



## Michigan Supreme Court

State Court Administrative Office  
Michigan Hall of Justice  
P.O. Box 30048  
Lansing, Michigan 48909  
517-373-0128

Milton L. Mack, Jr.  
State Court Administrator

### MEMORANDUM

TO: Chief Judges  
Circuit Court Family Division Judges  
Court Administrators

FROM: Milton L. Mack, Jr., State Court Administrator  
JooYeun Chang, Director, MDHHS Children's Services Agency

DATE: September 3, 2019

RE: Federal Funding for Legal Representation (Child Protective Proceedings)

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We are pleased to announce that the Michigan Department of Health and Human Services (MDHHS) is inviting each circuit court to apply for a **Title IV-E Child and Parent Legal Representation Grant** that will allow the department to pass through Title IV-E administrative dollars to support high quality child and parent legal representation in child protective proceedings.

The State Court Administrative Office (SCAO) and MDHHS will host an Adobe Connect web-based meeting to discuss this exciting funding opportunity on **Friday, September 20, 2019, from 11:00 a.m. to 12:00 p.m.** To join the Adobe Connect meeting:

1. Click on the following link: <https://scao.adobeconnect.com/titleivegrant>.
2. Leave the boxes blank and click OK. In the next screen, type in your first and last name and click Enter Room.
3. Dial-in: 1-800-627-1395; Passcode: 9260743.

There will also be a press release announcing the grant opportunity later this week.

## **Federal Title IV-E Funding for Attorneys Representing Parents and Children (LGALs) in Child Protective Proceedings**

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Numerous national studies and reports have strongly correlated **high quality** legal representation for children and parents with:

- Increase in party perceptions of fairness;
- Increase in party engagement in case planning, services, and court hearings;
- More personally tailored and specific case service plans and services;
- Increase in visits and parenting time;
- Expedited permanency; and
- Cost savings to state and county government due to reductions of time children spend in foster care.

In January 2017, the federal Children’s Bureau (CB) began encouraging state child welfare agencies and Court Improvement Programs to work together to ensure parents, children, and child welfare agencies receive high quality legal representation.<sup>1</sup> To further this goal, in December 2018, the CB amended the federal Child Welfare Policy Manual to explicitly allow IV-E funding reimbursement to states at the rate of 50% for legal services provided by attorneys representing parents and/or children in foster care related legal proceedings. Previously, only the state title IV-E Agency’s (MDHHS in Michigan) attorney costs were eligible for IV-E funding reimbursement. This historic policy change is a recognition by the federal government that high quality legal representation for children and families in the child welfare system is a national priority and that federal funding is a mechanism to support positive practice change.

States may claim title IV-E administrative costs of legal representation by an attorney for a child and/or a parent of a child placed in foster care, to prepare for and participate in all stages of the foster care proceeding. The goal of expanding IV-E funding to family legal representation is to ensure that reasonable efforts are made to prevent the unnecessary removal of children from their homes; timely achievement of the permanency plan when children must be removed, including return to the home as soon as is safely possible; and to promote the engagement of parents and youth in the development of case service planning to improve compliance with, and increase benefit from, required services.

### **Grant Program Summary**

- Courts will continue to pay for attorney representation for children and parents in child protection proceedings. The court must maintain the current maintenance of effort (MOE) for these services and utilize the grant funds to improve the quality of legal representation to children and parents.

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<sup>1</sup> [ACYF-CB-IM-17-02](#).

- In order to be eligible, attorney fees must be connected to a client involved in formal court proceedings where at least one child is placed out of home under the care and supervision of the department.
- The grant would pass through the county's eligible title IV-E claim for these actual costs. As an example, a county that spends \$100,000 in costs and has a 56.22% title IV-E penetration rate would receive \$28,110 annually through this grant. (Total costs X penetration rate X 50% federal reimbursement rate.)
- The department will determine each county's title IV-E penetration rate and will provide the appropriate percentage for monthly invoicing.
- The grant will require monthly invoicing through the department's EGrAMS system. The department has prepared reporting templates to be used in that process.
- Grantees will be sub-recipients of the department's Title IV-E Federal Grant.

If your court is interested in becoming a grantee, please complete and submit the attached request for information to [MDHHS-IVE-LRGrant@michigan.gov](mailto:MDHHS-IVE-LRGrant@michigan.gov) no later than October 15, 2019. The department is committed to processing the grant requests as quickly as possible in fiscal year 2020.

Courts that have any questions may contact Kelly Wagner at [WagnerK@courts.mi.gov](mailto:WagnerK@courts.mi.gov) or 517-373-8671 or Kelly Sesti at MDHHS at [sestik@michigan.gov](mailto:sestik@michigan.gov) or 517-492-7305.

Attachment