

## Title IV-E County Information-Q & A

### OVERVIEW

Due to changes in federal policy and new intergovernmental agreements, counties can now request reimbursement for allowable costs of attorneys providing legal representation to a Title IV-E–eligible child and the child’s parents. Counties have agreed to utilize at least 75% of the reimbursed dollars to support and enhance the delivery of child and parent legal representation in their jurisdiction.

### TITLE IV-E ELIGIBILITY

The Department of Child Safety (DCS) is responsible for calculating the number of children who are Title IV-E eligible. Each county will submit their allowable costs and DCS will apply the Arizona Population Factor to determine the percentage of children who fall in this category.

1. **Question:** What is the Arizona Population Factor and how is it going to impact distribution of the funds?

***Answer:** The Arizona Population Factor is the percentage of children in the out of home population who are deemed Title IV-E eligible and are placed in a Title IV-E eligible placement. The Arizona Population Factor is a statewide figure that is used to calculate the reimbursement for the state and seems to remain consistently between 44% - 45%.*

### ALLOWABLE EXPENSES

Expenses shall include costs associated with the independent legal representation by an attorney, for a child who is a candidate for Title IV-E foster care or in foster care and his/her parent(s), to prepare for and participate in all stages of Dependency and Termination, including appeals, and related proceedings. Counties should submit all allowable costs and DCS will determine the percentage of children who are candidates for Title IV-E foster care and their parent(s), (the AZ Population Factor).

Allowable expenses are limited to attorney, law clerk, and paralegal compensation and the administrative costs allocated to directly support the attorney representing eligible parents or children allowable under Title IV-E, including indirect expenses proportionally attributed to the representation provided.

1. **Question:** Are salary and ERE considered allowable costs for attorneys, law clerks and paralegals?

**Answer:** Yes, if the cost is allocated based upon the time representing parent and children.

2. **Question:** Is attorney mileage an allowable cost?

**Answer:** An attorney's mileage to meet with a parent and/or child they are representing is considered an allowable cost.

3. **Question:** Can the cost of court reporter transcripts (used to represent parents and children by the attorney) be considered an allowable cost?

**Answer:** Yes, if the cost incurred is part of the legal representation of parents and children.

4. **Question:** Are operating expenses (i.e. equipment, equipment maintenance, utilities, copies, office supplies) at locations that solely do dependency work considered an allowable expense?

**Answer:** Yes, the portion that is allocated to representation of parent and children.

5. **Question:** Are attorney training and seminars considered an allowable expense?

**Answer:** Yes, as long as the training is directly related to the representation of parents and children; it is not allowable if related to investigations.

6. **Question:** From the Children's Bureau: "Does the policy at CWPM 8.1B #30 allow a title IV-E agency to claim title IV-E administrative costs of paralegals, investigators, peer partners or social workers that support an attorney providing independent legal representation to a child who is a candidate for title IV-E foster care or is in title IV-E foster care, and his/her parent, to prepare for and participate in all stages of foster care legal proceedings, and for office support staff and overhead expenses?"

**Answer:** "Yes, the policy permits a title IV-E agency to claim such title IV-E administrative costs to the extent that they are necessary to support an attorney in providing independent legal representation to prepare for and participate in all stages of foster care legal proceedings for candidates for title IV-E foster care, youth in foster care and his/her parents. The costs must be consistent with federal cost principles per 45 CFR Part 75 Subpart E. The title IV-E agency must allocate such costs so as to assure that the title IV-E program is charged its proportionate share of costs (see CWPM 8.1B and 8.1C)."

#### **NON-ALLOWABLE EXPENSES:**

Expenses associated with caseworkers, support workers and services for families are not eligible for reimbursement.

Expenses for expert witnesses, process servers, subpoena services and advertising of court proceedings that are required by statute are not eligible for reimbursement.

### **REPORTING OF COSTS:**

Please note that the county “assume all responsibility and liability for erroneous reporting of costs that are allowable or disallowable.”

### **CERTIFICATION OF EXPENDITURE FORM (Invoicing)**

Allowable expenses must be invoiced to the AOC on the *Certification of Expenditure Form-Attachment A*. The invoice (based on the State Fiscal Year for Quarters 1-3 is due within 15 days of the close of the Quarter. The invoice for Quarter 4 is due within 45 days of the end of the Quarter. The *Certification of Expenditure Form-Attachment A* identifies the reporting periods (at the bottom of the form) and when the form is due to the AOC.

1. **Question:** To whom do we send the Certification of Expenditures form and how?

**Answer:** *The Certification of Expenditures forms should be submitted electronically to Steve Lazere at [slazere@courts.az.gov](mailto:slazere@courts.az.gov).*

### **REIMBURSED FUNDS**

Counties must utilize at least 75% of the monies acquired through Title IV-E reimbursement to supplement, not supplant, existing funding for parent and/or child representation through expanding, enhancing or developing initiatives such as, but not limited to:

- Preventing dependency filings without jeopardizing child safety;
- Implementing a Parent Mentoring Program;
- Meeting timeframes mandated by the Arizona Revised Statutes, Title 8, Chapter 4, Articles 4, 5, 8, 9, 10 and 11, as well as all applicable Court Rules;
- Enhancing representation through training and education;
- Improving the ability of attorneys to manage their dependency case load;
- Improving attorney-client ratios;
- Establishing models that bring together attorneys, social workers and parent advocates to form interdisciplinary representation teams.

1. **Question:** Do reimbursed funds need to be spent by the end of the fiscal year or can they be carried over into the next fiscal year?

**Answer:** No, the reimbursed funds do not need to be spent by the end of the fiscal year. They can be carried over. The intent is that the funds be spent and not build up in a budget line. It is understood that it can take time to get initiatives up and running.

- 2. Question:** Is the Title IV-E reimbursement for each county determined at a prorated rate?

**Answer:** No. The reimbursement is based on each county's allowable expenses.

- 3. Question:** Is there a requirement that the improvements made from Title IV-E reimbursements continue after the entitlement ends? And, if so, for how long?

**Answer:** The entitlement is not scheduled to end and will not, unless the federal government changes or disallows the Title IV-E program.

- 4. Question:** How will the \$25,000 administrative fee that DCS receives for processing the claim be assessed?

**Answer:** When DCS receives the first round of payments, they will reduce the amount that it sends to the AOC by \$25,000 and the reimbursement to each county will then be prorated to reflect this fee.

## **REPORTING REQUIREMENTS**

Each county is required to provide **by June 1<sup>st</sup>** to DCS an anticipated projection of allowable expenses to be claimed the following state fiscal year. Each county is also required to provide to the AOC an Annual Progress Report within 45 days of the end of the State Fiscal Year.

In addition, counties need to retain administrative fiscal records that substantiate costs invoiced; and make available to DCS, upon written request, all documents supporting the expenses identified in the *Certification of Expenditure* form, excluding attorney work product and confidential information.

- 1. Question:** How do we report our projected claims for the following year to the DCS?

**Answer:** The AOC will collect this information from the counties. Please submit this electronically by **May 25<sup>th</sup>** to Steve Lazere at [slazere@courts.az.gov](mailto:slazere@courts.az.gov). The AOC will ensure the information on projected claims is submitted to DCS by June 1<sup>st</sup>.

- 2. Question:** What is the Annual Progress report?

**Answer:** The Annual Progress Report provides an opportunity for each county to report how reimbursed funds are being used and to highlight progress in enhancing child and parent representation.

**3. Question:** When is the Annual Progress Report due and in what format should it be submitted?

**Answer:** *The completed Annual Progress Report should be submitted electronically by **August 15<sup>th</sup>**, along with the 4<sup>th</sup> Quarter Certification of Expenditures, to Steve Lazere at [slazere@courts.az.gov](mailto:slazere@courts.az.gov) The AOC will provide a template for the Annual Progress Report.*

If you have any additional questions, please contact Steve Lazere at the Administrative Office of the Courts, (602) 452-3429 or [slazere@courts.az.gov](mailto:slazere@courts.az.gov) .