

NACC

Leveraging Title IV-E to Advance High-Quality Legal Representation & Training

Founded in 1977, the **National Association of Counsel for Children (NACC)** is a nonprofit professional membership and legal advocacy organization dedicated to advancing the rights, well-being, and opportunities of children impacted by the child welfare system through access to high-quality legal representation.

NACC **Promotes Excellence** by providing programs and resources that improve the quality of legal representation for children, parents and agencies.

NACC **Builds Community** by supporting a national community of hard-working and dedicated child welfare professionals, and by helping attract and retain diverse talent in the children's legal advocacy profession.

NACC **Advances Justice** by advocating for policies that advance children's rights, opportunities, and well-being, including the right to counsel.

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National Association
of Counsel for Children

New Funding for Legal Representation of Children and Parents

On December 21, 2018, the U.S. Department of Health and Human Services' Children's Bureau announced a revision to the Child Welfare Policy Manual permitting states to receive up to 50% federal Title IV-E funding reimbursement for the costs of providing "independent legal representation by an attorney for a child who is a candidate for title IV-E foster care or in foster care and his/her parent."¹ The policy was recently updated to apply to tribal representation as well.² This policy change presents a landmark opportunity for states to expand and improve the delivery of legal services to ensure every child and parent receives high-quality legal representation.

Why Does Legal Representation Matter?

High-quality legal representation has been shown to:

- Prevent the need for removal³
- Expedite timelines to permanency⁴
- Promote engagement in case planning, services, and court hearings⁵
- Increase rates of kinship placement⁶
- Yield cost savings for government agencies.⁷

What About Attorney Training?

The Child Welfare Policy Manual also provides funding under Title IV-E permitting states to receive 75% federal funding reimbursement for training costs.⁸ These trainings may include child welfare staff and court partners, including attorneys, judges and CASAs. Specialized child welfare law training has been shown to improve the quality and efficacy of legal representation and judicial decision-making.⁹ Excellent training is critical to ensure new funding for legal representation enhances and elevates current child welfare practice. Training reimbursement under Title IV-E is accessible independently from reimbursement for legal representation but should be paired to ensure all attorneys are well-qualified for child welfare law practice. →

Additional Resources

- **U.S. Child Welfare Policy Manual, Questions 8.1B #30 & #31 (legal rep.) and Questions 8.1H #8 & #18 (training)**
- **Children's Bureau's 2017 Informational Memorandum on High Quality Legal Representation**
- **ABA Center on Children and the Law Title IV-E Technical Overview Brief**
- **The Family Justice Initiative Title IV-E FAQ**
- **NACC's Title IV-E Policy Page**

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Leveraging Title IV-ε to Advance High-NACC Quality Legal Representation & Training

Getting Started

- Title IV-E funding for legal representation and attorney training is only accessible through the state Title IV-E agency. Judges, attorneys, social workers, and finance experts must partner together to develop proposals that leverage these opportunities.
- Law office and agency leaders should reach out to Title IV-E agencies, Court Improvement Programs and court administrators to begin partnership discussions (or vice-versa).
- States should consider approaches tying training requirements and Child Welfare Law Specialist (CWLS) certification¹⁰ to their plans to ensure that Title IV-E funding is funneled toward high-quality legal representation.
- Technical assistance is available through multiple organizations, including NACC, the ABA Center on Children and the Law, and the Family Justice Initiative.

Endnotes

- 1 Children's Bureau Child Welfare Policy Manual, Section 8.1B, Question #30
- 2 Children's Bureau Child Welfare Policy Manual, Section 8.1B, Question #31
- 3 See, e.g., Sankaran, Vivek. "Using Preventive Legal Advocacy to Keep Children from Entering Foster Care." Wm. Mitchell L. Rev. 40, no. 3 (2014): 1036-47.
- 4 See Zinn, A. & Slowriver, J. (2008), Expediting Permanency: Legal Representation for Foster Children in Palm Beach County. Chapin Hall Center for Children at the University of Chicago available at <https://www.issuelab.org/resources/1070/1070.pdf>; See also Duquette et. al., (2016) *Children's Justice: How to Improve Legal Representation of Children in the Child Welfare System*, ABA Publications;
- 5 For a summary of research on this factor, see "High Quality Legal Representation for All Parties in Child Welfare Proceedings." Administration for Children and Families Information Memorandum. ACYF-CB-IM-17-02. 17 January 2017.
- 6 Gerber, Pang, Ross, Guggenheim, Pecora, and Miller, *Effects of an Interdisciplinary Approach to Parental Representation in Child Welfare*, 102 Children and Youth Services Review 42 (2019). <https://www.sciencedirect.com/science/article/pii/S019074091930088X>.
- 7 Id.
- 8 Children's Bureau Child Welfare Policy Manual, Section 8.1H, Questions #8, #18
- 9 See Child Abuse and Neglect Institute Evaluation: Training Impact on Hearing Practice (2016) available at: <http://www.ncjfcj.org/CANI-Report-2016>; See also Quality Improvement Center for the Representation of Children in the Child Welfare System. (QIC-ChildRep) Practice Model. <http://www.improvechildrep.org/DemonstrationProjects/QICChildRepBestPracticeModel.aspx>
- 10 "The Children's Bureau strongly encourages all attorneys and judges practicing child welfare law to obtain CWLS certification... Providing high-quality legal representation to all parties at all stages of dependency proceedings is crucial to realizing [the] basic tenets of fairness and due process under the law." U.S. Department of Health and Human Services' Administration for Children and Families IM-17-02

FOR MORE INFORMATION ON

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