

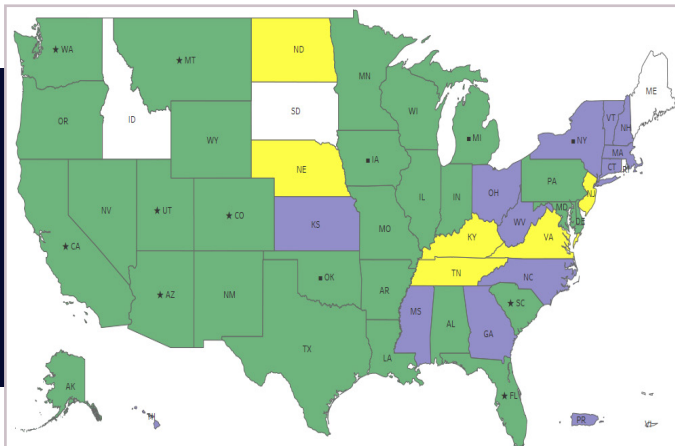
States' Experiences Claiming Title IV-E for Parent and Child Attorneys

Title IV-E funds support improving legal representation in child welfare cases

In December 2018, the U.S. Children's Bureau changed policy to enable states to claim Title IV-E administrative costs for attorneys and support staff providing independent legal representation to children and parents in child welfare proceedings. The policy was later extended to legal representation of tribes.¹

As of March 2022, 32 states and 4 tribes have successfully entered into agreements to maximize this opportunity. The map below shows the status of each state, with states in green claiming funds for at least a portion of the state.

States Claiming IV-E Funds for Representation in Child Welfare Cases



Tribes Receiving IV-E

- Keweenaw Bay Indian
- Eastern Band of Cherokee
- Salt River Tribe
- Penobscot Nation

Progress (as of 03/02/22)

- Receiving Funds*
- In Progress
- TA Requested
- No Known Progress

*For states receiving funds, some use funds for child representation, some for parent representation, and some for both. Some states have full state coverage while others only certain counties.

In the fall of 2021, the American Bar Association, National Association of Counsel for Children, and National Center for State Courts, in partnership with Casey Family Programs disseminated a survey to child welfare agency administration and finance staff, attorneys, and Court Improvement Program (CIP) representatives. The voluntary survey asked several items about a state's current status regarding drawing down of Title IV-E funds.

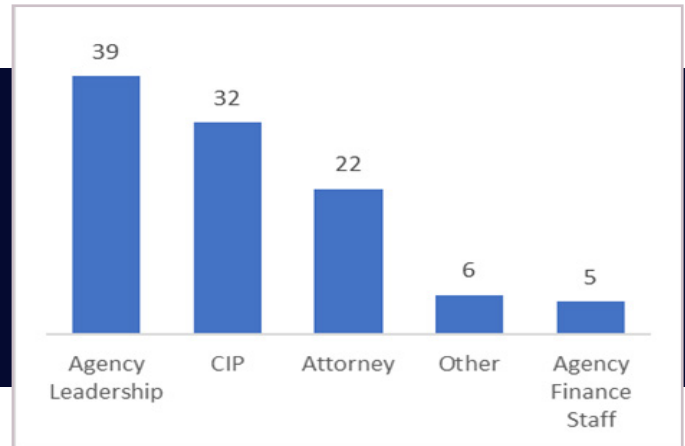
Findings from this survey will identify ways to assist states who have not yet actualized their plans to leverage these funds to improve representation in child welfare cases.

44 states are represented in the survey

There were 104 total respondents to the survey, representing 44 states. Most states had one or two respondents representing the entire state, but some states had up to six different individuals who responded.

The most common role represented was Agency Leadership (i.e., Director, Deputy Director, Program Staff, etc.) (38%), and the second most common role was CIP (31%).

Roles of Respondents

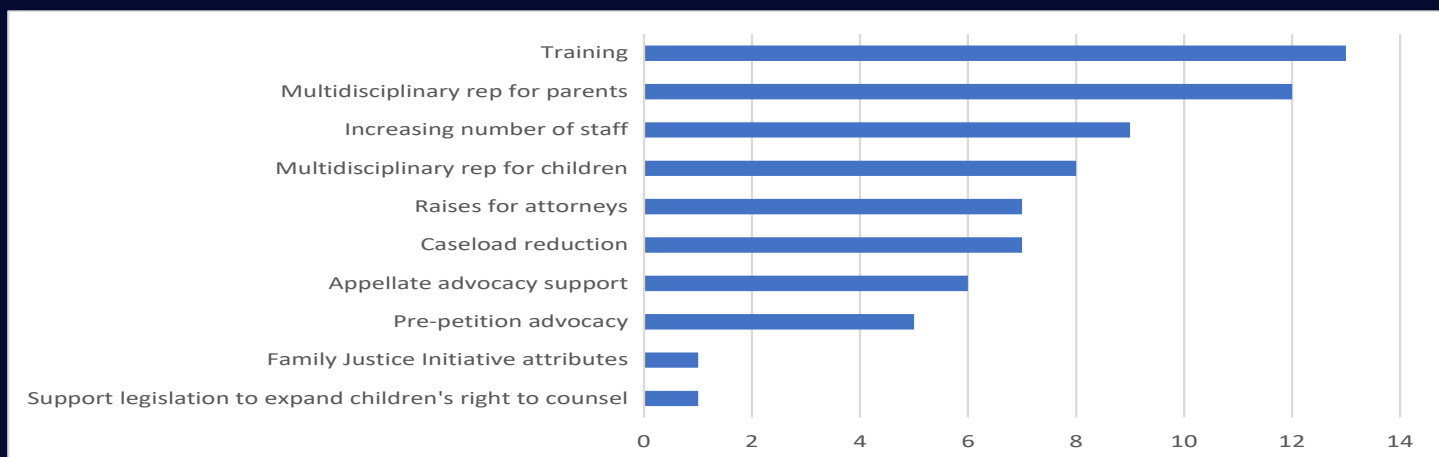


38% of respondents report their state is drawing down funds

Respondents from 22 states indicated that their state has received Title IV-E funds to support attorneys and support staff in child welfare cases. Respondents from 9 states indicated that they have entered a Cost Allocation Plan and expect to receive funds soon. In 12 of the 32 states with multiple survey respondents, there were discrepancies in descriptions of whether states had received funds or were ready to receive funds, suggesting a gap in communication between stakeholders or a delay in funds reaching local practitioners.

¹ Tribes can get IV-E funds if they received IV-E direct. They can also receive IV-E funds for legal representation if they have a "pass-through agreement" with a state. See page 2 regarding CWPM 8.1B #31 at Children's Bureau. Frequently Asked Questions-Independent Legal Representation; Technical Bulletin: July 2020. https://www.acf.hhs.gov/sites/default/files/documents/cb/technical_bulletin_faq_legal_representation.pdf.

Uses of Title IV-E Funds



States use funds in a variety of ways

Respondents who reported that their state was currently drawing down Title IV-E Funds were asked how the funds were used. Most states who responded to the survey are using the funds in multiple ways. The most common uses of Title IV-E funds are training and multidisciplinary representation for parents.

Cross-sector leadership and commitment is essential to states drawing down funds

Respondents who reported that their state was currently drawing down Title IV-E Funds for representation in child welfare cases were asked to identify what conditions or support was essential to them in navigating the process. The most commonly identified essential condition was court, agency, and attorney leadership and commitment. Second was existing multi-disciplinary efforts and guidance from the Children's Bureau.

Cross-sector partnerships can also present challenges

Respondents who reported that their state was currently drawing down Title IV-E Funds were also asked to identify what was most challenging in navigating the process. The most common challenge, expressed in 17 of the 22 states, was obtaining buy-in and

commitment of multiple players. Other common challenges included competing priorities, complexities in state rules or regulations, and lack of necessary technology or accounting processes.

Most respondents are supportive of the process

Respondents who reported that their state was not yet drawing down funds were asked to rate their agreement with several statements regarding the readiness of their state and key stakeholders to do so. Nearly all respondents (91%) indicated that they are supportive of their state drawing down funds for representation in child welfare proceedings.

Most respondents (61%) believe their state will successfully navigate the process and agree that the child welfare agency leaders in their state are knowledgeable about the opportunities to claim Title IV-E Funds. Few respondents believed that judges in their state (22%) and attorneys (21%) were knowledgeable of opportunities to claim Title IV-E Funds.

For states not yet drawing down, competing priorities are most common barrier across roles

Respondents who reported that their state was not yet drawing down funds were asked to answer items about barriers to the process and needed support. Across roles, the most commonly identified barriers were lack

of time, bandwidth, and ability to prioritize the opportunity; need for technology and accounting system updates; lack of buy-in from key parties; and budgetary concerns.

Opportunities to Expand

There has been substantial progress in the number of states, tribes, and territories leveraging Title IV-E funds to support quality legal representation for parents and children in child welfare cases. As states continue to expand their efforts to support quality legal representation for parents and children, we anticipate the families involved in child welfare cases will experience improved outcomes.

While progress has been made, there is still work to be done. Even in places currently drawing down funds, there are opportunities to expand. For example, many states are only claiming the funds for a portion of their state and could move towards statewide strategies. Some states are only supporting either parent or child representation with the funds and could expand to both. Some states are only using funds to support representation when a child is in care, even though it is allowed for candidates for care as well.

If you are interested in expanding or enhancing your state or jurisdiction's use of Title IV-E funds to support quality legal representation, please reach out to the partners who compiled this document:

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