



Tribal Title IV-E Programs

Introduction to Tribal IV-E Programs as authorized under the Fostering
Connections Act

What is Title IV-E ?

“Title IV-E” is a federal law under the Social Security Act that provides partial reimbursement for foster care payments for eligible children who have been removed from the home of a specified relative.

States and Tribes may also claim partial reimbursement for allowable administration and training costs.

It is Not a complete child welfare program.

What is Title IV-E ? *(cont.)*

To implement a IV-E program, Tribes and States are required to be operating a title IV-B program. Title IV-E requires *(see Title IV-E Pre-Print)*:

DESIGNATION AND AUTHORITY OF STATE/ TRIBAL AGENCY

- The State/Tribal agency has been designated to administer or supervise the administration of the programs under this plan. It is also the agency that administers or supervises the administration of the State/Tribal Child Welfare Services Plan under subpart 1 of title IV-B of the Act.

COORDINATION WITH TITLES IV-A AND IV-B PROGRAMS

- The title IV-E program is coordinated at the local level with the programs at the State/Tribal or local level assisted under titles IV-A, IV-B and XX of the Act and under all appropriate provisions of Federal law.

What is Title IV-E ? (*cont.*)

- Title IV-E provides **partial** reimbursement for
 - foster care **maintenance** payments for eligible children;
 - allowable costs associated with **administration**;
 - Allowable costs associated with **training**;
 - Adoption assistance; and
 - Kinship/guardianship payments to age 21 (optional).
- An open-ended entitlement program to which local matching funds are applied.
- NOT a grant program; It is a cost reimbursement Program

Important information to keep in mind...

- Requires the Tribe to be operating a Title IV-B (Subpart 1 or 2) Program
- Tribes that elect to operate a Title IV-E program must submit an approvable Title IV-E plan. The Title IV-E plan is developed by using the Title IV-E pre-print as a guide.
- Requires a judicial process and responsibility for placement assigned to the Tribal IV-E agency

Important information to keep in mind...

- Using the Title IV-E pre-print, assess:
 - What is in place now at our Tribe/agency?
 - What do we need to add or revise to ensure we meet the requirements found in the pre-print?
 - Tribal programs, policies, procedures, code, judicial processes, and financial systems to see how they align with Title IV-E requirements.
 - The Title IV-E pre-print is located on the Children's Bureau website: <https://www.acf.hhs.gov/programs/cb>.
 - Fiscal Processes and claiming procedures. For TDN this has been a major challenge

Data System Requirement

- AFCARS – Adoption and Foster Care Reporting System – (45 CFR 1355.40)
 - Twice a year, electronically report data regarding children in foster care and adoption for whom the agency has responsibility for placement, care, or supervision
 - Report on certain data on all adopted children placed by agency for whom the agency is providing adoption assistance
 - 66 Foster Care Data Elements, 37 Adoption Data Elements
 - FFP at 50% (planning, implementation, operation)

Challenges and Benefits

- Extensive staff and resources are required to administer a program.
- Extensive federal policy requirements and documentation.
- Match funds are required- FMAP for maintenance payments; Administrative Funds (50%); and Training (25%)
- Responsibility for case management requires a rigorous internal process
- Tribe will have case management, planning and decision-making responsibility for their children.
- Tribal sovereignty is enhanced
- Increased services to children and families and program capacity development

Title IV-E “Plans”

IV-E: Must have an approved plan to begin claiming.
Claims submitted quarterly.

IV-E: Plan “Pre-Print” provides a form to cite Tribal code, Policies, Procedure Manuals, standard forms, etc., to demonstrate compliance with IV-E law and regulations.

The “Pre-Print” Plan consists of seven sections that cover all the requirements of Federal Statutes and Regulations

Title IV-E Administrative Costs Claiming

Title IV-E may NOT be claimed for:
Investigations of alleged child abuse

**Child and Family
come to attention
of Agency**

IV-E may be claimed for:

- Case planning & assessment
- Info system (data collection, reporting)
- Training for workers
- Proportionate share of agency overhead

**Child removed -
in out of home
placement**

Title IV-E may be claimed for:

- Foster care maintenance
- Recruitment and licensing
- Home studies
- Foster parent training
- Eligibility determinations
- Certain transportation costs

**Case Planning, Case
Review, Permanency
Planning**

Title IV-E may be claimed for:

- Development of case plan, case reviews)
- Preparation for reports to the court

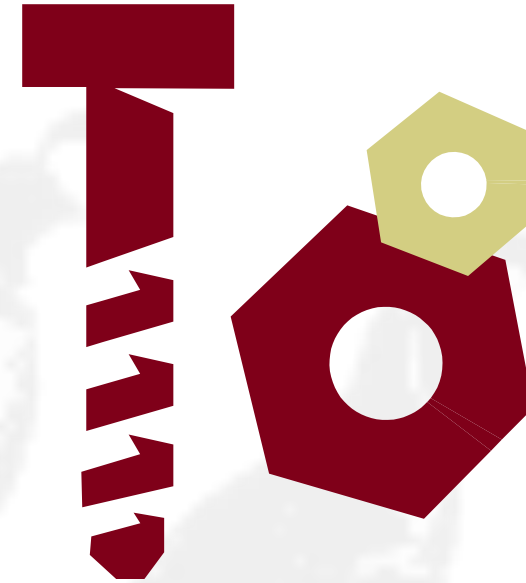
**Other Permanency
Options**

Title IV-E may be claimed for:

- Guardianship Assistance (optional)
- Adoption assistance, non-recurring adoption expenses
- Recruitment of adoptive homes

Essential Nuts and Bolts of Title IV-E

- Program Mandates
- Child Eligibility
- Requirements
 - Licensing
 - Safety
- Allowable Costs
- Federal Reimbursement
- Reporting



Program Mandates: Case Review System

Required by both Title IV-B & IV-E, under 422 (b)(8) of the SSA, 475(1) and 475(1)

- **Case plan (Child, Parents or Custodians, Caretakers)**
- **Court or administrative reviews every six months**
- **Permanency hearing** required (& judicial determination of RE) within 12 months after initial placement and every 12 months thereafter for children in care
- **Petition for TPR for children in FC 15 of last 22 months** (subject to exceptions on a case by case basis); placement with relative may be an exception

(Not a complete list)

Program Mandates: Judicial Requirements

- Court order or Voluntary Placement Agreement (VPA) gives Tribal agency **legal responsibility for placement and care**.
- Removed from home of a parent or specified relative pursuant to a court order with **contrary to the welfare finding** (in first removal order).
- Court order within 60 days that addresses **reasonable efforts** to prevent placement or reunify child and family.

Program Mandates: Judicial Requirements

- If removed by a VPA, judicial determination within 180 days of placement that continued voluntary placement is in the best interest of the child.
- Tribes are permitted to use nunc pro tunc orders or affidavits as verification documents for RE to prevent removal and CTW findings within the first 12 months of the Tribe's title IV-E plan.

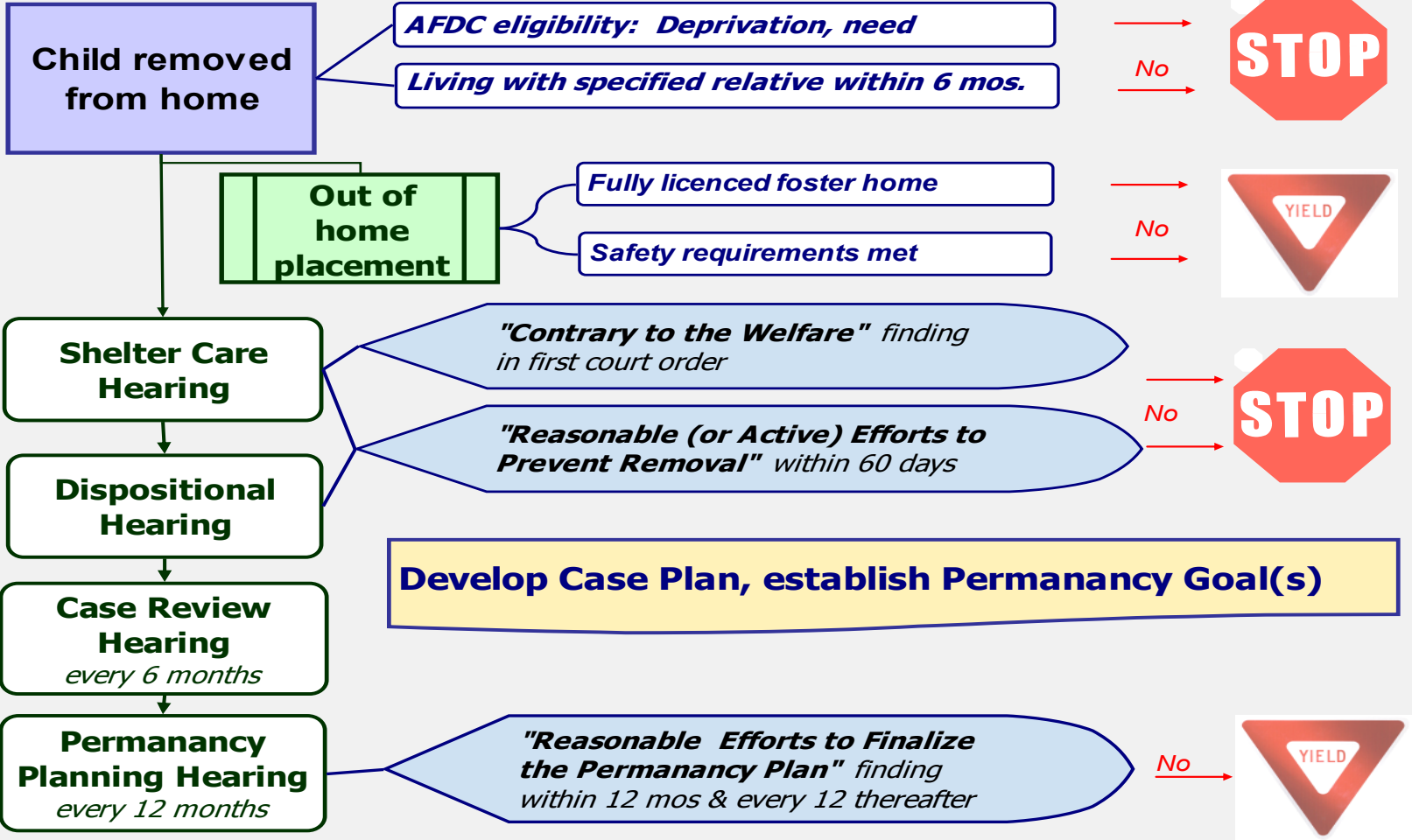
Title IV-E – Eligibility

This is intended as an overview and covers most but not all IV-E eligibility requirements

“Eligible child” needs to meet certain requirements:

- Judicial requirements (Best Interests of the Child)
- Child eligibility requirements (AFDC Linked)
- Licensing requirements
 - Fully licensed foster family home or childcare institution; and
 - Safety requirements and criminal background checks met
- Agency must have placement and care responsibility
- Tribe must develop a process to determine initial eligibility and monitor ongoing eligibility, to ensure proper claiming.

Title IV-E Eligibility



"STOP" = Child ineligible for IV-E entire out of home episode
"YIELD" = Child ineligible until requirement is met

AFDC Eligibility Requirements

- AFDC Eligibility – initial determination
 - In month removed, child would have been eligible to receive AFDC as of 7/16/96
 - Financial need
 - **Deprivation** of parental care or support (unemployment, absent from home, death, or documented physical or mental incapacity)

Licensing Requirements

- Child must be placed in a foster care facility that meets the standards for full licensure or approval established by the Tribe or State.
- Probationary, provisional, or interim licenses are not considered fully licensed.
- May be a family foster home, group home, private childcare institution, or public childcare institution which accommodates 25 or fewer children.
- No IV-E payments: Detention facilities, forestry camps, training schools, or other facilities for detaining children.

Safety Requirements

- Criminal background check, including State, local and fingerprint-based checks of national crime information databases, must be completed for prospective foster or adoptive parent(s), before IV-E may be claimed.
- Child Abuse and Neglect registry checks required
- Sex Trafficking
- Credit checks

Allowable Costs

- Maintenance Payments (FMAP Rate usually 83%)
 - Foster Care
 - Adoption Assistance Subsidies
 - Guardianship Assistance Payments
- Administration (50% reimbursement and requires a Cost Allocation Methodology)
- Training (75% reimbursement and requires a Cost Allocation Methodology)

Allowable Costs



- Cost of providing food, shelter, daily supervision, school supplies, personal incidentals, child care, transportation, and reasonable travel home for visitation
- FFP = Tribal FMAP (83%) (for most tribes)

Allowable Administrative Costs

- Case Planning and Management
 - Referral to services, supervision, case planning, case reviews
 - Recruitment, Licensing studies of foster homes & facilities
 - Pre-placement activities
- Eligibility (AFDC) determinations
- General administration - share of related agency overhead (“indirect”)
- Data collection and reporting (operation costs)

Allowable Training Costs

- Initial and in-service training for personnel
- Short term training of current or prospective foster or adoptive parents and child care institution staff
- Travel, per diem, tuition, books, registration
- Salaries, etc. for experts outside the agency to conduct or develop training programs
- Cost of space, supplies, postage & purchase and development of training materials

Federal Reimbursement

IV-E reimbursement does not cover all costs

FC maintenance = *# elig. children X FMAP*

Administrative costs = *claim at 50%*

Training costs claim = *claim at 75%*

For those activities that are not child-specific, or apply to multiple programs, need to apply the eligibility rate.

Eligibility rate = % of caseload that is IV-E eligible

FMAP = Tribal Federal Medicaid Assistance rate

Financial Reporting Requirements

- Quarterly Report of Estimates and Actual Expenditures
- Cost Allocation Methodology – the procedures the agency will use in identifying, measuring and allocating all agency costs incurred in support of the program. *(PI-10-13)*

IV-E Development Grants

- **Standing Announcement for Tribal Title IV-E Plan Development Grants**
- The purpose of this funding opportunity announcement (FOA) is to solicit proposals for one-time grants to tribes, tribal organizations, or tribal consortia that are seeking to develop and, within 24 months of grant receipt, to submit to the Department of Health and Human Services (HHS) a plan to implement a title IV-E foster care, adoption assistance, and, at tribal option, guardianship assistance program.
- The grant may be used for costs relating to the development of data collection systems, a cost-allocation methodology, agency and tribal court procedures necessary to meet the case review system requirements under section 475(5) of the Act, or any other costs attributable to meeting any other requirement necessary for approval of a title IV-E plan.
 - Award Ceiling: \$300,000
 - Award Floor: \$150,000
 - Due June 4, 2018
- Eileen West: eileen.west@acf.hhs.gov