

Title IV-E Overview

- What is Title IV-E?
 - Title IV-E (of the 1996 Social Security Act) is a federal reimbursement program for Child Welfare services provided by Tribes & Counties
- What does Title IV-E reimburse?
 - Child Welfare **Administration** Expenses
 - Foster Care **Maintenance** Payments
 - **Training** Expenses
- IV-E Major Concepts
 - The State can only claim federal reimbursement on **eligible** and **reimbursable** children
- IV-E Child Eligibility
 - Associated with Administrative and Training Costs
 - Determined at the child's initial removal
 - Requirements:
 - Meet AFDC Requirements (Income Standards, citizenship, specified relative within 6 months)
 - Child Removed From Home
 - Judicial Findings:
 - Placement and Care (PAC)
 - Contrary to the Welfare (CTW)
 - Reasonable Efforts to Prevent Removal (REPR)
- IV-E Child Reimbursability
 - Associated with Maintenance costs
 - Requirements:
 - Child IV-E Eligible
 - IV-E Reimbursable Placement (if licensed)
 - Foster Home
 - Group Home
 - Shelter
 - Residential Care Center
 - No SSI Benefits
 - Judicial Findings:
 - Reasonable Efforts to Achieve the Goal(s) of the Permanency Plan (REPP)
 - Placement and Care (PAC)
- IV-E Penetration Rate: the percentage of days for which the State receives Title IV-E reimbursement from the federal government:

Eligible OHC Child Days In Reimbursable Placements	=	46.33% (Q416)
Total OHC Child Days		
- Administrative Claiming

- Tribal/State Title IV-E Financial Agreement (Tribal IV-E Passthrough)
- Tribes report costs through SPARC
 - **3301T: direct** child welfare staffing costs
 - **3329T:** payments provided to Child Placing Agencies for **administrative functions**
 - **3683T: indirect** and Agency Management, Support and Overhead
- Social Services Administrative Time Study (SSATTS)
- Calculation:

Admin Costs	X	SSATTS	X	Penetration Rate	X	50% FFP	=	Claim
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- Maintenance Claiming

- The State is researching how to make maintenance reimbursement available to the Tribes and will continue to work with the Tribes to implement the necessary infrastructure that would be required for this type of claiming, i.e. proper judicial findings in court orders.
- Calculation:

Reimbursable Placement Costs	X	FMAP Rate	=	Claim
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- Federal Medical Assistance Percentage (FMAP)

- $FMAP = 0.45 \times [(Tribal \text{ per capita income})^2 / (U.S. \text{ per capita income})^2]$
- Per capita income based on the most recent three year average that is available at the time the FMAP is calculated
- The law sets the minimum FMAP as 50% and the maximum as 83%

Title IV-E Language Requirements for Court Orders

When a child is placed into out-of-home care, our IV-E eligibility contractor, MAXIMUS, looks for specific language that is required in order for the child to be eligible for Title IV-E funding. Below is a list of the language they are looking for and the time frame in which it is needed.

1. Contrary to the Welfare (CTW) Judicial Finding

- For a child to be title IV-E eligible, the initial court order/hearing authorizing removal must include a statement to the effect that continuation in the removal home would be “contrary to the welfare” of the child.
- This statement should be child specific and should also reference the home from which the child is being removed
- The Contrary to the Welfare language should not merely reference the state statute or tribal code
 - Acceptable Contrary to the Welfare example:
 - “Continuation of residence in the home at this time is contrary to the child’s/juvenile’s welfare.”

- “Continuation of residence in the home at this time is contrary to the child’s/juvenile’s welfare because: (this narrative should be child specific and reference the home from which the child is being removed) ”

2. Placement and Care Responsibility (PAC)

- The order authorizing the child’s placement into out-of-home care must also contain the correct “Placement and Care responsibility” language
- The order must contain the requisite “placement and care” language plus the agency’s name
- There should always be an active order containing the required placement and care language while the child is in out-of-home care.
 - Acceptable Placement and Care language example:
 - “The primary placement and care responsibility of the child/juvenile is vested with the (Name of Tribe) Indian Child Welfare Department”
 - “The child/juvenile is held in custody in the out-of-home placement at (physical placement) and into the placement and care responsibility of the department in the county where this order is issued.”

3. Reasonable efforts to prevent removal (REPR) judicial finding

- There must be a “Reasonable effort to prevent removal and return the child/juvenile safely home” finding within 60 days of the child being placed into out-of-home care but is typically found on the initial court order authorizing removal.
 - Acceptable Reasonable efforts to prevent removal would include:
 - “Reasonable effort to prevent removal and return child/juvenile safely home were:” (And one of the following statements)
 - 1) *Made by the department or agency responsible for providing services.*
 - 2) *Made by the department or agency responsible for providing services, although an emergency situation resulted in immediate removal of the child/juvenile from the home.*
 - 3) *Not required under §48.355(2d) and §938.355(2d), Wis. Stats.*

4. Reasonable efforts to achieve the permanency goal of the permanency plan (REPP)

- There must be a judicial finding that efforts were made to achieve the permanency plan within 12 months from the child’s removal date and every 12 month thereafter from the last Reasonable Efforts to Achieve Permanency judicial finding
 - Acceptable Reasonable efforts to achieve the permanency goal of the permanency plan would include:
 - “Reasonable efforts to achieve the permanency goal of the permanency plan, including through an out-of-state placement if appropriate, were”
 - 1) *made by the department or agency responsible for providing services.*(may list the efforts here)

For best practice purposes, only one child should be listed on each order. If there were siblings removed at the same time and the hearing was held together, an order should be created for each individual child and include that child's court case number.

For example: Three children were removed and their TPC hearing was held at the same time. There should be three different court orders containing only 1 child listed at the top of each order with their individual court case number and child specific findings.