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.” The policy was later updated to apply to tribal representation, as well as the costs of paralegals, investigators, peer partners, social workers, support staff, and overhead for independent child and parent legal representation.

Why Does Legal Representation Matter?

High-quality legal representation has been shown to:

• Prevent the need for removal
• Expedite timelines to permanency
• Promote engagement in case planning, services, and court hearings
• Increase rates of kinship placement
• Yield cost savings for government agencies

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 costs of providing training to child welfare staff and court partners, including attorneys, judges and CASAs. Training reimbursement under Title IV-E has been shown to improve the quality and efficacy of legal representation and judicial decision-making. 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.

FOR MORE INFORMATION CONTACT:

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Additional Resources

- U.S. Child Welfare Policy Manual, Questions #30, #31 & #32
- 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

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.

1-888-828-NACC
www.NACCchildlaw.org
Leveraging Title IV-E to Advance High-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 & #32
7 Id.
8 Children’s Bureau Child Welfare Policy Manual, Section 8.1H, Questions #8, #18
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

Leveraging Title IV-E:
contact
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NACC Attorney Training (Red Book Training):
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NACC Child Welfare Law Specialist Certification:
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