



A Resource to Consider for Providing for Safety and Permanency for Abused and Neglected Children: Title IV-E Program

12TH National Indian Nations Conference
Palm Springs, California

December 2010

Goal for Today

- ▶ To provide a very broad overview of a title IV-E program and its requirements



Agenda

- Key Points
- Maintenance, Training, Administrative Costs
- Program Requirements
- Requirements Across IV-E
- Foster Care, Licensing, Case Planning
- Adoption Assistance Program
- Guardianship Assistance Program
- Grant opportunity
- Children's Bureau Regional Offices
- Children's Bureau Tribal Listserv and
- Web pages

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Key Points

Title IV-E is authorized under Title IV of the Social Security Act at §470 et seq.

Title IV-E is a **Reimbursement** Program that covers a portion of the Maintenance, Training and Administrative Costs

Title IV-E is not a comprehensive child welfare social services program

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Maintenance

- ▶ **Foster Care maintenance payments:**
 - ▶ cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals,
 - ▶ liability insurance with respect to a child,
 - ▶ reasonable travel to the child's home for visitation and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement.

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Maintenance – Adoption Assistance & Guardianship Programs

- ▶ Maintenance or assistance payments (also called subsidies) are those payments made for eligible children for whom there is a negotiated agreement between the agency authorized to manage the IV-E program (the IV-E agency) and the adoptive parent or guardian.
- ▶ The adoption assistance or guardianship assistance payment cannot exceed the foster care rate.

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Training

- ▶ **Workforce & Caregivers need to be prepared with appropriate knowledge and skills to address the children they are working with or providing care for. Training falls into two categories.**
 - ▶ Long term training refers to training the title IV-E agency staff. Reimbursement includes training for persons employed and those preparing for employment with the IV-E agency (includes baccalaureate or graduate degrees)
 - ▶ Short-term training includes both staff of licensed/approved child placing agency staff (including those who do not work for the title IV-E agency) and for licensed/approved child care institution staff.
 - ▶ Training is reimbursable for resource families which includes current or prospective foster parents; adoptive parents and relative guardians; and
 - ▶ Training is also reimbursable for others such as Child abuse and neglect court staff; attorneys; court-appointed special advocates, or CASAs; and Guardians ad litem (or GALs).

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Administrative Costs



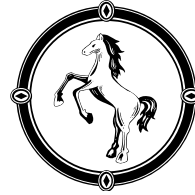
Expenditures necessary for the proper & efficient administration of the title IV-E plan. Examples of such activities are:

- ▶ Making referrals for services;
- ▶ Preparing for/participating in judicial determinations;
- ▶ Placing a child;
- ▶ Developing the case plan;
- ▶ Case reviews;
- ▶ Case management and supervision;
- ▶ Recruitment/licensing of foster homes & child care institutions;
- ▶ Rate setting which addresses a proportionate share of related agency overhead;
- ▶ Costs related to data collection and reporting.

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Program Requirements

- Designates service area and population
 - Must serve all eligible children within the identified service area and population
 - Defined by the Tribe
- Foster Care Maintenance Program - required
- Adoption Assistance Program - required
- Guardianship Assistance Program - optional
- Note: Programs generally serve children to age 18
 - Extension of service to youth to age 19, 20 or up to 21



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Requirements Across IV-E

- Services and Case Management to Prevent Out of Home Placement and Support Permanency
- Training the Workforce and the Caregivers
- Safety Checks
- Interjurisdictional Placements and Cooperation
- Medicaid
- Civil Rights Protections, Fair Hearings and Confidentiality
- Alien Status and Citizenship
- Financial Procedures
- Data and Information Retention
- Coordination with Stakeholders and Partners

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Foster Care

- **Placement into Foster Care** – must be a valid removal
 - Involuntary or Voluntary
 - Placement and care responsibility
 - Title IV-E agency has day-to-day care and placement decisions
- **Judicial findings**
 - Initial for involuntary removal
 - Contrary to the welfare finding in the first order
 - Reasonable efforts (RE) to prevent removal or determination that RE was not required due to the circumstances
 - Must be made within 60 days of removal
 - Annual – reasonable efforts to finalize the permanency plan
 - Best interests for voluntary removals – within 180 days of placement

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Judicial Determinations

- ▶ **Must be explicit and documented (court transcript acceptable)**
 - ▶ Pro forma exercise solely for federal funding is not acceptable
- ▶ Nunc pro tunc (“now for then”), affidavits, make-up orders are not acceptable
 - ▶ **ONE EXCEPTION:** During the initial 12 months of the Tribe’s approved IV-E plan



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Licensing Foster Family Homes and Child Care Institutions



Determine who will be responsible for licensing

- Develop and maintain licensing/approval standards
 - Must cover admissions policies, safety, sanitation and protection of civil rights
 - No federally prescribed standards other than to be in accord with recommended standards of national organizations

- Foster family homes
 - May only waive non-safety related standards for *relative* foster family homes and then only on a *case-by-case basis*
 - Tribe determines appropriateness of placement with judicial oversight

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Licensing Foster Family Homes and Child Care Institutions continued

- **Child Care Institutions**
 - May be public or private
 - Public institutions limited to 25 children (for IV-E funding)
 - Private institutions – no limit
 - Facilities primarily for placement of adjudicated delinquents may not receive title IV-E funding
 - Examples include detention facilities, forestry camps
 - Tribe determines appropriate placement with judicial oversight



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Case Planning & Permanency Decisions

- Case plan required within 60 days of placement
- No specified format
- Content specified by law (SSA at Section 475(1))
- Examples of what must be addressed in a plan include:
 - Permanency goal
 - If child is not returning home, rationale for the permanency goal
 - Appropriateness of placement
 - Health and education information

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Case Planning & Permanency Decisions Continued

- IV-E plan requirement to exercise due diligence to identify and provide notice to child's relatives within 30 days of the child's removal from home
 - Includes all grandparents and adult relatives
 - Exception for family or domestic violence
- Periodic review required at least every 6 months
 - Determine the safety of the child, continued need for placement, compliance with case plan, progress towards return home or another permanent placement
 - May be by a court or an administrative panel

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Case Planning & Permanency Decisions Continued

- **Siblings**

Must make reasonable efforts to place together

If not placed together or not in best interests to do so, then provide for frequent visitation or other interaction

- **School enrollment**

School age children must be enrolled (or in the process of being enrolled) in school

- **Permanency Hearings**

Assure that these will be held at least every 12 months



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Case Planning & Permanency Decisions Continued

Termination of Parental Rights (TPR)

- IV-E agency required to file a petition to TPR for child in foster care at least 15 of the previous 22 months
- Limited exceptions on case-by-case basis; Examples:
 - Child is cared for by relatives
 - Agency has not provided RE to reunify the family consistent with the case plan
 - Adoption is not appropriate for the child
 - No legal grounds exist for TPR
- No statutory authority to exclude Indian children from this requirement
- Tribe determines legal grounds for TPR
- Additional information in the Child Welfare Policy Manual at Section 8.3C.2e

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Adoption Assistance

- Tribe has discretion to determine procedural requirements for finalizing an adoption
 - Customary adoptions are allowable (an adoption where legal and custodial ties to a new permanent family are created through Tribal law and customary practices while maintaining birth parent relationships)
- Eligibility for Adoption Assistance
 - Tribe needs to determine “special needs”
 - Determination that child cannot/should not return home
 - Special factor exists (more on the next slide)
 - Need to make efforts to place child without adoption assistance – not required when a child has significant emotional ties with a caretaker such as a foster parent



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Special Needs – Tribe Determines

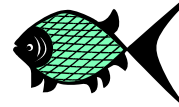
- Factors that may make it difficult for a child to be adopted without the provision of adoption assistance and Medicaid such as:
 - Child’s ethnic background
 - Age
 - Membership in a minority or sibling group or
 - The presence of factors such as medical conditions or physical, mental, or emotional handicaps
- OR**
- Child meets requirements for Supplemental Security Income (SSI) benefits



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Adoption Assistance Agreement

- Legally binding agreement to be paid to the adoptive parents until the child reaches the age of majority or the adoptive parents are no longer supporting the child
- *Negotiated* agreement between the Tribe and the adoptive family based on the child's needs
- Rate may not be more than what the child would have received in a foster family home
- Nonrecurring adoption expenses – may reimburse parents for expenses directly related to the legal adoption of a child with special needs



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Guardianship Assistance

- ▶ Program is an option
- ▶ If the option is elected, child may be eligible for guardianship assistance payments via a legally binding agreement
 - ▶ Payments until the child reaches the age of majority or the child is no longer in the guardian's care



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Guardianship Eligibility Requirements

- ▶ Child has been removed and placed in foster care
- ▶ Return home and adoption are not appropriate option
- ▶ Child has been eligible for title IV-E foster care maintenance payments during at least a six consecutive month period during which the child resided in home of the prospective relative guardian who was licensed or approved as meeting the licensure requirements as a foster family home.
- ▶ Relative has committed to providing permanency for the child; strong attachment between guardian and child
- ▶ Child, age 14 or older, consulted in permanency decision
- ▶ Signed agreement
- ▶ Payment no more than foster care maintenance payment made on behalf of the child



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Grant Opportunity for Plan Development

- ▶ Up to \$300,000 for a 2 year budget period
- ▶ Can be used for:
 - ▶ Data collection systems;
 - ▶ Cost allocation plan development; Financial controls and financial management processes;
 - ▶ Case planning and case review systems;
 - ▶ Foster Care licensing & standards for Tribal foster homes & child care facilities;
 - ▶ Quality assurance systems;
 - ▶ Courts;
 - ▶ Training of child welfare staff, prospective foster and adoptive parents and other stakeholders (e.g., attorneys, court staff)
- ▶ Payback provision
- ▶ Need Tribal decision before applying for IV-E grant
- ▶ Posted at [grants.gov](https://www.grants.gov)



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First Round of Grantees

- ▶ Confederated Salish & Kootenai Tribes, Pablo, MT
- ▶ Keweenaw Bay Indian Community, Baraga, MI
- ▶ Navajo Nation, Window Rock, AZ
- ▶ Sac and Fox Nation, Stroud, OK
- ▶ Tohono O'odham, Sells, AZ and
- ▶ Washoe Tribe of Nevada & California, Gardnerville, NV
- ▶ Confederated Tribes of Siletz Indians, Siletz, OR



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Second Round of Grantees

- ▶ The Chickasaw Nation, Ada, OK
- ▶ Shoshone-Bannock Tribes, Fort Hall, ID
- ▶ Yurok Tribe, Del Norte, CA
- ▶ Lummi Nation, Bellingham, WA



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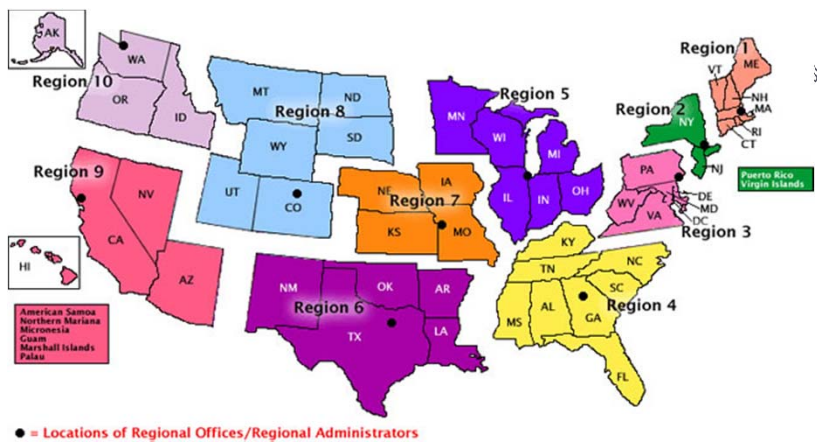
Resources

- ▶ Map of regional offices and contact information
- ▶ Children's Bureau web page resources
- ▶ Tribal listserv



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ACF/Children's Bureau Regions



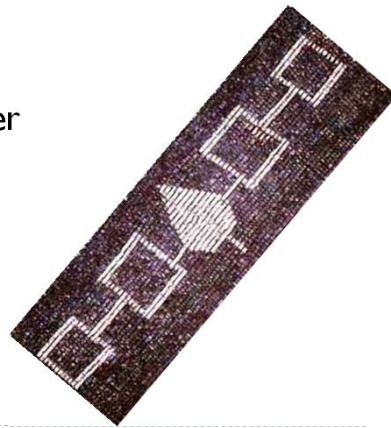
Children's Bureau Region I

- ▶ Geographic areas include: Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire & Maine
- ▶ Child Welfare Program Manager
Bob Cavanaugh
bob.cavanaugh@acf.hhs.gov
JFK Federal Building Rm. 2000
Boston, MA 02203
(617) 565-1020

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Children's Bureau Region II

- ▶ Geographic areas include: New York, New Jersey and Puerto Rico
- ▶ Child Welfare Program Manager
Junius Scott
junius.scott@acf.hhs.gov
26 Federal Plaza Rm. 4114
New York, NY 10278
(212) 264-2890



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Children's Bureau Region III

- ▶ Geographic areas include: Pennsylvania, Washington, DC, Maryland, Virginia, West Virginia and Delaware

There are no federally recognized Tribes in this region.



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Children's Bureau Region IV

- ▶ Geographic areas include: Alabama, Florida, Mississippi, Tennessee, Kentucky, Georgia, North Carolina & South Carolina

- ▶ Child Welfare Program Manager

Ruth Walker

ruth.walker@acf.hhs.gov

Atlanta Federal Center

61 Forsyth Street SW Suite 4M60

Atlanta, GA 30303

(404) 562-2900



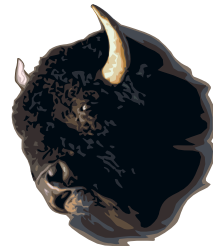
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Children's Bureau Region V

- ▶ Geographic areas include Minnesota, Illinois, Michigan, Wisconsin, Indiana and Ohio

- ▶ Child Welfare Program Manager

Carolyn Wilson-Hurey
carolyn.wilson-hurey@acf.hhs.gov
233 N. Michigan Avenue
Suite 400
Chicago, IL 60601
(312) 353-4237



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Children's Bureau Region VI

- ▶ Geographic areas include Louisiana, New Mexico, Texas, Arkansas and Oklahoma

- ▶ Child Welfare Program Manager

Janis Brown
janis.brown@acf.hhs.gov
1301 Young Street Suite 945
Dallas, TX 75202
(214) 767-8466



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Children's Bureau Region VII

- ▶ Geographic areas include Iowa, Missouri, Kansas and Nebraska

- ▶ Child Welfare Program Manager

Rosalyn Wilson

rosalyn.wilson@acf.hhs.gov

Federal Office Building, Room 276

601 E 12th Street

Kansas City, MO 64106

(816) 426-3981



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Children's Bureau Region VIII

- Geographic areas include: Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming

- Child Welfare Program Manager

Marilyn Kennerson

marilyn.kennerson@acf.hhs.gov

1961 Stout Street, 9th Floor

Denver, CO 80294

(303) 844-3100



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Children's Bureau Region IX

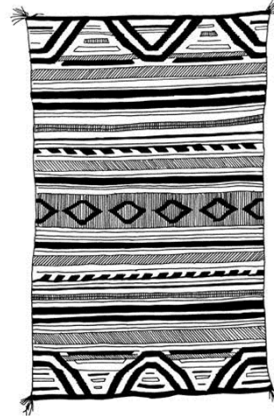
- ▶ Geographic areas include California, Arizona, Nevada and the Outer Pacific

- ▶ Child Welfare Program Manager

James Toscano

james.toscano@acf.hhs.gov

90 7th Street, 9th Floor
San Francisco, CA 94103
(415) 437-8425



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Children's Bureau Region X

- ▶ Geographic areas include Idaho, Oregon, Washington and Alaska

- ▶ Child Welfare Program Manager

Tina Minor

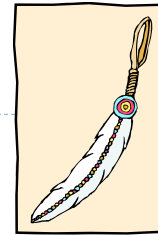
tina.minor@acf.hhs.gov

2201 Sixth Avenue, Suite 300, MS-70
Seattle, WA 98121
(206) 615-3657



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Children's Bureau Tribal Listserv



- ▶ Information sharing related to topics of interest to Tribes from the Children's Bureau
 - ▶ Program information such as legislation, policy issuances, grant opportunities
- ▶ Other Federal Program Information also shared regarding policy, grants, training as becomes known to the Children's Bureau – this is not a comprehensive source of information
- ▶ If interested, send an email to eileen.west@acf.hhs.gov

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Children's Bureau Web Pages

<http://www.acf.hhs.gov/programs/cb/>



Under Laws and Policies

- Social Security Act
- Child Welfare Policy Manual
- Issuances such as Information Memoranda (IMs) and Program Instructions (PIs)
 - Find title IV-E pre-prints in the PI section

<http://www.childwelfare.gov/>

Contains a wide range of information on topics to protect children and strengthen families

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Questions?



Thank-you