurring in ORR care, any retaliatory actions resulting from reporting allegations, and staff neglect or violations of responsibilities that have contributed to incidents.

Unless waived by ORR, in addition to being state licensed, care providers must incorporate child welfare best practice standards and emphasize a child-centered approach while working

with UAC. Care providers must comply with all applicable state child welfare laws and regulations and all state and local building, fire, health, and safety codes.

Care providers' facilities must be readily accessible to visitors, staff, and UAC with disabilities and must comply with local, state and federal laws, codes, and regulations including the Americans with Disabilities Act (ADA).

Care providers are required to be located in areas easily accessible to immigration courts, pro bono legal services, national airports, and community mental health and medical services providers.

Care providers are required to have a security system to monitor the care provider facility from unauthorized entrance and egress, including the use of alarm systems and video monitoring. All security measures are required to be in compliance with state licensing standards and not pose a threat to the safety of UAC. In the event a care provider provides services to UAC at a central location, or location other than an individual foster care home, relevant security features, such as the use of video monitoring and storage are required.

Care providers must be familiar with the issue of human trafficking in order to provide appropriate services to UAC who are victims of human trafficking, as well as to protect UAC from potential threats of human trafficking. The Trafficking Victims Protection Act of 2008 (TVPA) defines human trafficking as: The recruitment, harboring, transportation, provision, or obtaining of a person for sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. Any child (under the age of 18) engaged in commercial sex (including prostitution, pornography, stripping) is a victim of trafficking. For more information, click on link: <http://www.acf.hhs.gov/programs/orr/programs/anti-trafficking>.

UAC Eligibility

A UAC is a candidate for LTFC if he or she:[1]

- Is expected to have an extended stay of four months or more in ORR custody because he or she does not have a viable sponsor;
- A legal service provider has identified the UAC as potentially eligible for various forms of immigration relief (unless waived by ORR); AND
- Is under the age of 17 and six months at the time of placement.

Generally UAC are ineligible for LTFC if, the UAC:

- Is a moderate to high escape risk;
- Has a history of significant criminal activity or violence who may pose a threat of harm to self, others (including the foster family), or community; or,
- Is seeking voluntary departure.

ORR also considers a LTFC placement on a case-by-case basis for a UAC who will have a longer stay due to other circumstances. ORR considers the following when making long term

placement decisions:

- The UAC's mental, emotional, behavioral, and physical health need
- The UAC's ability and commitment to live in a family and community-based setting
- The UAC's age
- Availability of an appropriate placement that meets the individual's needs

However, a UAC with past behavioral or safety concerns but who does not pose a threat to self, others (including the foster family) or the community may be considered for LTFC after demonstrating safe behavior in a non-secure setting.

LTFC Parent/House Parent Requirements

Care providers are required to follow the requirements of their state licensing agency; but at a minimum, all foster parents/house parents must:

- Be at least 21 years of age;
- Be able to obtain medical clearance from a health provider; Be able to meet family's current financial obligations; Reside in a home that passes health and fire inspection; and
- Obtain a background check clearance (including fingerprint background checks, child abuse and neglect checks, and other checks as required) in accordance with state law, including background checks of household members, the results of which must be available to ORR.

All foster parents identified to care for UAC must meet the care provider's and state regulatory requirements and be actively licensed/certified to provide LTFC. Care providers must recruit foster parents who are willing to foster UAC males between the ages of 15-17 as they represent the majority of UAC eligible for LTFC.

PROGRAM STAFFING REQUIREMENTS

Care providers are required to develop, implement, and document a staffing plan based on the population served, the scope and type of provided services, anticipated requirements, staff vacancies, and budgets. The staffing plan must include staffing ratios in accordance with state licensing requirements and as required by ORR's policies and procedures. Care provider facilities must be staffed with qualified professionals, bi-lingual professionals, paraprofessionals, and support staff to meet the diverse needs, level of care, supervision, safety, and well-being of UAC. Care providers must also include a plan to staff sufficiently to cover one-on-one safety plans, when necessary.

Care providers must supervise UAC in accordance with state licensing requirements. However, staff-children ratios for group homes must be maintained at a minimum of:

- One case manager for every 8 UAC; and
- One clinician for every 12 UAC.

Care providers are subject to the provisions of the Service Contract Act, Code of Federal Regulations (CFR) Title 29 and must abide by applicable state wage determination guidelines in

their programs. For additional information on the provisions of the Service Contract Act, please click here: <http://www.dol.gov/whd/govcontracts/sca.htm> and/or <http://www.wdol.gov/>.

Additional or backup staff must be available for emergency situations or to meet the special needs of UAC during busier periods. Rotating after-hours and holiday coverage personnel must also be available in crisis situations. Same gender supervision must be provided when indicated by individual treatment needs.

Care providers must complete background investigations on all staff, contractors, and volunteers prior to hire to ensure the candidate is suitable for employment to work with minors in a residential setting. Background checks must be completed in accordance with ORR's policies and state licensing requirements. At a minimum, a background check must be updated every five years. For additional information on the specific types of checks that must be completed, please consult the ORR Policy Guide at section 4.3 Personnel <https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-section-4#4.3>

All hired staff must (at the minimum):

- Be at least 21 years of age;
- Possess the relevant experience and/or qualifications to work with UAC and/or children with special needs; and
- Be properly trained and licensed, as necessary.

Care providers' hiring and employment practices must abide by all standards outlined in the IFR on preventing, detecting, and responding to sexual abuse and sexual harassment. These standards apply to any care provider staff member, contractor or volunteer. For additional information on the standards outlined in the IFR, please click here: <https://www.regulations.gov/document?D=ACF-2015-0002-0001>

Care providers must have job descriptions and selection criteria for all staff positions that state the qualifications, performance standards, and responsibilities for each position (each job description must include a section on Essential Functions as mandated by the ADA).

Care providers are required to have clear organizational structure that outlines lines of authority and supervision. Staffing plans must be in place that provide a sound relationship between the proposed responsibilities of lead program staff.

Care providers must obtain prior approval from ORR for the following positions. Exceptions to the minimum qualifications require ORR's explicit written approval prior to hire.

Program Director is responsible for the overall management of the programmatic, administrative, financial, and operational systems related to the provision of care and services; provision of regular and timely reports to ORR regarding operations, services, and finances; establishing a respectful and supportive workplace environment; and elevating any issues or concerns to ORR. At a minimum, Program Director must have a Master's degree in social work or an equivalent degree in education, psychology, sociology, or other relevant behavioral science degree or bachelor's degree plus 5 years' experience in child welfare administration, child protective services; and, 2 years of experience in program management or as director of a licensed child care program. The Program Director must possess the administrator's license for the care provider's facility, if applicable.

Assistant Program Director provides support to the Program Director and serves as secondary liaison with ORR. The need for an Assistant Program Director will vary depending on the number of UAC served at a care provider facility. At a minimum, the Assistant Program Director must have a Bachelor's degree in education, psychology, sociology or other relevant behavioral science plus five years of progressive employment experience with a social services or childcare agency or organization.

Lead Clinician coordinates clinical services, trains new clinicians, and supervises clinical staff. At a minimum, the Lead Clinician Master's degree in social work, 2 years of postgraduate direct service delivery experience or a Master's degree or Ph.D. in psychology, sociology, or other relevant behavioral science in which clinical experience is a program requirement, plus 2 years of postgraduate direct service delivery experience/or bachelor's degree plus 5 years clinical employment experience in the behavioral sciences. Must have supervisory experience and be licensed to provide clinical services in the State where the care provider is located.

Clinician conducts mental health assessments and provides ongoing individual and group counseling services, screens for human trafficking concerns, and provides crisis intervention services. At a minimum, the Clinician must have a Master's degree in social work with clinical experience in the program, or Master's degree in psychology, sociology, or other relevant behavioral science in which direct clinical experience is a program requirement, or a bachelor's degree plus 5 years clinical employment experience. Clinician must be licensed or eligible for licensure.

Lead Case Manager is responsible for coordinating case management and safe and timely release services, training new case managers, and supervising the work of other case managers. At minimum, the Lead Case Manager must have a Master's degree in the behavioral sciences, human services or social services fields or bachelor's degree and at least three years progressive employment experience that demonstrates supervisory and case management experience.

Prevention of Sexual Abuse (PSA) Compliance Manger is responsible for managing implementation and ongoing compliance with the IFR on preventing, detecting, and responding to sexual abuse and sexual harassment. The PSA Compliance Manager must have a Bachelor's degree in behavioral sciences, human services or social service fields or business administration or management, and at least one year experience working with child welfare standards, best practices, quality assurance or compliance.

PROGRAM REQUIREMENTS

Care providers are required to provide services in a structured, safe, and productive environment that meets respective state guidelines, relevant federal law, their Cooperative Agreement, the ORR Policy Guide and standard operating procedures for the UAC Program: <http://www.acf.hhs.gov/programs/orr/resource/children-entering-the-united-states-unaccompanied>.

Care providers are required to provide or arrange for the program required services in a manner that is sensitive to the age, culture, religion, dietary needs, native language, sexual orientation, gender identity, and other important individual needs of each UAC. All UAC in ORR care are entitled to human rights protections and freedom from discrimination and abuse. Care providers must ensure that UAC who are lesbian, gay, bisexual, or transgender (LGBT) are fairly treated and served during their time in ORR custody. All services and assessments are required to be

administered for all UAC even if they are in ORR custody for a short period of time. Care providers are required to have the capacity to provide services in the language spoken by the majority of UAC in their facility and/or provide translation services. Most UAC in ORR custody speak Spanish.

Care providers are expected to provide all the services under *Program Requirements* unless otherwise noted in this announcement.

Important Time-Frames

Care providers must adhere to specific time-frames for required assessments and/or reports that must be administered to UAC.

Report / Assessment	Initial Deadline
Initial Intake Assessment	Within 24 hours of admission
Initial Medical Exam	Within 48 hours of admission
Assessment for Risk	Within 72 hours of admission, and every 90 days thereafter
UAC Assessment	Within five (5) days of admission
Individual Service Plan	Within seven (7) days of admission
UAC Case Review	On the UAC's 30th day in care and subsequently every 30 days; when the UAC is released or transferred, or if there is a substantial change in the UAC's case.

Acculturation and Adaptation Services

Care providers are required to provide acculturation and adaptation services that include the development of social and interpersonal skills that contribute to the ability to live independently and responsibly in the community.

Case Management Services

Care providers are required to implement and administer a case management system that tracks and monitors a UAC's progress on a regular basis to ensure that each UAC receives the full range of program services in an integrated and comprehensive manner. Care provider's case managers are required to meet with UAC, at a minimum, once a month, either in person (preferred) or by telephone. The care provider's case management team is also responsible for maintenance of the UAC Portal. All placement, transfer, and release requests, as well as all significant incident reports are processed through this web-based system. When necessary, the care provider's case management staff are required to also work collaboratively with agencies that conduct home studies and provide post release services. If applicable, care providers are required to conduct safety and well-being follow-up calls to a UAC and sponsor 30 days after the UAC is released.

Educational Services in a Community Based School

Educational services are required to be provided daily, Monday through Friday, and to be

appropriate to the UAC's level of development, education, and communication skills. Educational services are required to be administered in a structured classroom setting and concentrate primarily on the development of basic academic competencies and secondarily on English Language Training. The educational program consists of instruction, educational materials, and other reading materials in the following basic academic areas: Science, Social Studies, Mathematics, Reading, Writing, and Physical Education. Care providers are required to enroll UACs into the local school district of the foster and/or group home.

Individual Counseling

Individual counseling, when needed, must be provided by qualified mental health professional.

Individualized Needs Assessments

Care providers are required to maintain individualized ongoing assessment for each UAC, which includes:

- *Initial Intake Assessment* must be completed within 24 hours of a UAC's admission. A trained staff member, with the care provider, must use an Initial Intake Assessment form to interview the UAC to identify any immediate needs or issues. This assessment guides the interviewer through a series of questions to obtain information about family members, immediate medical or mental health concerns, current medications, and any concerns about personal safety the UAC may have.
- *UAC Assessment* (initial intake assessment, psychosocial summary, and trauma and human trafficking assessment), to be completed within five days of UAC placement with the care provider, to gather initial information relating to the UAC's journey; the UAC and family's psychosocial assessment; trauma and substance abuse history; information about a UAC's work history or concerns about working to pay off debt; exploitation or trafficking concerns; and other essential data relating to the identification and history of the UAC and his/her family;
- An *Assessment for Risk*, which must be completed within 72 hours of admission and updated every 30 days, to identify risk factors for potential sexual victimization or sexual abuser tendencies so early intervention can take place to mitigate any potential risks or safety concerns;
- *UAC Case Review* every 90 days assessing the UAC's:
 - Mental health and identification of any special medical needs, including any specific issues that may require immediate intervention;
 - An educational assessment and plan;
 - Ongoing assessment of a UAC's behavioral issues and any previous juvenile justice or criminal involvement;
 - A statement of religious preference and practice; and
 - Identifying information and continuing to pursue additional information regarding the UAC's immediate family members, other relatives, or family friends who may be residing in the United States and able to be a UAC's sponsor.

Individual Service Plan

Care providers are required to complete a comprehensive and realistic Individual Service Plan (ISP) for each UAC in accordance with the UAC's needs as determined by the UAC

Assessments and assessment of any trafficking concerns. ISPs are implemented and closely coordinated through an operative clinical assessment and intervention plan, as well as a case management system. The ISP must be completed within seven days of admission and every 30 days thereafter. In cases where human trafficking is suspected or confirmed, the care provider is required to refer the UAC to ACF's Office on Trafficking in Persons and provide or refer the UAC for other services to ensure the UAC has access to all services guaranteed by TVPRA of 2008.

Legal Services

Care providers are required to provide UAC with ORR supplied information about the availability of free legal assistance, the right to be represented by counsel at no expense to the federal government, the right to a removal hearing before an immigration judge, the right to apply for asylum or to request voluntary departure in lieu of removal, and the rights victims of trafficking have under TVPRA of 2008.

Care providers must make reasonable accommodations to allow the UAC to meet privately with their attorney or ORR funded legal service provider and transport UAC to all hearings or proceedings to which the UAC is a party.

Maintenance of Case Files

Care providers must maintain comprehensive, accurate, and up-to-date case files, as well as electronic records on UAC that are kept confidential and secure at all times and must be accessible to ORR upon request. Electronic records include those on the care provider's network drive as well as those on the UAC Portal. Care providers must have written policies and procedures for organizing and maintaining the content of active and closed case files that incorporate state licensing requirements and/or accrediting agency requirements, and ORR policies and procedures.

Medical Services

Care providers are required to provide:

- A complete medical examination (including a screening for infectious diseases) within 48 hours of admission; excluding weekends and holidays, only if UAC does not have documentation of a medical examination completed within the previous six months at another ORR facility;
- Appropriate immunizations in accordance with the United States Public Health Service and the Centers for Disease Control and Prevention;
- Family planning services;
- Other appropriate and routine medical and dental care;
- Emergency health care services;
- Administration of prescribed medication and special diets;
- Appropriate mental health interventions, when necessary;
- arranging forensic medical examinations, as necessary; and
- sexually transmitted infections prophylaxis.

Mental Health Services

Care providers are required to provide clinical services, including regular on-site individual and

group counseling sessions and have the ability to access community mental health services for UAC with special needs. Community mental health services include psychiatric evaluations and treatment, medication assessments and management, crisis intervention, in-patient acute psychiatric care, and other clinical interventions as identified by ORR.

Nutritional Services

Care providers must provide nutritional services in accordance with United States Department of Agriculture and HHS nutritional guidelines and state licensing requirements. Care providers must establish procedures to accommodate dietary restrictions, food allergies, health issues, and religious or spiritual dietary requirements.

Orientation

Within 48 hours of admission, care providers are required to provide every UAC with a comprehensive program orientation that covers the program's services, rules (written and verbal), expectations, zero tolerance policy towards sexual abuse and sexual harassment, and the availability of free legal assistance. The orientation must be provided in formats that are accessible to UAC who are limited English proficient, deaf, visually impaired or otherwise disabled, as well as those who have limited reading skills.

Religious Access

Whenever possible, care providers must provide or arrange for access to religious services and counseling of the UAC's choice. Care providers must abide by 45 CFR § 87.3(b), which prohibits the program administrators from providing inherently religious activities, such as worship, religious instruction or proselytization, as part of the federally funded program or services.

Right to Privacy

UAC have a reasonable right to privacy that includes the right to: (a) wear his or her own clothes (b) retain a private space in the residential facility, group, or foster home for the storage of personal belongings; (c) talk privately on the phone, as permitted by the shelter/group home/foster home rules and regulations; (d) visit privately with guests, as permitted by shelter/group home/foster home rules and regulations; and (e) receive and send uncensored mail unless there is a reasonable belief that the mail contains contraband.

Rules/Behavior Management

Care providers' program rules and discipline standards are required to be formulated with consideration for the range of ages and maturity levels of UAC in the program and with cultural sensitivity towards all UAC. A behavior management plan used by the care provider must meet child welfare best practice standards and must be approved by ORR. Each shelter/group home/foster home must have basic rules posted in both English and UAC's native language. These rules must be reviewed with UAC upon placement with a focus on safety, respect, and family/group living. Misbehavior must be resolved on an individual basis. All interventions must be positive, strength-based and must never subject UAC to corporal punishment, humiliation, mental abuse, or punitive interference with the daily functions of living, such as eating or sleeping.

Safe and Timely Release Services

Care providers must adhere to ORR's policies and procedures that are in place to ensure the care and safety of UAC. These policies require the timely release of UAC to qualified parents, guardians, relatives or other adults, referred to as "sponsors." Safe and timely release must occur within a setting that promotes public safety and ensures that sponsors are able to provide for the physical and mental well-being of UAC. ORR evaluates potential sponsors' ability to provide for the UAC's physical and mental well-being, as the law requires ORR to protect UAC from smugglers, traffickers, or others who might seek to victimize or otherwise engage the UAC in criminal, harmful or exploitative activity. The process for the safe and timely release of a UAC from ORR custody involves many steps, including: the identification of sponsors; the submission by a sponsor of the application for release and supporting documentation; the evaluation of the suitability of the sponsor, including verification of the sponsor's identity and relationship to the child, background checks, and in some cases home studies; and planning for post-release. The provision of safe and timely release services will be monitored and evaluated by ORR and poor performance may result in corrective actions or termination of agreement.

Generally, UAC in long term foster care do not have immediate sponsorship options and their placement into long-term foster care is a result of this. However, long term foster care providers are required to continue efforts to identify a potential sponsor for UAC in their care.

Safety Planning

Care providers must develop a written safety and security plan that includes policies and procedures for all UAC in its care and program staff. The safety plan must address emergency situations covering the following areas: runaways, evacuations (for example due to a hurricane, fire, or other emergency), medical and mental health emergencies, and disease outbreaks.

Care providers must meet the safety requirements maintained by state and/or local licensing entities, fire code regulations, and local zoning and building code regulations.

Transportation/Escort

Care providers are required to provide UAC with transportation services to local airports and if necessary provide an escort for the UAC according to ORR policies, and to local services and appointments, such as medical and dental appointments, immigration court hearings, or community services as part of the ISP.

Visitation/Phone Calls

UAC must be provided the opportunity to make a minimum of two telephone calls per week (10 minutes each) to family members and/or sponsors, in a private setting. There is no limit on the length of calls to UAC's attorneys of record. UAC are allowed to call both family members and sponsors living in the United States and abroad. UAC also have a right to receive visitors. Attorneys of record are required to have reasonable access to UAC according to ORR/DUCO instructions and procedures and care provider's time and place restrictions. Visitations may need to occur in a setting other than the foster home placement to ensure the safety and well-being of the UAC and others in the foster home.

Vocational Educational Services

Care providers are encouraged to create or provide access to vocational training opportunities that will provide UAC with practical and competitive job skills and assist in the preparation for adulthood. Vocational programs may not replace academic education or be a substitute for the

basic subject areas.

In addition to the *Program Requirements* listed and here: <http://www.acf.hhs.gov/programs/orr/resource/children-entering-the-united-states-unaccompanied-section-3>, care providers must adhere to the requirements of the IFR which can be found by clicking on the link: <https://www.regulations.gov/document?D=ACF-2015-0002-0001>.

For more information on application requirements, please see *Section IV.2. The Project Description*.

FAITH BASED ORGANIZATIONS

ACF is mindful that potential grantees may have religious objections to providing certain kinds of services. ACF is committed to exploring ways for Faith-Based organizations to partner with ACF and other grantees even if they object to providing specific services on religious grounds. At the same time, ACF is committed to providing the full range of legally permissible services to people who need them, and to do so in a timely fashion and in a manner that respects the diverse religious and cultural backgrounds of those we serve. To accomplish this goal with respect to religious objection and required services, ORR requires that organizations that have a religious objection, to providing any UAC required services, must provide an alternative approach to meet its grant obligations.

The alternative approach must be one that accomplishes the goal of ensuring that UACs in ORR's custody understand the full range of services available in the program, and that there is a mechanism by which UACs requesting such services can receive appropriate services, either directly through the grantee or partnering organization(s). If an alternative approach is proposed, ORR will review the alternative approach post-award during grant and cooperative agreement negotiations. ORR will review the alternative approach based upon a determination of the following: 1) will ensure timely provision of all services for which the individual is eligible; 2) is not burdensome to the client; and 3) is operationally feasible for ACF.

POST-AWARD REQUIREMENTS

As required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. §§ 3501-3521, the public reporting burden for the following ORR forms is estimated to average 30 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection information. These forms are approved under the Office of Management and Budget (OMB) control number OMB 0970-0948, expiration date is 07/31/2020. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

- UAC Portal Capacity Report
- Notice of Placement in Secure or Staff Secure Facility
- Initial Intake Assessment

- UAC Assessment
- Individual Service Plan
- UAC Case Review
- Transfer Request and Tracking Form
- Long Term Foster Care Placement Memo
- Notice of Transfer to Immigration and Customs Enforcement (ICE) Chief Counsel Change of Address/Change of Venue
- Release Request
- Discharge Notification
- Verification of Release
- Child Advocate Referral and Appointment Form
- Notice of Rights and Provision of Services Handout
- Legal Service Provider List for UAC

ORR is seeking approval from OMB for information collection under PRA on the UAC program forms for post-award reporting. Forms include:

- Assessment for Risk Form
- Care Provider Incident Review Form
- Care Provider Family Reunification Checklist
- Sexual Abuse SIR Form
- Significant Incident Report (SIR)

NOTE: *Consistent with the PRA of 1995, 44 U.S.C. §§ 3501-3521, under this FOA, ORR will not conduct or sponsor – and a person is not required to respond to - a collection of information covered by such Act, unless it displays a currently valid OMB control number. ORR is seeking approval of its UAC program forms through the OMB Office of Information and Regulatory Affairs. ORR will not request this information if these forms are not approved at the time that reports are due.*

Please see Section VI.3. Reporting for more information.

II. Federal Award Information

Funding Instrument Type:	Cooperative Agreement
Estimated Total Funding:	\$15,000,000
Expected Number of Awards:	10
Award Ceiling:	\$10,000,000 Per Budget Period
Award Floor:	\$50,000 Per Budget Period
Average Projected Award Amount:	\$1,500,000 Per Budget Period
Anticipated Project Start Date:	10/01/2018
Length of Project Periods:	
Length of Project Period:	36-month project period with three 12-month budget periods

Additional Information on Awards:

Awards made under this announcement are subject to the availability of federal funds.

Applications requesting an award amount that exceeds the *Award Ceiling* per budget period, or per project period, as stated in this section, will be disqualified from competitive review and from funding under this announcement. This disqualification applies only to the *Award Ceiling* listed for the first 12-month budget period for projects with multiple budget periods. If the project and budget period are the same, the disqualification applies to the *Award Ceiling* listed for the project period. Please see *Section III.3. Other, Application Disqualification Factors*.

Note: For those programs that require matching or cost sharing, recipients will be held accountable for projected commitments of non-federal resources in their application budgets and budget justifications by budget period or by project period for fully funded awards, even if the projected commitment exceeds the required amount of match or cost share. **A recipient's failure to provide the required matching amount may result in the disallowance of federal funds.** See *Section III.2.* of this announcement for information on cost-sharing or matching requirements.

Funds for years two through three will be awarded on the basis of submission and approval of the non-competing continuation applications. Awards are subject to the satisfactory progress by the grantee and a determination that continued funding would be in the best interest of the federal government.

Applicants proposing staff allocated to several funding sources or several funding applications must ensure that Full Time Employees (FTEs) allocations do not exceed 100%.

Description of ACF's Anticipated Substantial Involvement Under the Cooperative Agreement

ORR grantees must obtain the Project Officer's prior approval for any sub-recipient(s) and/or contractor(s) who has contact or provides direct services to UAC and must provide a signed Memorandum of Understanding or a signed letter of intent and draft sub-recipient(s) and/or contractor(s) agreement with a detailed description of the sub-recipient and/or contractor's responsibilities regarding service provisions.

ORR supports grantees in the following areas:

- The design, implementation, and modification of program activities, services, and facilities;
- The design of protocols or procedures;
- The approval of key program staff;
- The provision of training and technical assistance to staff;
- Input of case information into the UAC Portal;
- Select decisions regarding individual case management activities; and

- The approval of all releases of UAC to sponsors, when applicable.

ORR monitors grantees by reviewing of budgets, mandatory reports, and overall compliance outlined by the ORR policies and procedures manual. ORR will not request any reports from grantees unless it has received OMB approval under PRA. Although ORR reviews budgets, the Office of Grants Management (OGM) is included in all budgetary and fiscal matters and final budget approval is made by OGM.

III. Eligibility Information

III.1. Eligible Applicants

Care providers are required to be licensed or license eligible (temporary, provisional, or an equivalent license) with license being issued, by a state licensing agency, within 60 days of award to provide residential, group, or foster care services for dependent children.

Applications from individuals (including sole proprietorships) and foreign entities are not eligible and will be disqualified from competitive review and from funding under this announcement. See *Section III.3. Other, Application Disqualification Factors*.

Faith-based and community organizations that meet the eligibility requirements are eligible to receive awards under this funding opportunity announcement.

See *Section IV.2. Legal Status of Applicant Entity* for documentation required to support eligibility.

III.2. Cost Sharing or Matching

Cost Sharing / Matching Requirement: No

For all federal awards, any shared costs or matching funds and all contributions, including cash and third-party in-kind contributions, must be accepted as part of the recipient's cost sharing or matching when such contributions meet all of the criteria listed in 45 CFR 75.306.

For awards that require matching by statute, recipients will be held accountable for projected commitments of non-federal resources in their application budgets and budget justifications by budget period, or by project period for fully funded awards, even if the projected commitment exceeds the amount required by the statutory match. **A recipient's failure to provide the statutorily required matching amount may result in the disallowance of federal funds. Recipients will be required to report these funds in the Federal Financial Reports.**

For awards that do not require matching or cost sharing by statute, where "cost sharing" refers to any situation in which the recipient voluntarily shares in the costs of a project other than as statutorily required matching, recipients will be held accountable for projected commitments of non-federal resources in their application budgets and budget justifications by budget period, or by project period for fully funded awards. These include situations in which

contributions are voluntarily proposed by an applicant and are accepted by ACF. Non-federal cost sharing will be included in the approved project budget so that the applicant will be held accountable for proposed non-federal cost-sharing funds as shown in the Notice of Award (NOA). **A recipient's failure to provide voluntary cost sharing of non-federal resources that have been accepted by ACF as part of the approved project costs and that have been shown as part of the approved project budget in the NOA, may result in the disallowance of federal funds. Recipients will be required to report these funds in the Federal Financial Reports.**

III.3. Other

Application Disqualification Factors

Applications from individuals (including sole proprietorships) and foreign entities are not eligible and will be disqualified from competitive review and from funding under this announcement.

Award Ceiling Disqualification

Applications that request an award amount that exceeds the *Award Ceiling* per budget period or per project period ("per project period" refers only to fully funded awards), as stated in *Section II. Federal Award Information*, will be disqualified from competitive review and from funding under this announcement. This disqualification applies only to the *Award Ceiling* listed for first 12-month budget period for projects with multiple budget periods. If the project and budget period are the same, the disqualification applies to the *Award Ceiling* listed for the project period.

Required Electronic Application Submission

ACF requires electronic submission of applications at www.Grants.gov. **Paper applications received from applicants that have not been approved for an exemption from required electronic submission will be disqualified from competitive review and from funding under this announcement.**

Applicants that do not have an Internet connection or sufficient computing capacity to upload large documents to the Internet may contact ACF for an exemption that will allow the applicant to submit applications in paper format. Information and the requirements for requesting an exemption from required electronic application submission are found in "ACF Policy for Requesting an Exemption from Electronic Application Submission" at www.acf.hhs.gov/grants/howto#chapter-6.

Missing the Application Deadline (Late Applications)

The deadline for electronic application submission is 11:59 p.m., ET, on the due date listed in the *Overview* and in *Section IV.4. Submission Dates and Times*. Electronic applications submitted to www.Grants.gov after 11:59 p.m., ET, on the due date, as indicated by a dated and

time-stamped email from www.Grants.gov, will be disqualified from competitive review and from funding under this announcement. That is, applications submitted to www.Grants.gov, on or after 12:00 a.m., ET, on the day after the due date will be disqualified from competitive review and from funding under this announcement.

Applications submitted to www.Grants.gov at any time during the open application period, and prior to the due date and time, which fail the www.Grants.gov validation check, will not be received at, or acknowledged by, ACF.

Each time an application is submitted via www.Grants.gov, the submission will generate a new date and time-stamp email notification. Only those applications with on-time date and time stamps that result in a validated application, which is transmitted to ACF, will be acknowledged.

The deadline for receipt of paper applications is 4:30 p.m., ET, on the due date listed in the *Overview* and in *Section IV.4. Submission Dates and Times*. Paper applications received after 4:30 p.m., ET, on the due date will be disqualified from competitive review and from funding under this announcement. Paper applications received from applicants that have not received approval of an exemption from required electronic submission will be disqualified from competitive review and from funding under this announcement.

Notification of Application Disqualification

Applicants will be notified of a disqualification determination by email or by USPS postal mail within 30 federal business days from the closing date of this FOA.

IV. Application and Submission Information

IV.1. Address to Request Application Package

Shannon McGhee
Administration for Children and Families
Office of Refugee Resettlement
Division of Unaccompanied Children Operations
330 C Street, SW
Washington, DC 20201
Phone: (202) 205-9513
Fax: (202) 401-1022
Email: DCS_ProjectOfficers@acf.hhs.gov

Electronic Application Submission:

The electronic application submission package is available in the FOA's listing at www.Grants.gov.

Applications in Paper Format:

For applicants that have received an exemption to submit applications in paper format, Standard Forms, assurances, and certifications are available in the Application Forms Package available in the FOA's Grants.gov Synopsis under the Package tab at www.Grants.gov. See *Section IV.2. Request an Exemption from Required Electronic Application Submission* if applicants do not have an Internet connection or sufficient computing capacity to upload large documents (files) to www.Grants.gov.

Federal Relay Service:

Hearing-impaired and speech-impaired callers may contact the Federal Relay Service (FedRelay) for assistance at www.gsa.gov/fedrelay.

IV.2. Content and Form of Application Submission

FORMATTING APPLICATION SUBMISSIONS

Each applicant applying electronically via www.Grants.gov is required to upload only two electronic files, excluding Standard Forms and OMB-approved forms. No more than two files will be accepted for the review, and additional files will be removed. Standard Forms and OMB-approved forms will not be considered additional files.

FOR ALL APPLICATIONS:

Authorized Organizational Representative (AOR)

AOR is the designated representative of the applicant/recipient organization with authority to act on the organization's behalf in matters related to the award and administration of grants. In signing a grant application, this individual agrees that the organization will assume the obligations imposed by applicable Federal statutes and regulations and other terms and conditions of the award, including any assurances, if a grant is awarded.

Point of Contact

In addition to the AOR, a point of contact on matters involving the application must also be identified. The point of contact, known as the Project Director or Principal Investigator, should not be identical to the person identified as the AOR. The point of contact must be available to answer any questions pertaining to the application.

Application Checklist

Applicants may refer to *Section VIII. Other Information* for a checklist of application requirements that may be used in developing and organizing application materials.

Accepted Font Style

Applications must be in Times New Roman (TNR), 12-point font, except for footnotes, which may be TNR 10-point font. Pages that contain blurred text, or text that is too small to read comfortably, will be removed.

English Language

Applications must be submitted in the English language and must be in the terms of United

States (U.S.) dollars. If applications are submitted using another currency, ACF will convert the foreign currency to U.S. currency using the date of receipt of the application to determine the rate of exchange.

Page Limitations

Applicants must observe the page limitation(s) listed under "PAGE LIMITATIONS AND CONTENT FOR ALL SUBMISSION FORMATS:". Page limitation(s) do not include SFs and OMB-approved forms.

All applications must be double-spaced. An application that exceeds the cited page limitation for double-spaced pages in the Project Description file or the Appendices file will have the last extra pages removed and the removed pages will not be reviewed.

Application Elements Exempted from Double-Spacing Requirements

The following elements of the application submission are exempt from the double-spacing requirements and may be single-spaced: the table of contents, the one-page Project Summary/Abstract, required Assurances and Certifications, required SFs, required OMB-approved forms, resumes, logic models, proof of legal status/non-profit status, third-party agreements, letters of support, footnotes, tables, the line-item budget and/or the budget justification.

Adherence to FOA Formatting, Font, and Page Limitation Requirements

Applications that fail to adhere to ACF's FOA formatting, font, and page limitation requirements will be adjusted by the removal of page(s) from the application. Pages will be removed before the objective review. The removed page(s) will not be made available to reviewers.

Applications that have more than one scanned page of a document on a single page will have the page(s) removed from the review.

For applicants that submit paper applications, double-sided pages will be counted as two pages. When the maximum allowed number of pages is reached, excess pages will be removed and will not be made available to reviewers.

NOTE: Applicants failing to adhere to ACF's FOA formatting, font, and page limitation requirements will receive a letter from ACF notifying them that their application was amended. The letter will be sent after awards have been issued and will specify the reason(s) for removal of page(s).

Corrections/Updates to Submitted Applications

When applicants make revisions to a previously submitted application, ACF will accept only the last on-time application for pre-review under the Application Disqualification Factors. The Application Disqualification Factors determine the application's acceptance for competitive review. See *Section III.3. Application Disqualification Factors* and *Section IV.2. Application Submission Options*.

Copies Required

Applicants must submit one complete copy of the application package electronically. Applicants submitting electronic applications need not provide additional copies of their application package.

Applicants submitting applications in paper format must submit one original and two copies of the complete application, including all Standard Forms and OMB-approved forms. The original copy must have original signatures.

Signatures

Applicants submitting electronic applications must follow the registration and application submission instructions provided at www.Grants.gov.

The original of a paper format application must include original signatures of the authorized representatives.

Accepted Application Format

With the exception of the required Standard Forms (SFs) and OMB-approved forms, all application materials must be formatted so that they are 8 ½" x 11" white paper with 1-inch margins all around.

If possible, applicants are encouraged to include page numbers for each page within the application.

ACF generally does not encourage submission of scanned documents as they tend to have reduced clarity and readability. If documents must be scanned, the font size on any scanned documents must be large enough so that it is readable. Documents must be scanned page-for-page, meaning that applicants may not scan more than one page of a document onto a single page. All pages of the application must be readable. Pages with blurred text will be removed from the application.

PAGE LIMITATIONS AND CONTENT FOR ALL SUBMISSION FORMATS:

With the exception of the Standard Forms and OMB-approved forms, the application submission in its entirety (Project Description and Appendices) is limited to 100 pages.

The Project Description (Narrative) includes the following:

- A one page Project Summary/Abstract;
- Table of Contents;
- Approach;
- Organizational Capacity;
- Line-item Budget and Budget Justifications; and
- Program Performance Evaluation Plan.

The Appendices includes the following:

- Required Certifications and Assurances;
- Proof of Legal Status;
- A List of Organization's Board of Directors;
- Third-Party Agreements;
- Resumes of Current Staff, and/or Position Descriptions;
- Organizational Chart of Applicant Entity and the Project;
- Letter of Agreement with a Cognizant Federal Agency on Indirect Charges, if applicable;
- Letters of Support;
- Proof of licensure or license eligibility to provide residential, group, or foster care services;
- Management Letter/Summary Report in lieu of full audit reports; and
- Any other information the applicant deems relevant and necessary.

ELECTRONIC APPLICATION SUBMISSION INSTRUCTIONS

Applicants are required to submit their applications electronically unless they have requested and received an exemption that will allow submission in paper format. See *Section IV.2. Application Submission Options* for information about requesting an exemption.

Electronic applications will only be accepted via www.Grants.gov. **ACF will not accept applications submitted via email or via facsimile.**

Each applicant is required to upload ONLY two electronic files, excluding SFs and OMB-approved forms.

File One: Must contain the entire Project Description, and the Budget and Budget Justification (including a line-item budget and a budget narrative).

File Two: Must contain all documents required in the Appendices.

Adherence to the Two-File Requirement

No more than two files will be accepted for the review. Applications with additional files will be amended and files will be removed from the review. SFs and OMB-approved forms will not be considered additional files.

Application Upload Requirements

ACF strongly recommends that electronic applications be uploaded as Portable Document Files (PDFs). One file must contain the entire Project Description and Budget Justification; the other file must contain all documents required in the Appendices. Details on the content of each of the two files, as well as page limitations, are listed earlier in this section.

To adhere to the two-file requirement, applicants may need to convert and/or merge documents together using a PDF converter software. Many recent versions of Microsoft Office include the ability to save documents to the PDF format without need of additional software. Applicants using the Adobe Professional software suite will be able to merge these documents together.

ACF recommends merging documents electronically rather than scanning multiple documents into one document manually, as scanned documents may have reduced clarity and readability.

Applicants must ensure that the version of Adobe Professional they are using is compatible with Grants.gov. To verify Adobe software compatibility please go to Grants.gov and click on “Support” at the top bar menu and select “Adobe Software Compatibility”, which is listed under the topic “Online Answers.” The Adobe verification process allows applicants to test their version of the software by opening a test application package. Grants.gov also includes guidance on how to download a supported version of Adobe, as well as troubleshooting instructions if an applicant is unable to open the test application package.

The Adobe Software Compatibility page located on Grants.gov also provides guidance for applicants that have received error messages while attempting to save an application package. It also addresses local network and/or computer security settings and the impact this has on use of Adobe software.

Required Standard Forms (SFs) and OMB-approved Forms

Standard Forms (SFs) and OMB-approved forms, such as the SF-424 application and budget forms and the SF-P/PSL (Project/Performance Site Location), are uploaded separately at Grants.gov. These forms are submitted separately from the Project Description and Appendices files. See *Section IV.2. Required Forms, Assurances, and Certifications* for the listing of required Standard Forms, OMB-approved forms, and required assurances and certifications.

Naming Application Submission Files

Carefully observe the file naming conventions required by www.Grants.gov. Limit file names to 50 characters (characters and spaces). Special characters that are allowed under Grants.gov’s naming conventions, and are accommodated by ACF’s systems, are listed in the instructions available in the Download Application Package at Grants.gov. Please also see <https://www.grants.gov/web/grants/applicants/submitting-utf-8-special-characters.html>.

Use only file formats supported by ACF

It is critical that applicants submit applications using only the supported file formats listed here. While ACF supports all of the following file formats, **we strongly recommend that the two application submission files (Project Description and Appendices) are uploaded as PDF documents in order to comply with the two file upload limitation.** Documents in file formats that are not supported by ACF will be removed from the application and will not be used in the competitive review. This may make the application incomplete and ACF will not make any awards based on an incomplete application.

ACF supports the following file formats:

- Adobe PDF – Portable Document Format (.pdf)
- Microsoft Word (.doc or .docx)
- Microsoft Excel (.xls or .xlsx)
- Microsoft PowerPoint (.ppt)

- Corel WordPerfect (.wpd)
- Image Formats (.JPG, .GIF, .TIFF, or .BMP only)

Do Not Encrypt or Password-Protect the Electronic Application Files

If ACF cannot access submitted electronic files because they are encrypted or password protected, the affected file will be removed from the application and will not be reviewed. This removal may make the application incomplete and ACF will not make awards based on an incomplete application.

FORMATTING FOR PAPER APPLICATION SUBMISSIONS:

The following requirements are only applicable to applications submitted in paper format. Applicants must receive an exemption from ACF in order for a paper format application to be accepted for review. For more information on the exemption, see "*ACF Policy on Requesting an Exemption from Required Electronic Application Submission*" at www.acf.hhs.gov/grants/howto#chapter-6

Format Requirements for Paper Applications

All copies of mailed or hand-delivered paper applications must be submitted in a single package. If an applicant is submitting multiple applications under a single FOA, or multiple applications under separate FOAs, each application submission must be packaged separately. The package(s) must be clearly labeled for the specific FOA it addresses by FOA title and by Funding Opportunity Number (FON).

Applicants using paper format should download the application forms package associated with the FOA's Synopsis on www.Grants.gov under the Package tab.

Because each application will be duplicated, do not use or include separate covers, binders, clips, tabs, plastic inserts, maps, brochures, or any other items that cannot be processed easily on a photocopy machine with an automatic feed. Do not bind, clip, staple, or fasten in any way separate sections of the application. Applicants are advised that the copies of the application submitted, not the original, will be reproduced by the federal government for review. **All application materials must be one-sided for duplication purposes. All pages in the application submission must be sequentially numbered.**

Addresses for Submission of Paper Applications

See *Section IV.7. Other Submission Requirements* for addresses for paper format application submissions.

Required Forms, Assurances, and Certifications

Applicants seeking grant or cooperative agreement awards under this announcement must submit the listed Standard Forms (SFs), assurances, and certifications with the application. All required Standard Forms, assurances, and certifications are available in the Application Package posted for this FOA at www.Grants.gov.

Forms / Assurances / Certifications	Submission Requirement	Notes / Description
SF-LLL - Disclosure of Lobbying Activities	If submission of this form is applicable, it is due at the time of application. If it is not available at the time of application, it may also be submitted prior to the award of a grant.	If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the applicant shall complete and submit the SF-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
SF-424A - Budget Information - Non-Construction Programs and SF-424B - Assurances - Non- Construction Programs	Submission is required for all applicants when applying for a non-construction project. Standard Forms must be used. Forms must be submitted by the application due date. By signing and submitting the SF-424B, applicants are making the appropriate certification of their compliance with all Federal statutes relating to nondiscrimination.	Required for all applications when applying for a non-construction project.
Certification Regarding Lobbying (Grants.gov Lobbying Form)	Submission required of all applicants with the application package. If it is not submitted with the application package, it must be submitted prior to the award of a grant.	Submission of the certification is required for all applicants.
SF-424 Key Contact Form	Submission is required for all applicants by the application due date.	Required for all applications.
SF-424 - Application for	Submission is required for all applicants by the application	Required for all applications.

Federal Assistance	due date.	
Unique Entity Identifier (DUNS) and Systems for Award Management (SAM) registration.	<p>Required of all applicants. To obtain a DUNS number, go to http://fedgov.dnb.com/webform.</p> <p>Active registration at the Systems Award Management (SAM) website must be maintained throughout the application and project award period.</p> <p>SAM registration is available at http://www.sam.gov.</p>	See <i>Section IV.3. Unique Entity Identifier and System for Award Management (SAM)</i> for more information.
SF-Project/Performance Site Location(s) (SF-P/PSL)	Submission is required for all applicants by the application due date.	Required for all applications. In the SF-P/PSL, applicants must cite their primary location and up to 29 additional performance sites.

Mandatory Grant Disclosure

Submission is required for all applicants and recipients, in writing, to the awarding agency and to the HHS Office of the Inspector General (OIG) all information related to violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. (Mandatory Disclosures, 45 CFR 75.113)

Disclosures must be sent in writing to:

The Administration for Children and Families, U.S. Department of Health and Human Services, Office of Grants Management, ATTN: Grants Management Specialist, 330 C Street, SW., Switzer Building, Corridor 3200, Washington, DC 20201

And to:

U.S. Department of Health and Human Services, Office of Inspector General, ATTN: Mandatory Grant Disclosures, Intake Coordinator, 330 Independence Avenue, SW., Cohen Building, Room 5527, Washington, DC 20201

Fax: (202) 205-0604 (Include "Mandatory Grant Disclosures" in subject line) or

Email: MandatoryGranteeDisclosures@oig.hhs.gov

ORR Non-discrimination Assurance

Submission of an application for this funding opportunity constitutes assurance that in serving beneficiaries of this program; applicants have made reasonable good faith efforts to:

- have policies prohibiting discrimination and harassment of such beneficiaries based on race, sexual orientation, gender, gender identity (or expression), religion, and national origin in place;
- be inclusive of and non-stigmatizing toward lesbian, gay, bisexual, and transgender LGBT individuals including LGBT youth;
- ensure that all staff serving program beneficiaries are trained to prevent and respond to harassment in all forms; and
- to monitor claims of harassment and discrimination of beneficiaries, address them seriously, and document corrective action(s) so all participants are assured that programs are safe, inclusive, and non-stigmatizing by design and in operation.

Submission of an application for this award further constitutes an assurance that any sub-recipient(s) and/or contractor(s) directly engaged in the care and custody of UAC:

- will be inclusive of and non-stigmatizing toward LGBT individual, including LGBT youth;
- will ensure that all staff will be trained prior to program implementation on how to prevent and respond to harassment and discrimination of beneficiaries in all forms, and;
- are prepared to monitor claims of harassment and discrimination of beneficiaries, address them seriously, and document corrective action(s) so all participants are assured that programs are safe, inclusive, and non-stigmatizing by design and in operation.

Non-Federal Reviewers

Since ACF will be using non-federal reviewers in the review process, applicants have the option of omitting from the application copies (not the original) specific salary rates or amounts for individuals specified in the application budget as well as Social Security Numbers, if otherwise required for individuals. The copies may include summary salary information. If applicants are submitting their application electronically, ACF will omit the same specific salary rate information from copies made for use during the review and selection process.

The Project Description

The Project Description Overview

Purpose

The project description provides the majority of information by which an application is evaluated and ranked in competition with other applications for available assistance. It should address the activity for which federal funds are being requested, and should be consistent with the goals and objectives of the program as described in *Section I. Program Description*. Supporting documents should be included where they can present information clearly and succinctly. When appropriate, applicants should cite the evaluation criteria that are relevant to

specific components of their project description. Awarding offices use this and other information in making their funding recommendations. It is important, therefore, that this information be included in the application in a manner that is clear and complete.

General Expectations and Instructions

Applicants should develop project descriptions that focus on outcomes and convey strategies for achieving intended performance. Project descriptions are evaluated on the basis of substance and measurable outcomes, not length. Extensive exhibits are not required. Cross-referencing should be used rather than repetition. Supporting information concerning activities that will not be directly funded by the grant or information that does not directly pertain to an integral part of the grant-funded activity should be placed in an appendix.

General Instructions for Preparing a Full Project Description

Introduction

Applicants must prepare the project description statement in accordance with the following instructions while being aware of the specified evaluation criteria in *Section V.I. Criteria*. The text options give a broad overview of what the project description should include while the evaluation criteria identify the measures that will be used to evaluate applications.

Table of Contents

List the contents of the application including corresponding page numbers. The table of contents must be single spaced and will be counted against the total page limitations.

Project Summary/Abstract

Provide a summary of the application's project description. The summary must be clear, accurate, concise, and without reference to other parts of the application. The abstract must include a brief description of the proposed grant project including the needs to be addressed, the proposed services, and the population group(s) to be served.

Please place the following at the top of the abstract:

- Project Title
- Applicant Name
- Address
- Contact Phone Numbers (Voice, Fax)
- E-Mail Address
- Web Site Address, if applicable

The project abstract must be single-spaced, in Times New Roman 12-point font, and limited to one page in length. Additional pages will be removed and will not be reviewed.

Approach

Outline a plan of action that describes the scope and detail of how the proposed project will be accomplished. Applicants must account for all functions or activities identified in the application. Describe any design or technological innovations, reductions in cost or time, or

extraordinary social and/or community involvement in the project. Provide a list of organizations, cooperating entities, consultants, or other key individuals that will work on the project, along with a short description of the nature of their effort or contribution.

Cite potential obstacles and challenges to accomplishing project goals and explain strategies that will be used to address these challenges.

Program Design and Service Provision

- Applicant must describe their overall program design for either shelter and/or TFC and provide documentation supporting its ability to provide the required program services indicated in *Section I. Program Requirements*.
- Applicants must describe how their service delivery for either shelter and/or TFC is sensitive to the religious preferences, culture, native language, and special needs of UAC. Applicant's program design for either shelter and/or TFC must describe that it is appropriate for the target population.
- Applicants must describe experience and proficiency in implementing a behavioral management plan for either shelter and/or TFC as indicated *Section I. Program Requirements, Rules/Behavior Management*.
- Applicants must describe experience and provide documentation supporting their ability to provide appropriate case management services for either shelter and/or TFC including developing and updating ISPs, as well as other assessments required by ORR.
- Applicants must describe an ability to comply with the pertinent laws, regulations and settlement agreements, and with ORR policies, procedures, and instructions as referenced in *Section I. Program Description, Statutory Authority* and *Section I. Program Requirements*.
- Applicants must design developmentally appropriate programs for either shelter and/or TFC that address the specialized and individual needs of all UAC, including vulnerable and traumatized UAC.
- Applicants must describe their capacity to identify possible victims of human trafficking and other crimes.
- Applicants must describe the ability to process the identification and safe and timely release of UAC to eligible sponsors.
- Applicants must describe their ability to recruit and train foster parents utilizing their state's licensing requirements for foster parent certification.

Program Management

- Applicants must provide a comprehensive overview of the applicant's organization, including qualifications, history, organizational mission and goals, and lists of all federal, state, or local funded grants and/or contracts received.
- Applicants must describe their experience in the provision of child welfare services, child protective services, services to children with special needs and/or victims of trafficking, youth outreach, and/or other social services. Describe organizational experience working directly with UAC or cross cultural/international or related services to children from various cultural backgrounds, various language capabilities, and special

- needs, including vulnerability to human trafficking.
- Applicants must provide documentation of clear organizational structure outlining lines of authority and supervision.
- Applicants must describe a plan to implement ORR's sexual abuse and harassment policies, including, but not limited to appropriate screening of new hires, developing internal policy documents, and training staff on PREA policies.
- Applicants must describe staffing plans that provide a sound relationship between the proposed responsibilities of lead program staff, including Program Director, Lead Clinician, and Lead Case Manager, and the educational and professional experience required for the position according to requirements outlined in *Section I. Program Staffing Requirements*.
- As required by state licensing, applicants must provide a detailed plan for completing background checks for applicable staff, contractors, and volunteers.
- Applicants must describe the ability to provide a comprehensive staff training plan that meets state licensing requirements, ORR policy requirements and include elements specific to working with the UAC population, prevention and intervention in child abuse and neglect, including local reporting procedures and staff code of conduct.
- Applicants must describe case management staff is proficient in using the Internet and related computer programs.

Administrative and Service Environment

- Applicants must describe their overall program service environment for foster and/or group care and provide documentation supporting its ability to provide the required program services indicated in *Section I. Program Requirements*.
- Applicants must describe the facility's accessibility to immigration court, airports, fire, police, and the local community. Applicants must provide evidence on the feasibility of administering a program in the area that is proposed.
- Applicants must clearly describe and/or provide photographs of the proposed facility (including description of sleeping arrangements, food preparation, kitchen and dining area, classrooms, office space, rest rooms, outside recreation areas, and living space).
- Applicants must describe that the facility meets all relevant zoning, licensing, fire, safety, and health codes required to operate a residential based social service program. Applicants must provide detailed information regarding type of state licensure, including information on capacity, age/gender permitted, and length of stay allowable. Any and all documented state licensing allegations/concerns must be reported.
- Applicants must explain and document facility ownership or leasing agreements.
- Applicants must describe all security measures for the facility and describe how they adequately meet the requirements of the program in order to prevent unauthorized absence from the facility and to monitor those who enter and exit the facility.
- Applicants must provide documented evidence/references or letters of local community support and acceptance of the applicant's program. This must include established relationships with local emergency services (i.e., police, fire), medical and mental health agencies, religious and community organizations, and state licensing offices' recommendations for serving UAC.

Project Timeline and Milestones

Provide quantitative monthly or quarterly projections of the accomplishments to be achieved for each function, or activity, in such terms as the number of people to be served and the number of activities accomplished. Data may be organized and presented as project tasks and subtasks with their corresponding timelines during the project period. For example, each project task could be assigned to a row in the first column of a grid. Then, a unit of time could be assigned to each subsequent column, beginning with the first unit (i.e., week, month, quarter) of the project and ending with the last. Shading, arrows, or other markings could be used across the applicable grid boxes or cells, representing units of time, to indicate the approximate duration and/or frequency of each task and its start and end dates within the project period.

When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

Program Performance Evaluation Plan

Applicants must describe the plan for the program performance evaluation that will contribute to continuous quality improvement. The program performance evaluation should monitor ongoing processes and the progress towards the goals and objectives of the project. Include descriptions of the inputs (e.g., organizational profile, collaborative partners, key staff, budget, and other resources), key processes, and expected outcomes of the funded activities. The plan may be supported by a logic model and must explain how the inputs, processes and outcomes will be measured, and how the resulting information will be used to inform improvement of funded activities.

Applicants must describe the systems and processes that will support the organization's performance management requirements through effective tracking of performance outcomes, including a description of how the organization will collect and manage data (e.g. assigned skilled staff, data management software) in a way that allows for accurate and timely reporting of performance outcomes. Applicants must describe any potential obstacles for implementing the program performance evaluation and how those obstacles will be addressed.

- Applicants must describe effective and resource-efficient strategies for programmatic control, predictability, and accountability as evidenced by the program design for either foster and/or group care.
- Applicants must describe evaluation methodology based on performance. Focus must be placed on child welfare practices, particularly child safety and ability to ensure safe and timely release for those UAC with potential sponsors, when applicable. Applicants must describe measures that effectively track performance in this area.
- Applicants must provide an effective plan for developing and maintaining internal structure, control, and accountability through programmatic means.
- Applicants must describe ability to produce statistical reports to track demographics and performance of program.
- Applicants must describe ability to maintain adequate records, including client files, medical files, financial files and personnel files.
- Applicants must provide documentation of a system that preserves the confidentiality of

UAC information and protects the records from unauthorized use or disclosure. The records of UAC are the property of ORR and are required to be provided to ORR upon request.

- Applicants must describe the ability to make regular reports as required by ORR that permit ORR to monitor and enforce the Flores Settlement Agreement, federal requirements, ORR policies and procedures and other requirements and standards. ORR will not request any UAC reports from grantees unless it has received OMB approval under PRA.
- Applicants must describe the ability to implement and maintain the UAC Portal.
- Applicants must include a plan for assessing performance with regard to the safe and timely release process for UAC, when applicable. Applicants must address how it will monitor the progression of individual cases and include a clear structured timeline with regard to working with each UAC safe and timely release, when applicable.

Geographic Location

Describe the precise location of the project and boundaries of the area to be served by the proposed project.

Legal Status of Applicant Entity

Applicants must provide the following documentation:

Applicants must provide documentation in order to certify their legal status and/or eligibility. This may include but is not limited to, Governing Board Membership Documentation and/or articles of incorporation.

Non-profit organizations applying for funding are required to submit proof of their non-profit status. Proof of non-profit status is any one of the following:

- A reference to the applicant organization's listing in the IRS's most recent list of tax-exempt organizations described in the IRS Code.
- A copy of a currently valid IRS tax-exemption certificate.
- A statement from a state taxing body, state attorney general, or other appropriate state official certifying that the applicant organization has non-profit status and that none of the net earnings accrue to any private shareholders or individuals.
- A certified copy of the organization's certificate of incorporation or similar document that clearly establishes non-profit status.
- Any of the items in the subparagraphs immediately above for a state or national parent organization and a statement signed by the parent organization that the applicant organization is a local non-profit affiliate.

Unless directed otherwise, applicants must include proof of non-profit status in the *Appendices* file of the electronic application submission.

Additional Eligibility Documentation

Applicants must provide the additional, required documentation, or required credentials, to support eligibility for an award, as described in *Section III. Eligibility Information* of this

announcement:

Applicant must provide documentation of licensure or eligibility (temporary, provisional, or an equivalent license) with license being issued, by a state licensing agency, within 60 days of award to provide residential, group, or foster care services for dependent children.

Organizational Capacity

Provide the following information on the applicant organization and, if applicable, on any cooperating partners:

- Organizational charts;
- Resumes (no more than two single-spaced pages in length);
- Financial statements adhering to Generally Accepted Accounting Principles (GAAP), if available, submit statements for up to the two most recently completed fiscal years (this requirement does not apply to start-up organizations);
- Audit reports or statements from Certified Public Accountants/Licensed Public Accountants, if available, submit statements for up to the two most recently completed fiscal years (this requirement does not apply to start-up organizations);
- Copy or description of the applicant organization's fiscal control and accountability procedures;
- Evidence that the applicant organization, and any partnering organizations, have relevant experience and expertise with administration, development, implementation, management, and evaluation of programs similar to that offered under this announcement;
- Evidence that each participating organization, including partners and/or subcontractors, possess the organizational capability to fulfill their role(s) and function(s) effectively;
- Child care licenses and other documentation of professional accreditation;
- Information on compliance with federal/state/local government standards;

Protection of Sensitive and/or Confidential Information

If any confidential or sensitive information will be collected during the course of the project, whether from staff (e.g., background investigations) or project participants and/or project beneficiaries, provide a description of the methods that will be used to ensure that confidential and/or sensitive information is properly handled and safeguarded. Also provide a plan for the disposition of such information at the end of the project period.

Third-Party Agreements

Third-party agreements include Memoranda of Understanding (MOU) and Letters of Commitment. General letters of support are **not** considered to be third-party agreements. Third-party agreements must clearly describe the project activities and support to which the third party is committing. Third-party agreements must be signed by the person in the third-party organization with the authority to make such commitments on behalf of their organization.

Provide written and signed agreements between grantees and subgrantees, or subcontractors, or other cooperating entities. These agreements must detail the scope of work to be performed, work schedules, remuneration, and other terms and conditions that structure or define the relationship.

Letters of Support

Provide statements from community, public, and commercial leaders that support the project proposed for funding. All submissions must be included in the application package.

Plan for Oversight of Federal Award Funds

Provide a plan describing how oversight of federal funds will be ensured and how grant activities and partner(s) will adhere to applicable federal and programmatic regulations. Applicants must identify staff that will be responsible for maintaining oversight of program activities, staff, and partner(s). Applicants must describe procedures and policies used to oversee staff and/or partners/contractors.

Describe organizational records systems that relate financial data to performance data by identifying the source and application of federal funds so that they demonstrate effective control over and accountability for funds, compare outlays with budget amounts, and provide accounting records supported by source documentation.

The Project Budget and Budget Justification

All applicants are required to submit a project budget and budget justification with their application. The project budget is entered on the Budget Information Standard Form, either SF-424A or SF-424C, according to the directions provided with the SFs. The budget justification consists of a budget narrative and a line-item budget detail that includes detailed calculations for "object class categories" identified on the Budget Information Standard Form. Applicants must indicate the method they are selecting for their indirect cost rate. See Indirect Charges for further information.

Project budget calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. If matching or cost sharing is a requirement, applicants must include a detailed listing of any funding sources identified in Block 18 of the SF-424 (Application for Federal Assistance). See the table in *Section IV.2. Required Forms, Assurances, and Certifications* listing the appropriate budget forms to use in this application.

Special Note: The Consolidated Appropriations Act, 2018, (Division H, Title II, Sec. 202), limits the salary amount that may be awarded and charged to ACF grants and cooperative agreements. Award funds issued under this announcement may not be used to pay the salary of an individual at a rate in excess of Executive Level II. The Executive Level II salary of the "Rates of Pay for the Executive Schedule" is \$189,600. This amount reflects an individual's base salary exclusive of fringe benefits and any income that an individual may be permitted to earn outside of the duties of the applicant organization. This salary limitation also applies to subawards and subcontracts under an ACF grant or cooperative agreement.

Provide a budget using the 424A and/or 424C, as applicable, for each year of the proposed project. Provide a budget justification, which includes a budget narrative and a line-item detail, for the first year of the proposed project. The budget narrative should describe how the categorical costs are derived. Discuss the necessity, reasonableness, and allocation of the proposed costs.

Applicants proposing staff allocated to several funding sources or several funding applications must ensure that FTE allocations do not exceed 100%. Budgets must include the names of staff for positions already filled and level of effort (percentage dedicated to the project).

Funding for UAC medical services is provided under a separate ORR managed care program and must not be included as a component of the applicant's budget. However, applicant must include the cost of coordinating medical, dental, and mental health services. Coordination will include over the counter medication, having a staff person who dispenses medication, and books, and transports UAC's to medical appointments.

Based on UAC needs, transfer to a facility within ORR network may be necessary. In addition, temporary placement, outside of ORR network, in an acute psychiatric hospital and/or psychiatric residential setting, would require transportation of UAC for placement and discharge once treatment has been completed. Placement decisions, outside of ORR's network, are initiated by the care provider in conjunction with ORR and final approval is made by ORR. These transfers would include airfare, escort, and transport to and from airport/facility. Applicant should include transport cost for no more than one percent of the estimated number of UAC applicant proposes to serve annually.

Applicants and their sub-recipient(s) and/or contractor(s), if applicable, must provide a description of an internal financial monitoring system that demonstrates structure and accountability, as well as describe effective fiscal management and accountability. A discussion of most recent audit and findings should be included.

For profit organizations must clearly describe that they are only charging the program actual cost incurred.

General

Use the following guidelines for preparing the budget and budget justification. Both federal and non-federal resources (when required) shall be detailed and justified in the budget and budget narrative justification. "Federal resources" refers only to the ACF grant funds for which you are applying. "Non-federal resources" are all other non-ACF federal and non-federal resources. It is suggested that budget amounts and computations be presented in a columnar format: first column, object class categories; second column, federal budget; next column(s), non-federal budget(s); and last column, total budget. The budget justification should be in a narrative form.

Personnel

Description: Costs of employee salaries and wages.

Justification: Identify the project director or principal investigator, if known at the time of application. For each staff person provide: the title; time commitment to the project in months; time commitment to the project as a percentage or full-time equivalent; annual salary; grant salary; wage rates; etc. Do not include the costs of consultants, personnel costs of delegate agencies, or of specific project(s) and/or businesses to be financed by the applicant. Contractors and consultants should not be placed under this category.

Fringe Benefits

Description: Costs of employee fringe benefits unless treated as part of an approved indirect

cost rate.

Justification: Provide a breakdown of the amounts and percentages that comprise fringe benefit costs such as health insurance, Federal Insurance Contributions Act (FICA) taxes, retirement insurance, and taxes.

Travel

Description: Costs of out-of-state or overnight project-related travel by employees of the applicant organization. Do not include in-state travel or consultant travel.

Justification: For each trip show the total number of traveler(s); travel destination; duration of trip; per diem; mileage allowances, if privately owned vehicles will be used to travel out of town; and other transportation costs and subsistence allowances. If appropriate for this project, travel costs for key project staff to attend ACF-sponsored workshops/conferences/grantee orientations should be detailed in the budget.

Equipment

Description: "Equipment" means an article of nonexpendable, tangible personal property having a useful life of more than one year per unit and an acquisition cost that equals or exceeds the lesser of: (a) the capitalization level established by the organization for the financial statement purposes, or (b) \$5,000. (Note: Acquisition cost means the net invoice unit price of an item of equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Ancillary charges, such as taxes, duty, protective in-transit insurance, freight, and installation, shall be included in or excluded from acquisition cost in accordance with the applicant organization's regular written accounting practices.)

Justification: For each type of equipment requested applicants must provide a description of the equipment; the cost per unit; the number of units; the total cost; and a plan for use of the equipment in the project; as well as a plan for the use, and/or disposal of, the equipment after the project ends. An applicant organization that uses its own definition for equipment should provide a copy of its policy, or section of its policy, that includes the equipment definition.

Supplies

Description: Costs of all tangible personal property other than that included under the Equipment category. This includes office and other consumable supplies with a per-unit cost of less than \$5,000.

Justification: Specify general categories of supplies and their costs. Show computations and provide other information that supports the amount requested.

Contractual

Description: Costs of all contracts for services and goods except for those that belong under other categories such as equipment, supplies, construction, etc. Include third-party evaluation contracts, if applicable, and contracts with secondary recipient organizations (with budget detail), including delegate agencies and specific project(s) and/or businesses to be financed by

the applicant. This area is not for individual consultants.

Justification: Demonstrate that all procurement transactions will be conducted in a manner to provide, to the maximum extent practical, open, and free competition. Recipients and subrecipients are required to use 45 CFR 75.328 procedures and must justify any anticipated procurement action that is expected to be awarded without competition and exceeds the simplified acquisition threshold fixed by 41 U.S.C. § 134, as amended by 2 CFR Part 200.88, and currently set at \$150,000. Recipients may be required to make pre-award review and procurement documents, such as requests for proposals or invitations for bids, independent cost estimates, etc., available to ACF.

Note: Whenever the applicant intends to delegate part of the project to another agency, the applicant must provide a detailed budget and budget narrative for each contractor/sub-contractor, by agency title, along with the same supporting information referred to in these instructions. If the applicant plans to select the contractors/sub-contractors post-award and a detailed budget is not available at the time of application, the applicant must provide information on the nature of the work to be delegated, the estimated costs, and the process for selecting the delegate agency.

Other

Description: Enter the total of all other costs. Such costs, where applicable and appropriate, may include but are not limited to: consultant costs, local travel; insurance; food (when allowable); medical and dental costs (noncontractual); professional services costs (including audit charges); space and equipment rentals; printing and publication; computer use; training costs, such as tuition and stipends; staff development costs; and administrative costs.

Justification: Provide computations, a narrative description, and a justification for each cost under this category.

Indirect Charges

Description: Total amount of indirect costs. This category has one of two methods that an applicant can select. An applicant may only select one.

1) The applicant currently has an indirect cost rate approved by the Department of Health and Human Services (HHS) or another cognizant federal agency.

Note: An applicant must enclose a copy of the current approved rate agreement. If the applicant is requesting a rate that is less than what is allowed under the program, the authorized representative of the applicant organization must submit a signed acknowledgement that the applicant is accepting a lower rate than allowed.

2) Per 45 CFR § 75.414(f) Indirect (F&A) costs, "any non-Federal entity [i.e., applicant] that has never received a negotiated indirect costs rate, ... may elect to charge a de minimis rate of 10% of modified total direct costs (MTDC) which may be used indefinitely. As described in § 75.403, costs must be consistently charged as either indirect or direct costs,

but may not be double charged or inconsistently charged as both. If chosen, this methodology once elected must be used consistently for all Federal awards until such time as a non-Federal entity chooses to negotiate for a rate, which the non-Federal entity may apply to do at any time.”

Justification: This method only applies to applicants that have never received an approved negotiated indirect cost rate from HHS or another cognizant federal agency. Applicants awaiting approval of their indirect cost proposal may request the 10 percent de minimis rate. When the applicant chooses this method, costs included in the indirect cost pool must not be charged as direct costs to the grant.

Program Income

Description: The estimated amount of income, if any, expected to be generated from this project. Program income includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under federally-funded projects, the sale of commodities or items fabricated under an award, license fees and royalties on patents and copyrights, and interest on loans made with award funds.

Justification: Describe the nature, source, and anticipated use of program income in the budget or refer to the pages in the application that contain this information.

Commitment of Non-Federal Resources

Description: Amounts of non-federal resources that will be used to support the project as identified in Block 18 of the SF-424. The match calculation applies to the total project cost (including match) and not just to the federal share.

Justification: If an applicant is relying on match from a third party, then a firm commitment of these resources (letter or other documentation) is required with the application. Detailed budget information must be provided for every funding source identified in Block 18 of the SF-424.

Note: Applicants are required to fully identify and document in their applications the specific costs or contributions they propose in order to meet a matching or cost-sharing requirement. Applicants are also required to provide documentation in their applications on the sources of funding or contribution(s) and, for in-kind contributions, a justification of how the stated valuation was determined.

Paperwork Reduction Disclaimer

As required by the Paperwork Reduction Act of 1995, 44 U.S.C. §§ 3501-3521, the public reporting burden for the Project Description and Budget/Budget Justification is estimated to average 60 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection information. The Project Description and Budget/Budget Justification information collection is approved under OMB control number 0970-0139, expiration date is 01/31/2019. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Application Submission Options

Electronic Submission via www.Grants.gov

This section provides the application submission and receipt instructions for ACF program applications. Please read the following instructions carefully and completely.

Electronic Delivery

ACF is participating in the Grants.gov initiative to provide the grant community with a single site to find and apply for grant funding opportunities. ACF applicants are required to submit their applications online through Grants.gov.

How to Register and Apply through Grants.gov

Read the following instructions about registering to apply for ACF funds. Applicants should read the registration instructions carefully and prepare the information requested before beginning the registration process. Reviewing and assembling the required information before beginning the registration process will alleviate last-minute searches for required information.

The registration process can take up to four weeks to complete. Therefore, registration should be done in sufficient time to ensure it does not impact your ability to meet required application submission deadlines.

Organization applicants can find complete instructions here:

<https://www.grants.gov/web/grants/applicants/organization-registration.html>

Obtain a DUNS Number: All entities applying for funding, including renewal funding, must have a Data Universal Numbering System (DUNS) number from Dun & Bradstreet (D&B). Applicants must enter the DUNS number in the data entry field labeled "Organizations DUNS" on the SF-424 form.

For more detailed instructions for obtaining a DUNS number, refer to:

<https://www.grants.gov/web/grants/applicants/organization-registration/step-1-obtain-duns-number.html>

Register with SAM: In addition to having a DUNS number, organizations applying online through Grants.gov must register with the System for Award Management (SAM). All organizations must register with SAM in order to apply online. Failure to register with SAM will prevent your organization from applying through Grants.gov.

For more detailed instructions for registering with SAM, refer to:

<https://www.grants.gov/web/grants/applicants/organization-registration/step-2-register-with-sam.html>

Create a Grants.gov Account: The next step in the registration process is to create an account with Grants.gov. Applicants must know their organization's DUNS number to complete this process. Completing this process automatically triggers an email request for

applicant roles to the organization's E-Business Point of Contact (EBiz POC) for review. The EBiz POC is a representative from your organization who is the contact listed for SAM. To apply for grants on behalf of your organization, you will need the AOR role.

For more detailed instructions about creating a profile on Grants.gov, refer to:
<https://www.grants.gov/web/grants/applicants/registration.html>

Authorize Grants.gov Roles: After creating an account on Grants.gov, the EBiz POC receives an email notifying them of your registration and request for roles. The EBiz POC will then log in to Grants.gov and authorize the appropriate roles, which may include the AOR role, thereby giving you permission to complete and submit applications on behalf of your organization. You will be able to submit your application online any time after you have been approved as an AOR.

For more detailed instructions about creating a profile on Grants.gov, refer to:
<https://www.grants.gov/web/grants/applicants/registration/authorize-roles.html>

Track Role Status: To track your role request, refer to:
<https://www.grants.gov/web/grants/applicants/registration/track-role-status.html>

When applications are submitted through Grants.gov, the name of the organization's AOR that submitted the application is inserted into the signature line of the application, serving as the electronic signature. The EBiz POC must authorize individuals who are able to make legally binding commitment on behalf of the organization as an AOR; this step is often missed and it is crucial for valid and timely submissions.

How to Submit an Application to ACF via Grants.gov

Grants.gov applicants can apply online using Workspace. Workspace is a shared, online environment where members of a grant team may simultaneously access and edit different webforms within an application. For each FOA, you can create individual instances of a workspace.

The following is an overview of applying via Grants.gov. For access to complete instructions on how to apply for opportunities, refer to: <https://www.grants.gov/web/grants/applicants/apply-for-grants.html>

Create a Workspace: Creating a workspace allows you to complete an application online and route it through your organization for review before submitting.

Complete a Workspace: Add participants to the workspace, complete all the required forms, and check for errors before submission.

Adobe Reader: If you decide not to apply by filling out webforms you can download individual PDF forms in Workspace so that they will appear similar to other Standard or ACF forms. The individual PDF forms can be downloaded and saved to your local device storage, network drive(s), or external drive(s), then accessed through Adobe Reader.

NOTE: Visit the Adobe Software Compatibility page on Grants.gov to download the appropriate version of the software at:

<https://www.grants.gov/web/grants/applicants/adobe-software-compatibility.html>

Mandatory Fields in Forms: In the forms, you will note fields marked with an asterisk and a different background color. These fields are mandatory fields that must be completed to successfully submit your application.

Complete SF-424 Fields First: The forms are designed to fill in common required fields across other forms, such as the applicant name, address, and DUNS number. To trigger this feature, an applicant must complete the SF-424 information first. Once it is completed, the information will transfer to the other forms.

Submit a Workspace: An application may be submitted through workspace by clicking the Sign and Submit button on the Manage Workspace page, under the Forms tab. Grants.gov recommends submitting your application **at least 24-48 hours prior to the close date** to provide you with time to correct any potential technical issues that may disrupt the application submission.

Track a Workspace: After successfully submitting a workspace package, a Grants.gov Tracking Number (GRANTXXXXXXXX) is automatically assigned to the package. The number will be listed on the Confirmation page that is generated after submission.

For additional training resources, including video tutorials, refer to:

<https://www.grants.gov/web/grants/applicants/applicant-training.html>

Grants.gov provides applicants 24/7 support via the toll-free number 1-800-518-4726 and email at support@grants.gov. For questions related to the specific grant opportunity, contact the number listed in the application package of the grant you are applying for.

If you are experiencing difficulties with your submission, it is best to call the Grants.gov Support Center and get a ticket number. The Support Center ticket number will assist ACF with tracking your issue and understanding background information on the issue.

Timely Receipt Requirements and Proof of Timely Submission

All applications must be received by 11:59 p.m., ET, on the due date established for each program. Proof of timely submission is automatically recorded by Grants.gov. An electronic date/time stamp is generated within the system when the application is successfully received by Grants.gov. The applicant AOR will receive an acknowledgement of receipt and a tracking number (GRANTXXXXXXXX) from Grants.gov with the successful transmission of their application. Applicant AORs will also receive the official date/stamp and Grants.gov Tracking number in an email serving as proof of their timely submission.

When ACF successfully retrieves the application from Grants.gov, and acknowledges the download of submission, Grants.gov will provide an electronic acknowledgment of receipt of the application to the email address of the applicant with the AOR role. Again, proof of timely

submission shall be the official date and time that Grants.gov receives your application. Applications received by Grants.gov after the established due date for the program will be considered late and will not be considered for funding by ACF.

Applicants with slow internet, such as dial-up connections, should be aware that transmission can take some time before Grants.gov receives your application. Again, Grants.gov will provide either an error or a successfully received transmission in the form of an email sent to the applicant with the AOR role. The Grants.gov Support Center reports that some applicants end the transmission because they think that nothing is occurring during the transmission process. Please be patient and give the system time to process the application.

Issues with Federal Systems

For any systems issues experienced with Grants.gov or SAM.gov, please refer to ACF's "Policy for Applicants Experiencing Federal Systems Issues" document for complete guidance at www.acf.hhs.gov/sites/default/files/assets/systems_issue_policy_final.pdf.

Request an Exemption from Required Electronic Application Submission

To request an exemption from required electronic submission please refer to ACF's "Policy for Requesting an Exemption from Required Electronic Application Submission" document for complete guidance at:

https://www.acf.hhs.gov/sites/default/files/assets/acf_policy_for_requesting_an_exemption_from_required_electronic.pdf.

Paper Format Application Submission

An exemption is required for the submission of paper applications. See the preceding section on "*Request an Exemption from Required Electronic Application Submission*."

Applicants with exemptions that submit their applications in paper format, by mail or delivery, must submit one original and two copies of the complete application with all attachments. The original and each of the two copies must include all required forms, certifications, assurances, and appendices, be signed by the AOR, and be unbound. The original copy of the application must have original signature(s). See *Section IV.7.* of this announcement for address information for paper format application submissions. Applications submitted in paper format must be received by 4:30 p.m., ET, on the due date.

Applicants may refer to *Section VIII. Other Information* for a checklist of application requirements that may be used in developing and organizing application materials. Details concerning acknowledgment of received applications are available in *Section IV.4. Submission Dates and Times* in this announcement.

IV.3. Unique Entity Identifier and System for Award Management (SAM)

All applicants must have a DUNS Number (<http://fedgov.dnb.com/webform>) and an active registration with the System for Award Management (SAM.gov/SAM, <https://www.sam.gov>).

Obtaining a DUNS Number may take 1 to 2 days.

All applicants are required to maintain an active SAM registration until the application process is complete. If a grant is awarded, registration at SAM must be active throughout the life of the award.

Plan ahead. Allow at least 10 business days after you submit your registration for it to become active in SAM and at least an additional 24 hours before that registration information is available in other government systems, i.e. Grants.gov.

This action should allow you time to resolve any issues that may arise. Failure to comply with these requirements may result in your inability to submit your application through Grants.gov or prevent the award of a grant. Applicants should maintain documentation (with dates) of your efforts to register for, or renew a registration, at SAM. User Guides are available under the "Help" tab at <https://www.sam.gov>.

HHS requires all entities that plan to apply for, and ultimately receive, federal grant funds from any HHS Agency, or receive subawards directly from recipients of those grant funds to:

- Be registered in the SAM prior to submitting an application or plan;
- Maintain an active SAM registration with current information at all times during which it has an active award or an application or plan under consideration by an OPDIV; and
- Provide its active DUNS number in each application or plan it submits to the OPDIV.

ACF is prohibited from making an award until an applicant has complied with these requirements. At the time an award is ready to be made, if the intended recipient has not complied with these requirements, ACF:

- May determine that the applicant is not qualified to receive an award; and
- May use that determination as a basis for making an award to another applicant.

IV.4. Submission Dates and Times

Due Dates for Applications

Due Date for Applications:

06/29/18

Explanation of Due Dates

The due date for receipt of applications is listed in the *Overview* section and in this section. See *Section III.3. Other, Application Disqualification Factors*.

Electronic Applications

The deadline for submission of electronic applications via www.Grants.gov is 11:59 p.m., ET, on the due date. Electronic applications submitted at 12:00 a.m., ET, on the day after the due date will be considered late and will be disqualified from competitive review and from funding under this announcement.

Applicants are required to submit their applications electronically via www.Grants.gov unless they received an exemption through the process described in *Section IV.2. Request an Exemption from Required Electronic Application Submission*.

ACF does not accommodate transmission of applications by email or facsimile.

Instructions for electronic submission via www.Grants.gov are available at: www.grants.gov/web/grants/applicants/apply-for-grants.html.

Applications submitted to www.Grants.gov at any time during the open application period prior to the due date and time that fail the Grants.gov validation check will not be received at ACF. These applications will not be acknowledged.

Mailed Paper Format Applications

The deadline for receipt of mailed, paper applications is 4:30 p.m., ET, on the due date. Mailed paper applications received after the due date and deadline time will be considered late and will be disqualified from competitive review and from funding under this announcement.

Paper format application submissions will be disqualified if the applicant organization has not received an exemption through the process described in *Section IV.2. Request an Exemption from Required Electronic Application Submission*.

Hand-Delivered Paper Format Applications

Applications that are hand-delivered by applicants, applicant couriers, by overnight/express mail couriers, or other representatives of the applicant must be received on, or before, the due date listed in the *Overview* and in this section. These applications must be delivered between the hours of 8:00 a.m. and 4:30 p.m., ET, Monday through Friday (excluding federal holidays). Applications should be delivered to the address provided in *Section IV.7. Other Submission Requirements*.

Hand-delivered paper applications received after the due date and deadline time will be considered late and will be disqualified from competitive review and from funding under this announcement.

Hand-delivered paper format application submissions will be disqualified if the applicant organization has not received an exemption through the process described in *Section IV.2. Request an Exemption from Required Electronic Application Submission*.

No appeals will be considered for applications classified as late under the following circumstances:

- Applications submitted electronically via www.Grants.gov are considered late when they are dated and time-stamped after the deadline of 11:59 p.m., ET, on the due date.
- Paper format applications received by mail or hand-delivery after 4:30 p.m., ET, on the due date will be classified as late and will be disqualified.
- Paper format applications received from applicant organizations that were not approved for an exemption from required electronic application submission under the process described in *Section IV.2. Request an Exemption from Required Electronic Submission* will be disqualified.

Emergency Extensions

ACF may extend an application due date when circumstances make it impossible for an applicant to submit their applications on time. Only events such as documented natural disasters (floods, hurricanes, tornados, etc.), or a verifiable widespread disruption of electrical service, or mail service, will be considered. The determination to extend or waive the due date, and/or receipt time, requirements in an emergency situation rests with the Grants Management Officer listed as the Office of Grants Management Contact in *Section VII. HHS Awarding Agency Contact(s)*.

Acknowledgement from www.Grants.gov

Applicants will receive an initial email upon submission of their application to www.Grants.gov. This email will provide a **Grants.gov Tracking Number**. Applicants should refer to this tracking number in all communication with Grants.gov. The email will also provide a **date and time stamp**, which serves as the official record of application's submission. Receipt of this email does not indicate that the application is accepted or that it has passed the validation check.

Applicants will also receive an email acknowledging that the received application is in the **Grants.gov validation process**, after which a third email is sent with the information that the submitted application package has passed, or failed, the series of checks and validations. Applications that are submitted on time that fail the validation check will not be transmitted to ACF and will not be acknowledged by ACF.

See "What to Expect After Submitting" at www.Grants.gov for more information.

Acknowledgement from ACF of an electronic application's submission:

Applicants will be sent additional email(s) from ACF acknowledging that the application has been retrieved from www.Grants.gov by ACF. Receipt of these emails is not an indication that the application is accepted for competition.

Acknowledgement from ACF of receipt of a paper format application:

ACF will not provide acknowledgement of receipt of hard copy application packages submitted via mail or courier services.

IV.5. Intergovernmental Review

This program is not subject to Executive Order (E.O.) 12372, "Intergovernmental Review of Federal Programs," or 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." No action is required of applicants under this announcement with regard to E.O. 12372.

IV.6. Funding Restrictions

Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred to raise capital or obtain contributions are unallowable. Fund raising costs for the purposes of meeting the Federal program objectives are allowable with prior written approval from the Federal awarding agency. (45 CFR §75.442)

Proposal costs are the costs of preparing bids, proposals, or applications on potential Federal and non-Federal awards or projects, including the development of data necessary to support the non-Federal entity's bids or proposals. Proposal costs of the current accounting period of both successful and unsuccessful bids and proposals normally should be treated as indirect (F&A) costs and allocated currently to all activities of the non-Federal entity. No proposal costs of past accounting periods will be allocable to the current period. (45 CFR §75.460)

Grant awards will not allow reimbursement of pre-award costs.

Construction is not an allowable activity or expenditure under this grant award.

Purchase of real property is not an allowable activity or expenditure under this grant award.

Funding for UAC medical services is provided under a separate ORR managed care program and must not be included as a component of the applicant's budget.

Each year, the HHS appropriations includes a prohibition, stating that none of the funds appropriated may be expended for an abortion, except in cases where pregnancy is a result of rape or incest or where the woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. See Consolidated Appropriations Act, 2018, Pub. L. 115-141 §§ 506, 507 of Division H, Title V.

As referenced in 45 CFR §75.216(b), HHS funds are prohibited from being paid as profit to any recipient even if the recipient is a commercial organization. Profit is defined as any amount in excess of allowable direct and indirect costs.

IV.7. Other Submission Requirements

Submit paper applications to one of the following addresses. Also see *ACF Policy on Requesting an Exemption from Required Electronic Application Submission* at www.acf.hhs.gov/grants/howto#chapter-6.

Submission By Mail

Tim Chappelle
Administration for Children and Families
Office of Grants Management
Division of Discretionary Grants
Mary E. Switzer Building
330 C Street, SW
Washington, DC 20201

Hand Delivery

Tim Chappelle
Administration for Children and Families
Office of Grants Management
Division of Discretionary Grants
Mary E. Switzer Building
330 C Street, SW
Washington, DC 20201

Electronic Submission

See *Section IV.2.* for application requirements and for guidance when submitting applications electronically via www.Grants.gov.
For all submissions, see *Section IV.4. Submission Dates and Times.*

V. Application Review Information

V.1. Criteria

Please note: With the exception of the funding opportunity announcement and relevant statutes and regulations, reviewers will not access, or review, any materials that are not part of the application documents. This includes information accessible on websites via hyperlinks that are referenced, or embedded, in the application. Though an application may include web links, or embedded hyperlinks, reviewers will not review this information as it is not considered to be part of the application documents. Nor will the information on websites be taken into consideration in scoring of evaluation criteria presented in this section. Reviewers will evaluate and score an application based on the documents that are presented in the application and will not refer to, or access, external links during the objective review.

Applications competing for financial assistance will be reviewed and evaluated using the criteria described in this section. The corresponding point values indicate the relative importance placed on each review criterion. Points will be allocated based on the extent to which the application proposal addresses each of the criteria listed. Applicants should address these criteria in their application materials, particularly in the project description and budget justification, as they are the basis upon which competing applications will be judged during the objective review. The required elements of the project description and budget justification may be found in *Section IV.2* of this announcement.

PROGRAM DESIGN AND SERVICE PROVISION

Maximum Points:30

The application will be reviewed for the overall program design and the applicant's ability to explain the required services to be provided. This will be evidenced by the following:

- Detailed documentation supporting applicant's ability and/or experience in providing the required program services indicated in the *Section I. Program Requirements* for either foster and/or group home. Documentation must include evidence of applicant's ability to provide all program requirements listed in *Section I. Program Requirements*. (0-5 points)
- Clear description of overall program design for either foster and/or group home and plan for provision of the services listed (i.e. medical services, ISP, education, etc.) in *Section I. Program Requirements*. Description must include ability to adhere to the time-frames required for the provisions of services. (0-6 points)
- Detailed information on how program activities, services, and materials are developed and provided in a manner that is appropriate for the target population taking into account the culture, native language, and special needs of UAC. (0-5 points)
- Detailed plan to identify and address the specialized needs of the UAC population, including victims of trafficking and risk factors for potential sexual victimization or sexual abuser tendencies. (0-5 points)
- Detailed description of how the applicant's behavior management plan for either foster and/or group home will be developed and implemented as required in *Section I. Program Requirements, Rules/Behavior Management*. Description must identify how the behavior management plan is strength based and meets child welfare best practices. In addition, how the behavior management plan takes in to consideration the range of ages, maturity levels, and cultural sensitivity of the UAC. (0-3 points)
- Provides detailed supporting documentation and description of experience in providing appropriate case management services, for either foster and/or group home, e.g. ISPs. Documentation must evidence applicants experience with providing case management services to the UAC population, cross cultural/international and/or domestic children from various cultural backgrounds. (0-3 points)
- Detailed plan on how applicant will identify, assess, and release UAC with eligible domestic sponsors in a timely manner, when applicable. The plan identifies applicant's ability to facilitate safe and timely release of UAC to include but not limited to: identifying sponsor(s); evaluating the suitability of the sponsor; and verification of sponsor's identity and relationship to the UAC, when applicable. (0-3 points)

PROGRAM MANAGEMENT

Maximum Points:25

The application will be reviewed for the capacity of the organization to develop and manage a UC program by assessing the following:

- Comprehensive and concise overview of the applicant's organization including qualifications, history, and organizational mission and goals. Evidenced by applicant's key staff having sufficient and relevant experience, knowledge, and capability to implement and manage LTFC. (0-5 points)
- Detailed plan to provide child welfare services to minors with special needs and/or

victims of trafficking and minors from various cultural backgrounds and with various language capabilities. (0-5 points)

- Clear and comprehensive organizational structure of the proposed program for either foster and/or group home that describes delineation of authority, roles and responsibilities and supervision across the entire organization allowing for communication and coordination between the various program components and partner agencies. Applicant addresses the educational and professional experience required for key positions according to requirements outlined in *Section I. Program Staffing Requirements*. (0-5 points)
- Detailed plan to screen, hire, and train staff to meet state licensing and ORR requirements. Training must address elements specific to working with the UAC population, prevention and intervention in child abuse and neglect, local reporting procedures, and staff code of conduct. (0-4 points)
- Comprehensive plan to implement ORR's sexual abuse and harassment policies including but not limited to, assigning a PREA Staff Coordinator, appropriate screening of new hires, developing internal policy documents, and training staff and UACs on these policies. (0-3 points)
- Documentation of a detailed, thorough, and realistic description of recruitment and retention staffing plan taking into consideration the particular needs of the target population. Detailed plan for completing background checks for staff, contractors, and volunteers. (0-3 points)

ADMINISTRATIVE AND SERVICE ENVIRONMENT

Maximum Points:15

The application will be reviewed for information regarding the geographic location, community services, and facility design to adequately support program services by assessing the following:

- Comprehensive description of overall program service environment for either foster and/or group home with documentation supporting its ability to provide the required program services indicated in *Section I. Program Requirements*. (0-5 points)
- Clear description of the proposed facility/foster and/or group homes, including description of sleeping arrangements, food preparation, kitchen and dining area, office space, rest rooms, outside recreation areas, designated personal telephone call space, and living space. (0-5 points)
- Documentation of facility/foster and/or group home accessibility to immigration court, airports, fire, police, and the local community. Facility/foster and/or group homes meets all relevant zoning, fire, safety, and health codes required to operate a residential based social service program. Detailed information regarding type of state licensure, including information on capacity, age/gender permitted, and length of stay allowable. Any and all documented state licensing allegations/concerns must be reported. (0-3 points)
- Explanation and documentation of facility ownership or leasing agreements. Documented evidence/references or letters of local community support and acceptance of the applicant's program. This should include established relationships with local emergency services (i.e., police, fire), medical and mental health agencies, religious and community organizations, and state licensing offices' recommendations for serving UAC. (0-2 points)

PROGRAM PERFORMANCE EVALUATION PLAN

Maximum Points:15

The application will be reviewed for evidence of the organization's capacity to manage proper documentation and reporting with regard to the proposed program, including internal accountability and plan for monitoring of performance through evaluation and other measures. Evidence of the following must be provided:

- Clear description of an effective model for programmatic control, predictability, and accountability as evidenced by the program design for either foster and/or group home. (0-5 points)
- Detailed evaluation methodology based on performance. Evidenced by focus on child welfare practices, particularly child safety, safe and timely release performance and ability to ensure timely and appropriate release for UAC with potential sponsors, when applicable. Measures that effectively track performance in this area must be described in detail. (0-5 points)
- Ability to maintain adequate electronic and/or hard copy records, including client files, medical files, financial files, and personnel files. Ability to produce reports that track demographics and program performance, effective monitoring and enforcement of the Flores Settlement Agreement, federal requirements, ORR policies and procedures, and other requirements and standards. (0-3 points)
- Proposes an effective and efficient plan to operate the UAC Portal and to upload all appropriate UAC forms and file information within the timeframes indicated in *Section I. Program Requirements, Important Time-frames*. (0-2 points)

BUDGET AND BUDGET JUSTIFICATION

Maximum Points:15

The application will be reviewed for fiscal soundness and accountability by assessing the following:

- Accurate and detailed budget and budget justification noting line-item expenses with sufficient detail for understanding per item costs for applicant and their sub-recipient(s) and/or contractor(s), if applicable to include inclusion of the names of staff for positions already filled and level of effort (percentage dedicated to the project) (0-5 points)
- The costs are reasonable, allocable, and program-related and are commensurate with the types and range of activities to be conducted. (0-5 points)
- Comprehensive plan for overall fiscal management including internal and third-party financial monitoring systems that demonstrate structure and accountability for applicant and any sub-recipient(s) and/or contractor(s), if applicable. (0-2 points)
- Documentation of a sound plan in compliance with the funding restrictions as noted in *Section IV.6* of the FOA. (0-1 points)
- Documentation of most recent financial audit management letter/summary report. (0-2 points)

V.2. Review and Selection Process

No grant award will be made under this announcement on the basis of an incomplete application. No grant award will be made to an applicant or sub-recipient that does not have a DUNS number (<http://fedgov.dnb.com/webform>) and an active registration at SAM (www.sam.gov). See *Section IV.3. Unique Entity Identifier and System for Award Management (SAM)*.

Initial ACF Screening

Each application will be screened to determine whether it meets any of the disqualification factors described in *Section III.3. Other, Application Disqualification Factors*.

Disqualified applications are considered to be “non-responsive” and are excluded from the competitive review process. Applicants will be notified of a disqualification determination by email or by USPS postal mail within 30 federal business days from the closing date of this FOA.

Objective Review and Results

Applications competing for financial assistance will be reviewed and evaluated by objective review panels using only the criteria described in *Section V.1. Criteria* of this announcement. Each panel is composed of experts with knowledge and experience in the area under review. Generally, review panels include three reviewers and one chairperson.

Results of the competitive objective review are taken into consideration by ACF in the selection of projects for funding; however, objective review scores and rankings are not binding. Scores and rankings are only one element used in the award decision-making process.

ACF may elect not to fund applicants with management or financial problems that would indicate an inability to successfully complete the proposed project. Applications may be funded in whole or in part. Successful applicants may be funded at an amount lower than that requested. ACF reserves the right to consider preferences to fund organizations serving emerging, unserved, or under-served populations, including those populations located in pockets of poverty. ACF will also consider the geographic distribution of federal funds in its award decisions.

ACF may refuse funding for projects with what it regards as unreasonably high start-up costs for facilities or equipment, or for projects with unreasonably high operating costs.

Federal Awarding Agency Review of Risk Posed by Applicants

As required by 2 CFR Part 200, the Uniform Guidance, effective January 1, 2016, ACF is required to review and consider any information about the applicant that is in the Federal Awardee Performance and Integrity Information System (FAPIIS), www.fapiis.gov/, before making any award in excess of the simplified acquisition threshold (currently \$150,000) over the period of performance. An applicant may review and comment on any information about itself that a federal awarding agency has previously entered into FAPIIS. ACF will consider any comments by the applicant, in addition to other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed by applicants as described in 2 CFR § 200.205

Federal Awarding Agency Review of Risk Posed by Applicants (http://www.ecfr.gov/cgi-bin/text-idx?node=se2.1.200_1205&rgn=div8).

Please refer to *Section IV.2.* of this announcement for information on non-federal reviewers in the review process.

Approved but Unfunded Applications

Applications recommended for approval in the objective review process, but were not selected for award, may receive funding if additional funds become available or may compete for funding during the next review cycle (if one occurs in the next fiscal year). Applications designated as “approved but unfunded” typically cannot be kept in an active status for more than 12 months. For those applications determined as “approved but unfunded,” notice will be given of the determination by email.

V.3. Anticipated Announcement and Federal Award Dates

Announcement of awards and the disposition of applications will be provided to applicants at a later date. ACF staff cannot respond to requests for information regarding funding decisions prior to the official applicant notification.

VI. Federal Award Administration Information

VI.1. Federal Award Notices

Successful applicants will be notified through the issuance of a Notice of Award (NoA) that sets forth the amount of funds granted, the terms and conditions of the grant, the effective date of the grant, the budget period for which initial support will be given, the non-federal share to be provided (if applicable), and the total project period for which support is contemplated. The NoA will be signed by the Grants Officer and transmitted via postal mail, email, or by GrantSolutions.gov or the Head Start Enterprise System (HSES), whichever is relevant. Following the finalization of funding decisions, organizations whose applications will not be funded will be notified by letter signed by the cognizant Program Office head. Any other correspondence that announces to a Principal Investigator, or a Project Director, that an application was selected is not an authorization to begin performance.

Project costs that are incurred prior to the receipt of the NoA are at the recipient's risk and may be reimbursed only to the extent that they are considered allowable as approved pre-award costs. Information on allowable pre-award costs and the time period under which they may be incurred is available in *Section IV.6. Funding Restrictions.*

Grantees may translate the Federal award and other documents into another language. In the event of inconsistency between any terms and conditions of the Federal award and any translation into another language, the English language meaning will control. Where a significant portion of the grantee's employees who are working on the Federal award are not

fluent in English, the grantee must provide the Federal award in English and in the language(s) with which employees are more familiar.

VI.2. Administrative and National Policy Requirements

Awards issued under this announcement are subject to 45 CFR Part 75 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards. The Code of Federal Regulations (CFR) is available at www.ecfr.gov. Unless otherwise noted in this section, administrative and national policy requirements that are applicable to discretionary grants are available at: www.acf.hhs.gov/administrative-and-national-policy-requirements.

HHS Grants Policy Statement

The HHS Grants Policy Statement (HHS GPS) is the Department of Health and Human Services' single policy guide for discretionary grants and cooperative agreements. ACF grant awards are subject to the requirements of the HHS GPS, which covers basic grants processes, standard terms and conditions, and points of contact, as well as important agency-specific requirements. The general terms and conditions in the HHS GPS will apply as indicated unless there are statutory, regulatory, or award-specific requirements to the contrary that are specified in the Notice of Award (NOA). The HHS GPS is available at <https://www.acf.hhs.gov/discretionary-post-award-requirements#chapter-1>.

An application funded with the release of federal funds through a grant award does not constitute, or imply, compliance with federal regulations. Funded organizations are responsible for ensuring that their activities comply with all applicable federal regulations.

Care providers are subject to the provisions of the Service Contract Act, Code of Federal Regulations (CFR) Title 29 and must abide by applicable state wage determination guidelines in their programs." For additional information click here: <http://www.dol.gov/whd/govcontracts/sca.htm> and/or <http://www.wdol.gov/>.

VI.3. Reporting

Performance Progress Reports: Quarterly

Recipients under this FOA will be required to submit performance progress and financial reports periodically throughout the project period. Information on reporting requirements is available on the ACF website at www.acf.hhs.gov/discretionary-post-award-requirements#chapter-2.

For planning purposes, the frequency of required reporting for awards made under this announcement are as follows:

Financial Reports: Quarterly

Recipients under this FOA will be required to submit/administer forms to include but not limited to:

- UAC Portal Capacity Report
- Notice of Placement in Secure or Staff Secure Facility
- Initial Intake Assessment
- UAC Assessment
- Individual Service Plan
- UAC Case Review
- Transfer Request and Tracking Form
- Long Term Foster Care Placement Memo
- Notice of Transfer to Immigration and Customs Enforcement (ICE) Chief Counsel Change of Address/Change of Venue
- Release Request
- Discharge Notification
- Verification of Release
- Child Advocate Referral and Appointment Form
- Notice of Rights and Provision of Services Handout
- Legal Service Provider List for UAC

These forms are approved under OMB, control number OMB 0970-0948 and expiration date is 07/31/2020. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

ORR is seeking approval, from OMB, for information collection under PRA on the UAC program forms for post-award reporting. Forms include:

- Assessment for Risk Form
- Care Provider Incident Review Form
- Care Provider Family Reunification Checklist
- Sexual Abuse SIR Form
- Significant Incident Report (SIR)

VII. HHS Awarding Agency Contact(s)

Program Office Contact

Shannon McGhee
Administration for Children and Families
Office of Refugee Resettlement
Division of Children's Services
Mary E. Switzer Building
330 C Street, SW
Washington, DC 20201

Phone: (202) 205-9513
Fax: (202) 401-1022
Email: DCS_ProjectOfficers@acf.hhs.gov

Office of Grants Management Contact

Tim Chappelle
Administration for Children and Families
Office of Grants Management
Division of Discretionary Grants
Mary E. Switzer Building
330 C Street, SW
Washington, DC 20201
Phone: (202) 401-4855
Fax: (202) 205-3449
Email: Tim.Chappelle@acf.hhs.gov

Federal Relay Service:

Hearing-impaired and speech-impaired callers may contact the Federal Relay Service (FedRelay) at www.gsa.gov/fedrelay.

VIII. Other Information

Reference Websites

U.S. Department of Health and Human Services (HHS) www.hhs.gov/.

Administration for Children and Families (ACF) www.acf.hhs.gov/.

ACF Funding Opportunities Forecast www.grants.gov/.

ACF Funding Opportunity Announcements ami.grantsolutions.gov/.

ACF "How To Apply For A Grant" <https://www.acf.hhs.gov/grants/howto>.

Grants.gov Accessibility Information www.grants.gov/web/grants/accessibility-compliance.html.

Code of Federal Regulations (CFR) <http://www.ecfr.gov/>.

United States Code (U.S.C.) <http://uscode.house.gov/>.

Application Checklist

Applicants may use this checklist as a guide when preparing an application package.

What to Submit	Where Found	When to Submit
SF-LLL - Disclosure of Lobbying Activities	<p>"Disclosure Form to Report Lobbying" is referenced in <i>Section IV.2. Required Forms, Assurances, and Certifications.</i></p> <p>This form is available in the FOA's forms package at www.Grants.gov.</p>	<p>If submission of this form is applicable, it is due at the time of application.</p> <p>If it not available at the time of application, it may also be submitted prior to the award of a grant.</p>
SF-424A - Budget Information - Non-Construction Programs and SF-424B - Assurances - Non- Construction Programs	<p>Referenced in <i>Section IV.2. Required Forms, Assurances, and Certifications.</i></p> <p>These forms are available in the FOA's forms package at www.Grants.gov in the Mandatory section.</p> <p>They are required for applications that include only non-construction activities.</p>	<p>Submission is due by the application due date found in the <i>Overview</i> and in <i>Section IV.4. Submission Dates and Times.</i></p>
Certification Regarding Lobbying (Grants.gov Lobbying Form)	<p>Referenced in <i>Section IV.2. Required Forms, Assurances, and Certifications.</i></p> <p>This form is available in the FOA's forms package at www.Grants.gov.</p>	<p>Submission is due with the application package or prior to the award of a grant.</p>
SF-424 Key Contact Form	<p>Referenced in <i>Section IV.2. Required Forms, Assurances, and Certifications.</i></p> <p>This form is available in the FOA's forms package at www.Grants.gov.</p>	<p>Submission is due with the application by the application due date found in the <i>Overview</i> and in <i>Section IV.4. Submission Dates and Times.</i></p>

Table of Contents	Referenced in <i>Section IV.2. The Project Description</i> .	Submit with the application by the due date found in the <i>Overview</i> and in <i>Section IV.4. Submission Dates and Times</i> .
SF-424 - Application for Federal Assistance	Referenced in <i>Section IV.2. Required Forms, Assurances, and Certifications</i> . This form is available in the FOA's forms package at www.Grants.gov in the Mandatory section.	Submission is due by the application due date found in the <i>Overview</i> and in <i>Section IV.4. Submission Dates and Times</i> .
Project Summary/Abstract	Referenced in <i>Section IV.2. The Project Description</i> . The Project Summary/Abstract is limited to one single-spaced page.	Submission is due by the application due date found in the <i>Overview</i> and in <i>Section IV.4. Submission Dates and Times</i> .
Proof of Non-Profit Status	Referenced in <i>Section IV.2. The Project Description, Legal Status of Applicant Entity</i> .	Proof of non-profit status should be submitted with the application package by the application due date and time listed in the <i>Overview</i> and <i>Section IV.4.</i> of the FOA. If it is not available at the time of application submission, it must be submitted prior to the award of a grant.
Unique Entity Identifier (DUNS) and Systems for Award Management (SAM) registration.	Referenced in <i>Section IV.3. Unique Entity Identifier and System for Award Management (SAM)</i> in the announcement. To obtain a DUNS number (Unique Entity Identifier), go to http://fedgov.dnb.com/webform . To register at SAM, go to http://www.sam.gov .	A DUNS number (Unique Entity Identifier) and registration at SAM.gov are required for all applicants. Active registration at SAM must be maintained throughout the application and project award period.
Mandatory Grant	Requirement, submission	If applicable, concurrent submission

Disclosure	instructions, and mailing addresses are found in the "Mandatory Grant Disclosure" in <i>Section IV.2. Required Forms, Assurances and Certifications.</i>	to the Administration for Children and Families and to the Office of the Inspector General is required.
The Project Description	Referenced in <i>Section IV.2. The Project Description.</i>	Submission is due by the application due date found in the <i>Overview</i> and in <i>Section IV.4. Submission Dates and Times.</i>
The Project Budget and Budget Justification	Referenced in <i>Section IV.2. The Project Budget and Budget Justification.</i>	Submission is required in addition to submission of SF-424A and / or SF-424C. Submission is required with the application package by the due date in the <i>Overview</i> and in <i>Section IV.4. Submission Dates and Times.</i>
Indirect Cost Rate Agreement (IDR)	Referenced in <i>Section IV.2. The Project Budget and Budget Justification.</i> The IDR must be submitted with the application package.	If the IDR is available by the application due date, it must be submitted with the application package. If it is not available by the application due date, listed in the <i>Overview</i> and <i>Section IV.4. Submission Dates and Times</i> , it may be submitted prior to the award of a grant.
SF-Project/Performance Site Location(s) (SF-P/PSL)	Referenced in <i>Section IV.2. Required Forms, Assurances, and Certifications.</i> This form is available in the FOA's forms package at www.Grants.gov .	Submission is due by the application due date found in the <i>Overview</i> and in <i>Section IV.4. Submission Dates and Times.</i>