



Capacity Building
CENTER FOR TRIBES

TITLE IV-E GUIDE FOR TRIBAL GOVERNMENTS AND LEADERS
CONSIDERATIONS AND LESSONS LEARNED

Please note: This document represents a simplified account of select Title IV-E requirements. It does not cover all of Title IV-E and related requirements or policy answers. Future regulations or policy may cause the information in this document to become outdated. It is important for American Indian and Alaska Native Nations to ensure they meet all of the required provisions as detailed in the Title IV-E statute, regulations, and official Children’s Bureau Policy.

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ABOUT THIS GUIDE

This guide intends to share considerations and lessons learned from tribes experienced with Title IV-E. A brief introduction to Title IV-E is provided to help inform tribal governments and leaders as they explore their options.

The Role of Tribal Leaders

To ensure that tribes are clear about their rights and responsibilities when it comes to laws that protect children, tribal communities can take a stand and participate fully in child welfare matters. In doing so, it is important to consider all options when reviewing Title IV-E to determine what is best for your tribe.

What is Title IV-E?

Title IV-E of the Social Security Act is a federal law that provides partial reimbursement to federally recognized tribes, tribal organizations or tribal consortia for the care of eligible children. There are different [pathways to access Title IV-E funds](#). These options include entering into a tribal or state contract, a tribal-state agreement, or applying to receive direct Title IV-E funds. Title IV-E is not a grant. Funds are provided in the form of reimbursements based on eligible claims. These claims primarily include foster care, adoption assistance, and guardianship assistance. Some administrative and training costs may also be eligible for reimbursement. Beginning October 1, 2019, Title IV-E agencies may claim Title IV-E funds for certain prevention services; beginning October 1, 2018, Title IV-E agencies may claim Title IV-E funds for certain evidence-based kinship navigator programs. Tribes that choose to apply for direct funding are required to submit a comprehensive Title IV-E plan for approval by the Children's Bureau; tribes that enter into a contract or tribal-state agreement do not need to submit a Title IV-E plan.

Title IV-E is administered by the Children's Bureau, an office of the Administration for Children and Families in the U.S Department of Health and Human Services.

Overview of the Pathways to Access Title IV-E Funds

1. Tribal-State Title IV-E Agreements

Section 472(a)(2)(B)(ii) of the Act permits tribes and other public agencies to enter into Title IV-E agreements with state or tribal Title IV-E agencies for the specific statutory purpose of allowing a child to be eligible for Title IV-E foster care maintenance payments if the child is in the placement and care of the tribe or other public agency.

A tribe with such an agreement must be authorized to operate as a child placing agency. A tribe that exercises responsibility for the placement and care of a Title IV-E eligible child is fulfilling the fundamental purpose of the program and is, in effect, implementing the Title IV-E agency's plan on behalf of a specified population of children under the agreement, subject to all applicable Federal statutory, regulatory, and policy guidance

2. Tribal or State Agreements and/or Contracts

Tribes may enter into governmental agreements or contracts with state or tribal Title IV-E agencies to perform all or part of allowable administrative activities such as training, recruiting or licensing of foster homes, or other activities necessary to administer the state or tribal Title IV-E agency's plan.

The tribe is authorized to perform responsibilities specific to their contracted activities only.

Authorization

Section 471(a)(32) of the Social Security Act requires states to negotiate in good faith with any Indian tribe, tribal organization or tribal consortium in the state that requests development of an agreement with the state for the tribe to administer all or part of the Title IV-E program on behalf of Indian children who are under the authority of the tribe.

3. Direct Funding

Tribes may apply for direct Title IV-E funding and assume primary responsibility for all requirements of the Act. A tribe has many things to consider when pursuing this option.

Keep in mind: The tribe assumes responsibility and authority over all Title IV-E requirements. They can, however, contract specific services. (Note: As of July 2019, there are 17 direct Title IV-E tribes.)



Considerations and Lessons Learned

As tribal governments and leaders explore direct Title IV-E funding, there are some key considerations they may want to keep in mind. Along with a brief exploration of these considerations, tribes that have received a demonstration grant and/or Title IV-E funding share their experiences and offer lessons learned.

Tribal governments and leaders examining Title IV-E may want to consider:

1. Infrastructure
2. Planning
3. Tribal Title IV-E Plan Development Grant
4. Partnerships
5. Funding



1. Consider the Necessary Infrastructure

Tribes operating a direct Title IV-E program find that a significant amount of infrastructure is necessary to meet the program requirements. This could require a substantial allocation of resources from the tribe to implement.

Becoming a Title IV-E Agency

The Title IV-E agency has the authority and responsibility for the placement and care of a child in its designated service area. The tribe must have the capacity to serve all eligible children within its designated service area.

Tribal program experience: Becoming a Title IV-E agency is time consuming and resource intensive. High staff turnover can impact a program's success. Much of this should be reflected upon very early in the process to determine if it fits the tribe's values and beliefs.

Licensing

Title IV-E agencies have discretion to develop their own licensing standards for foster family homes and childcare institutions, within certain federal parameters.

Tribal program experience: It takes diligent effort in recruiting and retaining foster care homes.

Determining Eligibility

Tribes must be able to determine a child's eligibility using the Aid to Families with Dependent Children (AFDC) plan from the state the child is living in at the time the child is removed. In addition, there are judicial requirements that must be met, and a child must be placed in a licensed family foster home, child care institution, or family-based residential treatment center for substance abuse.

Tribal program experience: Not all children may be eligible; just because a child is in placement does not mean they automatically meet Title IV-E eligibility.

Judicial

Title IV-E does not fund general court activities but does require judicial findings within specified timeframes that impact a child's eligibility for Title IV-E purposes.

Tribal program experience: Make sure there is a sound, independent, tribal court system or have regular access to a court in order to meet specified timeframes.

Data Reporting Systems

Title IV-E of the Act does not require agencies to have an automated information technology system. However, The tribe must be able to readily determined the status, demographic characteristics, location, and goals for the placement of every child who is, or within the preceding 12 months was, in foster care (sec 422(b)(8)(A) of the Act). Tribal

Title IV-E agencies must report semi-annually to the ACF Adoption and Foster Care Analysis and Reporting System (AFCARS) information about each child in foster care as well as each child adopted with Title IV-E agency involvement. To learn more about planning for data systems, [visit the Tribal Information Exchange](#).

2. Consider the Required Planning

Tribes that choose to apply for direct funding are required to submit a comprehensive Title IV-E plan for approval by the Children's Bureau. The Title IV-E plan should detail how the program plans to operate and meet the various requirements of the Act. Though the Children's Bureau does not fully prescribe how a Title IV-E agency must meet the plan requirements¹, the plan can be developed using the Title IV-E pre-print as a guide. Using the Title IV-E pre-print, tribes can assess what they currently have in place and what needs to be developed.

Compliance with all Title IV-E requirements must be reflected in the tribe's codes, regulations, resolution, policies or procedure manual. The tribe may want to have a policy manual with procedures for its workers.

¹ There are three exceptions to this where the statute specifically requires the provisions be established in State/Tribal law (Sections 471(a)(14), and 471(a)(15)(D)(i) of the Act and 45 CFR 1356.21(i)(1)(ii)).

To receive direct funding, the tribe is required to develop a plan for the Title IV-E foster care and adoption assistance programs. Being approved to operate these mandatory Title IV-E programs is a prerequisite to being able to participate in new optional programs authorizing funding for prevention services and kinship navigator programs.

Tribal program experience: This pre-print has to be an approvable plan and will impact your existing processes. Gather a dedicated group of people to help work through the pre-print.

3. Consider the Tribal Title IV-E Plan Development Grant

If tribes decide to apply for direct Title IV-E funding, they may also consider applying for the Tribal Title IV-E Plan Development Grant. This grant provides a one-time award of up to \$300,000 to assist in the development of the Title IV-E Plan.

The standing announcement² for the Tribal Title IV-E Plan Development Grant includes lessons learned and considerations for tribes. Excerpts are included below, but tribes are encouraged to review the announcement in full and to contact their [ACF Regional Program Manager](#) to discuss this option further.

The following are excerpts from the Standing Announcement²

Families First Prevention Services Act

On February 9, 2018, the President signed into law the Family First Prevention Services Act (FFPSA) as part of the Bipartisan Budget Act of 2018, (Pub. L. 115-123). FFPSA made a number of significant changes to the Title IV-E program, as well as the Title IV-B program. It is important for tribes to consider these changes, as they consider whether to apply for a Title IV-E development grant. Overall, the FFPSA amends the Title IV-E program to provide more resources to help families in crisis stay together, while limiting federal funding for congregate care placements for youth in foster care. The law is very complex, so we urge tribes interested in operating the Title IV-E program to review CB policy issuances that provide more detail on the requirements and opportunities.

Scope of the Title IV-E Program

The Title IV-E program represents a component of a comprehensive child welfare system. The Title IV-E plan, developed with the support of this grant program, addresses requirements needed for administration of the Title IV-E foster care, adoption assistance, and optional guardianship assistance programs only. It is not a plan for a comprehensive child welfare program and, therefore, does not address, regulate, or provide reimbursement for other aspects of a comprehensive child welfare program, such as child protective service investigations. Therefore, development of a Title IV-E program may be most appropriate for tribes that already have other components of a comprehensive child welfare program in place. Grantees will be best prepared to undertake the work of the grant if, prior to application, they have reviewed their current capacity and infrastructure for child welfare services, including existing Tribal Code, policies, programs, systems, and services, to have a better understanding of their current capacity and how a Title IV-E program would enhance the tribe's child welfare program.

Staffing

Grantees may find it helpful to designate a full-time project director to oversee the day-to-day work and coordinate the Title IV-E plan development grant. That approach may allow the social services director to attend to demanding regular duties and limit involvement to an oversight role.

² Standing Announcement for Tribal Title IV-E Plan Development Grants, Funding Opportunity Number: HHS-2019-ACF-ACYF-CS-1561, Post Date: 09/11/2020 https://ami.grantsolutions.gov/files/HHS-2019-ACF-ACYF-CS-1561_2.pdf

4. Consider Building Effective Partnerships

Partnerships are an essential component of a Title IV-E program. Whether it's a relationship between a tribe and their Regional Program Manager, state system, court system, or other key tribal partners –developing and nurturing strong relationships can help throughout the entire process. If entering into a tribal-state Title IV-E partnership, tribes may want to explore their current relationships and what more could be done to develop an effective partnership. See [Building an Effective Tribal-State Child Welfare Partnership](#) for more information.

Collaboration, Partnership and Buy-in³

Collaboration, partnerships, and buy-in are critical as tribes develop an approvable plan and will continue to be important as tribes implement the program. Tribes that have engaged all relevant tribal partners and tribal leadership in assessing existing capacity and discussing the advantages of implementing a Title IV-E program prior to application will be in a strong position to begin the work of developing a Title IV-E plan. Successful tribes will continue that engagement throughout the plan implementation. Some of the partners needed to achieve a successful Title IV-E plan include social services, the courts, agency finance staff, and other entities

with which a tribe may want to have an agreement, such as the state social services agency. Successful grantees have also found the oversight and support of tribal leadership critical to success.

5. Consider the Funding Allocations

Tribes must be operating a Title IV-B, Subpart 1 program in order to receive Title IV-E funding. Accessing Title IV-E funding is based on allowable and allocable activities for eligible children placed in licensed or approved homes on whose behalf the foster care, adoption assistance, and guardianship assistance maintenance payments are made, or for candidates for Title IV-E foster care maintenance payments. See [Tribal Title IV-E Program Cost Allocation Methodology Guidance](#) for more information.

Additional information on the federal reimbursement available for the preventive services and kinship navigator programs is addressed in ACYF-CB-IM-18-02.

³ Standing Announcement for Tribal Title IV-E Plan Development Grants, Funding Opportunity Number: HHS-2019-ACF-ACYF-CS-1561, Post Date: 09/11/2020 https://ami.grantsolutions.gov/files/HHS-2019-ACF-ACYF-CS-1561_2.pdf

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Realistic Expectations for Amount of Federal Reimbursement Under a Title IV-E Program⁴

Title IV-E provides federal reimbursement (referred to as Federal Financial Participation or FFP) to Title IV-E agencies for a percentage of the allowable costs they incur in operating the program. Title IV-E provides FFP for maintenance costs (i.e., room and board) of eligible children who are in out-of-home placement in a licensed foster care placement and for assistance payments to help support eligible children who have achieved permanency via adoption or guardianship. Title IV-E provides FFP to Title IV-E agencies for the optional prevention services program and Kinship Navigator Program. It also provides FFP for a percentage of allowable administrative costs to manage the program and for a percentage of the costs for training eligible staff, court personnel, professional partners, current or prospective foster and adoptive parents, and relative guardians.

The federal reimbursement or FFP rate varies by category of cost. Foster care maintenance costs and adoption and guardianship assistance costs are reimbursed at the tribe's Federal Medical Assistance Percentage (FMAP) rate which is tribe-specific based on per capita income and ranges from 50 percent - 83 percent. To date, most tribes have had FMAP rates at or near the maximum rate of 83 percent. There is a

FMAP Look-up Table on CB's web page for reference at https://www.acf.hhs.gov/sites/default/files/cb/tribal_fmap_look_up_fy2020.pdf. The FMAP rate is reviewed annually and could change from year to year. Allowable administrative costs are reimbursed at 50 percent. Allowable training costs are reimbursed at 75 percent. The non-Federal share of program costs (i.e., the difference between the tribe's total cost and FFP received) in each funding category constitutes the required match to be met by the Title IV-E agency.

As noted previously, the Title IV-E program was recently amended to create new optional Title IV-E program components that provide funding for certain preventive services and kinship navigator programs. Additional information on FFP available for these programs is addressed in ACYF-CB-IM-18-02. Tribes must have an approved Title IV-E plan for foster care and adoption assistance in order to participate in the optional Title IV-E guardianship assistance program, prevention services program and kinship navigator program

⁴ Standing Announcement for Tribal Title IV-E Plan Development Grants, Funding Opportunity Number: HHS-2019-ACF-ACYF-CS-1561, Post Date: 09/11/2020 https://ami.grantsolutions.gov/files/HHS-2019-ACF-ACYF-CS-1561_2.pdf

Additional Support

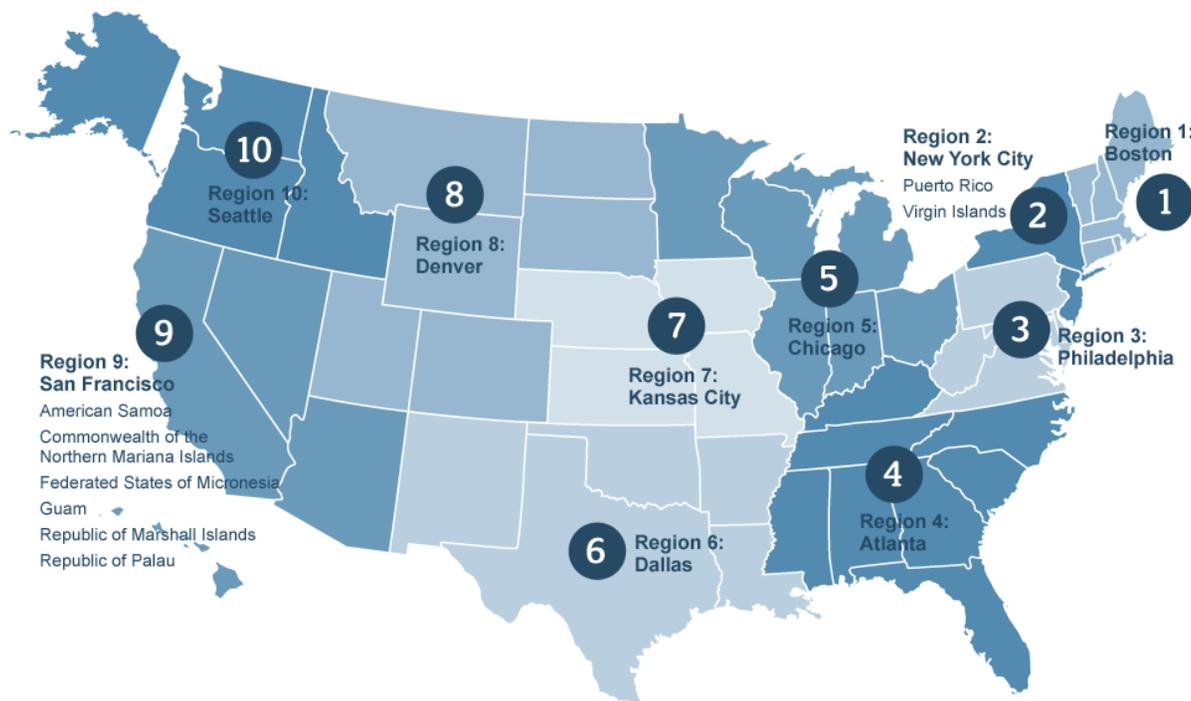
Utilizing Grant Writers

Some tribes that apply for the Title IV-E Development Grant may choose to utilize experienced grant writers knowledgeable in Title IV-E to complete the required application, though there is no federal requirement to do so. The tribe can review available Title IV-E resources and consider convening several meetings in person with the grant writer, others experienced in Title IV-E, and those with the necessary child welfare knowledge and tribal vision.

Support and Guidance from the Children’s Bureau

Tribes interested in learning more about Title IV-E funding may contact their [Regional Program Manager](#).⁵

ACF Regions



⁵ Children’s Bureau Regional Program Managers Contact List: <https://www.acf.hhs.gov/cb/resource/regional-program-managers>

Additional Resources

- What is Title IV-E? An introductory, interactive learning module on Title IV-E from the Center for Tribes: <http://products.tribalinformationexchange.org/ive/story.html>
- Pathways to Tribal Title IV-E: https://tribalinformationexchange.org/files/products/Pathways_to_Tribal_IV-E.pdf
- ACF Tribal Program Resources: <https://www.acf.hhs.gov/cb/focus-areas/tribes>
- Considerations for Indian Tribes, Indian Tribe Organizations or Tribal Consortia Seeking to Operate a Title IV-E Program: http://www.acf.hhs.gov/sites/default/files/cb/tribal_considerations.pdf
- Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) Resources: <https://www.childwelfare.gov/topics/systemwide/laws-policies/federal/fosteringconnections/>
- 2012 Interim Final Rule for Tribal Title IV-E: <https://www.gpo.gov/fdsys/pkg/FR-2012-01-06/pdf/2011-32911.pdf>
- Preparing for Direct Title IV-E: A Self-Assessment: [http://www.nrc4tribes.org/files/Tab%206_6D1-2%20Tribal%20Title%20IVE%20Self-Assessment%20\(RX\).pdf](http://www.nrc4tribes.org/files/Tab%206_6D1-2%20Tribal%20Title%20IVE%20Self-Assessment%20(RX).pdf)
- Tribal Legal Code Resource: Civil Dependency and Related Laws: http://media.wix.com/ugd/8305c9_0281a5cbad0e408095dee68d1d91bfc4.pdf
- ACYF-CB-IM-18-02, Public Law 115-123, the Family First Prevention Services Act: <https://www.acf.hhs.gov/sites/default/files/cb/im1802.pdf>



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