

Tribal Title IV-E Programs

ACF Children's Bureau Regional Offices
Presentation for the "Pathways to Title IV-E"
Meetings in May 2012

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What is Title IV-E ?

A federal law that provides partial reimbursement for foster care, adoption assistance, and guardianship assistance* payments for children who meet specific eligibility requirements.

Also provides partial reimbursement for allowable administration and training costs for eligible children.

Not a complete child welfare program.

* *GAP is optional*

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Today's Discussion

- What is Title IV-E ?
- Title IV-B vs. Title IV-E
- Options
- Considerations and Assessing Readiness
- Next Steps

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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

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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

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Title IV-B vs. IV-E “Plans”

Title IV-B Plan

- CFSP due every 5 years
- APSR due every year
- Tribe’s goals, objectives and measures of progress
- Narrative format

CFSP = Child and Family Services Plan

APSR = Annual Progress and Services Report

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Title IV-B vs. Title IV-E

- Title IV-B is a grant to provide child welfare services to children and families at risk.
 - *Allotments based on child population count.*
- Title IV-E provides partial reimbursement for allowable foster care maintenance, administrative and training costs for eligible children in out of home placement.
 - *Reimbursement based on claims.*

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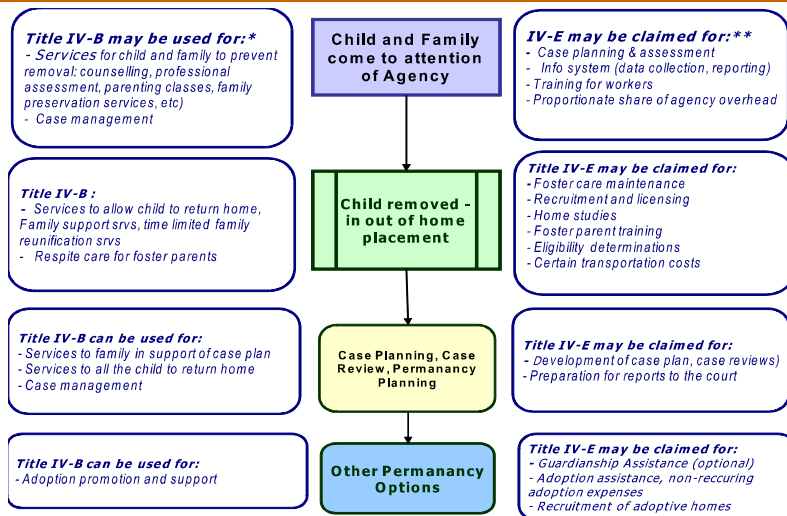
Title IV-B vs. IV-E “Plans”

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
- No narrative

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Title IV-B vs. Title IV-E



* Examples of uses of IV-B. Actual expenditures depends on the Goals/Objectives in the Tribe's CFSP.
 ** IV-E expenditures not a complete list.

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Phased-In Approach

IV-E Contract → IV-E Agreement → Direct IV-E

Continuum of responsibilities

May choose to “phase in” IV-E program

More autonomy as move towards direct IV-E

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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

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Phased-In Approach

- Title IV-E has very rigorous requirements
- It takes time to develop infrastructure to support a complete direct IV-E program.
- Start with a few pieces and gradually move forward to develop a larger program.

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Phased-In Approach

IV-E Contract → IV-E Agreement → Direct IV-E

IV-E Contract: State has placement & care responsibility

IV-E Agreement: Tribe has placement & care, but subject to State supervision. State has responsibility to meet federal administrative requirements.

Direct IV-E Program: Tribe has autonomy and direct relationship with federal government

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IV-E Contracts

- State agency has placement and care responsibility for children.
- Not a “IV-E Agreement”
- State is responsible for meeting all IV-E program requirements

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IV-E Contracts

State agency may contract with Tribes (or other private agencies) for:

- case management and case planning;
- certain allowable administrative activities;
- Training, recruiting and licensing of foster homes

(CWPM 8 1.E)

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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

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Tribal State IV-E Agreements

- State will “pass through” Tribal claims for reimbursement for a portion of expenditures on allowable activities for eligible children
- Tribes may receive reimbursement for eligible children who meet IV-E requirements.

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Tribal State IV-E Agreements

- Must include foster care payments for children for whom Tribe has placement and care responsibility
- May include some administrative costs
- May include some training costs

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Tribal State IV-E Agreements

- State agency has access to case records, reports or other materials as needed to monitor IV-E compliance.
- Tribal case records may be included in the sample as part of a State IV-E review process.

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Tribal State IV-E Agreements

- State has primary responsibility for:
- Data collection and reporting
 - Eligibility determinations (initial/ongoing)
 - Financial accounting and reporting
 - IV-E Plan
 - Laws, policies, procedures in place to meet all requirements in IV-E plan preprint

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Tribal State IV-E Agreements

Tribe has responsibility for:

- Placement and care responsibility for Tribal children in out of home placement
- Case planning, case management
- Providing relevant data and information
- Providing information for determining eligibility
- Tribal code, policies, procedures to ensure compliance with relevant IV-E requirements

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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;

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Tribal State IV-E Agreements

Tribe or State may have primary responsibility for:

- Certain administrative activities
- Certain training activities
- Foster home recruitment and licensing
- Guardianship Assistance Program (GAP)*
 - ▶ (if provided for in the State IV-E plan)
- Adoption Assistance program
- Independent Living Program (Chafee/Education and Training Vouchers)

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Tribal State IV-E Agreements

Potential good choice for Tribes:

- interested in developing an adoption program, including customary adoption and adoption assistance;
- interested in providing Guardianship Assistance; and/or
- interested in providing Independent Living services.

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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

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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.

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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
- Eligibility determinations.

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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.

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CONSIDERATIONS

Does it make cents?



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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?

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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

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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?

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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
- ❖ See the “Infrastructure Considerations” visual handout

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Assessing 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.
- ❖ See the Title IV-E Self-Assessment worksheet



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Interested in Applying? 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

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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.

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THANK
YOU!

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Training and Technical Assistance (T/TA) Options

- Free onsite T/TA available to Tribes with a current IV-B grant
 - 12 National Resource Centers (NRCs), including new NRC for Tribes
 - May request T/TA to develop or improve capacity to serve your community
 - Contact your CB Regional Liaison

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