



*Delivering High-
Quality Child Welfare
Legal Representation
to Families in Child
Welfare*

*Virtual National Judicial Leadership Follow-
Up Event on Child Welfare*

May 9, 2023

Title IV-E

Back Then..

Question 18.



May a State claim title IV-E administrative funds for the legal services of a child in foster care or his/her parents, such as the parent or child's legal representation in court hearings?

(Deleted 01/07/2019)

Answer

No. The regulations at 45 CFR 1356.60(c) specify that Federal financial participation is available at the rate of 50% for administrative expenditures necessary for the proper and efficient administration of the title IV-E State plan. The administrative function specified at 45 CFR 1356.60(c)(2)(ii), preparation for and participation in judicial determinations, concerns the State agency's representation but not the provision of legal services to a child or parent. Only the State agency's participation in judicial determinations is an allowable cost.

Source/Date

06/09/04

Legal and Related References

Section 474 of the Social Security Act, 45 CFR 1356.60(c)(2)(ii).

Research
Shows High-
Quality Legal
Representation
Makes a
Difference

- Prevents the need for removal
- Expedites timelines to permanency
- Promotes engagement in case planning, services, and court hearings
- Increases rates of kinship placement
- Yields cost savings for government agencies

Growing Body of Data & Research



Aligns with Values



Common Sense

Title IV-E

Today...

Question 30.

+ **May a title IV-E agency claim title IV-E administrative costs for attorneys to provide legal representation for the title IV-E agency, a candidate for title IV-E foster care or a title IV-E eligible child in foster care and the child's parents to prepare for and participate in all stages of foster care related legal proceedings?**

Answer

Yes. The statute at section 474(a)(3) of the Act and regulations at 45 CFR 1356.60(c) specify that Federal financial participation (FFP) is available at the rate of 50% for administrative expenditures necessary for the proper and efficient administration of the title IV-E plan. The title IV-E agency's representation in judicial determinations continues to be an allowable administrative cost.

Previous policy prohibited the agency from claiming title IV-E administrative costs for legal services provided by an attorney representing a child or parent. This policy is revised to allow the title IV-E agency to claim title IV-E administrative costs of 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 to prepare for and participate in all stages of foster care legal proceedings, such as court hearings related to a child's removal from the home. These administrative costs of legal representation must be paid through the title IV-E agency. This change in policy will ensure that, among other things: reasonable efforts are made to prevent removal and finalize the permanency plan; and parents and youth are engaged in and complying with case plans.

Source/Date
1/7/2019

Legal and Related References
45 CFR 1356.60(c), section 474(a)(3)

How Might Title IV-E Funding Elevate the Quality of Legal Representation?



Hiring to ensure
reasonable
caseloads



Elevating
salaries to
attract and
retain top talent



Promoting
multi-
disciplinary
models of
practice

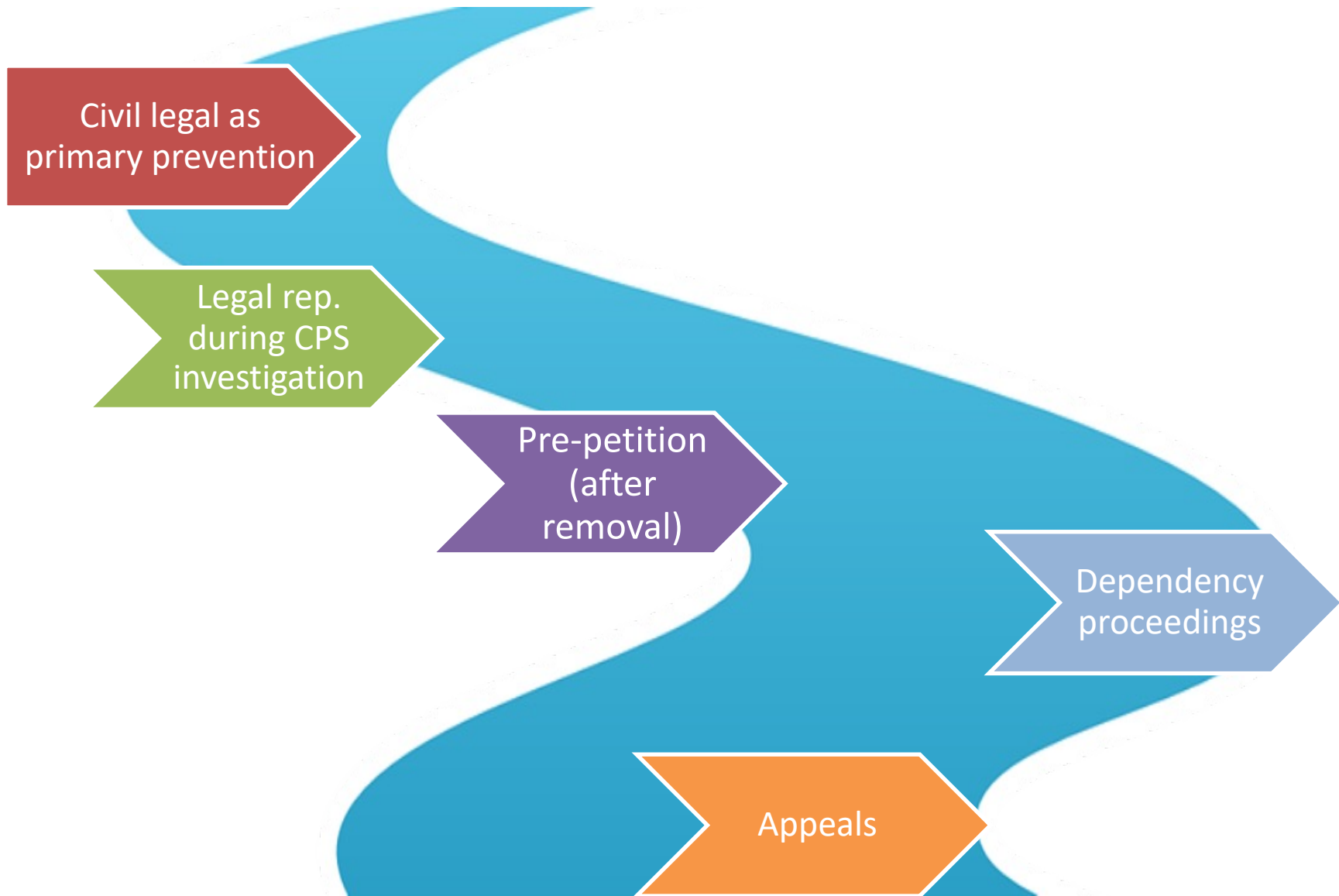


Building in
assurances of
quality, e.g.
certification



Expanding
representation
to all stages of
the process

Legal Advocacy at All Stages



How Can You Promote High-Quality Child Welfare Legal Representation?

*“The status judges hold in their communities as leaders can have a powerful impact on bringing credibility to efforts that support families.”
(Former Ass. Comm. Jerry Milner & David Kelly)*

Convene

Lead & Legitimize

Be an Agent of Accountability

Encourage partnership between agencies/ non-traditional allies

Welcome innovation

THANK YOU!

- Ret. Judge Doris L. Fransein (Independent Consultant)
dfransein@yahoo.com
- Michael G. Figgins, Esquire (Executive Director, Legal Aid Services of Oklahoma, Inc.) michael.figgins@laok.org
- Allison Green, JD, CWLS (Legal Director, National Association of Counsel for Children) Allison.Green@NACCchildlaw.org
- Kevin Haddock, (Finance and Business Operations Administrator, OKDHS Child Welfare Services) Kevin.Haddock@okdhs.org