



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

MEMORANDUM

To: Healthy Marriage and Responsible Fatherhood Federal Grantees

From: Office of Family Assistance, Administration for Children and Families

Re: Curricula Use and Compliance with 45 CFR Part 87

Date: January 23, 2008

In our continued effort to encourage a partnership with clear communication between our agency and you, the grantees, we are providing guidance on issues that may impact your programs. This correspondence is to remind each grantee of one requirement found in the departmental rules at 45 CFR Part 87 entitled "Equal Treatment for Faith-Based Organizations." In particular, the provision at 45 CFR 87.2(c) prohibits Federal funding of "inherently religious activities" as follows:

"Organizations that receive direct financial assistance from the Department may not engage in inherently religious activities, such as worship, religious instruction, or proselytization, as part of the programs or services funded with direct financial assistance from the Department. If an organization conducts such activities, the activities must be offered separately, in time or location, from any programs or services supported with direct Federal assistance, and participation in any such activities must be voluntary for the beneficiaries of the programs or services funded with such assistance."

This means that each grantee has a responsibility to ensure that curricula used in its Federally-funded program is *neutral* with respect to religion. Such materials should not promote, endorse, or favor religious beliefs over non-religious beliefs, nor should they disparage religious beliefs in any way. Further, the materials should not express a judgment with regard to religious and non-religious beliefs, or seek to change the religious and non-religious beliefs of participants. Religious materials that are privately-funded may be used in sessions that are separate in time or location from the federally-funded sessions, as long as participation is voluntary.

Grantees should review their curricula to ensure that they comply with these principles. To help you understand how to comply with Part 87 we want to take this opportunity to list some examples of well-known program materials that have come to our attention, and the means by which these principles would apply to them. These examples are not intended to be an exhaustive list of all texts, materials, or curricular about which you may need to take measures to comply with 45 CFR Part 87. Yet, this list highlights particular materials that have come to our attention

and, in doing so, illustrates the kind of concerns about which you should be mindful when deciding whether any other curricula or programs may be used in your Federally-funded project:

1. "**Fatherhood is Sacred**" – Because inherently religious content is included throughout this curriculum it may not be purchased with Federal funds or used in the Federally-funded program.
2. "**Laugh Your Way To a Better Marriage**" - Similarly, this DVD may not be purchased with Federal funds or used in the Federally-funded marriage program.
3. "**Prepare To Last**" - The Workbook entitled "Prepare to Last: Creating A Great Marriage/ Workbook" similarly may not be purchased with Federal funds or used in the Federally-funded program.
4. "**The Five Love Languages**" - The textbooks "The Five Love Languages, How to Express Heartfelt Commitment To Your Mate" and "The Five Love Languages of Children" may not be purchased with Federal funds or used in the Federally-funded program.
5. "**Financial Peace University**" – This curriculum contains a book entitled "Financial Peace University: 91 Days to Beat Debt...and Build Wealth," that may not be purchased with Federal funds or used in the Federally-funded program because of the inherently religious content throughout the text.
6. "**24/7 Dad**" (and affiliated curricula) – Three curricula affiliated with 24/7 Dad contain facilitator-lead sessions that address spirituality. These include session 5 of the "24/7 Dad A.M" and "24/7 Dad P.M." curricula, as well as session 4 of the "Inside/Out Dad" curriculum. While the programs may be purchased for your Federally-funded projects these particular sessions that address spirituality may not be incorporated into them. Rather, facilitators and instructors must omit these particular sessions from presentations they conduct when presenting this curricula during their Federally-funded project.
7. "**Empowering Couples, Building On Your Strengths**" – This textbook contains ten chapters including "Spiritual Beliefs" at chapter 6. As a safeguard measure, to avoid the potential for concern, we are prohibiting grantees from incorporating this chapter in their Federally-funded projects. This measure may be accomplished by informing participants that they are not required to read this chapter because it is not part of the program in which they are enrolled. You may also wish to explain that your program is "not intended to express a judgment with regard to religious and non-religious beliefs, or change the religious or non-religious beliefs of participants." These instructions may be conveyed to participants either verbally, by written notice placed in or with their books, or both.

If you intend to incorporate these chapters or any portion of the books into a privately-funded program, separate in time or location from the Federally-funded program, then we remind you of the cost allocation requirement. Consistent with OMB Circular A-122, Attachment A, section A.4.a.(2), the cost of books may be charged to the Federal grant only in reasonable proportion to their use in the Federally-funded program. For example, if nine out of ten chapters are intended to be used in the Federally-funded program, while the remaining chapter is intended to be used in a separate privately-funded program, then Federal grant funds awarded for the purchase may be pay for 9/10 of the purchase cost.

If you do conduct any separate programs please see the "Safeguards" guidance that has been distributed to all grantees. It addresses additional measures to ensure that programs are separate and distinct. For example, the section sub-titled "Availability of other Programs" explains that any invitation to attend a separate program should occur after the Federally funded program has ended, rather than informing participants of the separate program while conducting the Federally-funded program. The invitation should make clear that the separate program is distinct and voluntary. We refer you to the safeguards guidance (attached) for these and related policies.

8. **"10 Great Dates to Energize Your Marriage"** - Both the book that is ordinarily distributed to participants "10 Great Dates to Energize your Marriage" and the accompanying DVD each includes a chapter entitled "Date Nine: Developing Spiritual Intimacy." Similar to the preceding example, as a safeguard to avoid the potential for concern, we are prohibiting grantees from incorporating this chapter in their Federally-funded projects. This may be accomplished by advertising your program as an abbreviated version and informing participants that they are not required to read the chapter or view that portion of the DVD because it is not part of the program in which they are enrolled. If the facilitator or instructor intends to show the accompanying DVD then this section should be skipped or otherwise omitted from the showing. As also indicated in the preceding example, you may wish to add that your program is "not intended to express a judgment with regard to religious and non-religious beliefs, or change the religious or non-religious beliefs of participants." These instructions may be conveyed to participants either verbally, by written notice placed in or with their books, or both.

Additionally, if you intend to incorporate this chapter of the book or DVD into a privately-funded program, separate in time or location from the Federally-funded program, then we remind you of the cost allocation and invitation measures outlined in the preceding example and explained more fully in the attached "Safeguards" guidance.

9. **"Facilitating Open Couple Communication, Understanding & Study (FOCCUS)"** - Grantees may use the "general" version of this curricula. As the program facilitator or instructor asks questions he or she must remain neutral and not promote, encourage or discourage participants to adopt religious beliefs or engage in religious practices. During the Federally funded program outside texts must not be recommended unless they are neutral to religion.

We want to emphasize that this is a list of examples. The omission of another program, or material that could be used in one of these programs, is not an indication that our office has found that it complies with Part 87. Rather, each grantee has a responsibility to assess their materials. Should you have any questions please contact your Federal Project Officer identified in your award package.