

Supporting Title IV-E Funding for Legal Representation A Pathway to Success

In May 2024, the U.S. Children's Bureau finalized a regulation regarding Foster Care Legal Representation. The new rule codifies and expands the opportunity for federal matching funding for legal services that prevent and address foster care involvement, as well as related legal and judicial training.

Legal and judicial systems have a role to play exploring this landmark opportunity to improve access to justice for children, parents, kin, and tribes. This document shares ideas and suggested best practices for exploring or expanding the use of IV-E funding to improve the quality of legal representation in child welfare.

1. Getting Started



Start by doing some preliminary research to learn more about how additional funding for legal representation might align with work already underway in your state, territory, or tribe. There are several helpful sources to start initial research efforts. Be sure to review additional research and best practices, your current Child and Family Service Review and Program Improvement Plan (PIP), and Family First Prevention Services Plan.

Consider whether drawing down these funds may align with Court Improvement Program (CIP) Projects (ex. Quality Legal Representation, Joint Agency-Court Projects). Inquire with your Center for Legal and Judicial Innovation and Advancement (CLJIA) liaison about how other states in your region are utilizing Title IV-E for legal representation and training.

2. Identify and Assess Needs



Reach out to your jurisdiction's legal, judicial, agency partners, and relevant committees and task forces to learn who is working on quality legal representation improvements. Bring partners together to form a team or committee (if appropriate), including lived experience experts, legal service providers (for children, parents, kin, and tribes), child welfare agency staff (program and fiscal leads), civil legal service providers, Children's Bureau Regional Office Staff, and judicial leaders. Provide partners with background materials in advance (see below). Set norms for group logistics, communication, and decision making, including fair compensation for lived experts. Review local data regarding permanency outcomes and timeliness of hearings (if it exists) and gather qualitative feedback.

Potential questions to ask partners and committees include:

- What is working well for attorney representation in our community?
- Are there differences in what is working well by county or geography? Are there differences by role of counsel, e.g., parent, children, kin, tribal, or agency counsel?
- What is not working well? Why?
- What resources would help improve the quality of legal representation in our community?
- How can we support kin caregivers differently?
- How can we support tribal representation needs?

3. Develop a Theory of Change



Generate a theory of change about the identified needs and how Title IV-E funding for legal representation and training might help address them. Visit the CIP Share Title IV-E Civil Legal Representation and Funding folder for more information.

- How might your jurisdiction most effectively use these supplementary funds to enhance quality legal representation for children, parents, and kin?
- Consider the possible root causes, potential constraints, and expected short- and long-term outcomes.
- Develop consensus around what outcomes the work is designed to impact.

4. Develop or Select Solutions



Develop your theory of change into a concrete plan. Consider:

Who will be involved (which legal service providers)?

What will CIP's role be in implementation? What legal services will be offered (e.g., representation for children in care, preventative legal representation, or civil legal work)?

When will the selected solution be implemented?

Where will the work begin (statewide or pilot site? How will you choose a pilot site?)? **How** will the work be documented, billed, and evaluated?

Consider developing a plan for collecting data before the work begins so that you can evaluate the selected intervention, and adjust the work as needed.

5. Plan, Prepare, and Implement



Once a plan has been co-created with the child welfare agency, the agency will need to submit an updated Public Cost Allocation Plan (PCAP) to Children's Bureau to include this work.

The [CB-496](#) provides useful instruction on how to accurately incorporate legal representation costs. If you have created a data collection plan, consider following up on a regular basis to evaluate the work as part of continuous quality improvement efforts.

6. Evaluate and Apply Findings



Try to ensure the data collection plan is being implemented and delivered as it was designed. As data becomes available, analyze it with an eye towards understanding what is working with the selected intervention or adjusting as needed. Data may also be useful to meet CIP plan or invoicing requirements. Share analyses and any findings with the team, committee, or task force and follow up with the implementation team to determine future needs.

Ask:

- What worked well?
- What was unexpected?
- What barriers are there to full implementation?
- Is the work scalable to other areas of the jurisdiction?

Additional Resources



- [U.S. Children's Bureau's Technical Bulletin: Frequently Asked Questions: Legal Representation](#)
- [U.S. Children's Bureau's Information Memorandum 21-06: Utilizing Title IV-E Funding to Support High-Quality Legal Representation](#)
- [U.S. Children's Bureau's Information Memorandum 21-02: Civil Legal Advocacy to Promote Child and Family Wellbeing, Address the Social Determinants of Health, and Enhance Community Resilience](#)
- [American Bar Association FAQ](#)
- [Legal Representation in Child Welfare Proceedings Infographic](#)
- [Legal Service Models for Kin Caregivers](#)
- [NACC & Youth Law Center Tip Sheet](#)
- [State Utilization of Title IV-E Funding to Support High Quality Legal Representation](#)

Need Help?



The [Center for Legal and Judicial Innovation and Advancement](#) is here to help your efforts!

Contact your CLJIA liaison to get started, or contact:
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