

Office of Child and Family Services Update Title IV-E Services

June 6, 2025



History and Context

Title IV-E is the federal foster care, adoption and permanency guardianship program for economically deprived children. The program is authorized under Title IV-E of the social security act (42 U.S.C. 672-679). It is an open-ended entitlement, funded with a combination of federal and state matching funds.

The purpose of Title IV-E, which is derived from the Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272(Title IV-E of the Social Security Act) and subsequent federal legislation (including the Adoption and Safe Families Act) is to **prevent unnecessary removal of children from their homes**. In cases where removal is necessary to protect the child, the goal is to **expedite the reunification of child and family** and if reunification is not in the child's best interest, the goal is to **expedite placement of the child in another permanent placement**. All of the requirements of Title IV-E are based on this purpose. Efforts to meet the Title IV-E requirements are desirable not only for monetary reasons (Title IV-E is an important part of the foster care budget), but also because the requirements constitute good casework and benefit the children and their families.

Purpose

The Federal Foster Care Program helps to provide safe and stable out-of-home care for children until the children are safely returned home, placed permanently with adoptive families or placed in other planned arrangements for permanency. The program is authorized by Title IV-E of the Social Security Act, as amended, and implemented under the Code of Federal Regulations (CFR) at 45 CFR parts 1355, 1356, and 1357. **It is an annually appropriated program with specific eligibility requirements and fixed allowable uses of funds. Funding is awarded by formula as an open-ended entitlement grant and is contingent upon an approved Title IV-E plan to administer or supervise the administration of the program.**

Implementation

When children enter DHHS custody their Title IV-E eligibility is determined based on the economic circumstances of their parents at the time of removal or in the month the court order leading to the removal was initiated. For a child to be eligible for Title IV-E Funding the must meet the following factors:

- Contrary to the Welfare, (CTW):
- Reasonable Efforts to Prevent Removal (RE)
- Deprivation
- Specified Relative requirements
- Income and Assets
- Foster Home Licensing
- Reasonable Efforts to Finalize the Permanency Plan

Federal funds under Title IV-E are available for three purposes; to provide funding for the maintenance of eligible children in state custody (Foster Care Maintenance Payments Program), to provide funding for administrative activities the state undertakes to support eligible children, and to provide funding for training for public and private child welfare agency staff; prospective and current foster parents.

Foster Care and Adoption Maintenance

Funding for the maintenance of eligible children in state custody.

For children eligible for Title IV-E funding participation, the federal government will reimburse the State at its FMAP rate for all allowable Maintenance expenses.

The following is a non-inclusive list of foster care maintenance expenses that Title IV-E will reimburse States for:

- Clothing
- Transportation costs
- School supplies
- Child's personal incidentals
- Child care

Foster care maintenance payments must be tracked to the individual Title IV-E eligible child.

Funding for Administrative Activities

Funding for administrative activities the state undertakes to support eligible children.

The following are some of the administrative and other items that Title IV-E will reimburse States for:

- A proportionate share of related agency overhead
- Preparation for and participation in judicial determination
- Placement of the child
- Development of the case plan
- Case reviews
- Case management and supervision
- Recruitment and licensing of foster homes and institutions
- Rate setting
- Referral to services
- Costs related to data collection and agency overhead

Funding for Training Activities

Training reimbursed with Title IV-E Federal funds must be focused on enhancing knowledge and building skills necessary to perform functions directly related to the benefits offered by the program to improve outcomes for children placed in out-of-home care.

The following is an all-inclusive list of training expenses that Title IV-E will reimburse States for:

- Costs for short-term training for personnel employed by the state or local agency administering the plan,
- Costs of providing short-term training (including travel and per diem) to current or prospective foster and adoptive parents and the members of the state-licensed or approved child care institutions providing care to foster and adopted children receiving Title IV-E assistance, and
- Costs of long-term training at educational institutions of personnel employed by or preparing for employment by Child Protective Services.

Funding for Allowable Administrative Costs of Legal Representation

The following are allowable administrative costs of legal representation that Maine is not claiming:

- (i) Legal representation in foster care proceedings provided by an attorney representing the title IV-E agency or any other public agency (including an Indian tribe) which has an agreement in effect under which the other agency has placement and care responsibility of a title IV-E eligible child pursuant to 472(a)(2)(B)(ii) of the Act;*
- (ii) Independent legal representation provided by an attorney representing a child in title IV-E foster care, a child who is a candidate for title IV-E foster care, the child's parent(s), the child's relative caregiver(s), and the child's Indian custodian(s) in foster care and other civil legal proceedings as necessary to carry out the requirements in the agency's title IV-E foster care plan. Independent legal representation in civil proceedings includes facilitating, arranging, brokering, advocating, or otherwise linking clients with providers and services as identified in the child's case plan pursuant to sections 422, 471(a)(16), and 475 of the Act; and*

Funding for Allowable Administrative Costs of Legal Representation

(iii) Legal representation provided by an attorney representing an Indian child's tribe (as defined by [25 U.S.C.1903\(5\)](#)), or representation of an Indian child's tribe provided by a non-attorney, when the child's tribe participates or 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.

In July 2020, CB published a technical bulletin (TB) regarding the availability of title IV-E FFP for independent legal representation costs. The bulletin provides a list of examples of foster care legal proceedings that funds may cover, including:

- Hearings related to judicial determinations that it is contrary to the welfare of a child to remain in the home;
- Hearings related to a child's removal from the home;
- Hearings related to judicial determinations that the agency has provided reasonable efforts to prevent removal and finalize the permanency plan;
- Permanency hearings;
- Hearings related to progress on case plans; and
- Appeal proceedings that relate to required IV-E judicial determinations

Funding for Allowable Administrative Costs of Legal Representation

The CB also includes a non-exhaustive list of activities and expenditures to demonstrate the range of support for which FFP may be claimed for legal representation.. That list includes, but is not limited to:

- Independent investigation of the facts of the case, including interacting with law enforcement,
- 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 their client and witnesses for hearings,
- Hearing presentation,
- Maintaining files,
- Supervising attorneys, paralegals, investigators, peer partners or social workers that support an attorney in providing independent legal representation to prepare for and participate in all stages of foster care legal proceedings,
- Filing child abuse and neglect petitions for candidates for foster care,
- Court fees to file a petition for a judicial determination required under title IV-E, and
- Appellate work in reference to foster care legal proceedings.

Funding for Allowable Administrative Costs of Legal Representation

The list applies to candidates for title IV-E foster care and their parents as well as children in title IV-E foster care. A child need not be court involved in order for the title IV-E agency to claim FFP for legal representation and advocacy for that child and his or her parents

How can Title IV-E funds be used for legal representation?

- OCFS does not currently pay for legal representation as a standard service.
- Title IV-E would only cover about 20% of the cost for legal representation services provided through a contract.
- Costs paid by the court system for legal representation are allowable yet would require the courts to provide specific information to support the claim.
- For services to specific children, costs billed directly for children could in theory be claimed at a direct 50% administrative rate, if the children are IV-E eligible.

Funding Calculation

Example of Federal Financial Participation for Administrative and Training activities:

1. Cost of contract for an administrative service of \$100,000
2. Federal Administrative participation rate = 50%
3. Number of children in State Custody eligible to receive Title IV-E reimbursement = 1000
4. Number of children in State Custody = 2500

$$\begin{array}{l} \text{Federal Funds Claimable = Cost of Contract X Administrative X } \\ \text{for this Service} \qquad \qquad \qquad \text{Rate} \qquad \qquad \qquad \text{Number of children in State} \\ \qquad \qquad \qquad \qquad \qquad \qquad \qquad \qquad \qquad \qquad \qquad \qquad \text{Custody eligible to receive} \\ \qquad \qquad \qquad \qquad \qquad \qquad \qquad \qquad \qquad \qquad \qquad \qquad \text{Title IV-E (1000)} \\ \qquad \qquad \qquad \qquad \qquad \qquad \qquad \qquad \qquad \qquad \qquad \qquad \hline \qquad \qquad \qquad \qquad \qquad \qquad \qquad \qquad \qquad \qquad \qquad \qquad \text{Number of children in State} \\ \qquad \qquad \qquad \qquad \qquad \qquad \qquad \qquad \qquad \qquad \qquad \qquad \text{Custody (2500)} \end{array}$$

$$\text{Federal funds Claimable} = \$100,000 \times 50\% \times 40\%$$

for this Service

$$\text{Federal funds Claimable} = \$20,000$$

for this Service

Questions

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Office of Child and Family Services

