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

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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

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
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.

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.
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).

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.
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

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
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

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
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

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
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

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
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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**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
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

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
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

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
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

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
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

Second Round of Grantees

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

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

Children’s Bureau Region II

- Geographic areas include: New York, New Jersey and Puerto Rico

- Child Welfare Program Manager
  Junius Scott
  juniqus.scott@acf.hhs.gov
  26 Federal Plaza Rm. 4114
  New York, NY 10278
  (212) 264-2890
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.

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
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

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
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

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
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

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
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

Children’s Bureau Web Pages

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

Under Laws and Policies
- Social Security Act
- 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
Questions?

Thank-you