

ACF

**Administration
for Children
and Families**

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SERVICES

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INFORMATION MEMORANDUM

TO: State, Tribal, and Territorial Agencies Administering or Supervising the Administration of Title IV-E of the Social Security Act

SUBJECT: Notice of Proposed Rulemaking (NPRM) on Foster Care Legal Representation

RELATED REFERENCES: Sections 471(a), 472(i), 474 and 475 of Title IV-E of the Social Security Act; 45 CFR 1356.60(c); Child Welfare Policy Manual Section 8.1B Questions 30, 31 and 32

PURPOSE: The purpose of this Information Memorandum (IM) is to inform title IV-E agencies that a NPRM was published proposing to allow title IV-E agencies to claim federal financial participation (FFP) for the administrative costs of providing legal representation. This NPRM was published in the Federal Register on September 28, 2023 ([88 FR 66769](#)).

INFORMATION:

This NPRM proposes to allow title IV-E agencies to claim FFP for the administrative costs of an attorney providing: (1) legal representation in foster care proceedings of a title IV-E agency or any other public agency or tribe that has an agreement in effect under which the other agency has placement and care responsibility of a title IV-E eligible child; (2) independent legal representation of a child who is either a candidate for title IV-E foster care, or in title IV-E foster care, the child's parent(s), and the child's relative caregiver(s) in foster care and other civil legal proceedings when such legal representation is found necessary by the Secretary to carry out the requirements in the title IV-E agency's title IV-E foster care plan; and (3) legal representation of an Indian child's tribe, when the child's tribe intervenes in any state court proceeding for the foster care placement or termination of parental rights of an Indian child who is in title IV-E foster care or an Indian child who is a candidate for title IV-E foster care when such legal representation is found necessary by the Secretary to carry out the requirements in the title IV-E agency's title IV-E foster care plan.

COMMENTS: Please submit comments on the NPRM to Regulations.gov on or before November 27, 2023.

_____/s/_____
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Commissioner
Administration on Children, Youth, and Families
Administration for Children and Families
U.S. Department of Health and Human Services

LINK: [FOSTER CARE LEGAL REPRESENTATION NPRM](#)

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