

# Arizona Department of Child Safety (DCS) Title IV-E Legal Representation Claiming

## Title IV-E Requirements

Title IV-E reimbursement is allowable for the administrative costs of providing independent legal representation by an attorney for two types of child welfare cases:

1. An open in-home dependency or intervention case with DCS and the child, or their parent, is receiving legal representation. These children are considered reasonable candidates for foster care evidenced by court proceedings related to the child's removal from home in the form of a petition to the court, court order, or transcript of the court proceedings and foster care is the planned placement
2. An open dependency case with DCS where the child is currently placed in the care and custody of DCS (foster care) and the child, or their parent, is receiving legal representation

## What types of costs are allowable?

Direct costs are those that clearly and directly benefit a specific fund or program such as supplies, materials, or staff salaries and benefits (e.g., attorney salaries, court fees). Indirect costs, commonly referred to as overhead costs, are for support services that are shared by multiple departments, programs, and/or funds, such as accounting, payroll, administrative or human resource salaries and benefits, and information technology (IT) services for the agency.

## Allowable Costs/Activities

- ✓ Only costs/activities related to child welfare/dependency can be reported
- ✓ Hearings related to judicial determinations that it is contrary to the welfare of a child to remain in 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 related to judicial determinations required under Title IV-E

## Unallowable Costs/Activities

- ✗ Any non-child welfare related costs, such as costs related to delinquency or criminal cases
- ✗ Any time associated with non-related legal cases or the child or parent
- ✗ Costs that are not directly attributable to the cost of attorneys for parents or children in dependency or termination cases or that were not supported by appropriate records
- ✗ If delinquency and dependency matters are included in one court proceeding, only the allowable costs associated with the dependency portion may be reimbursed with federal funds

## How do I report legal representation costs?

Counties wishing to seek reimbursement for legal representation costs must submit the revised county expenditure form to the Administrative Office of the Courts (AOC) within 15 days of the end of each quarter using the DCS approved methodology. To meet federal reporting requirements, a county must report monthly costs associated with representing parents in dependency proceedings. These costs must be separated into two categories: children who are already in foster care and children who are still living at home with a parent or caregiver.

## How do I determine the number of children?

Determining number of children in foster care: Compare the legal representation allowable expenditures to children in foster care during the corresponding month to determine the unduplicated count\* of children who received legal representation.

Determining number of in-home children: Compare the legal representation allowable expenditures to children who are considered at "imminent risk of removal" and whose planned placement is in foster care during the corresponding month to determine the unduplicated count\* of children who received legal representation.

*\*Unduplicated count: Only count one child per month even if there were multiple legal representation expenses for a particular child or family during the quarter*