

Title IV-E – Federal Payments for Foster Care and Adoption Assistance

CFDA: 93.658 and 93.659

Administering Federal Agency: U.S. Department of Health & Human Services, Administration for Children & Families (ACF), Children's Bureau (CB)

Description: Title IV-E of the Social Security Act supports the [Federal Foster Care Program](#), which helps provide out-of-home care for children until the children are safely returned home, placed permanently, or placed in other planned arrangements; and the [Adoption Assistance Program](#), which provides funds to states to facilitate the timely placement of children.

The Foster Care Program's funding is awarded by formula as an open-end entitlement grant. [To be eligible for Title IV-E Foster Care Program](#), children must be in out-of-home placements, be removed from families considered "needy" (based on measures from AFDC program), have entered care through judicial determination or voluntary placement, and be licensed or approved foster care placements.

Find your state/local administrator: See the CB's [list](#) of state child welfare agency directors.

Amount of available funding: Title IV-E is a [federal-state matching grant program](#) under which states must spend money in order to receive federal funding. States are generally reimbursed up to 50 percent for every dollar they spend. This reimbursement requirement is "open ended," in that there is no upper limit or ceiling on the federal government's match of those expenditures. States will sometimes publish their budget requests online, but if it not available or is outdated, you can contact your state administrator.

Matching Requirements: The Foster Care Program enables states to be generally reimbursed up to 50 percent for every qualifying dollar they spend and

up to 75% for trainings. The Adoption Assistance Program provides federal matching funds of 50 to 83 percent, depending on the state's per capita income.

Potential uses: In December 2018, the Children's Bureau revised the policy regarding independent legal representation. States can now claim federal matching funds through Title IV-E to help pay for costs of independent legal representation by an attorney for a child who is a candidate of IV-E foster care and the parent to prepare for and participate in foster care legal proceedings. The [Child Welfare Policy Manual](#) (CWPM) added language clarifying this change at Question 30:

"The statute at section 474(a)(3) of the Act and regulations at 45 CFR 1356.60(c) specify that Federal financial participation (FFP) is available at the rate of 50% for administrative expenditures necessary for the proper and efficient administration of the title IV-E plan. The title IV-E agency's representation in judicial determinations continues to be an allowable administrative cost. ... This policy is revised to allow the title IV-E agency to claim title IV-E administrative costs of independent legal representation by an attorney for a child who is a candidate for title IV-E foster care or in foster care and his/her parent to prepare for and participate in all stages of foster care legal proceedings, such as court hearings related to a child's removal from the home."

In a July 2020 [Technical Bulletin](#), the Children's Bureau clarified cost-sharing requirements for the non-federal share of program expenditures and the agencies with which states may form contracts to fulfill legal representation functions. Clarifications of special note include that private donations as well

as state or local (non-federal) funds can be used as match, IV-E state agencies can contract directly with a legal aid program without the need for a public agency/court intermediary, and reimbursable administrative costs can include costs of paralegals, office support staff, social workers, and overhead. Specifically, see FAQs 4 and 5, and the Appendix

Other Helpful Information:

- ACF COVID-19 Guidance and CB letters are [here](#). See The Children's Bureau published a letter to the field [encouraging agencies and courts to continue working together](#) to provide critical judicial oversight in child welfare proceedings during the COVID-19 pandemic (December 4) and a letter to child welfare leaders on [flexibility allowing title IV-E prevention program services](#) to be adapted to a virtual environment (November 20).
- Find flexibilities for supporting a virtual workforce during COVID-19 [here](#).
- ACF Program Flexibilities on IT and PPE to support State, Local and Tribal Human Services Workforce during COVID-19 Response document summarizes "virtual workforce" specific flexibilities for Title IV-B and Title IV-E [here](#).
- Sample MOUs (including many MOUs with courts) can be found on the Family Justice Institute website [here](#).
- The [American Bar Association Center on Children and the Law](#) has a [technical overview of Title IV-E](#), including information on eligibility, criteria, requirements, and a primer on how states can leverage Title IV-E to fund legal representation.
- The National Association of Counsel for Children has a [hub](#) of helpful Title IV-E background materials about the policy clarification, including research, resources and best practices, and sample state agreements and RFPs.

Examples: MOUs and agreements regarding funding legal representation often involve the courts as a party and/or the contractor. See for example:

- [California Request for Application – Judicial Council of California](#)
- [California Request for Application \(RFA\) Guide – Court Appointed Counsel Title IV-E Match Funding](#)
- [California Standard Agreement – Federally Funded Dependency Representation Program](#)
- [New Mexico IV-E Agreement](#)
- [MOU Colorado Judicial Branch](#)
- [Michigan Memorandum re: Federal Funding for Legal Representation](#) (Child Protective Proceedings)

See also the [case study under the heading Focus on a Specific Funding Source](#) about how [Title IV-E Supports Parent Representation in Oklahoma's Child Welfare System](#)