

State Utilization of Title IV-E Funding to Support High-Quality Legal Representation



AMERICAN BAR ASSOCIATION

Center on Children
and the Law

NACC

National Association
of Counsel for Children

We are grateful to
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For questions, comments, or to share
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Background

In December 2018, the U.S. Children’s Bureau changed long-standing policy to permit the use of Title IV-E matching funds to support the work of attorneys for parents and youth experiencing child protection court cases. In May 2024, this change was codified into federal regulation and expanded to include independent legal representation in dependency cases of relative caregivers, tribes, Indian custodians as well as legal advocacy in related civil legal services. This update presents a landmark opportunity for states to expand and improve access to justice for families and to prevent unnecessary family separations.

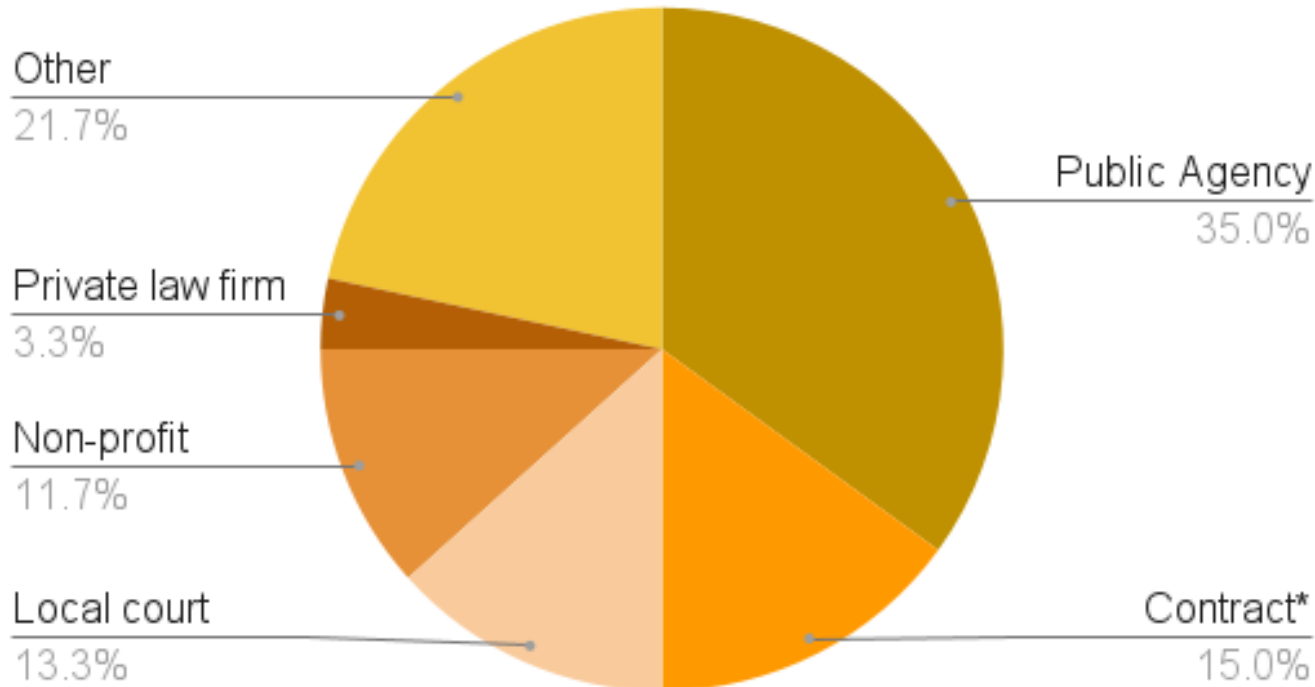
During the summer of 2024, national organizations partnered to better understand how this opportunity is being leveraged. A voluntary survey was shared broadly with state Court Improvement Programs, child welfare agencies, and legal advocates. We sought to understand how many states have tapped into this resource, their strategies for success, and the challenges they have faced. This report captures the results of that survey and identifies some themes and trends. A fiscal breakdown of state reporting on this issue [can be found here](#).

Many resources are available to help launch and expand Title IV-E utilization for legal representation.

- U.S. Children’s Bureau [Technical Bulletin: Frequently Asked Questions: Legal Representation](#)
- U.S. Children’s Bureau [Information Memorandum 21-06: Utilizing Title IV-E Funding to support High Quality Legal Representation](#)
- U.S. Children’s Bureau [Information Memorandum 21-02: Civil Legal Advocacy to Promote Child and Family Wellbeing, Address the Social Determinants of Health, and Enhance Community Resilience](#)
- ABA [FAQ Document](#)
- NACC & Youth Law Center [Tip Sheet](#)

National Overview of Title IV-E Funding for Legal Representation

What legal services entity is receiving the funds?



Contract* : Direct contract between agency and attorneys

States have successfully drawn down IV-E funding across a variety of legal services funding delivery systems.

Research shows that high-quality legal representation is a promising practice. It has been shown to:

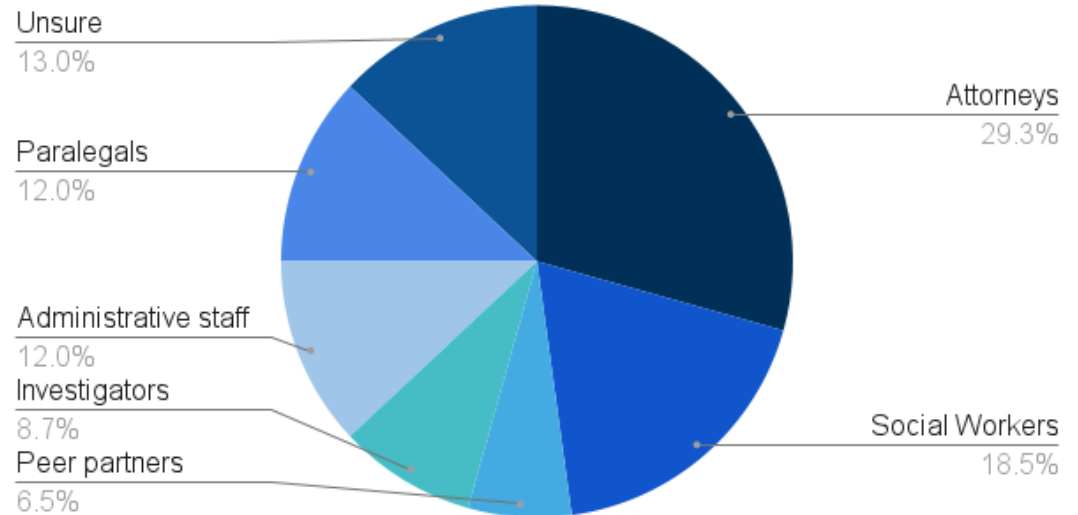
- [Prevent family separation;](#)
- [Expedite timelines to permanency;](#)
- [Promote engagement in case planning and court hearings;](#)
- [Increase rates of kinship placement;](#)
- [Preserve school stability;](#) and
- [Yield cost savings for government agencies.](#)

Title IV-E funds can be matched for:

- Legal representation in child welfare proceedings for children, parents, relative caregivers, tribes, Indian custodians, and the child welfare agency;
- Legal representation in civil matters that assist individuals with meeting goals in the case plan;
- Legal representation to avoid system involvement in cases where the child is a candidate for foster care;
- Multidisciplinary models; and
- Training.

45 CFR 1356.60(b)

What members of the legal representation team does your jurisdiction match Title IV-E funding for?



How are IV-E Funds Being Used?



Multidisciplinary models are the most popular way of leveraging Title IV-E dollars. Federal policy permits reimbursement of independent legal representation to include expenses for attorneys, paralegals, social workers, peer partners, investigators, support staff, and overhead. This is closely followed by increased salaries, which support raises for improved recruitment and retention of the legal workforce. Improvements in retention [have been shown to](#) positively affect the quality of representation experienced by child and parent clients.

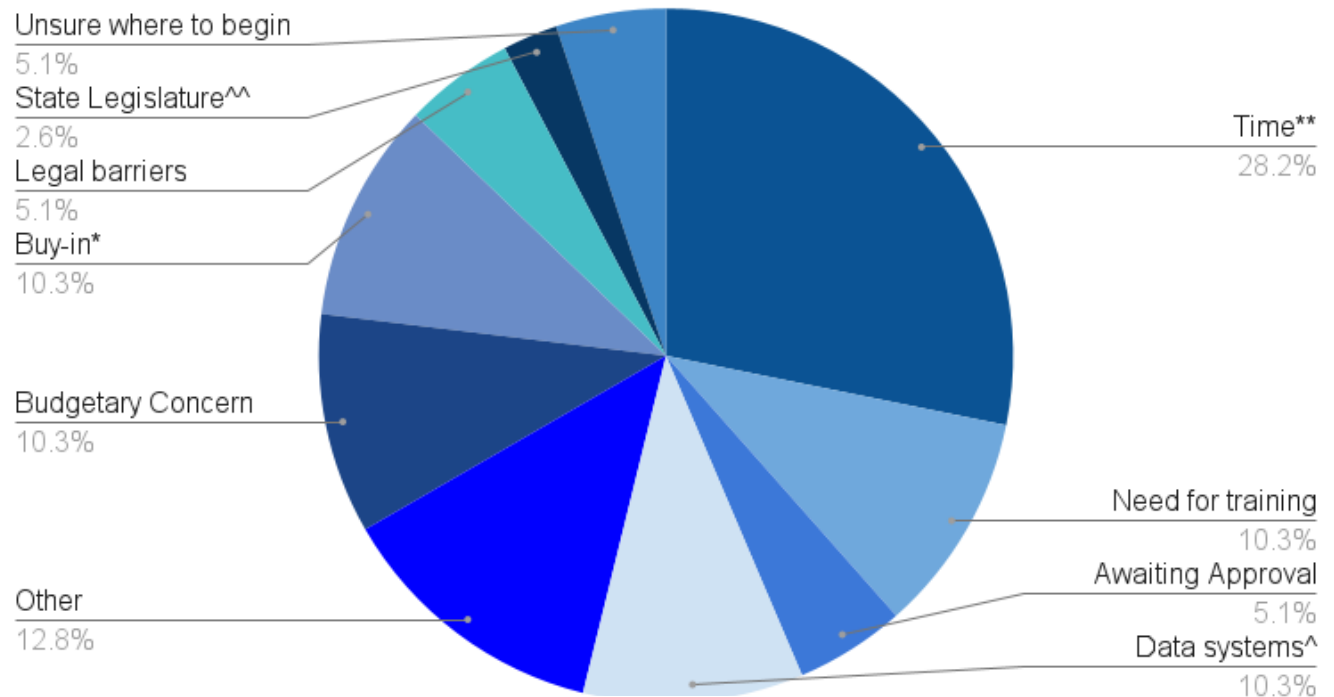
*Not an exhaustive list of ways Title IV-E funds are being utilized

High-quality legal representation includes:

- independent investigation of the facts of the case,
- meeting with clients or making home or school visits,
- attending case planning meetings,
- providing legal interpretations, preparing briefs, memos, and pleadings,
- obtaining transcripts,
- interviewing and preparing clients and witnesses for hearings,
- hearing presentation,
- maintaining files.

Time is the most common reason that these funds remain untapped. States should consider integrating this opportunity with other ongoing initiatives such as the CFRS/ PIP process, CIP projects, Family First Act implementation, and more.

What are barriers to your state accessing Title IV-E Funds?



Buy-in* : Lack of Buy-in from key partners

Time** : Lack of time, bandwidth, or ability to prioritize this opportunity

Data Systems^ : Technology/data systems need to be updated

State Legislature^^ : Lack of understanding by state legislators

What advice do you have for others about the IV-E draw down process for legal representation?

“The hardest thing is to start. Once you get started, it gets easier very quickly.”

“Keep asking until you hear ‘yes.’”

“If you can, partner with other agencies.”

“Continue to be persistent, asking questions and seeking clarifications on the use of IV-E funds. Build the necessary partnerships to make this fruitful beyond the administrative burden. Think creatively.”

“The purpose of IV-E funding is to improve legal representation for children and parents. **A method for measuring improvements in legal representation should be identified** up front, with accountability reporting on those measures included.”

“Having **the support of the agency has been incredibly important** to starting this process and having it continue successfully.”

“Legislative direction is helpful.”

“Maintenance of the relationship between the courts and the child welfare agency is critical.”

“We highly recommend working with someone who is an expert on how it all works. Our Court Improvement staff meets monthly with the Department of Children and Family Services staff who manage the Title IV-E contracts to problem solve any issues and continue to brainstorm how to claim as much as possible.”

“Work closely with your Children's Bureau and State's Cost Allocation Plan staff. Trying to explain and work with legal folks on how to develop a Cost Allocation process was the most difficult and time-consuming process. If possible, **it would be most beneficial if the attorney's tracked the time they spent on allowable cases** (per child).”