

October 27, 2005
Re: TITLE IV-E REIMBURSEMENT
FOR LEGAL SERVICES

To: Area Administrators/Human Services Area Coordinators
Bureau Directors
County Departments of Community Programs Directors
County Departments of Developmental Disabilities Services Directors
County Departments of Human Services Directors
County Departments of Social Services Directors
Licensing Chiefs/Section Chiefs
Tribal Chairpersons/Human Services Facilitators

From: Burnie Bridge
Administrator

This memo clarifies the requirements for the Title IV-E reimbursement program for child welfare legal services, as established by DCFS Numbered Memo 2002-18.

The purpose of Title IV-E reimbursement is to provide funding to counties to support the expansion of legal services for child welfare programs. The legal services must be related to protecting the safety of children and achieving permanence for children in out-of-home care. Under the legal services reimbursement program, federal IV-E funds will be provided on a pass-through basis to counties to support attorneys, paralegals, clerical, and other legal staff whose positions are, in whole or in part, dedicated to child welfare legal actions under Chapter 48. The attached program description provides information on the legal services reimbursement program and instructions for counties to apply to participate in the program and for previously-approved counties to continue receiving funds.

New Applications

To be approved by this Division, proposals from counties must include the following materials:

- An **agreement** between the county human/social services department and the office (Corporation Counsel or District Attorney) with primary responsibility for child welfare legal services specifying how child welfare legal services are provided if services provided by the DA/CC are used for either match and/or reimbursement claiming. This agreement forms the basis for the reimbursement proposal and is necessary even if the IV-E funds will not be used for staff in that legal office. If services are delivered by a private provider and match is not based on services provided by the DA/CC, then the contract with the private provider will meet the need for an agreement, providing it fulfills the requirements for the IV-E agreement. There are several different alternatives for how services can be provided and funded and, consequently, different contract requirements.
- A proposed **program budget** showing the total planned expenditures for the current calendar year and the legal services that will be provided under the IV-E reimbursement program. The budget must be consistent with the enclosed legal services reimbursement program instructions regarding allowable costs and be outlined on the enclosed fiscal worksheet format. The budget will be used to set the IV-E reimbursement limit for the contract.

Document Summary

This memo clarifies the instructions for counties to receive federal IV-E reimbursement for child welfare legal services. Counties may apply for contracts using the plan format provided with the memo. Applications must include agreements between the child welfare agency and the legal office.

- A **legal services program proposal** describing how the IV-E reimbursement will be used to expand legal services. The proposal must use the enclosed program plan format and include a signed assurance sheet.
- If applicable, information indicating that there is **authorization under s. 48.09, Stats.**, for any changes in the scope of District Attorney or Corporation Counsel responsibilities for child welfare cases.

For approved applications, an addendum will be issued to the state/county contract for the current year. The addendum will be effective January 1st of each year, but reimbursable costs may only be incurred beginning with the effective date of the agreement between the child welfare services agency and the primary legal services provider (the date the agreement is signed). Applications must be submitted by December 1, 2005 to be processed for the current calendar year. In subsequent years, initial applications must be submitted by November 1st of that year.

Ongoing Funding

Once participating in the program, counties will continue to receive contracts for subsequent years. Counties must submit the following materials by October 1 to be included in the initial state/county funding contract for the next calendar year:

- A proposed program budget showing the total planned expenditures for the next calendar year and the legal services that will be provided under the IV-E reimbursement program.
- If changes have been made to how the legal services program is operated, updated agreements and program proposal descriptions must be submitted.

The legal services reimbursement program instructions have been revised to clarify the following issues:

- Legal services staff used as match or funded with IV-E funds must report the use of their time to support the amount of costs claimed on the IV-E contract.
- Criminal prosecution of persons charged with child abuse and neglect does not qualify for the IV-E reimbursement program. Attorneys who handle both criminal prosecutions and Children in Need of Protection or Services (CHIPS) petitions may only charge time associated with the CHIPS activity to the contract.
- The attorney shall represent the child welfare agency regarding children in out-of-home care in pursuing permanence for those children in accordance with established permanence goals, including the diligent pursuit of termination of parental rights, adoption, and guardianship, as requested by the agency and in accordance with professional legal judgment.

The net rate of IV-E reimbursement for legal services contracts varies depending on the type of activity. Expenses for legal services related to Children in Need of Protection or Services (CHIPS) orders, placement of children in out-of-home care, and court hearings on permanency plans are reimbursed at a net IV-E rate of thirty-three percent (33%). Expenses for legal services related to TPRs and placement of children for adoption are reimbursed at a net IV-E rate of forty percent (40%) due to higher IV-E reimbursement for adoption activities. The net reimbursement rate could change in future years, depending on trends in the statewide IV-E penetration rate and change in federal IV-E fiscal policy. Separate CARS reporting lines have been established for the higher reimbursement of TPR and adoption expenses.

Applications and questions about the legal services reimbursement program are to be submitted to the DCFS Bureau of Programs and Policies. A copy of the application must be submitted to the Area Administrator in the Office of Strategic Finance.

REGIONAL OFFICE CONTACT:

DCF Area Administrator

CENTRAL OFFICE CONTACT:

Program and Policy Analyst – Adv.
Title IV-E Program Coordinator
Division of Safety and Permanence
(608) 422-6198
DCFIV-EProgram@wisconsin.gov

- Attachments:
 - Title IV-E Reimbursement for Legal Services
 - Application Instructions
<https://dcf.wisconsin.gov/files/cwportal/funding/pdf/title4e/legalinstructions.pdf>
 - Program Application Worksheet
<https://dcf.wisconsin.gov/files/cwportal/funding/word/title4e/legalapplication.docx>
 - Budget Application
<https://dcf.wisconsin.gov/files/cwportal/funding/excel/title4e/legalbudget.xlsx>