

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

### **OVERVIEW**

Arizona can claim federal reimbursement under the Title IV-E program for administrative costs of independent legal representation provided by an attorney under section 74(a)(3) of the Act and 45 CFR 1356.60(c). This includes costs for attorneys who provide independent legal representation for a child/youth who is at imminent risk of being removed from their home and placed into foster care or is currently in foster care, and the child/youth's parents to prepare for and participate in all stages of foster care related legal proceedings.

### **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 COSTS**

Only costs related to child welfare should be reported. Allowable costs related to foster care proceedings include: Hearings related to judicial determinations that it is contrary to the welfare of a child to remain in the home; Hearings related to a child's removal from the home; Hearings related to judicial determinations that the agency provided reasonable efforts to prevent removal and finalize the permanency plan; Permanency hearings; Hearings related to progress on case plans; and Appeal proceedings that relate to judicial determinations required under Title IV-E.

Allowable costs related to all stages of dependency proceedings include: Independent investigation of the facts of the case, including interacting with law enforcement; Meeting with clients or making home or school visits; Attending case planning meetings; Providing legal interpretations; Preparing briefs, memos or pleadings; Obtaining transcripts; Interviewing and preparing their client and witnesses for hearings; Hearing presentation; Maintaining files; Supervising attorneys, paralegals, investigators, peer partners or social workers that support an attorney in providing independent legal representation to prepare for and participate in all stages of dependency proceedings; Filing child abuse and neglect petitions for candidates for foster care; Court fees to file a petition for a judicial determination required under Title IV-E; and Appellate work in reference to dependency proceedings.

Title IV-E reimbursement costs are based on when expenditures were paid not when the service was rendered.

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 or child.*

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

**Answer:** *An attorney's mileage to meet with a parent 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 a parent or child.*

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 a parent or child.*

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 a parent or child; 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)."*

## **UNALLOWABLE COSTS**

Any non-child welfare related costs such as costs related to delinquency or criminal cases or any other non-related legal case-child welfare such as housing, immigration, or traffic related activities are not eligible under Title IV-E. This also includes costs that are not directly

attributable to the cost of attorneys for parents or children in dependency or termination cases, or they were not supported by appropriate records.

## **REPORTING OF COSTS**

Please note that the county shall “assume all responsibility and liability for erroneous reporting of costs that are allowable or disallowable,” (See Section 7.1.4, ISA Amendment 2022).

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

Allowable expenses incurred starting in January 2023 must be invoiced to the AOC on the *Certification of Expenditure Form-Attachment A*. The invoice (based on the Federal 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 Molly Vehon at [mvehon@courts.az.gov](mailto:mvehon@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 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 September 1<sup>st</sup>** to DCS an anticipated projection of allowable expenses to be claimed the following federal fiscal year. Each county is also required to provide to the AOC an Annual Progress Report within 45 days of the end of the Federal 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 DCS?

**Answer:** *The AOC will collect this information from the counties. Please submit this electronically by **August 25<sup>th</sup>** to Molly Vehon at [mvehon@courts.az.gov](mailto:mvehon@courts.az.gov). The AOC will ensure the information on projected claims is submitted to DCS by September 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 **November 15<sup>th</sup>**, along with the 4<sup>th</sup> Quarter Certification of Expenditures, to Molly Vehon at [mvehon@courts.az.gov](mailto:mvehon@courts.az.gov). The AOC will provide a template for the Annual Progress Report.*

## **DEFINITIONS**

### **Number of Children in Foster Care:**

- The unduplicated number of children who are placed in foster care whose legal representation was paid for in that month.

### **Number of In-home Children:**

- The unduplicated number of children who have an open in-home dependency or in-home intervention case that are imminent risk of removal and placement into foster care whose legal representation was paid for in that month.

### **Paid Allowable Expenditures:**

- Includes expenditure for legal representation for parents or children paid in that month
- Expenditures are considered made on the date the payment occurs, regardless of the date of receipt of the good or performance of the service.

### **Quarter/Quarter Ending:**

- The quarters are October 1 - December 31, January 1 - March 31, April 1 - June 30, July 1 - September 30

### **Title IV-E:**

- The federal Title IV-E Foster Care program helps to provide safe and stable out-of-home care for children and youth until they can be safely returned home, placed permanently with adoptive families or placed in other planned arrangements for permanency. The program is authorized by Title IV-E of the Social Security Act (the Act) and implemented under the Code of Federal Regulations (CFR) at 45 CFR parts 1355, 1356, and 1357. The program has specific eligibility requirements and fixed allowable uses of funds. Funds are available for monthly maintenance payments for the daily care and supervision of eligible children; administrative costs necessary for the proper and efficient administration of the program; training of staff and foster care providers; recruitment of foster parents and costs related to the design, implementation and operation of a state-wide data collection system. Recognizing the importance federal funding has to improve practice, CB issued revised and new policies to allow child welfare agencies to claim Federal Financial Participation (FFP) for administrative costs of independent legal representation provided by an attorney under section 474(a)(3) of the Act and 45 CFR 1356.60(c).

\* If you have any additional questions, please contact Molly Vehon at the Administrative Office of the Courts, (602) 452-3429 or [mvehon@courts.az.gov](mailto:mvehon@courts.az.gov).