

WELCOME

# Understanding the Drawdown Process for IV-E

SECURE REIMBURSEMENTS & ENHANCE COLLABORATION

Presented by: JBI



## About Us

JBI is committed to quality and service excellence in all that we do, bringing our best to clients and earning the public's trust through our actions and behaviors both professionally and personally.



### Connection

A strong collaboration of nationwide clients and industry leaders



### Expertise

Over 20 years of navigating the complex process of government reimbursement

## Today's Goals:



Demystify the drawdown process



Discuss newly eligible costs from The Final Rule on Foster Care Legal Representation



Promote informed discussions with state agencies.



Enhance collaboration and understanding of securing reimbursement for legal services.

# Title IV-E Basics

Understanding the language of Title IV-E



## Uncapped Entitlement Fund

- Entitlement: Funds that are guaranteed to eligible entities if they meet certain criteria.
- Uncapped: no ceiling on reimbursement of eligible costs.



For Title IV-E, this means that if a child or family meets the eligibility criteria, the state must receive funding to support them.



States can claim as much funding as necessary to support eligible children and families.

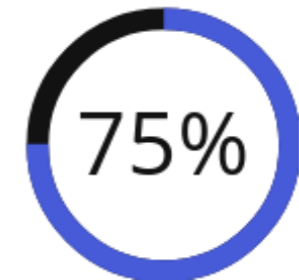


## Federal Financial Participation (FFP)

- A partnership between the federal government and states to share the costs of certain programs.
- The purpose is to encourage states and localities to provide essential services by covering part of the costs.



Administrative Costs



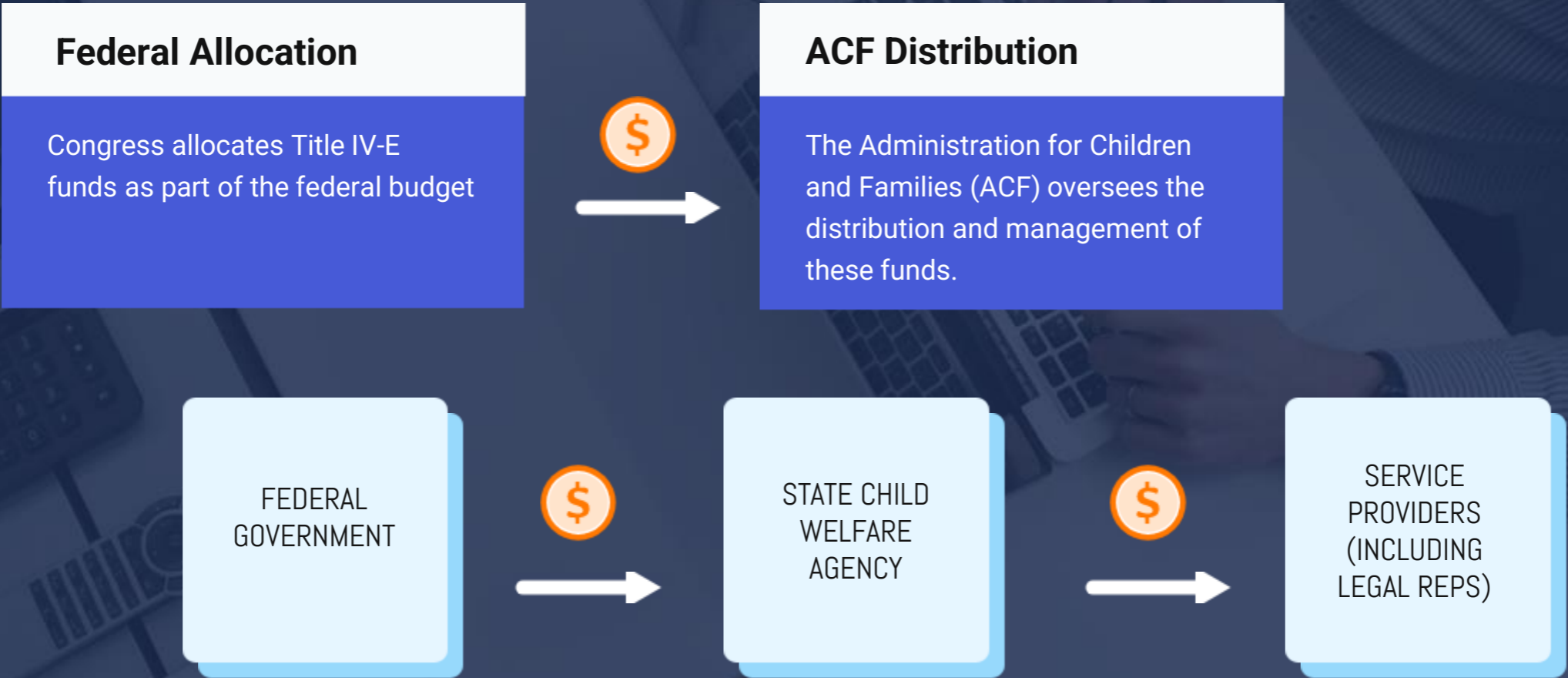
Training Costs



## Primary Purpose of Title IV-E Funds

- Ensure Child Safety and Well-being
- Support Legal Representation
- Promote Permanency
- Strengthen Child Welfare Systems

# Where does the money come from?





# Child Welfare Policy Manual

The history and recent updates of the Child Welfare Policy Manual



**1935**

Authorized under Title IV-E of the Social Security Act - foundation for the modern social welfare system

[Title IV-E SSA](#)



**Jan 2019**

Huge expansion of the federal child welfare program and states across the nation began working on implementation.

[Question 30, CWPM Section 8.1B](#)



**Jul 2019**

Clarified tribes are also eligible for this expanded Title IV-E legal funding

[Question 30, CWPM Section 8.1B](#)



**April 2020**

Expanded to include paralegals, investigators, peer partners or social workers, along with support staff and overhead expenses

[Question 30, CWPM Section 8.1B](#)

→ **Where are we today?** States are in various stages of implementation

# Child Welfare Policy Manual

The history and recent updates of the Child Welfare Policy Manual



**July 9, 2024**

The Final Rule: amended to codify the CWPM updates from Questions 30 - 32 into law

**[45 CFR 1356.60](#)**

## The Final Rule also expanded to:

- Relative caregivers as a covered party
- Civil Legal Aids
- Clarifies funding for “pre-petition” work



### When may claiming begin?

**States must amend their Public Assistance Cost Allocation Plan to allow agencies to draw down for these newly eligible activities.**



### Where are we today?

**Some states are in the early stages of planning for their PACAP amendment, while some have no active plans in place to draw down.**

# How States Implement Title IV-E Legal Claiming

Understanding the process before a State allows Title IV-E drawdowns for legal representation.

*Starting the Conversation with Key Stakeholders: Who Should Be At the Table?*

## State Child Welfare Agency

Responsible for overseeing the implementation and compliance of Title IV-E funding

## Legal Providers

Lawyers, law firms, and legal aid organizations providing services to children, parents, and caregivers



## Judicial System

Courts involved in child welfare cases that may influence the need and scope of legal services

## Children's Bureau

Administration for Children & Families (ACF), which provides guidance and oversees Title IV-E reimbursements

# Starting the Conversation

Understanding discussions & agreements before opening-up Title IV-E claiming for legal representation

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## Assessing Needs

Understanding the specific legal services required for children at risk, in foster care, and their families. For pre-petition, understanding of how much money it will save the state if there are methods in place to prevent them from entering foster care.

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## Legal Service Capacity

Evaluating the existing capacity of legal service providers to meet the demands under Title IV-E.

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## Compliance and Documentation

Discussing the federal and state compliance requirements, including documentation and reporting.



# Framework for Implementation

The implementation plan must be approved by ACF to include legal representation as an allowable cost under Title IV-E.



## 01

### Description of Services

Description of how legal representation is provided for all parties and an outline of the legal services covered, including child welfare court proceedings, administrative hearings, other civil legal matters



## 02

### Eligibility Criteria

Specify the criteria for specify the criteria for determining if a child is eligible for Title IV-E funding, such as being at risk or removed from home and/or under a court order or voluntary placement agreement



## 03

### Funding and Expenditure Plan

Detail how Title IV-E funds will be allocated and used for legal representation and development of a Cost Allocation Plan (CAP) to ensure that only eligible costs are claimed for federal reimbursement.



## 04

### Documentation and Reporting Procedures

Outline the procedures for documenting legal representation costs, including invoices, case records, etc., and specify how the state will report expenditures and claims for Title IV-E funds.

## Framework for Implementation

The implementation plan must be approved by ACF to include legal representation as an allowable cost under Title IV-E.



### 05

#### Quality Assurance and Monitoring

Describe the measures in place to ensure the quality of legal representation and compliance with Title IV-E requirements, and include procedures for monitoring and auditing Title IV-E funds.



### 06

#### Procedures for Claiming Funds

Detail the process for submitting claims for Title IV-E reimbursements, including deadlines, required forms, and submission methods, and explain the review process to ensure federal guidelines are met.



### 07

#### Legal and Administrative Procedures

Describe the legal framework supporting the provision of legal representation under Title IV-E, including any state-specific regulations or policies, and outline administrative procedures for managing funds.

**The implementation plan must include all details to be considered for ACF approval and the state plan amendment.**

## Overview of Title IV-E Drawdown Process

Understanding the flow of Title IV-E funds is critical for ensuring that legal representation services are properly reimbursed.

*This process involves multiple steps from the initial service delivery to the final reimbursement from federal funds.*



**COSTS INCURRED**



**DOCUMENTATION &  
CLAIMING**



**REIMBURSEMENT  
FROM FEDERAL FUNDS**

# Service Delivery

## Step One of the Drawdown Process

- Attorneys provide legal representation to children, parents and/or relative caregivers involved in foster care cases.
- Services must be directly related to the foster care and permanency planning process.



## Key Concepts



### 01

#### Independent Attorneys

Ensure attorneys are independent of child welfare agencies



### 02

#### Scope of Services

Legal advice, representation in court, and advocacy



### 03

#### Quality Standards

Maintain high standards of legal practice



# Documentation and Record-Keeping

## Step Two of the Drawdown Process



### Details

Claims must include detailed documentation to support the costs incurred



### Time Logs

Attorneys must keep thorough records of all services provided, including time logs, case notes, and invoices



### Records

Documentation must include specific details on the nature of the legal services, time spent, and the relevance to the Title IV-E program



### Overhead

All overhead costs identified must have documentation available to support costs claimed

# Submission of Claims

## Step Three of the Drawdown Process

# 01

### Claim Preparation

- Compile all necessary documentation to prepare a claim for reimbursement.
- Ensure that all documentation meets the federal and state requirements for Title IV-E reimbursement.



# 02

### Submission to Oversight Agency

- Submit the prepared claim to the state oversight agency, which is responsible for processing Title IV-E claims.
- Claims should be submitted on a regular basis (monthly, quarterly, etc.) and meet deadlines as determined by the state's policies.

# State Review & Processing

## Step Four of the Drawdown Process

### Review by State Agency

- The state oversight agency reviews the submitted claims for completeness and compliance with Title IV-E requirements.
- This review process may include verification of documentation, eligibility checks, and ensuring that the services provided align with Title IV-E guidelines.

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#### Approval

If the claim meets all requirements, the state agency approves it for reimbursement.

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#### Denial

If the claim is incomplete or does not comply, it may be denied or returned for correction.

# Federal Reimbursement Request

Step Five of the Drawdown Process



## State Submits to Federal Government

The state child welfare agency compiles approved claims and submits a reimbursement request to the federal government.



## Federal Financial Participation (FFP)

The federal government reimburses the state for a percentage of the approved costs, based on the match rate.





# Receipt of Federal Funds

Step Six of the Drawdown Process

## FEDERAL FUNDS DISBURSED

The federal government disburses the approved funds to the state child welfare agency.



This reimbursement covers the federal share of the costs incurred for legal representation services

# State Disbursement of Federal Funds

Step Seven of the Drawdown Process



**Varies  
State to  
State**



**01**

Some states pass funds back to agencies who incurred the cost, and the agencies may then distribute the funds to attorneys, social workers, or others who support Title IV-E eligible cases.



**02**

Some states put the money in a Court Improvement Project fund, where the state agency determines how the funds would best enhance legal representation efforts.



**03**

Some states put the funds back in the state general fund.

# Compliance and Oversight

Claims are reviewed and audited regularly and corrective actions are set for any found issues.

## Regular Audits

- Both federal and state agencies conduct regular audits and reviews to ensure compliance with Title IV-E requirements.
- States must maintain audit trails and be able to provide documentation to support their claims.
- Proper documentation and adherence to guidelines are essential to avoid potential paybacks or penalties.

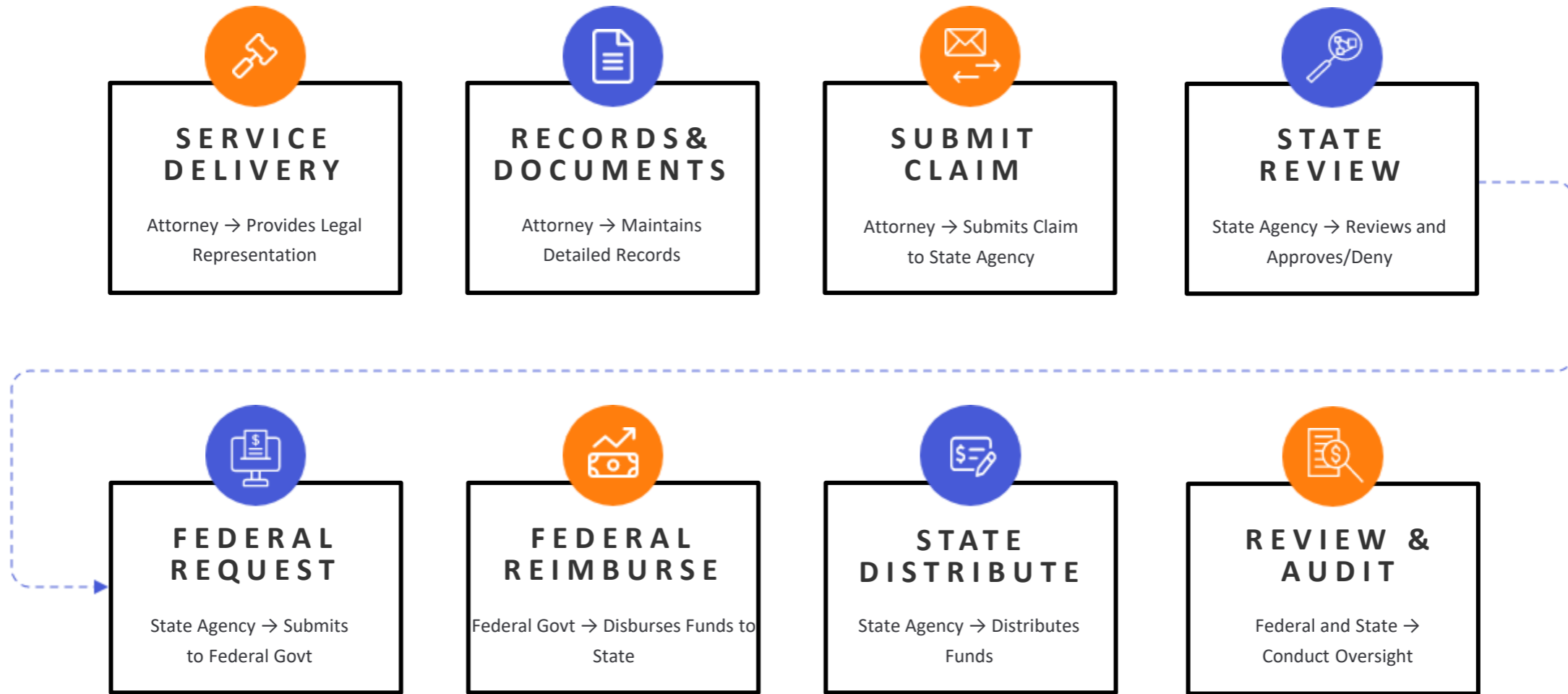


## Corrective Actions

- If audits identify issues or non-compliance, states must take corrective actions to address and rectify these issues.
- This may include additional training, policy adjustments, or repayment of funds.

## IV-E Legal Flowchart

From service to audit, let's review the flow of the drawdown process.





## Challenges & Best Practices

IV-E Legal Claiming obstacles and how to overcome them

→ Complex documentation requirements

→ Navigating federal and state regulations

→ Supplanting existing budgets

→ Negotiating MOUs with state and federal oversight agencies

→ Lack of resources to train staff on program requirements



**Work with an experienced consultant**



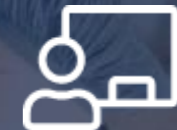
**Regular training and updates**



**Collaboration with the state child welfare agencies**



**Maintaining meticulous records**



**Educate stakeholders on benefits of enhanced legal representation**

# Program Education & Learning on Experts

Why it's so important and how it benefits your agency and claims

## Expertise in Federal Funding

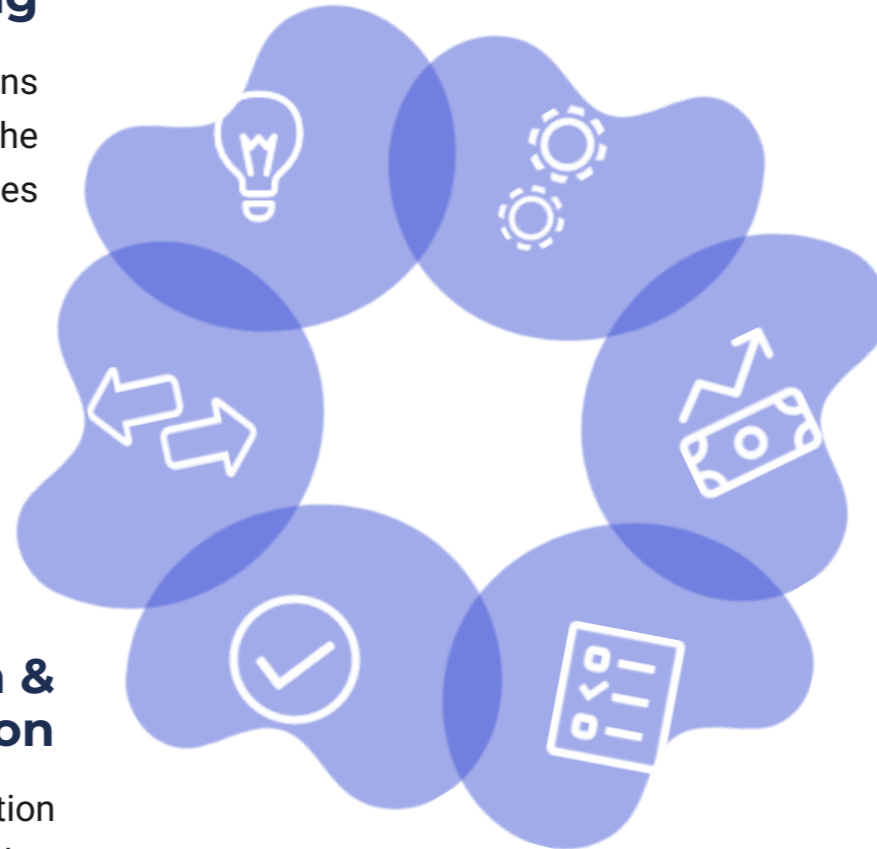
Consultants can help navigate complex regulations and guidelines, ensuring compliance, minimizing the risk of audits, paybacks and penalties

## Streamlining the Process

Experts can implement best practices and efficient systems so attorneys can focus on the legal work and not get bogged down with administrative work

## Accurate Documentation & Cost Allocation

Consultants can establish and maintain documentation systems and help implement a cost allocation plan that meets guidelines and properly distribute costs



## Training & Capacity Building

Consultants can provide training on the program requirements and procedures, offer ongoing support and inform on regulatory changes

## Improved Financial Resources

Financial experts can identify all eligible expenses, ensure they are properly claimed, maximize reimbursements and advise on fund use to enhance future claims

## Focus on Quality Improvement

Consultants can establish QA measures to ensure funds improve the quality of representation, and continue to analyze areas of improvement



# QUESTIONS

What can we help you with?

# Thank You

THE END

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## Resources:

- ✓ [Title IV-E of the Social Security Act](#)
- ✓ [Child Welfare Policy Manual - Section 8.1 B Questions](#)
- ✓ [Code of Federal Regulations - 45 CFR 1356.60](#)
- ✓ [Federal Rule Update – July 2024](#)