

Title IV-E Options for Tribes

A series of horizontal lines in teal and light blue colors, with some lines having a stepped or staggered appearance, located below the title.

Presented By:
Administration for Children and Families
Children's Bureau

Today's Discussion

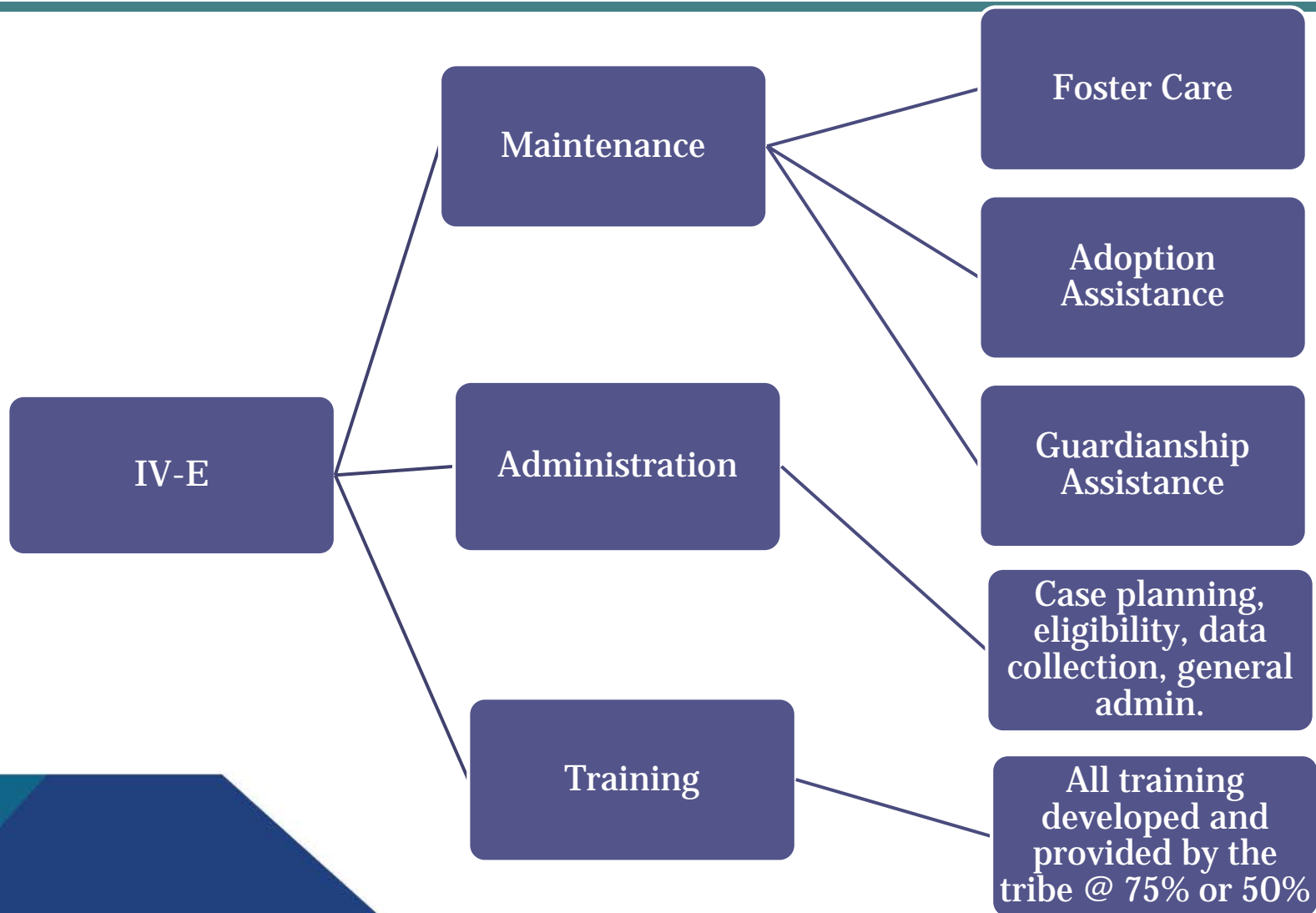
- What is Title IV-E?
- What is *Direct* IV-E?
- Considerations and Assessing Readiness
- Tribal-State Agreements for IV-E
- Discussion on all the parts of Title IV-E
- What is our Development Grant All About?
- Why do we really want a Direct IV-E Program?
- Who is the Capacity Building Center for Tribes?
- Questions?
- Regional Office Contact Information

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



Federal “social welfare” legislation is located in Title IV of the Social Security Act.

- **Title IV-A** (“TANF”) provides federal funds for public assistance;
- **Title IV-B** provides federal funds for child welfare services;
- **No Title IV-C;**
- **Title IV-D** is the federal child support enforcement program; and



What is Title IV-E ?

Title IV-E is part of the Social Security Act, federal law that provides partial reimbursement for:

- foster care
- adoption assistance, and
- kinship guardianship assistance* payments to age 21 (optional) for children who meet specific eligibility requirements

Note: The Guardianship Assistance Program (GAP) is optional

Title IV-E also provides partial reimbursement for certain allowable administration and training costs for eligible children

Note: Reimbursement is based on claims

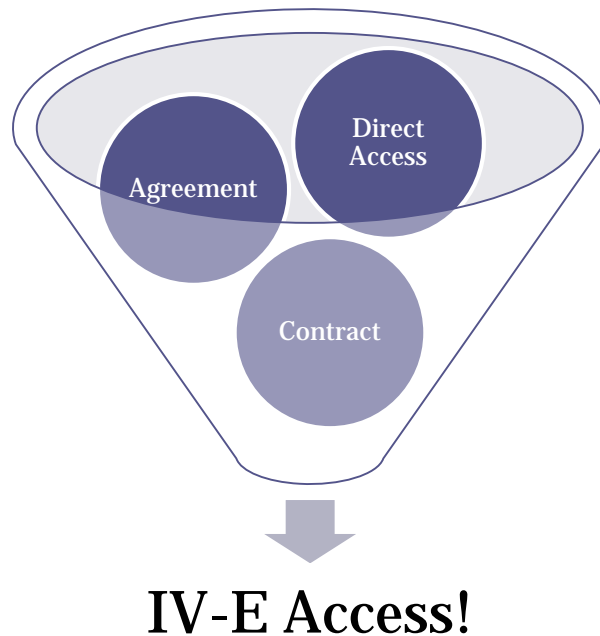
Title IV-E is not a complete child welfare program

Title IV-E is an open-ended entitlement program to which local matching funds are applied.

Title IV-E is NOT a grant program



Tribal Options for Accessing Title IV-E



- Operate a direct Title IV-E program;
- Negotiate and Enter into a Tribal-State IV-E Agreement;
- Or enter into a IV-E Contract with the State IV-E agency

Tribal Options for Accessing Title IV-E

- Tribal-State Agreements to operate all (or part) of a State's IV-E program for children for whom Tribe is legally responsible for placement and care.
- Tribes with a direct IV-E program or a Tribal-State IV-E Agreement or contract can receive funds for the Chafee Independent Living and/or Education & Training Voucher programs by:
 - applying directly to the federal DHHS; or
 - entering into an agreement/contract with the State to receive a share of the State's ETV funds.
- States MUST negotiate in good faith

Tribal-State IV-E Agreements

- States are required to “negotiate in good faith with any Indian Tribe, tribal organization or tribal consortium in the State that requests to develop an agreement with the State to administer all or part of the program under this part on behalf of Indian children who are under the authority of the tribe, organization or consortium..”

Sec 471(a)(32) of the SSA

Tribal-State IV-E Agreements

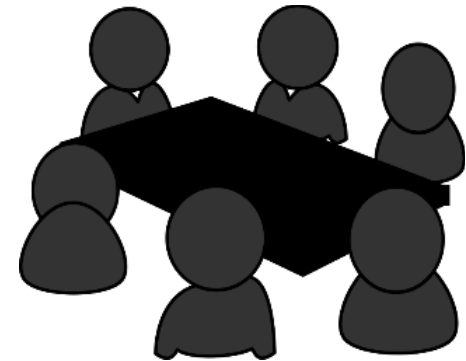
Potential good choice for Tribes:

- Who have a child welfare program and take placement and care responsibility of Tribal children;
- Interested in developing a direct IV-E program but need time to develop their infrastructure
- Interested in doing foster home recruitment and licensing;



Tribal-State IV-E Agreements

- Many choices about who will do what
- Very flexible
- State and Tribe can discuss what pieces the Tribe would like to take on
- Agreements may be individualized for each Tribe
- Children's Bureau Regional Offices are a resource for more information



Direct Tribal IV-E Program

Tribe has primary responsibility for:

- Placement and care responsibility for Tribal children;
- Tribal code, policies, etc to demonstrate compliance with all IV-E requirements;
- Approved IV-E Plan;
- Financial management (reporting & claiming)
- Adoption Assistance program;
- Collecting and reporting AFCARS data (Adoption and Foster Care Analysis and Reporting System); and
- Making IV-E eligibility determinations.

Title IV-E “Plans”

Title IV-E Pre-Print

- Approval required to begin claiming
- Claims submitted quarterly
- Cite and provide documentation (Tribal code, policies, standards, forms) to demonstrate compliance with Title IV-E law and regulations



Direct Tribal IV-E Program

Potential good choice for Tribes who:

- Currently take placement and care responsibility for Tribal children;
- Would like autonomy for their CW system, and a direct relationship with the federal government
- Have developed Tribal code, policies, etc. to meet all IV-E (Plan Pre-print) requirements; and
- Have developed the infrastructure to meet IV-E requirements.

Direct Tribal IV-E Program

Options under this program:

- Tribe may choose alternate source or contract for some of these responsibilities;
- Guardianship Assistance Program (GAP)*;
- SACWIS (a Child Welfare Information System)*;
- Chafee Independent Living Program and Education and Training Vouchers**

* Reimbursement thru IV-E

** IV-E participation makes Tribe eligible to apply for these programs.

More Options to Think About

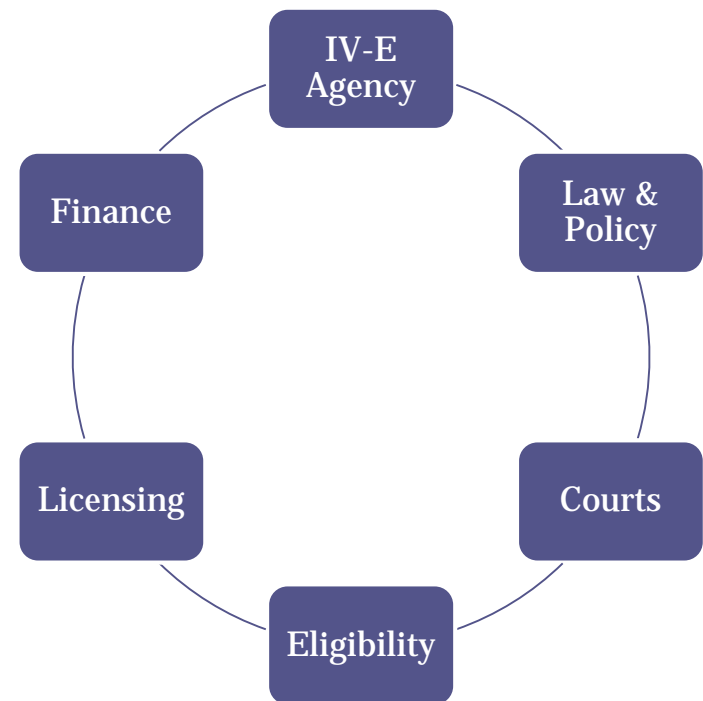
What exactly do we want to include?

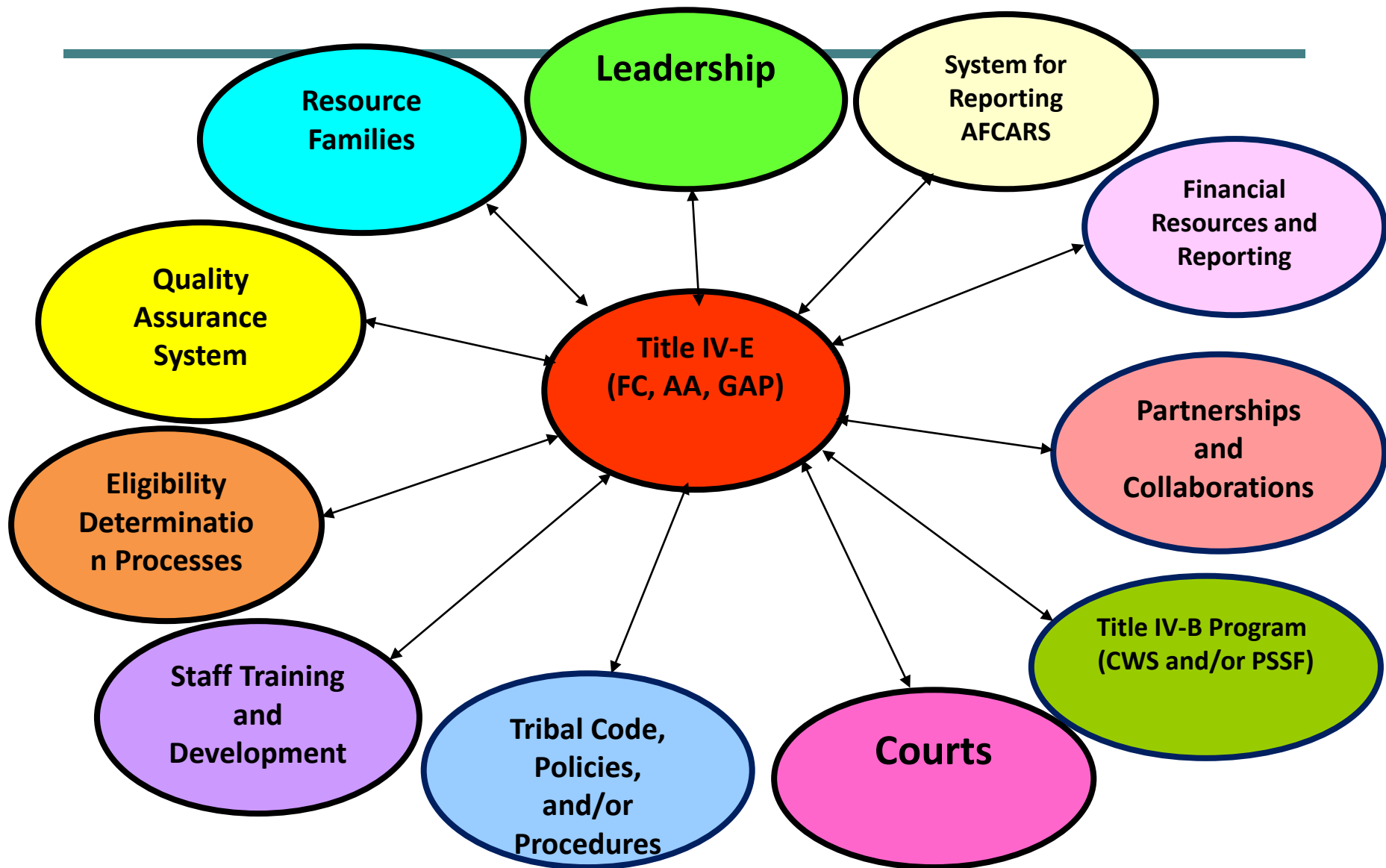
Do we want to:

- Develop an adoption program, including customary adoption and adoption assistance?;
- Provide Guardianship Assistance Payments?;
- Extend Foster Care to Age 21?; and/or
- Provide Independent Living Services including both the John H. Chafee Foster Care Program for Successful Transition to Adulthood and Educational Training Vouchers (ETV)?

Infrastructure Needs

- Designated Title IV-E agency
- Tribal codes, resolutions, law, policy & procedures to assure IV-E compliance
- System to meet judicial requirements
- Eligibility determination process
- Foster and adoptive home licensing





Foster Care Maintenance Program Requirements

- Entitlement program based on an individual child's eligibility
- Foster care maintenance payments for an eligible child in a licensed foster family home or child care institution
- Judicial requirements



IV-E Foster Care - Eligibility

“Eligible child” needs to meet certain requirements:

- Judicial findings
 - AFDC linkage
 - 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
- * Need a process to determine initial eligibility and monitor ongoing eligibility, to ensure proper claiming.
- * Eligibility changes from day to day depending on the variables above!

(Not a comprehensive list)

Judicial Requirements

- Court order or **Voluntary Placement Agreement (VPA)** gives agency **legal responsibility** for placement and care.
- Removed from home of a parent or specified relative pursuant to a court order (or VPA)
- Judicial determination of **contrary to the welfare finding** to remain in the home (in first removal order).
- Judicial determination within 60 days that addresses whether agency made **reasonable efforts (or active efforts)** to PREVENT removal.
- **Judicial determination of reasonable efforts to finalize the permanency plan** required within 12 months of entry into foster care and every 12 months thereafter.
- If removed by a VPA, judicial determination within 180 days of placement that **continued out-of-home placement is in the best interest of the child**.

Program Mandates: Case Review System

Required by both IV-B & IV-E, under 422 (b)(8)(ii) and 475(5) of the SSA

- Case plan, developed jointly with parents, within 60 days
- Court or administrative case reviews every six months
- Permanency hearings every 12 months
- 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)

Licensing Requirements

- Child must be placed in a foster care facility that meets the standards for full licensure or approval established by the Tribe (for homes/facilities on/near reservation), State or other Tribe.
- 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 that accommodates 25 or fewer children.
- No IV-E payments: Detention facilities, forestry camps, training schools, or other facilities for detaining children adjudged delinquent.

Safety Requirements

- Prospective foster parents, adoptive parents and relative guardians must clear criminal background checks, including finger-print based FBI checks, before IV-E can be claimed
 - No felony conviction for CA/N, spousal abuse, crime against children (including pornography), or for a crime involving violence, including rape, sexual assault, or homicide (not including other physical assault or battery)
 - No felony conviction for physical assault, battery, or drug-related offense within past five years



Safety Requirements

- Check child abuse and neglect registries in States where the adult resided in preceding five years
 - prospective foster parents, adoptive parents, relative guardians, and
 - all other adults residing in their homes
- Child care institution staff
 - Meet other safety considerations established by the Tribe for licensed child care institutions on/near reservation or by the responsible licensing authority

** Note: Federal requirements. Some States or Tribes may wish to have additional requirements.*

Adoption Assistance Program

Payments up to the amount of the foster care rate are available to children who meet the definition of a child with special needs and

- In the care of a public or private child welfare agency or Indian Tribal organization via a contrary to the welfare judicial determination; a voluntary placement agreement or a voluntary relinquishment OR
- Would have been AFDC eligible OR
- Is eligible for SSI OR
- Is a child of a minor parent in IV-E FC, OR
- The child was eligible in a prior adoption and is being adopted

IV-E Adoption Assistance Eligibility *

Child must meet the “special needs” criteria. The child:

1. cannot or should not return home;
2. has a specific factor or condition (defined by State/Tribe) that makes it reasonable to conclude that the child cannot be placed without AA or Medicaid;

Note: For “applicable children” this factor is met if child meets all medical or disability requirements for Supplemental Security Income (SSI) eligibility (as determined by the IV-E agency)

AND

3. The IV-E agency has made a reasonable but unsuccessful effort to place the child without AA or Medicaid, except when it would be against child’s best interest such as having a significant emotional tie with the foster/adoptive parents.

*General overview; does not cover all IV-E requirements

Guardianship Assistance Program (GAP): (Optional Program)

- Must be implemented statewide/tribal service area-wide.
- A child is eligible if s/he was eligible for IV-E foster care for 6 consecutive months in the home of the prospective relative guardian who was a licensed foster parent, being returned home/adoption is **not** an option, strong attachment exists to the relative guardian and the child was consulted if over age 14
- “Relative” may be defined broadly to include kin.



GAP continued

- Payment may not exceed the foster care maintenance rate which would have been paid
- Siblings placed with the same guardian are eligible. The sibling does not need to meet any of the eligibility criteria.
- The agency must reimburse for total nonrecurring costs up to \$2,000. The GAP agreement must be in place before the guardianship is finalized. The GAP payment continues if the child and guardian move to another state.

Kinship Guardianship Assistance- Eligibility

- Child must have been eligible for IV-E fc maintenance while residing for at least 6 consecutive months in the home of the prospective relative guardian.
- Title IV-E agency must determine that:
 - being returned home or adopted are not appropriate permanency options;
 - child has a strong attachment to the prospective relative guardian, who is committed to caring for the child permanently; and
 - a child 14 years of age or older has been consulted regarding the kinship guardianship arrangement.
- Siblings of an eligible child placed in same guardianship arrangement may also be deemed eligible for GAP

Kinship Guardianship Agreement

- Kinship guardianship assistance agreement must be executed prior to finalizing the guardianship.
- Assistance payment negotiated based the relative guardian's circumstances and child's needs, but no more than the foster family home payment.



Allowable Title IV-E Foster Care Maintenance Costs

- Cost of providing food, shelter, daily supervision, school supplies, personal incidentals, liability insurance, reasonable travel home for visitation, and travel for the child to remain in the school in which the child is enrolled at time of placement.



Allowable IV-E Administrative Costs

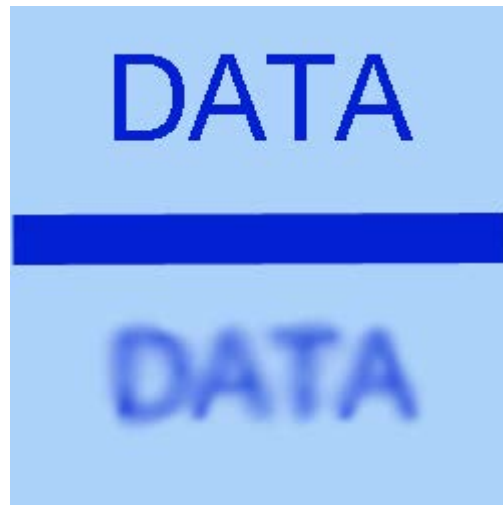
- Case Planning and Management
 - Referral to services, supervision, case planning, case reviews
 - Recruitment, licensing studies of foster homes & facilities
 - Pre-placement activities
- Eligibility (AFDC) determinations
- General administration - share of related agency overhead ("indirect") and general agency training (time management, team building, writing, computer skills, etc.)
- Data collection and reporting operation costs (AFCARS)

NOTE: Excludes cost of social services provided to child, child's family, or foster family which provide counseling or treatment to ameliorate or remedy personal problems, behaviors, or home conditions.

Allowable IV-E Training Costs

- Initial and in-service training for personnel employed by or preparing for employment with the IV-E agency
- Short term training of current or prospective foster or adoptive parents and child care institution staff
- Short-term training for relative guardians, staff of private child welfare agencies, staff of child abuse and neglect courts, attorneys, guardians ad litem, and other court-appointed special advocates
- Travel, per diem, tuition, books, registration
- Salaries/fringe for trainers to conduct or develop training programs
- Cost of space, supplies, postage & purchase and development of training materials

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)

Title IV-E: Federal Reimbursement

- Maintenance costs are based on the Federal Medical Assistance Percentage (FMAP) rate
 - $FC \text{ maintenance}/AA/GAP = \# \text{ eligible children} \times FMAP$
 - Tribal FMAP Rates are between 50%-83%
 - Most Tribes at 83%
 - **Eligibility Rate = % of caseload that is IV-E eligible**
- Administrative costs are reimbursed at 50%
- Allowable training costs are reimbursed at 75%:
 - Long-term training for employees & persons preparing for employment
 - Short-term training for parents, court staff & others

Note: Certain training costs claimed at a lower rate



Title IV-E: Federal Reimbursement

- Title IV-E does not cover ALL costs
- Title IV-E expenditures and matching
 - Tribes must provide match for non-Federal share of expenditures
 - Tribal share of match may come from other Federal sources if permitted by law
 - Tribal share of match may be in-kind from certain 3rd party sources - limited to match for administrative and training costs

Financial Reporting Requirements

- Quarterly Report of Estimates and Actual Expenditures - CB-496 form
- 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*)



Collaborating with Other Programs

- State and Federal Programs such as:
 - TANF
 - State Child Welfare Agency
 - Medicaid - all title IV-E eligible children are categorically eligible
 - Child Support Enforcement
 - Social Security



What will IV-E REALLY do for us?

- Promotes Self Governance
- Allows your CW program to have autonomy and maximum flexibility
- All the federal options are available to you – regardless of what options the State has
- At the end of developing the program, you'll know your program is current and in compliance with all federal laws – you'll be doing BEST PRACTICE!
- Your program will be cutting edge – like a mini State
- More \$\$ will be coming to your program, this results in more staff - which leads to lower case loads - which leads to higher quality case work - which leads to improved outcomes for the children and families we serve! WIN – WIN!

CONSIDERATIONS

Does it make cents?



CONSIDERATIONS

- Extensive staff and resources are required to administer a program
- Extensive federal policy requirements and documentation
- Tribe will have case management, planning and decision-making responsibility for their children
- Consider the percentage of children who could be eligible in your service area
- Match funds are required

Is This For Our Tribe?

- ❑ Does the Tribe have the capacity and structure to carry this out?
- ❑ Does the Tribe have other funding sources to cover costs not reimbursed by Title IV-E?
- ❑ What can your State bring to the table to support your program and/or the development of your program?



Is This For Our Tribe? *(cont.)*

- ❑ Does the Tribe have, or can the Tribe develop and implement, policies and procedures consistent with federal practice requirements?
- ❑ Does the Tribe have access to a court system that has or can develop and implement court procedures and rules consistent with federal requirements?

Assessing IV-E Readiness

- What is in place now?
- What is needed in order to establish a Title IV-E program?
- Develop a plan to establish the program that is best for your Tribe.

NOTE: Consider conducting a Title IV-E Self-Assessment

Interested in Applying for Direct IV-E?

Next Steps...

Let the CB Regional Office (RO) know that you are interested in applying. We can provide guidance and technical assistance.

- Tribes may apply for one-time grants up to \$300,000 to assist in the development of a Tribal Title IV-E plan. Grant announcements will be published on www.grants.gov
- Submit a completed Title IV-E Plan Pre-Print to the CB RO
- RO will review the Title IV-E plan to ensure compliance and provide guidance as needed to complete the plan.
- Must have an approved Plan to begin claiming title IV-E
- Title IV-E plan will need to be updated periodically to reflect new legislation and requirements



Capacity Building
CENTER FOR TRIBES



Assistance through the
Capacity Building
Center for Tribes

Capacity Building Center for Tribes



- No cost onsite T/TA available to Tribes with a current IV-B grant
- May request T/TA to develop or improve capacity to serve your community
- Contact your CB Regional Office Specialist



Capacity Building
CENTER FOR TRIBES

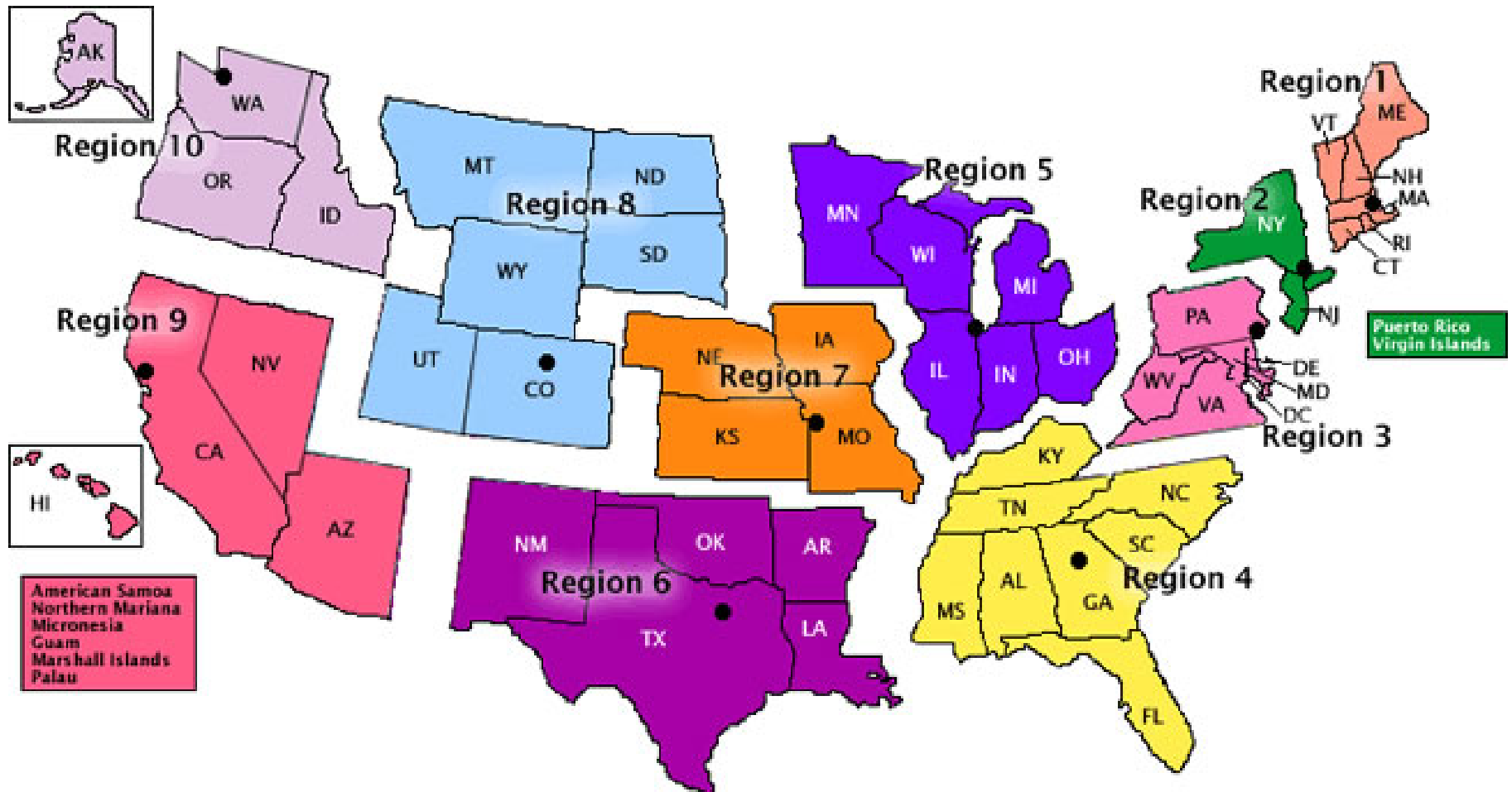
For more information:

1-800-871-8701

info@CBC4Tribes.org

Elizabeth@CBC4Tribes.org

Children's Bureau Regional Offices



Title IV-E Planning Resources

- **Children's Bureau website: Laws and Policies -**
http://www.acf.hhs.gov/programs/cb/laws_policies/index.htm#cwpm
 - Child Welfare Policy Manual
 - Information Memoranda
 - Program Instructions
 - Compilation of Titles IV-B and IV-E of the Social Security Act
 - Federal Child Welfare Legislation
 - Code of Federal regulations
 - AFCARS
 - CFSR/APSR toolkit
 - Etc.

How Would We Start Our Own Direct IV-E?

- The Children's Bureau offers an annual discretionary grant for tribes/pueblos to use to "start up" their own IV-E program
- It's \$300,000 for a two year period
- Requires that an approval plan be submitted
- Title IV-E Plan Development Grants

HHS-2016-ACF-ACYF-CS-1176

View Announcement:

<https://ami.grantsolutions.gov/index.cfm?switch=foa&fon=HHS-2016-ACF-ACYF-CS-1176>

THANK
YOU!