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OF ABUSED CHILDREN

## **Support for House File 2209**

### **Legal Representation for Children in Foster Care**

Requiring the appointment of a client-directed attorney to represent children in abuse and neglect proceedings, giving children a voice.

#### **Written Testimony**

Kendall Seal, Vice President of Policy

Center for the Rights of Abused Children

#### **House Committee on Judiciary: Subcommittee**

Thursday, February 8, 2024, 12:30 p.m.

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Subcommittee Members:

My name is Kendall Seal, and I serve as the Vice President of Policy at the Center for the Rights of Abused Children. The Center works in capitol buildings and courtrooms to protect children, change laws, and inspire people to ensure every abused child has a safe and loving home.

When lawmakers across the country ask for a single reform that will help protect the most foster children, my answer is always the same - appointing client-directed attorneys to represent children in foster care. The Center strongly supports House File 2209 and asks for your support in giving children ten years of age and older a meaningful voice in court by appointing an advocate to represent children's position,



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to protect their rights, and to hold the child welfare system accountable. Also, we recommend Iowa go a step further and provide all children involved with children in need of assistance (CINA) proceedings a voice through client-directed counsel, which is the gold standard for child representation in dependency proceedings.

### ***Children and Justice Demand Client-Directed Counsel***

In a landmark decision, [\*In re Gault\*](#), the United States Supreme Court guaranteed the right to counsel for children in delinquency proceedings. Such representation was crucial to protect their life and liberty interests. Because the rights and liberties involved in CINA proceedings are in question, the right to counsel should be extended to abused and neglected children as well.

We heard foster youth condemning the system, quipping, "[n]obody listens to us," and "[n]obody cares what we think or what we want." These children and youth need more than a government bureaucracy telling them what is best without really listening to the child and considering the child's wishes.

Abused and neglected children need an advocate. Someone who makes their voice heard and zealously protects their rights to safety, stability, family, and swift permanency. Providing children with client-directed counsel achieves this.

While we strongly prefer granting **ALL** children client-directed attorneys and the benefit of all the ethical duties of loyalty and care associated with an attorney-client relationship, we remain supportive of the effort to provide this right to children ten years of age and older.



### ***Giving children a voice through an attorney can change outcomes.***

The Center operates a pro bono law clinic. One of our pro bono cases involved an 8-year-old girl. Adopted by relatives due to severe physical abuse, this young woman thought she found safety. Sadly, her nightmare had just begun. Doctors discovered grim physical evidence of sexual abuse.

She told workers about the repeated abuse she suffered, but the child welfare agency did not seek her protection. Instead, the agency sought reunification and forced Baylee to visit her abusers. The child was so frightened that she could not get through the front door of their home without wetting herself.

The Center took Baylee's case and won. Without an attorney in her corner, Baylee likely would have been returned to her rapists.

This is not an isolated case. A developing body of [research](#) shows children in foster care with client-directed legal representation have better outcomes than those without. Children with counsel spend less time in foster care and group settings and move more quickly to adoption, guardianship, or reunification. Consider the following:

- ***Children with counsel exit foster care for family up to 3.5 times faster.***<sup>1</sup>
  - Represented children exited to *any type of permanency* at rates 1.4 and 1.6 times higher than comparison children.<sup>2</sup>

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<sup>1</sup> Andrew E. Zinn and Jack Slowriver, "Expediting Permanency: Legal Representation for Foster Children in Palm Beach County," Chapin Hall Center for Children at the University of Chicago (May 21, 2008), <https://search.issuelab.org/resource/expediting-permanency-legal-representation-for-foster-children-in-palm-beach-county.html>.

<sup>2</sup> Id.



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- Most of this difference appears driven by higher rates of adoption (between 2.8 to 2.9) and long-term custody (between 1.7 to 3.5) as permanency outcome compared to comparison children. Represented children were also slightly more likely to be reunified (up to 1.23 times higher than comparison).<sup>3</sup>
- ***Children and parents with legal representation obtain better results than those who do not, including less time in foster care or group settings, shorter time to adoption or guardianship, and more successful reunifications.***
  - Children represented by specially trained legal counsel were:
    - 40% more likely to leave the foster care within six months;<sup>4</sup>
    - 45% higher reunification rate with their biological parents;<sup>5</sup>
    - 30% reduction in the rate of placement moves;<sup>6</sup> and
    - 65% reduction in the rate of unnecessary school moves.<sup>7</sup>
  - Further, a cost-benefit analysis of a Washington program offering legal representation to dependent youth found a hypothetical cost savings of over \$1.2 million, without accounting for potential cost savings outside of

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<sup>3</sup> Id.

<sup>4</sup> Natalece Washington, *Counsel for Kids Information Sheet*, "National Association of Counsel for Children (2022), <https://zmcc18.p3cdn1.secureserver.net/wp-content/uploads/2022/02/Counsel-for-Kids-Information-Sheet-2022.pdf>.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.



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the child welfare system, such as in the educational, employment, health, or criminal justice domains.<sup>8</sup>

### **Solution**

The fundamental rights of children are at stake in CINA proceedings. These cases have the power to remove children from their homes, to determine with whom they reside and for how long, and to decide whether they will ever see their families again. Given the high stakes, any solution requires the appointment of a *client-directed* attorney for every child before filing a dependency action to represent the child all the way through permanency.

We thank the subcommittee for considering such an important piece of legislation and urge support for House File 2209. Children need a voice in CINA proceedings, and this bill will give many children the voice they deserve regarding such momentous decisions.

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<sup>8</sup> "Evaluation of the Washington State Dependent Child Legal Representation Program, 2021," Washington State Center for Court Research (2021), <https://www.courts.wa.gov/subsite/wscrr/docs/DCLR%20Report%202021.pdf>.



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## Frequently Asked Questions

### ***How would client-directed attorneys be funded?***

Undoubtedly, when implementing these solutions, policymakers are curious about how attorneys for children in foster care would be funded. The Iowa system already contemplates compensation for independent representation. Consequently, funding already exists for child representation. Additionally, federal funds are available for representation in CINA proceedings. This includes competitive grants to nonprofits and courts and pass-through funds to states and local governments. See **Appendix A** for grant opportunities.

Also, federal matching funds through Title IV-E of the Social Security Act help pay the costs of attorneys representing certain children and their parents in child welfare legal proceedings.<sup>9</sup>

A federal information memorandum, [Utilizing Title IV-E Funding to Support High-Quality Legal Representation and Promote Child and Family Wellbeing](#), explains how Title IV-E agencies can claim federal financial participation (FFP) for administrative costs of independent legal representation provided by attorneys representing children in Title IV-E foster care, children who are candidates for Title IV-E foster care, and their parents for, "preparation for and participation in judicial determinations" in all stages

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<sup>9</sup> "Title IV-E Reimbursement for Lawyers Representing Children, Parents, and Pre-Petition Prevention Opportunities," National Center for State Courts, [https://www.ncsc.org/\\_data/assets/pdf\\_file/0027/79524/Title-IV-E-Reimbursement.pdf](https://www.ncsc.org/_data/assets/pdf_file/0027/79524/Title-IV-E-Reimbursement.pdf); "Title IV-E Funding for Legal Representation," National Association of Counsel for Children, <https://www.naccchildlaw.org/page/TitleIVforLegalRepresentation>; "Utilizing Title IV-E Funding to Support High-Quality Legal Representation and Promote Child and Family Well-Being," The Office of the Administration for Children and Families (January 20, 2021), <https://www.acf.hhs.gov/cb/policy-guidance/im-21-06>.



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of foster care legal proceedings. See **Appendix B**. Additionally, a federal regulatory change has been proposed to expressly allow Title IV-E agencies to claim FFP, "for the administrative costs of an attorney providing ... independent legal representation of a child."<sup>10</sup>

### ***How do client-directed attorneys work with very young children?***

The best-interest model presumes a child's incapacity and relies on the judgment of an adult to determine what the child needs. A client-directed model flips the presumption on its head. It presumes the child is capable and relies on the attorney to determine the extent of incapacity.

In a traditional attorney-client relationship, attorneys are already accustomed to ethically representing clients with diminished capacity. Iowa Rules of Professional Conduct, state:

*When a client's capacity to make adequately considered decisions in connection with a representation is diminished, whether because of minority, mental impairment, or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client.<sup>11</sup>*

*... [A] client with diminished capacity often has the ability to understand, deliberate upon, and reach conclusions about matters affecting the client's own wellbeing. For example, children as young as five or six years of age, and certainly those of ten or twelve, are regarded as having opinions that are entitled to weight in legal proceedings concerning their*

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<sup>10</sup> U.S. Dep. of Health & Human Services, Administration of Children and Families, "Foster Care Legal Representation," ACF-2023-0008-0001 (Sep. 27, 2023), <https://www.acf.hhs.gov/cb/report/trends-foster-care-adoption>.

<sup>11</sup> Iowa R. Civ. P. 32:1.14.



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*custody. So also, it is recognized that some persons of advanced age can be quite capable of handling routine financial matters while needing special legal protection concerning major transactions.*<sup>12</sup>

When a child cannot direct the representation, a lawyer could be permitted to substitute judgment. Current ethical rules permit lawyers to take protective action for their clients with diminished capacity. "Such measures could include: consulting with family members, using a reconsideration period to permit clarification or improvement of circumstances, using voluntary surrogate decision-making tools."<sup>13</sup> However, when contemplating protective action, "the lawyer should be guided by ... the wishes and values of the client to the extent known, the client's best interests, and the goals of intruding into the client's decision-making autonomy to the least extent feasible, maximizing client capacities and respecting the client's family and social connections."<sup>14</sup>

A Guardian ad litem (GAL) is not out of the question, even in this traditional relationship. Current ethical rules permit the appointment of a GAL "[w]hen the lawyer reasonably believes that the client has diminished capacity; is at risk of substantial physical, financial or other harm unless action is taken; and cannot adequately act in the client's own interest."<sup>15</sup>

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<sup>12</sup> *Id.* at Comment 1.

<sup>13</sup> *Id.* at Comment 5.

<sup>14</sup> *Id.*

<sup>15</sup> *Supra*, note 11.



## Arizona Example of Substitute Judgement

When providing attorneys for all children in care, the Arizona Supreme Court implemented a substitute judgment mechanism when a child cannot direct the representation. In relevant part, the rules state:

*Substituted Judgment. During any period in which a normal attorney-client relationship is not reasonably possible to maintain, the child's attorney must make a substituted judgment. The attorney must advise the court of the determination of capacity that requires substituted judgment and any subsequent change in that determination. A substituted judgment includes determining what the child would decide if the child was capable of making an adequately considered decision and representing the child in accordance with that determination. The attorney should take direction from the child as the child develops the capacity to direct the attorney.<sup>16</sup>*

Determine Capacity. It is the ethical obligation of an attorney for a child to determine their client's capacity to make adequately considered decisions regarding the case. In making this determination for the child, the attorney must meet with the child in person, become acquainted with the child and the child's situation, and assess the child's ability to express wishes and direct the representation. The attorney should also consult other individuals such as family, foster placements, medical experts, and others with relevant information to determine the child's capacity.

Diminished Capacity. If the child's attorney determines that the child cannot express wishes and direct representation, the attorney must make a good-faith effort

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<sup>16</sup> AZ ST JUV CT Rule 306.



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to determine the child's needs and wishes. As far as possible, the attorney must maintain a normal attorney-client relationship with the child. Accomplishing both points requires regular in-person meetings with the child and, often, consistent communication with the child's caregivers.

*Substituted Judgement.* If the child's attorney determines the child has diminished capacity, the attorney must inform the court of the determination and substitute the attorney's judgment, advocating what the child's wishes would be if the child could adequately consider decisions. To do this effectively, the attorney must continue to meet with the child, the child's caregivers, and others with knowledge of the child's wellbeing; engage fully in all court proceedings, including keeping up with records, testimony, and case reports; and keeping the child updated on the status of the case and pending hearings or other court obligations.

***Will confidentiality further harm children?***

No. Some raise concerns about withholding information from courts, hampering best-interest determinations, and returning children to unsafe homes, but these concerns, although well-meaning, do not manifest in the actual operation of this model of representation.

Lawyers representing children are bound by ethical duties of loyalty and care, including confidentiality. However, properly structured, lawyers who genuinely believe there is imminent danger or believe that the child's position is harmful can request a GAL to investigate the facts and circumstances and make recommendations in line with



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the GAL's independent determination as to the child's best interests and, accordingly, make a recommendation to the court. However, the lawyer is and should always remain an advocate for their child client's expressed wishes and rights.



## Appendix A

# Grants Matrix: State-Administered Federal Funds that can Support Legal Aid

The Justice in Government Project (JGP) searches for opportunities to connect good government with access to justice. This includes identifying state and local government policies, programs, and priorities where evidence shows including legal services alongside other supportive services can improve outcomes, effectiveness, and cost efficiencies. States receive a significant influx of federal grants – [about one-third of total state government funding](#) – to implement many public policies and programs including those to enable access to health care, income security, education, employment, social services, and housing, and improve family stability and public safety.

Many opportunities to financially support civil legal aid flow from states' powers to administer some of those federal funding sources. Avoiding here the technical differences among the [different grant mechanisms](#), this matrix focuses on those [block](#), [formula](#), and [open-end reimbursement grants](#) (AKA pass-through funds) where the federally-established amounts and spending parameters give states flexibility to tailor spending to local priorities and allow state spending on civil legal aid – whether to support self-represented litigants, brief counsel and advice, or limited and/or full representation. Each of the federal funding sources in the matrix have their own authorizing statute, regulations, formulas, sub-regulatory guidance and degrees of flexibility.

The matrix shows the possibilities for partnering with state and local governments to address the need for civil legal help that advances government priorities involving low-income and other underserved populations. It provides an overview of those state-administered federal funds that can support legal aid and examples of how states have used these funds to advance their goals with legal aid. It also gives helpful tips, like how to find your state's administrator, how much funding is available, and where to find state-specific plans and reports. For an abbreviated overview of this resource, please see JGP's [Grants Matrix At-a-Glance](#).

**PANDEMIC-RELATED FUNDING INFORMATION:** The Helpful tips column includes tips in orange font about CARES Act and other COVID-19-related law or agency guidance relevant to the funding source. Given the pandemic-related imperative for legal aid and partners to expand technology tools and remote service delivery, the Helpful tips column also highlights in green font the potential to use funds for technology.

This matrix features:

- AmeriCorps [State and National](#), and [VISTA](#)
- [Community Development Block Grant \(CDBG\)](#)
- [Community Services Block Grant \(CSBG\)](#)
- [Coronavirus Relief Fund](#)
- [Emergency Solutions Grants \(ESG\) program](#)
- [Family Violence Prevention and Services Formula Grants \(FVPSA\)](#)
- [Housing Opportunities for Persons With AIDS \(HOPWA\) program](#)
- [Older Americans Act \(OAA\), Title III-B](#)
- [Ryan White HIV/AIDS Program](#)
- [Social Services Block Grant \(SSBG\)](#)
- [State Opioid Response grants \(SOR\)](#)
- [STOP \(Services, Training, Officers, and Prosecutors\) Violence Against Women Formula Grant](#)
- [Substance Abuse Prevention and Treatment Block Grant \(SABG\) and the Community Mental Health Services Block Grant \(MHBG\)](#)
- [Temporary Assistance for Needy Families \(TANF\)](#)
- [Title IV-D – Child Support and Establishment of Paternity](#)
- [Title IV-E – Federal Payments for Foster Care and Adoption Assistance](#)
- [Title IV-E – Support and Prevention Services](#)
- [Victims of Crime Act \(VOCA\) Victim Assistance Formula Grants](#)
- [Workforce Innovation and Opportunity Act \(WIOA\) State Formula Funding](#)

Last updated July 15, 2021

To download this Grants Matrix, go to: <https://www.american.edu/spa/jpo/toolkit/module-2.cfm>

Funding source	Description	Language regarding legal aid	Examples	Helpful tips
<p>AmeriCorps State and National</p> <p>CFDA# 94.006</p> <p><i>Corporation for National and Community Service (CNCS)</i></p>	<p><a href="#">AmeriCorps State and National (AmeriCorps)</a> is a national service program of the Corporation for National and Community Service (CNCS), which engages tens of thousands of men and women in intensive community service each year. AmeriCorps provides grants to a broad range of local and national organizations and agencies committed to using service to address compelling community issues. Participating organizations, including nonprofits, courts, public agencies, institutions of higher education, Indian Tribes, and faith-based organizations, enroll AmeriCorps members in an approved national service position and engage them in intensive service.</p> <p><b>Match requirement:</b> CNCS does not provide all the funds needed to operate the program. There are different requirements for cost sharing or matching depending on different factors. See the <a href="#">FY 2021 AmeriCorps State and National Grants Notice of Funding Opportunity</a> (NOFO) for details.</p> <p>Could support legal aid for:</p>	<p>Although the NOFO does not expressly mention courts or legal services, AmeriCorps has a long history of court and legal aid grantees both at the national and state commission levels.</p> <p>See the U.S. Department of Justice <a href="#">FY 2016 Guide to the AmeriCorps State and National Program for Legal Aid Organizations</a> for more information.</p> <p>Grantees have limited resources and staff, and often lack the ability to help everyone in need. Grantees can utilize AmeriCorps grants and members to expand their reach and provide more direct legal services to a greater segment of the community. Some grantees have used AmeriCorps members to provide direct services in a variety of different settings including community-based legal aid offices, law libraries and local courthouses.</p> <p>The <a href="#">2021 AmeriCorps NOFO</a> identifies the following priority areas:</p> <ul style="list-style-type: none"> <li>• Efforts to help local communities recover from the COVID-19 pandemic. Applicants may propose programming in any CNCS focus area to aid communities as they recover from the COVID-19 pandemic.</li> <li>• Programs that actively engage in removing structural racial inequities, advancing racial equality, and increasing opportunity in order to</li> </ul>	<p>Legal aid providers and courts can utilize AmeriCorps grants to expand their reach and provide more direct legal services to a greater segment of the community. Grants can also be used for capacity building, such as recruiting and managing volunteers, completing community assessments, and developing new systems and business processes. AmeriCorps members can also be tasked with <a href="#">supporting/developing technology tools</a>. Many members are non-lawyer advocates and navigators though some programs include full-time lawyer members as well. Current and prior examples include:</p> <p><b>Arkansas:</b> <a href="#">Justice for Arkansans Project</a> is an AmeriCorps program that combats homelessness, housing instability, and employment barriers by placing AmeriCorps members statewide to provide specialized legal intervention. Members provide direct legal services to veterans, those reentering society, families and seniors, and housing unstable individuals in poverty.</p> <p><b>Arizona:</b> Members serve in the Providing Access to Court Services (PACS) program, interacting with court customers in the Maricopa County Superior Court. They provide</p>	<p><b>Any COVID-19 related spending or administrative flexibilities can be found <a href="#">here</a>.</b></p> <p><b>The American Rescue Plan Act of 2021 provided an additional \$640 M to AmeriCorps State and National. For additional information, read the <a href="#">announcement from CNCS</a> and see JGP's <a href="#">ARP Funding Chart</a>.</b></p> <p><b>How do you apply?</b> Courts seeking funding for a single-state program apply through their state commission that then forwards it to CNCS. Each state has its own selection process and decides whether to award a subgrant from its formula grant or to put the application forward to CNCS for competitive funding. Organizations should contact their state commissions to receive the appropriate application materials and to learn about state specific deadlines.</p> <p><b>How do you find your state administrator?</b> CNCS provides contact information for this commission and state-specific grant deadlines <a href="#">here</a>.</p> <p><b>How much funding is available?</b></p>

Funding source	Description	Language regarding legal aid	Examples	Helpful tips
	<ul style="list-style-type: none"> <li>- Assisted self-help</li> <li>- Consumers</li> <li>- People with a criminal record</li> <li>- Education</li> <li>- Survivors of domestic violence</li> <li>- People with disabilities</li> <li>- Survivors of elder abuse</li> <li>- Children in foster care</li> <li>- Health</li> <li>- Housing</li> <li>- Survivors of human trafficking</li> <li>- Immigration</li> <li>- Native Americans</li> <li>- Veterans</li> </ul>	<p>achieve sustainable change in communities.</p> <ul style="list-style-type: none"> <li>• Economic Opportunity – a program model that increases economic opportunities for communities by preparing people for the workforce.</li> <li>• Education – see sixth bullet.</li> <li>• Healthy Futures – a program model that reduces and/or prevents prescription drug and opioid abuse.</li> <li>• Evidence-based interventions on the <a href="#">AmeriCorps Evidence Exchange</a> that are assessed as having Moderate or Strong evidence.</li> <li>• Veterans and Military Families – a program model that positively impacts the quality of life of veterans and improves military family strength.</li> <li>• Rural intermediaries - organizations that demonstrate measurable impact and primarily serve rural communities with limited resources and organizational infrastructure.</li> <li>• Faith-based organizations.</li> <li>• Programs that reduce child poverty.</li> <li>• Environmental stewardship.</li> <li>• Economic Mobility Corps – a joint initiative with the Community Development Financial Institutions Fund to place national service members at Certified Community Development Financial Institutions to enhance their capacity to provide financial literacy, financial planning, budgeting, saving, and other financial</li> </ul>	<p>information at the entry to the court building to people needing help finding something in the court or navigating a court process. PACS members assist court users who are completing and filing petitions for protective orders and paperwork involving child custody and support.</p> <p><b>California:</b> <a href="#">California JusticeCorps</a> members provide legal information in court-based self-help centers. See The Justice in Government Project’s <a href="#">case study</a> on California’s JusticeCorps program, published with support from The Pew Charitable Trusts.</p> <p><b>Illinois:</b> <a href="#">Illinois JusticeCorps</a> members help self-represented litigants navigate the courthouse, provide information about legal aid services, and answer general questions about the legal process. See The Justice in Government Project’s <a href="#">case study</a> on Illinois JusticeCorps program, published with support from The Pew Charitable Trusts.</p>	<p>Find current and past budget information <a href="#">here</a>.</p> <p><b>Other useful documents:</b> This CNCS <a href="#">PowerPoint</a> serves as an introduction to the state and national grants.</p> <p>The U.S. Department of Justice <a href="#">FY 2016 Guide to the AmeriCorps State and National Program for Legal Aid Organizations</a> highlights key components of the AmeriCorps program for legal aid organizations.</p> <p>In a January 2020 <a href="#">SRLN webinar</a> on "Funding Sources for Court-based Navigator Programs," Nicole Claro-Quinn (California), Stacey Weiler (Illinois) and Meghan Scott (Montana) discussed the ins and outs of using AmeriCorps funding and provided helpful tips for others considering tapping this resource.</p>

Funding source	Description	Language regarding legal aid	Examples	Helpful tips
<p>AmeriCorps VISTA CFDA# 94.013</p> <p><i>Corporation for National and Community Service (CNCS)</i></p>	<p><a href="#">AmeriCorps VISTA</a> is the national service program designed to fight poverty. Established as Volunteers in Service to America in 1965, VISTA was incorporated into the AmeriCorps network of programs in 1993. Any public, private, or faith-based nonprofit organization, educational institution, or public agency may sponsor a VISTA. The VISTA program is guided by four core principles: anti-poverty, community engagement, capacity building, and sustainable solutions.</p> <p>VISTAs do not provide direct services, and VISTAs' duties should not replace or supplant those of paid staff, contractors or existing volunteers. However, VISTAs can perform a wide range of activities that amplify the sponsor's organizational capacity, such as expanded volunteer recruiting activities, developing new volunteer programs, enhancing website content and functions, drafting and disseminating information for court users, and more.</p>	<p>counseling activities in distressed and underserved areas.</p> <p>Legal aid providers, sometimes with a court partner, have used VISTAs to launch, strengthen, or expand programs that increase civil access to justice.</p> <p>VISTAs can:</p> <ul style="list-style-type: none"> <li>- Recruit volunteer attorneys, law students, and/or non-legal volunteers</li> <li>- <b>Develop and enhance technology resources</b>, including informational materials or websites</li> <li>- Conduct studies or surveys</li> <li>- Network and/or develop partnerships with hospitals, schools, public agencies, or other service providers</li> <li>- Write grants, organize fundraisers, and solicit donations for your organization</li> </ul>	<p>State examples using AmeriCorps VISTA volunteers for legal aid include:</p> <p><b>Legal Aid Chicago (formerly "LAF"):</b> At Legal Aid Chicago, <a href="#">VISTAs</a> recruited, coordinated, trained and supported volunteer attorneys and interpreters for various projects, including: a community legal aid clinic; a program to assist immigrant victims of domestic violence apply for U.S. citizenship under the Violence Against Women Act; and legal hotline for people who have been denied public benefits. They also helped start a medical-legal partnership at the University of Chicago's children's hospitals and clinics. A VISTA specializing in community engagement and technological innovation also staffs LAC's <a href="#">Juvenile Expungement Help Desk</a>, a free walk-in help desk that provides expungement assistance concerning arrests and records, as well as assistance filing paperwork. See NLADA's Project to Advance Civil Legal Aid Collaborations (PACC) <a href="#">case study</a> on the Juvenile Desk.</p> <p><b>Mid-Minnesota Legal Assistance:</b> They recruit VISTA members to assist with <a href="#">maintaining the statewide</a></p>	<p><b>Any COVID-19 related spending or administrative flexibilities can be found <a href="#">here</a>.</b></p> <p><b>The American Rescue Plan Act of 2021</b> provided an additional \$80 M to AmeriCorps VISTA. For additional information, see JGP's <a href="#">ARP Funding Chart</a>.</p> <p><b>How do you apply?</b> Applicants submit a brief Concept Paper through eGrants, the CNCS online application and reporting system. Concept papers are reviewed four times throughout the year. Organizations submitting accepted concept papers will be invited to submit a full application. A timeline and general information can be found <a href="#">here</a>. CNCS staff can answer questions and provide technical assistance throughout the project development process.</p> <p><b>How do you find your state administrator?</b> CNCS provides contact information for state-specific staff <a href="#">here</a>.</p> <p><b>Other useful documents:</b> There are extensive resources available to assist you in the application process located <a href="#">here</a>. It</p>

Funding source	Description	Language regarding legal aid	Examples	Helpful tips
	<p><b>Note:</b> Applications to sponsor VISTA members are made through CNCS. It is included in this <a href="#">Grants Matrix</a> of <i>state-administered</i> federal funds because of the technical assistance state-level CNCS staff can provide and because legal aid programs and courts can partner with local or state government agencies to become a sponsoring organization.</p> <p>Could support legal aid for:</p> <ul style="list-style-type: none"> <li>- Assisted self-help</li> <li>- Consumers</li> <li>- People with a criminal record</li> <li>- Education</li> <li>- Survivors of domestic violence</li> <li>- People with disabilities</li> <li>- Survivors of elder abuse</li> <li>- Children in foster care</li> <li>- Health</li> <li>- Housing</li> <li>- Survivors of human trafficking</li> <li>- Immigration</li> <li>- Native Americans</li> <li>- Veterans</li> </ul>		<p>websites, analyzing usage data, and working on other technology projects.</p> <p><b>Minnesota Legal Services:</b> VISTAs updated and enhanced the legal help website LawHelpMN.org, adding hundreds of additional resources to the site, including a “LiveHelp” chat navigational assistance tool, and created versions of the site in Somali and Spanish; and created document assembly court form interviews for pro se litigants.</p> <p><b>Montana:</b> The <a href="#">AmeriCorps State Justice for Montanans project</a> hosts 18 AmeriCorps members who serve at the Montana Legal Services Association, court-sponsored Self-Help Centers, the Montana Attorney General’s Office of Consumer Protection and Victim Services, and the State Bar of Montana’s Modest Means Program. The members help low- to moderate- income individuals apply for assistance, locate resources, and use available</p> <p><b>NLADA’s Defending Communities in Services VISTA Program:</b> This program trains VISTA members in Community-Oriented Defense and places them in in-need public defense offices to assist with data management and community</p>	<p>is highly recommended that applicants contact the state CNCS office for guidance before completing the concept paper. <a href="#">DOJ’s Guide to the AmeriCorps VISTA Program for Legal Aid Organizations</a> highlights key components of the AmeriCorps VISTA program for legal aid organizations.</p> <p>In a January 2020 <a href="#">SRLN webinar</a> on “Funding Sources for Court-based Navigator Programs,” Nicole Claro-Quinn (California), Stacey Weiler (Illinois) and Meghan Scott (Montana) discussed the ins and outs of using AmeriCorps funding and provided helpful tips for others considering tapping this resource.</p>

Funding source	Description	Language regarding legal aid	Examples	Helpful tips
			<p>partnerships to drive evidence-based practices.</p> <p><b>Prairie State Legal Services:</b> VISTAs created a mortgage foreclosure helpdesk at an Illinois county courthouse to provide legal information to court users.</p>	
<p>Community Development Block Grant (CDBG)</p> <p>CFDA# 14.218</p> <p><i>U.S. Department of Housing and Urban Development (HUD), Office of Community Planning and Development</i></p>	<p>The <a href="#">CDBG program</a> works to ensure decent affordable housing, to provide services to the most vulnerable in our communities, and to create jobs through the expansion and retention of businesses.</p> <p>HUD determines the amount of each grant by using a formula comprised of several measures of community need, including the extent of poverty, population, housing overcrowding, age of housing, and population growth lag in relationship to other metropolitan areas.</p> <p>CDBG funds in two communities: entitlement (bigger cities and urban areas) and non-entitlement communities. Non-entitlement funding is overseen by the state. 70 percent of CDBG funds go to entitlement communities and 30 percent to non-entitlement communities.</p>	<p>According to <a href="#">Chapter 2 of HUD’s Guide to National Objectives and Eligible Activities for State CDBG Programs</a>, legal services are an eligible use of CDBG funds: “Legal services (including walk-in legal counseling, foreclosure mitigation and prevention, landlord/tenant matters, veteran and public benefit appeals, child support orders, reasonable accommodations for persons with disabilities, and consumer protection).”</p> <p>In Chapter 2’s discussion of categories of eligible activities and situations in which public services activities carried out by nonprofits can exceed limits placed on public services expenditures (e.g., the 15% cap), the CDBG Guide explains that one of those situations includes legal services: “Any services provided by a nonprofit development group that are specifically designed to increase economic opportunities through job training and placement and other employment support services (for example,...<i>legal services to secure or retain employment...</i>)” (p. 54). <a href="#">CDBG can also be used</a> for the “acquisition (including long term leases for periods of</p>	<p>States examples using CDBG funds for legal aid include:</p> <p><b>Largo, Florida:</b> The <a href="#">City of Largo</a> provides funding to Gulfcoast Legal Services, Inc. to assist with fair housing. They provide fair housing legal services to protect low/mod income homeowners from predatory lenders, and low- and moderate-income renters from housing discrimination and unlawful evictions to help these households be able to stay in their homes.</p> <p><b>Louisiana:</b> <a href="#">Southeast Louisiana Legal Services</a> uses CDBG funds for a Clean Slate Expungement Project to cover the cost of expungement filing fees and legal services delivered through a combination of staff and pro bono attorneys to handle expungements from start to finish.</p> <p>Southeast Louisiana Legal Services has also received CDBG-DR for title clearing work to help families secure</p>	<p><b>CARES Act:</b> appropriated \$5 billion to the "Community Development Fund" to respond to COVID-19 including \$2 billion and \$1 billion for CDBG-CV in April and May 2020, respectively; \$1 billion for HUD's Emergency Solutions Grants program; and \$63.7 million for HUD's Housing Opportunities for Persons with AIDS program. Grantee guidance for CARES Act CDBG funds is <a href="#">here</a>. State and grantee allocations of CDBG funds can be found <a href="#">here</a>.</p> <p>On August 28, 2020, HUD released <a href="#">FAQs on CDBG CARES Act funding (CDBG-CV)</a> to summarize <a href="#">an August 20, 2020 Notice of program rules, waivers and requirements applicable supplemental CDBG-CV funds and to annual formula CDBG grants awarded in FY 2019 and 2020</a>.</p> <p><b>American Rescue Plan:</b> ARPA included \$455 M for the <a href="#">Native American and Native Hawaiian Housing Block Grants (HBG)</a> and \$280 M for the <a href="#">Indian Community</a></p>

Funding source	Description	Language regarding legal aid	Examples	Helpful tips
	<p>Funding decisions are made at the local level. Organizations interested in receiving CDBG funding—entitlement or non-entitlement—must apply to their local government agency.</p> <p>HUD also oversees the Community Development Block Grant Disaster Recovery Program (<a href="#">CDBG-DR</a>). CDBG-DR funds are flexible grants to cities, counties, and states recovering from Presidentially-declared disasters. HUD then issues a notice in the <i>Federal Register</i> that serves as regulations for states and communities receiving funds. <b>Match requirement:</b> States may use up to a maximum of <a href="#">3 percent</a> of their CDBG allocations for administrative costs. Amounts expended on administration exceeding \$100,000 must be matched.</p> <p>Could support legal aid for:</p> <ul style="list-style-type: none"> <li>- Consumers</li> <li>- People with disabilities</li> <li>- Children in foster care</li> <li>- Housing</li> <li>- Immigration</li> <li>- Veterans</li> </ul>	<p>15 years or more), construction, rehabilitation (including removal of architectural barriers to accessibility), or installation.” With few exceptions, public facilities and improvements <a href="#">are intended to benefit all residents in an area</a>. To qualify, “they [the grantee] must serve an area having a sufficiently high percentage of L/M income persons.”</p> <p>Following a disaster declaration, Congress may appropriate <a href="#">CDBG Disaster Recovery</a> (CDBG-DR) funding. Similar to CDBG, grantees must use at least 70 percent of their CDBG-DR to benefit low and moderate income households. CDBG regulations apply, unless they are modified in the Federal Register. Unlike CDBG, CDBG-DR allows states to use waivers and alternative requirements to best direct the funds for disaster relief.</p>	<p>loans and other disaster aid needed to rebuild.</p> <p><b>Montgomery County, Maryland:</b> <a href="#">Catholic Charities of the Archdiocese of Washington</a> uses CDBG funds for legal services to enable Montgomery County residents to resolve immigration issues in such areas as naturalization/citizenship, employment- and family-based permanent residency and consular processing. The Countywide program benefits an estimated 125 people.</p> <p><b>Neighborhood Legal Services of Los Angeles County:</b> <a href="#">Neighborhood Legal Services</a> used CDBG to fund façade improvements and some interior renovations.</p> <p><b>Illinois:</b> <a href="#">Prairie State Legal Services</a> received initial awards of \$225,000 in CDBG-CV funds from three counties to handle the surge in eviction cases, with more proposals still pending.</p> <p><b>Delaware:</b> <a href="#">Community Legal Aid Society, Inc.</a> received \$100,000 in CDBG-CV funds for legal aid to help prevent or settle landlord/tenant disputes as a result of circumstances relating to the pandemic.</p>	<p><a href="#">Development Block Grant (I-CDBG)</a>. For the Senate Committee on Indian Affairs breakdown of the more than \$31 B in ARPA for Native Communities, the “largest investment in Native Programs in history,” including these block grants, go here. For ARPA language, see the <a href="#">JGP ARPA Funding Matrix</a>.</p> <p><b>How do you find your state administrator and available funding?</b> To find contact information, report, awards, jurisdiction, and other data for organizations that receive HUD funding, go <a href="#">here</a>.</p> <p><b>Other useful documents:</b> HUD has a <a href="#">guide</a> to national objectives and eligible activities that can help you understand the program.</p> <p>CDBG requires grantees (states, cities, counties) to develop and follow a plan that encourages citizen participation, particularly the participation of low- and moderate-income citizens – and their social service providers – in areas where the <a href="#">grantee proposes to use CDBG funds</a>. The plan must provide citizens with access to local meetings, information, and records related to the proposed and actual use of</p>

Funding source	Description	Language regarding legal aid	Examples	Helpful tips
			<p><b>Ohio:</b> Legal Aid Society of Cleveland secured \$700,000 in CDBG-CV funds from the City of Cleveland for housing stability efforts with a focus on evictions and has pending requests with several counties.</p> <p><b>Pennsylvania:</b> In 2017, Philadelphia City Council and the Philadelphia Eviction Prevention Project (PEPP), a collaboration among six organizations that provides comprehensive legal and social services to low-income tenants facing eviction. PEPP received \$500,000 for the project – braiding together local government and CDBG funds – to provide a range of services including a Tenant Hotline, Lawyer of the Day program, Court Navigators, a tenant hotline, pro bono support, financial counseling, and community outreach through tenants' rights workshops. Read <a href="#">JGP's case study</a> about how PEPP advocates help improve tenants' case outcomes and prevent homelessness and housing instability.</p>	funds. Consolidated plans are available <a href="#">here</a> .
Community Services Block Grant (CSBG) CFDA# 93.569	<a href="#">CSBG provides funds</a> to alleviate the causes and conditions of poverty, address the needs of low-income individuals, and provide services and activities addressing employment, education, better use of available	An <a href="#">ACF factsheet</a> states what services can be funded through CSBG: "[Local] entities are required to provide services and activities addressing employment, education, better use of available income, housing, nutrition, emergency services, and/or health. Services most often	Several states have used CSBG to fund legal aid organizations. Examples include:  <b>California:</b> In <a href="#">Los Angeles</a> , CSBG funds five legal aid organizations. These organizations provide legal	<b>CARES Act:</b> Appropriated \$1 billion for to help communities address the consequences of increasing unemployment and economic disruption due to COVID-19. <a href="#">COVID-19 emergency guidance for CSBG</a>

Funding source	Description	Language regarding legal aid	Examples	Helpful tips
<p><i>U.S. Department of Health and Human Services Administration for Children &amp; Families (ACF), Office of Community Services (OCS)</i></p>	<p>income, housing, nutrition, emergency services and/or health. ACF identifies four goals for low-income individuals: increased self-sufficiency, improved living conditions, ownership and pride in their communities, and strong family and support systems.</p> <p><b>Match requirement:</b> None</p> <p>Could support legal aid for:</p> <ul style="list-style-type: none"> <li>- Consumer</li> <li>- Education</li> <li>- Survivors of elder abuse</li> <li>- Health</li> <li>- Housing</li> <li>- Immigration</li> <li>- Native Americans</li> <li>- Veterans</li> </ul>	<p>provided include employment training and placement, income management, education, emergency services, health, nutrition, transportation, housing assistance, and providing linkages among anti-poverty programs."</p> <p>As an NLADA presentation shows, <a href="#">legal aid providers have received funding</a> for providing services and activities addressing employment, education, better use of available income, housing, nutrition, emergency services and/or health.</p>	<p>services specializing in family law, housing, immigration, and workers' rights.</p> <p><b>Idaho:</b> In <a href="#">Idaho's Model State Plan 2018</a>, Idaho Legal Aid Services is listed as one of the CSBG eligible entities that partner with other community organizations. <a href="#">Idaho Legal Aid Services</a> provides services in the areas of family law, domestic violence, housing, migrant farmworker issues, Native American law, public benefits, and seniors.</p> <p><b>Illinois:</b> Legal Aid Chicago (formerly "LAF") is a <a href="#">sub-grantee of CSBG funding</a> awarded through the City of Chicago. The grant funds an outreach and enrollment project for public benefits.</p>	<p><b>State Officials and other CSBG Stakeholders is <a href="#">here</a>.</b></p> <p><b>ACF guidance</b> describes flexibility to certain grantees regarding no-cost extensions, allowability of salaries and other project activities, equipment and supplies needed to support remote delivery of program services, costs not normally chargeable to awards, and more.</p> <p><b>How do you find your state administrator?</b> HHS provides a <a href="#">contact list</a> of state officials and program contacts who oversee CSBG.</p> <p><b>How much funding is available?</b> The most recent CSBG allocations can be found <a href="#">here</a>.</p> <p><b>Other useful documents:</b> State plans for CSBG must be developed every two years. HHS has a model state plan available <a href="#">online</a>. If your state has not posted about the period for public comment, contact your state's CSBG administrator.</p> <p>OCS maintains a searchable <a href="#">Resource Library</a> organized by funding source. Narrow your search by clicking on</p>

Funding source	Description	Language regarding legal aid	Examples	Helpful tips
				CSBG and entering your state in the keyword search box. Search results would include OCS's assessment report following a monitoring visits to your state.
<p><b>Coronavirus Relief Fund (CRF)</b></p> <p><i>U.S. Department of the Treasury</i></p>	<p>The <a href="#">Coronavirus Relief Fund</a>, made available under section 601(a) of the Social Security Act as added by section 5001 of the CARES Act, provides for payments to State, Local, and Tribal governments navigating the impact of the COVID-19 outbreak. The CRF was established with \$150 billion. Treasury will make payments from the CRF to States and eligible units of local government; the District of Columbia and U.S. Territories (the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments (collectively “governments”).</p> <p>The \$150 billion includes:</p> <ul style="list-style-type: none"> <li>• \$139 billion to 50 states based on their population (no state receives less than \$1.25 billion)</li> <li>• \$8 billion for governments in tribal areas</li> </ul>	<p>Coronavirus Relief Fund recipients have broad discretion to make payments for programs that:</p> <ol style="list-style-type: none"> <li>(1) are necessary expenditures incurred due to the public health emergency with respect to COVID-19;</li> <li>(2) were not accounted for in the budget most recently approved as of March 27, 2020 for the State or government; and</li> <li>(3) were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.</li> </ol> <p>Government recipients could potentially use these very flexible funds for legal services and <b>technology-related needs</b> that meet the three criteria.</p> <p>*Language Regarding <a href="#">Indirect Costs</a> Under CRF <a href="#">According to Treasury CRF guidance</a> updated on September 2, 2020: "Payments from the Fund are not administered as part of a traditional grant program and <b>the provisions of the Uniform Guidance, 2 C.F.R. Part 200, that are applicable to indirect costs do not apply. Recipients may not apply their indirect costs rates to payments received from the Fund.</b>" (Emphasis added)</p>	<p><b>Columbus, Ohio:</b> The Legal Aid Society <a href="#">received \$250,000</a> in CRF to fund five additional attorneys at Franklin County’s eviction court.</p> <p><b>Kansas:</b> Kansas Judicial Branch received \$3.52 million in CRF funds to help district courts secure personal protective equipment (PPE) and <b>remote technology, as well as to create projects launching December 2020, including an online marriage license application system, a text notification system for parties and jurors, and access to virtual hearings statewide through the Kansas Judicial Branch website.</b></p> <p>See The Justice in Government Project’s <a href="#">case study</a> on Kansas Judicial Branch, published with support from The Pew Charitable Trusts.</p> <p><b>Michigan:</b> The Michigan legislature allocated \$4 million in CRF dollars for legal aid to provide legal assistance to tenants facing eviction and to participate in a statewide eviction diversion program.</p>	<p>U.S. Department of the Treasury description of the program is <a href="#">here</a>.</p> <p>The <a href="#">Consolidated Appropriations Act, 2021</a> signed into law December 27, 2020 extended the date by which state and local governments must spend CRF funding from December 30, 2020 to December 31, 2021.</p> <p><b>How much funding is available?</b> Some jurisdictions have spent their full allocations, however it is worth confirming. Find original funding allocations to states and local governments <a href="#">here</a>. See also the National Conference of State Legislatures’ <a href="#">Map of State Actions on CRF funds</a>.</p> <p><b>How do you apply?</b> States develop their own process so start with your Governor's office.</p> <p><b>Other useful resources:</b> The National Coalition for a Civil Right to Counsel (NCCRC) has collected examples of CRF funds (as well as other CARES Act authorized funding streams, e.g., CDBG, ESG) and Emergency Rental</p>

Funding source	Description	Language regarding legal aid	Examples	Helpful tips
	<ul style="list-style-type: none"> <li>• \$3 billion to territories, including D.C.</li> </ul> <p><b>Match requirement:</b> None</p>	<p>While CRF subrecipients may not apply a flat de minimus rate or their federally negotiated indirect cost rate, they may be able to use CRF dollars for COVID-19-related administrative work to set up and manage new programs as eligible direct costs:</p> <p>"Recipients may, if they meet the conditions specified in the guidance for tracking time consistently across a department, use payments from the Fund to cover the portion of payroll and benefits of employees corresponding to time spent on administrative work necessary due to the COVID-19 public health emergency. (In other words, such costs would be eligible direct costs of the recipient). This includes, but is not limited to, costs related to disbursing payments from the Fund and managing new grant programs established using payments from the Fund."</p>	<p><b>Nevada:</b> Legal Aid Center of Southern Nevada received \$400,000 in CRF from Clark County to run a Small Business Legal Advice Project and to provide advice and counsel any independent contractor or business facing evictions, garnishments, and other civil legal needs in their court-based Civil Law Self Help Center.</p> <p><b>New Hampshire:</b> In May 2020, the New Hampshire Supreme Court received \$1.5 million in CRF to <a href="#">adopt technology innovations and pivot NH courts' day-to-day operations online</a>. The successful CRF proposal covered essential costs to handle in-person proceedings, including PPE and increased sanitation. It also included hardware and software that enabled staff to work remotely, remote testing, transportation, and related services for drug court clients. The CRF funds also enabled a <a href="#">"virtual" courthouse</a> for non-emergency matters, including Webex for remote oral arguments and hearings, livestreaming to ensure public access to proceedings, and equipment that allowed staff to work from home and provide assistance to self-represented litigants.</p> <p>See The Justice in Government Project's <a href="#">case study</a> on New</p>	<p>Assistance Program funds used for legal aid <a href="#">here</a>.</p>

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			<p>Hampshire courts, published with support from The Pew Charitable Trusts.</p> <p><b>Pennsylvania:</b> The Pennsylvania Legal Aid Network (PLAN) <a href="#">received \$8 million</a> in CRF to fund legal services related to COVID-19.</p> <p><b>Washington:</b> The Washington State Office of Civil Legal Aid received \$2.3 million in CRF to fund legal services related to COVID-19.</p>	
<p>Emergency Solutions Grants (ESG) program</p> <p>CFDA# 14.231</p> <p><i>U.S. Department of Housing and Urban Development, Office of Community Planning and Development, Office of Special Needs Assistance Programs</i></p>	<p>The <a href="#">ESG program</a> provides funding to (1) engage homeless individuals and families living on the street; (2) improve the number and quality of emergency shelters for homeless individuals and families; (3) help operate these shelters; (4) provide essential services to shelter residents; (5) rapidly rehouse homeless individuals and families; and (6) prevent families/individuals from becoming homeless.</p> <p>ESG is a formula grant program and eligible recipients generally consist of metropolitan cities, urban counties, territories, and states, as defined in 24 CFR 576.2. The ESG funding formula is <a href="#">based on</a> geographic size, population, and poverty rates. All</p>	<p>ESG funds may be used for <a href="#">five program components</a>:</p> <ol style="list-style-type: none"> <li>1. Street outreach, including engagement, case management, emergency health and mental health services, transportation, and services for special populations</li> <li>2. Emergency shelter, including case management, child care, education services, employment assistance and job training, outpatient health services, <b>legal services</b>, and others</li> <li>3. Homelessness prevention, including rental assistance, financial assistance, and services such as landlord-tenant mediation and tenant <b>legal services</b></li> <li>4. Rapid re-housing assistance, including rental assistance, financial assistance, and services including tenant <b>legal services</b> and credit repair, and</li> <li>5. Data collection through the Homeless Management Information System</li> </ol>	<p><b>Michigan:</b> Legal Services of South Central Michigan (LSSCM) <a href="#">received \$212,410</a> of Washtenaw County’s CARES Act ESG allocation to cover Year 1 staffing and up to 4.6 percent of administrative costs to develop and implement an Eviction Prevention Project to reduce evictions in the county during and after the COVID-19 crisis. The Project will, among other things, <a href="#">convene virtual legal clinics for county residents at risk of eviction, enhance access to legal services through online intake, and engage with local courts to promote eviction diversion.</a></p>	<p>All HUD guidance including funding and award information, program notices and waivers, FAQs, and webinars related to ESG and COVID-19 can be found <a href="#">here</a>.</p> <p><b>NOTE:</b> HUD's Office of Special Needs Assistance Programs invites homeless assistance providers and their partners to participate in weekly Office Hours to discuss COVID-19 planning and response on Fridays from 2:30-4:00 PM EDT. Information is <a href="#">here</a>.</p> <p><b>How do you find your state administrator and available funding?</b></p> <p>To fund contact information, report awards, jurisdiction, and other data for organizations that receive HUD funding, go <a href="#">here</a>.</p>

Funding source	Description	Language regarding legal aid	Examples	Helpful tips
	<p>recipients must consult with the <a href="#">Continuum(s) of Care</a> operating in the jurisdiction to determine how to subgrant ESG funds.</p> <p><b>Match requirements:</b> Metropolitan cities and urban county recipients must match grant funds with an equal amount of contributions, which may include cash, donated buildings or materials, and volunteer services. States must match all but \$100,000 of their awards, but must pass on the benefits of that \$100,000 exemption to their subrecipients that are at least capable of providing match amounts. Territories are exempt from the match requirement. <a href="#">See 24 CFR 576.201.</a></p>	<p>Allowable legal services are defined in 24 CFR 576.102(a)(1)(vi) under "Essential services." See pg. 16 of <a href="#">HUD's Notice CPD-20-08.</a></p>		<p><b>Other useful resources:</b> To find previous ESG awards, go <a href="#">here.</a></p> <p>HUD has compiled ESG FAQs <a href="#">here.</a></p>
<p>Family Violence Prevention and Services Formula Grants (FVPSA)</p> <p>CFDA# 93.671</p> <p><i>U.S. Department of Health and Human Services, Administration for Children &amp; Families, Family and Youth</i></p>	<p>The <a href="#">Family Violence Prevention and Services (FVPSA) formula grants</a> to states and territories fund more than 1,600 local public, private, nonprofit and faith-based organizations and programs demonstrating effectiveness in the field of domestic violence services and prevention.</p> <p>The funds can be used for shelter, safety planning, crisis counseling, information and</p>	<p>FVPSA provides by <a href="#">statute</a> for "legal advocacy to assist victims and their dependents." Legal advocacy is listed as a funding area on the FYSB <a href="#">website</a> and legal assistance, legal advocacy, legal responses, as well as court accompaniment and court advocacy are reported uses of FVPSA in the <a href="#">HHS Guide for State and Territorial Administrators.</a></p> <p>The Guide explains that "FVPSA is the primary funding stream for local domestic violence programs to provide core services, including crisis response, safe</p>	<p>Several states have funded direct legal services, court advocate programs, and legal service referral systems with FVPSA and/or developed relationships with FVPSA, including:</p> <p><b>Idaho:</b> FVPSA funds the <a href="#">Women and Children's Alliance</a>, which offers a 24-hour crisis line, legal advocacy, child care, and a court advocate program that assists survivors with protective orders, attending court proceedings, and support.</p>	<p><b>CARES ACT:</b> provides \$45 million for Family Violence and Prevention Services formula grants <i>without a matching requirement for funds.</i></p> <p><b>The American Rescue Plan Act of 2021</b> provided an additional \$180 M for emergency shelter, housing, and other emergency supports, \$18 M for tribes, and \$49.5 M for culturally-specific survivor services. For more information, see press releases from the <a href="#">National Network to End Domestic Violence (NNEDV)</a> and the</p>

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<p><i>Services Bureau (FYSB)</i></p>	<p>referrals, legal advocacy, and additional support services. Court-based advocacy and court-accompaniment services are also reported uses of FVPSA funds.</p> <p><b>Match requirement:</b> Subgrantees that receive funding must provide a nonfederal match—of not less than \$1 for every \$5 of federal funding—directly from the state or through donations from public or private entities. The matching funds can be in cash or in kind.</p> <p><b>CARES Act supplemental FVPSA funds do not require a match, see Helpful tips column.</b></p> <p>Could support legal aid for:</p> <ul style="list-style-type: none"> <li>- Survivors of domestic violence</li> <li>- Immigration</li> <li>- Partnerships with law enforcement</li> </ul>	<p>housing, advocacy, counseling, legal assistance, safety planning and comprehensive support."</p> <p>Legal assistance and advocacy are also listed in the definitions section of the guide under Supportive Services: "Supportive services include ... Legal advocacy to provide victims with information and assistance through the civil and criminal courts, and legal assistance."</p>	<p><b>Michigan:</b> The <a href="#">Michigan Coalition Against Domestic Violence</a> collaborated with Farmworker Legal Services to train service providers focused on serving survivors with limited English proficiency as well as immigrant victims of domestic violence.</p> <p><b>Minnesota:</b> The <a href="#">Battered Women's Justice Project</a> provides trainings to community members to better refer survivors of domestic violence to civil justice options and quality legal representation.</p>	<p><a href="#">National Domestic Violence Hotline.</a> For more information, see JGP's <a href="#">ARP Funding Chart</a>.</p> <p><a href="#">ACF</a> collects pandemic-related flexibilities and guidance <a href="#">here</a>.</p> <p><a href="#">FYSB</a> has guidance regarding COVID-19 FVPSA funds and flexibilities <a href="#">here</a>.</p> <p><b>Funds could potentially be used for technology tools that improve domestic violence services and prevention.</b></p> <p><b>How do you find your state administrator?</b> FYSB lists the state administration offices and their respective websites <a href="#">here</a>.</p> <p><b>How much funding is available?</b> Find FVPSA background and funding information <a href="#">here</a> (pre-COVID-19).</p> <p><b>Note:</b> The National Council of Juvenile and Family Court Judges operates the FVPSA-funded <a href="#">Child Protection and Custody Resource Center</a>.</p> <p><b>Other useful resources:</b> 2-page FYSB FVSPA Fact sheet is <a href="#">here</a>.</p> <p><b>Report:</b> Congressional Research Service published a report on the <i>Family Violence Prevention and</i></p>

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<p>Housing Opportunities for Persons With AIDS (HOPWA) program</p> <p>CFDA# 14.241</p> <p><i>U.S. Department of Housing and Urban Development, Office of Community Planning and Development, Office of HIV/AIDS Housing</i></p>	<p>The <a href="#">HOPWA program</a> was established by the <a href="#">AIDS Housing Opportunity Act</a> in 1992 and remains the only federal program dedicated to the housing needs of people with HIV/AIDS and their families. HOPWA provides states and localities with resources to devise long-term comprehensive strategies to meet the housing needs of low-income persons living with HIV/AIDS.</p> <p>HOPWA provides funding through a Formula Program (90 percent) and a Competitive Program (10 percent). Formula Program grant allocations, <a href="#">modernized in July 2016</a>, are based on the number of cases and highest incidence of AIDS in metropolitan statistical areas. Eligible applicants for Competitive Program funding include states, local governments, and nonprofit organizations, and awards typically fund:</p> <ul style="list-style-type: none"> <li>• <a href="#">Special Projects of National Significance (SPNS)</a>, which are likely to serve as effective models in addressing the needs of eligible persons and</li> </ul>	<p>HOPWA funds may be used for a wide range of housing, social services, program planning, and development costs, which can include legal services. <a href="#">According to HUD</a>, these include, but are not limited to, “the acquisition; rehabilitation; or new construction of housing units; costs for facility operations; rental assistance; and short-term payments to prevent homelessness.”</p> <p>HOPWA funds may also be used for social services, the coordination and delivery of which are <a href="#">considered by HUD</a> “an essential component in providing housing assistance for this targeted special needs population.” Eligible social services include case management, substance abuse treatment, mental health treatment, nutritional services, job training and placement assistance, and assistance with daily living.</p>	<p><b>Georgia:</b> The City of Atlanta <a href="#">contracts</a> with Atlanta Legal Aid Society’s AIDS Legal Project to conduct housing-related casework for people living with HIV/AIDS and their families, including housing discrimination, landlord/tenant issues, and administrative hearings funded by HOPWA.</p>	<p><i>Services Act (FVPSA): Background and Funding April 4, 2019 <a href="#">here</a>.</i></p> <p><b>CARES Act:</b> Appropriated <a href="#">\$65 million</a> in supplemental funding to the HOPWA program in April, including \$53.7 million allocated using the established funding formula and \$10 million in competitive awards. Allowable uses of supplemental funds for infectious disease preparedness and response can be found <a href="#">here</a>, and CARES Act allocations can be found <a href="#">here</a>.</p> <p>All HUD guidance related to HOPWA and COVID-19 can be found <a href="#">here</a>. An August 20, 2020 HUD <a href="#">Notice of program rules, waivers and requirements and companion FAQs</a> also address the HOPWA program.</p> <p><b>How do you find your state administrator and available funding?</b></p> <p>To find contact information, report awards, jurisdiction, and other data for organizations that receive HUD funding, go <a href="#">here</a>.</p> <p><b>Other useful resources:</b></p> <p>HUD has compiled HOPWA FAQs <a href="#">here</a>.</p> <p>Performance Profiles are generated quarterly for all agencies receiving HOPWA formula or competitive grants and contain information</p>

Funding source	Description	Language regarding legal aid	Examples	Helpful tips
	<p>target assistance to underserved populations, including racial and ethnic minorities, women, and persons in rural areas, or</p> <ul style="list-style-type: none"> <li>• New Long-Term Projects, which provide housing and services for eligible persons in areas of the nation that did not qualify for HOPWA Formula Program allocations.</li> </ul>			<p>about program accomplishments and client data. Competitive grant recipients also submit Annual Progress Reports. Both can be found <a href="#">here</a>.</p>
<p>Older Americans Act (OAA), Title III-B</p> <p>CFDA# 93.044</p> <p><i>U.S. Department of Health Services, Administration for Community Living (ACL), Administration on Aging (AoA)</i></p>	<p>The <a href="#">Older Americans Act</a> (OAA), passed in 1965, supports a wide range of social services and programs for individuals aged 60 years or older, including community planning and social services to prevent the abuse, neglect, and exploitation of seniors. <a href="#">Several programs</a> and services funded under OAA are “designed to empower older adults to remain independent, healthy, and safe in their homes and communities for as long as possible.”</p> <p>The <a href="#">Legal Assistance for the Elderly Program</a> under Title III-B “can assist older adults in accessing long-term care options and protect older adults against direct challenges to their independence, choice, and financial security.”</p>	<p>Under <a href="#">Title III-B</a>, legal assistance provided may involve:</p> <ul style="list-style-type: none"> <li>- Applying for public benefits, including SS/SSI/SSDI, Medicaid and Medicare, veterans benefits, and unemployment compensation</li> <li>- Drafting advance directives and designating surrogate decision makers who will effectuate older adults’ wishes if they become incapacitated</li> <li>- Issues related to guardianship with a focus on representation for older persons who are the subject of guardianship actions</li> <li>- Access to available housing options, including low income housing programs that allow independence in homes and communities</li> <li>- Foreclosure or eviction proceedings that jeopardize the ability to stay independent in homes and communities</li> <li>- Gaining access to the full benefit of appropriate long-term care private financing options</li> </ul>	<p>Examples of state funded legal services and/or developed statewide resources with OAA:</p> <p><b>Maine:</b> Legal Services for the Elderly, Inc. (LSE) provides legal services to elderly disadvantaged residents through a <a href="#">statewide Helpline</a>. This state partnership is detailed in <a href="#">Maine’s State Plan on Aging 2016-2020</a>. The Helpline receives over 10,000 calls each year, 50 percent of which require legal services. Helpline attorneys and paralegals are able to resolve the legal issues for approximately 80 percent of calls.</p> <p><b>Massachusetts:</b> <a href="#">WestMass ElderCare</a>, an Area Agency on Aging, provides Title III-B funding to Community Legal Aid (CLA) to assist elders in legal cases primarily related to housing, income maintenance, and health care rights.</p>	<p><b>CARES Act:</b> Appropriated <a href="#">\$955 million</a> in supplemental funding to support Older Americans Act and Title III- B activities, including funding of Aging and Disability Resource Centers and Centers for Independent Living, nutrition services, supports for family caregivers, and elder justice protection activities, including the long-term care ombudsman.</p> <p><b>ACL COVID-19 guidance</b> regarding CARES Act funds and flexibilities is <a href="#">here</a> (scroll down to Grant and Program Guidance – Older Americans Act Programs).</p> <p><b>How do you find your state administrator and/or your Area Agency on Aging?</b> Each state has a State Unit on Aging which administers the Older Americans Act and other programs targeted at seniors. The <a href="#">Eldercare Locator tool</a> run by AoA allows users</p>

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	<p><a href="#">Title II-B allocations to states</a> are based on a population formula, defined as each state’s relative share of the total U.S. population aged 60 years and older. Each state must develop a <a href="#">State Plan on Aging</a>, including an intrastate funding formula for Title III-B funds “that takes into account the geographical distribution of older individuals in the state as well as the distribution of older individuals with greatest economic and social need (with particular attention to low-income minority older individuals) among specified planning and service areas.”</p> <p>State Units on Aging, in turn, award funds to <a href="#">Area Agencies on Aging</a> (AAA) to plan, develop, and coordinate services among local service providers in their geographic area. Each AAA must develop an area plan every two to four years describing the coordinated system of services. OAA regulations provide guidance to AAAs on how to select legal assistance providers to receive Title III-B funds (<a href="#">45 CFR § 1321.71 (c)</a>).</p>	<ul style="list-style-type: none"> <li>- Maintaining long-term financial solvency and economic security</li> <li>- Ensuring elder rights protections for older persons transferring from long-term care facilities to home and community-based care, and</li> <li>- Elder abuse, including consumer fraud and the financial exploitation of older persons</li> </ul>	<p><b>West Virginia:</b> Title III-B legal assistance is provided by <a href="#">West Virginia Senior Legal Aid</a> (WVSLA). Between <a href="#">July 2018 and June 2019</a>, WVSLA served a total of 736 seniors across all 55 counties in West Virginia and provided 1,359.75 hours of individual legal assistance, including legal advice, counsel, document review and drafting, and out of court advocacy.</p> <p><b>Illinois:</b> <a href="#">Prairie State Legal Services</a> secured a combined \$170,000 from three area agencies on aging of supplemental OAA funding to provide legal services for older adults.</p> <p><b>New York:</b> <a href="#">Legal Assistance of Western New York</a> received more than \$70,000 from three Area Agencies on Aging of supplemental OAA funds to provide legal help to seniors.</p>	<p>to find contact information for their State Unit on Aging and local Area Agencies on Aging.</p> <p><b>How much funding is available?</b> The ACL provides OAA Title III <a href="#">funding allocation</a> reports dating back to 2004 on their website.</p> <p><b>Other useful documents:</b> The Congressional Research Service published an overview and funding <a href="#">report</a> on OAA in November 2018 detailing the Act’s seven titles, its funding history, and FY2019 appropriations. CRS also published a report on OAA <a href="#">funding formulas</a> in March 2019.</p> <p>The National Association of Area Agencies on Aging (n4a) published a <a href="#">guide on Area Agencies on Aging</a> which describes their position and role in the in aging network.</p> <p>ACL supports a number of websites and resources useful to legal aid providers including <a href="#">Elder Justice</a>, <a href="#">National Center on Elder Abuse</a>, and <a href="#">The National Center on Law and Elder Rights</a>.</p> <p>The National Center on Law &amp; Elder Rights (NCLER) and n4a hosted a <a href="#">Legal Basics webinar</a> on legal services under the Older Americans Act.</p>

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	<p><b>Match requirement:</b> Title III-B requires a 15 percent state match.</p>			<p>NCLER’s <a href="#">Chapter Summary</a> on OAA provides a detailed overview of Title III-B Legal Services.</p>
<p>Ryan White HIV/AIDS Program</p> <p>CFDA 93.914</p> <p><i>U.S. Department of Health and Human Services, Health Resources &amp; Services Administration (HRSA)</i></p>	<p>The <a href="#">Ryan White HIV/AIDS Program</a> is a “patient-centered system that provides care and treatment services to low income people living with HIV to improve health outcomes and reduce HIV transmission among hard to reach populations.”</p> <p>There are five parts to this program. Part A supports metropolitan areas to provide core medical and support services for people living with HIV. Part B awards grants to 59 states and territories to improve HIV health care and support services. Part C and D support local, community-based organizations. Part F supports innovative models of care.</p> <p>Could support legal aid for:</p> <ul style="list-style-type: none"> <li>- Consumers</li> <li>- People with disabilities</li> <li>- Health</li> </ul>	<p>In 2018, HRSA revised the <a href="#">Policy Clarification Notice</a>, which described allowable service categories and program guidance for implementation Including legal services:</p> <p>“Other Professional Services allow for the provision of professional and consultant services rendered by members of particular professions licensed and/or qualified to offer such services by local governing authorities. Such services may include:</p> <p>Legal services provided to and/or on behalf of the HRSA RWHAP-eligible PLWH [People Living with HIV/AIDS] and involving legal matters related to or arising from their HIV disease, including:</p> <p>Assistance with public benefits such as Social Security Disability Insurance (SSDI) Interventions necessary to ensure access to eligible benefits, including discrimination or breach of confidentiality litigation as it relates to services eligible for funding under the HRSA RWHAP</p> <p>Preparation of:</p> <ul style="list-style-type: none"> <li>• Healthcare power of attorney</li> <li>• Durable powers of attorney</li> <li>• Living wills</li> </ul> <p>Permanency planning to help clients/families make decisions about the placement and care of minor children after their parents/caregivers are deceased or</p>	<p>Several states have funded legal services with funding from the Ryan White Program. Examples include:</p> <p><b>Florida:</b> <a href="#">Legal Aid Service of Broward County’s</a> HIV Law Project assists clients with advance directives and estate planning, public benefits, consumer debt consultation, and discrimination consultation.</p> <p><b>Georgia:</b> The <a href="#">Atlanta Legal Aid Society’s AIDS Legal Project</a> supports people living with HIV to address legal matters related to their HIV status. They assist with powers of attorney and living wills, benefits, and permanency planning.</p> <p><b>Maryland Legal Aid:</b> <a href="#">The Ryan White Project</a> provides free legal services to residents with HIV or AIDs. This Project assists with public benefits, consumer debt, discrimination, and wills, advance directives, and powers of attorney.</p>	<p><b>CARES Act:</b> Appropriated an additional <a href="#">\$90 million</a> to remain available until September 2022 under parts A, B, C, D and section 2692(a) of title XXVI of the Public Health Service Act.</p> <p><b>HRSA COVID-19 guidance</b> regarding CARES Act Ryan White funds and flexibilities is <a href="#">here</a>.</p> <p><b>How do you find your state administrator?</b> HRSA provides state profiles <a href="#">here</a>. HRSA also provides main contact numbers for HRSA’s HIV/AIDS Bureau <a href="#">here</a>.</p> <p><b>How much funding is available?</b> HRSA published <a href="#">Part A Final Awards</a> here and <a href="#">Part B Grant Awards</a> here.</p> <p><b>Other useful documents:</b> HRSA has a <a href="#">program fact sheet</a> that provides an overview of the HIV/AIDS Bureau. HRSA also has a page with <a href="#">program recipient resources</a>, including policy clarification notices and program letters, standards guidance, and manuals. The most recent client-level data report is <a href="#">here</a>.</p>

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		<p>are no longer able to care for them, including:</p> <ul style="list-style-type: none"> <li>• Social service counseling or legal counsel regarding the drafting of wills or delegating powers of attorney</li> <li>• Preparation for custody options for legal dependents including standby guardianship, joint custody, or adoption”</li> </ul>		
<p>Social Services Block Grant (SSBG)</p> <p>CFDA# 93.667</p> <p><i>U.S. Department of Health and Human Services, Administration for Children &amp; Families (ACF), Office of Community Services (OCS)</i></p>	<p>SSBG lists <a href="#">five statutory goals</a>:</p> <ol style="list-style-type: none"> <li>1. Achieve or maintain economic self-support to prevent, reduce, or eliminate dependency;</li> <li>2. Achieve or maintain self-sufficiency, including reduction or prevention of dependency;</li> <li>3. Prevent or remedy neglect, abuse, or exploitation of children and adults unable to protect their own interests or preserve, rehabilitate, or reunite families;</li> <li>4. Prevent or reduce inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care; and</li> <li>5. Secure referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions.</li> </ol> <p>Could support legal aid for:</p> <ul style="list-style-type: none"> <li>- Assisted self-help</li> <li>- Consumers</li> </ul>	<p><a href="#">ACF lists legal aid as an additional support service</a> that can be funded through SSBG.</p> <p>The Uniform Definitions of Services established in Federal Regulations for SSBG at <a href="#">45 CFR Part 96</a> regulating particular HHS block grants, includes “legal services” among the 29 definitions for supportive services. These are activities states can provide using SSBG funds specifically:</p> <p>"[S]ervices or activities provided by a lawyer or other person(s) under the supervision of a lawyer to assist individuals in seeking or obtaining legal help in civil matters such as housing, divorce, child support, guardianship, paternity, and legal separation. Component services or activities may include receiving and preparing cases for trial, provision of legal advice, representation at hearings, and counseling."</p>	<p>In FY2014, 15 states used SSBG to fund legal services. In their <a href="#">2014 annual SSBG report</a>, ACF identifies Florida and Vermont are the largest users of SSBG funds for legal services: Florida accounted for 31% of all SSBG expenditures for legal services. Legal services accounted for 3% of Florida’s SSBG expenditures. Vermont reported using 5% of its SSBG expenditures for legal services.</p> <p><b>Pennsylvania:</b> <a href="#">Pennsylvania Legal Aid</a> has received SSBG since the 1970s to provide general legal services including: domestic violence, sexual assault, landlord/tenant, consumer, benefits, custody, expungements.</p> <p><b>Vermont:</b> In its December 2018 <a href="#">cost allocation plan amendment</a> the Vermont Agency of Human Services Explains that "The Agency contracts annually with VT Legal Aid to provide legal advice and representation to low income persons, such as representation in administrative proceedings before the Human</p>	<p><b>How do you find your state administrator?</b> ACF lists state officials and program contacts that oversee SSBG. That list can be found <a href="#">here</a>.</p> <p><b>How much funding is available?</b> The national SSBG annual reports can be found <a href="#">here</a>. The House Ways and Means Committee has the allocations up to 2016 <a href="#">here</a>.</p> <p><b>Other useful documents:</b> States are required to publish a state plan. States generally seek public comments in the summer before the fiscal year starts. For example, for the FY 2019 plan, North Carolina sought public comments in June 2018 via mail, fax, and email. Similarly, North Dakota’s period for public comments began July 5 and ended August 27, 2018. Public comments are often submitted to a contact at the state’s social service agency and plans are often available online for the public to view.</p>

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	<ul style="list-style-type: none"> <li>- Education</li> <li>- Children in foster care</li> <li>- Housing</li> <li>- Veterans</li> </ul>		Services Board, and other administrative and judicial proceedings."	
<p>State Opioid Response grants (SOR)</p> <p>CFDA# 93.788</p> <p><i>U.S. Department of Health, Substance Abuse and Mental Health Services Administration (SAMHSA)</i></p>	<p>The <a href="#">State Opioid Response (SOR)</a> grant program “aims to address the opioid crisis by increasing access to medication-assisted treatment using three FDA-approved medications for the treatment of opioid use disorder, reducing unmet treatment need, and reducing opioid overdose related deaths through the provision of prevention, treatment and recovery activities for opioid use disorder (OUD) (including prescription opioids, heroin and illicit fentanyl and fentanyl analogs).”</p> <p>SOR was announced in March 2018 as a two-year funding opportunity <a href="#">in addition to</a> the Cures <a href="#">Opioid State Targeted Response Grants</a> (funded through FY 2019). Services supported by states’ SOR funding are to be “based on needs identified in the State’s State Targeted Response (STR) strategic plan” and tracked separately from STR funding.</p> <p>SOR grants are awarded based on an allocation formula</p>	<p>Legal services could fit in the language describing the purpose of SOR. The <a href="#">FY 2020 SOR Funding Opportunity Announcement (FOA)</a> explains that grantees are “required to employ effective <i>prevention and recovery support services</i> to ensure that individuals are receiving a comprehensive array of <i>services across the spectrum of prevention, treatment, and recovery.</i>”</p> <p>Required activities similarly include implementing “service delivery models that enable the full spectrum of treatment and <i>recovery support services</i> that facilitate positive treatment outcomes and long-term recovery.”</p>	<p>In July 2019, Vermont Legal Aid began work under a SOR grant agreement with the Vermont Department of Health, Division of Alcohol and Drug Abuse Programs, to <a href="#">establish three Medical-Legal Partnerships</a> with recovery service providers in Chittenden and Washington counties. Through the project, VLA will provide legal advocacy to address health-harming legal needs that constitute barriers to successful recovery through biweekly office hours, trainings, and legal clinics.</p> <p>In addition, some states have recognized the relevance of legal services among effective opioid response.</p> <p>For example, listed among the goals in <a href="#">Alaska’s FY 2019 State Opioid Response: Recovery Housing RFP</a> is: “Mutual support for accessing health and social services, legal services, managing finances, and finding/maintaining employment.”</p> <p>Utah’s <a href="#">2019 RFP</a> for the Office Based Opioid Treatment Program (funded</p>	<p><b>COVID-19 SAMHSA grantee flexibilities are found <a href="#">here</a>.</b></p> <p><b>How do you find your state administrator?</b> SAMHSA provides a <a href="#">list</a> of agencies, individual states’ project summaries, and individual grant awards from 2018.</p> <p><b>How much funding is available?</b> <a href="#">Each state received</a> a minimum of \$4,000,000 and territories received a minimum of \$250,000. In addition to the base distribution, \$142.5 million was distributed among the ten states with the highest overdose mortality rates. SAMHSA has an interactive <a href="#">map</a>, where you click on your state to see how much MHBG and SABG it receives for the appropriate fiscal year.</p> <p><b>Other useful documents:</b> Under STR, states were required to conduct needs assessments and develop strategic plans, upon which SOR services must be based. If these documents are not easily accessible</p>

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	<p>weighing (1) the state’s proportion of people with abuse or dependence on opioids (prescription and/or heroin) who need but do not receive treatment, and (2) the state’s proportion of overdose deaths. There is also a 15 percent set-aside for states with the highest rate of drug overdose deaths.</p> <p><a href="#">Each state’s grant awards are available online</a> through HHS.</p> <p>Could support legal aid for:</p> <ul style="list-style-type: none"> <li>- People with a criminal record</li> <li>- Children in foster care</li> <li>- Health</li> <li>- Housing</li> <li>- People with substance use disorder</li> </ul>		<p>by Utah’s SOR allotment) also lists legal services as an example of treatment components.</p> <p>The Maternal Wraparound Programs (M-WRAP) in New York and New Jersey, both recipients of SOR funding, seek to develop intensive case management, care plans, and recovery support services for pregnant and postpartum women with opioid use disorders. Required M-WRAP activities listed in their RFPs use the same language [<a href="#">NJ RFP</a>]: “Provide a comprehensive Case Management Assessment that includes life domains such as housing, finances, transportation, legal services, vocational, employment, health and behavioral health care, and family strengths/needs.”</p>	<p>online, try contacting your state’s administering agency.</p> <p>JGP and NLADA published a <a href="#">fact sheet</a> on how civil legal aid helps those affected by the opioid crisis.</p>
<p>STOP (Services, Training, Officers, and Prosecutors) Violence Against Women Formula Grant</p> <p>CFDA# 16.588</p> <p><i>U.S. Department of Justice, Office on Violence Against Women (OVW)</i></p>	<p>The <a href="#">STOP (Services, Training, Officers, and Prosecutors) Violence Against Women Formula Grants</a> are awarded to states to develop and strengthen the criminal justice system’s response to violence against women and to support and enhance services for victims. Each state and territory must allocate 25 percent of the grant funds for law enforcement, 25 percent for prosecution, 5 percent to courts, and 30 percent</p>	<p>In 2016, OVW published a <a href="#">rule</a> that included clarification about legal services in § 90.17(a): “Funds granted to qualified States are to be further subgranted by the State to agencies, offices, and programs including, but not limited to, State agencies and offices; State and local courts; units of local government; public agencies; Indian tribal governments; victim service providers; community-based organizations; and legal services programs to carry out programs and projects to develop and strengthen effective law enforcement and prosecution strategies to</p>	<p>States have funded legal aid organizations that support victims of domestic violence, dating violence, sexual assault, and stalking. Stop rules also allow courts to use their funds to partner with legal aid programs.</p> <p>Legal aid examples include:</p> <p><b>Kentucky:</b> KY regularly awards STOP funding to regional legal aid providers. In the <a href="#">Kentucky’s state implementation plan for 2017-2020</a>,</p>	<p><b>All OVW COVID-19 guidance is <a href="#">here</a>.</b></p> <p><b>How do you find your state administrator?</b> OVW has a <a href="#">STOP Administrator contact list</a>, for each state’s primary and secondary contact.</p> <p><b>How much funding is available?</b> Find each state’s FY2019 STOP Formula Grant amount <a href="#">here</a>.</p> <p><b>Other useful resources:</b></p>

Funding source	Description	Language regarding legal aid	Examples	Helpful tips
	<p>for victim services. The remaining 15 percent is discretionary within the parameters of the Violence Against Women Act (VAWA).</p> <p><a href="#">STOP grants are authorized by VAWA</a> and subsequent legislation to support communities, including American Indian tribes and Alaska Native villages, in their efforts to develop and strengthen effective responses to sexual assault, domestic violence, dating violence and stalking. VAWA also funds three other formula grant programs—Sexual Assault Services Program, Grants to state sexual assault and Domestic Violence Coalitions, and Grants to Domestic Violence and Sexual Assault Tribal Coalitions Program.</p> <p>The FY 2021 STOP Formula Grant Program solicitation is <a href="#">here</a>.</p> <p><b>Match requirement:</b> <a href="#">STOP Formula Funds generally require a 25 percent match</a>. (See <a href="#">COVID-19 match waiver guidance in helpful tips column</a>). The source of the 25 percent non-Federal portion of the project is governed by the DOJ Financial Guide, <a href="#">2 CFR § 200.306</a> and the STOP Program statute. Victim</p>	<p>combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women, and specifically for the purposes listed in 42 U.S.C. 3796gg(b) and according to the allocations specified in 42 U.S.C. 3796gg–1(c)(4) for law enforcement, prosecution, victim services, and courts.”</p> <p><b>Technology for remote court or service provider functions to improve victim services</b> would be allowed under "other resources" referenced in 34 U.S.C. 10441(b) which governs the purpose areas and specifies that “grants...shall provide personnel, training, technical assistance, data collection and other resources for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women [and] for the protection and safety of victims.”</p> <p>The US <a href="#">DOJ's frequently asked questions</a> regarding STOP Formula Grants says: “[S]tates can now provide a full range of legal services, such as housing, family law, public benefits, and other similar matters. Any subgrantee providing legal assistance must certify that it has demonstrated expertise in providing legal assistance to victims of domestic violence dating violence, sexual assault, or stalking in the targeted population; or is partnered with an entity or person that has such demonstrated expertise and has</p>	<p>they write that "typical agencies funded through VAWA STOP dollars include legal aid offices, shelters for victims of intimate partner violence, sexual assault programs, Sexual Assault Nurse Examiner (SANE) organizations, prosecutor’s offices, law enforcement agencies, and administrative offices with missions to end violence."</p> <p><b>Maine:</b> <a href="#">Pine Tree Legal Assistance used STOP funding</a> to support victims of domestic violence, dating violence, and stalking in the Bridgeton and West Bath District Courts, which are in rural areas, on a regular basis.</p> <p><b>The Justice in Government Project, supported by The Pew Charitable Trusts, published a case study about how six state courts have used STOP funding to enhance remote services through innovations including e-filing, online hubs of resources for petitioners and self-represented litigants, and informational videos on the court process for obtaining orders for protection.</b></p>	<p>States are required to have an implementation plan, which is often easy to locate through a quick Google search.</p> <p><b>Other useful resources:</b>  <a href="#">The National Center for Juvenile and Family Court Judges is consolidating information to help OVW grantees strategize about how continue to provide high quality support and advocacy to survivors during the COVID-19 crisis at its OVW- funded TA Providers Resource Center here.</a></p> <p><a href="#">Violence Against Women Act   Measuring Effectiveness Initiative</a>, funded by OVW, maintains a website with information about all OVW grants, relevant webinars and reports, and other tools and resources regarding VAWA-authorized funds. Find STOP Formula Grant Program information <a href="#">here</a>.</p>

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	<p>service providers and tribes are always exempt from the match.</p> <p>Could support legal aid for:</p> <ul style="list-style-type: none"> <li>- Survivors of domestic violence</li> <li>- Native Americans</li> <li>- Partnerships with law enforcement</li> </ul>	<p>completed or will complete training in connection with domestic violence, dating violence, stalking, sexual assault, and related legal issues, including training on evidence-based risk factors for domestic and dating violence homicide."</p> <p>STOP funds can also be used for technology tools to improve victim services. The <a href="#">2020 STOP Formula Grant Program solicitation</a> identifies 20 purpose areas, several of which apply to legal aid/assistance and courts.</p>		
<p>Substance Abuse Prevention and Treatment Block Grant (SABG) and the Community Mental Health Services Block Grant (MHBG)</p> <p>CFDA# 93.959 and 93.958</p> <p><i>U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA)</i></p>	<p>SAMHSA has a <a href="#">joint fiscal year 2020-2021 Block Grant Application for MHBG and SABG</a>. The alignment of the MHBG and SABG applications is intended to "help block grant recipients improve data collection and coordination between programs."</p> <p><a href="#">SABG</a> "program's objective is to help plan, implement, and evaluate activities that prevent and treat substance abuse." Among those populations the SABG seeks to serve are pregnant women with a substance use and/or mental disorder; parents with substance use and/or mental disorders who have dependent children, persons who inject drugs, individuals with tuberculosis and other</p>	<p>In the <a href="#">FY 2020-2021 Block Grant Application</a>, SAMHSA states that state agencies funded by the MHBG and SABG "may wish to develop and support partnerships and programs to help address social determinants of health and advance overall health equity. For instance, some organizations have established medical-legal partnerships to assist persons with mental and substance use disorders in meeting their housing, employment, and education needs."</p>	<p>Some states receiving MHBG or SABG funding have supported legal services programs. Examples include:</p> <p><b>West Virginia:</b> Legal Aid of West Virginia runs the <a href="#">Family Advocacy, Support &amp; Training (FAST) program</a>. FAST helps families with children who have Serious Emotional Disturbance (SED) navigate the school system and the behavioral healthcare system.</p> <p><b>Wisconsin:</b> <a href="#">Disability Rights Wisconsin (DRW)</a> provide advocacy and legal assistance to individuals with disabilities in Wisconsin. They work to eliminate abuse and neglect in mental health settings, help individuals work in integrated settings, increase access to services and supports, support self-advocacy, and address discrimination. They</p>	<p><b>COVID-19 SAMHSA grantee flexibilities are found <a href="#">here</a>.</b></p> <p><b>American Rescue Plan Act: ARPA</b> included \$1.5 B for Community Mental Health Services and \$1.5 B for Prevention and Treatment of Substance Abuse. For ARPA language, see the <a href="#">JGP ARPA Funding Matrix</a>.</p> <p><b>How do you find your state administrator?</b> Each state has a single agency that oversees the SABG and MHBG grants. Sometimes they are overseen by the same agency and other times, not. A contact list of each state's administering agency and the point of contact for SABG is listed on SAMHSA's <a href="#">website</a>.</p>

Funding source	Description	Language regarding legal aid	Examples	Helpful tips
	<p>communicable diseases and persons living with or at risk of HIV/AIDS. The SABG also supports prevention activities and persons who experience homelessness and involvement in the criminal justice system that support recovery, prevention, and treatment.</p> <p><a href="#">MHBG's goal</a> is to provide comprehensive mental health services to adults with serious mental illness (SMI) and children with serious emotional disturbance (SED). The MHBG seeks to support individuals who have an Early Serious Mental Illness; adults with SMI, individuals with SMI or SED in the rural and homeless populations; and children with SED and their families.</p> <p>Could support legal aid for:</p> <ul style="list-style-type: none"> <li>- Assisted self-help</li> <li>- People with a criminal record</li> <li>- Education</li> <li>- Children in foster care</li> <li>- Housing</li> <li>- People with substance use disorder</li> </ul>		<p>provide information and referrals, technical assistance, individual case representation, systemic advocacy, and trainings across the state.</p>	<p><b>How much funding is available?</b> SAMHSA has an interactive <a href="#">map</a>, where you click on your state to see how much MHBG and SABG it receives for the appropriate fiscal year.</p> <p><b>Other useful documents:</b> States are required to develop a state plan that reflects stakeholder input and makes block grant plans available to the public so that the public may comment. States often have these plans available online. States are required to take into account public input.</p>

Funding source	Description	Language regarding legal aid	Examples	Helpful tips
<p>Temporary Assistance for Needy Families (TANF)</p> <p>CFDA# 93.558</p> <p><i>U.S. Department of Health and Human Services, Administration for Children &amp; Families, Office of Family Assistance (OFA)</i></p> <p>Read our TANF FAQs <a href="#">here</a></p>	<p><a href="#">TANF</a> is the federal government’s primary cash assistance program for needy families. The federal government gives states block grants to design and operate programs that accomplish one of the four purposes of the TANF program:</p> <ul style="list-style-type: none"> <li>- Provide assistance to needy families so that children can be cared for in their own homes;</li> <li>- Reduce the dependency of needy parents by promoting job preparation, work and marriage;</li> <li>- Prevent and reduce the incidence of out-of-wedlock pregnancies; and</li> <li>- Encourage the formation and maintenance of two-parent families.</li> </ul> <p>States have enormous flexibility over how to design their program and can support a broad range of activities related to promoting the four TANF purposes, so long as they comply with the rules and other guidance established by the U.S. Department of Health and Human Services Office of Family Assistance.</p> <p>Could support legal aid for:</p> <ul style="list-style-type: none"> <li>- People with a criminal record</li> <li>- Survivors of domestic violence</li> <li>- People with disabilities</li> <li>- Children in foster care</li> </ul>	<p>Legal aid can further the TANF program’s goals of helping needy families achieve self-sufficiency and provide support for job preparation and employment alongside other social services.</p> <p>OFA indicated in its TANF Program Policy Questions and Answers that <a href="#">states can use TANF funds to support legal help</a> for needy families pursuing SSI benefits and to resolve personal or family legal problems, “e.g., where legal problems are a threat to family stability or undermine the employment of needy parents.”</p> <p>Several <a href="#">definitions of TANF “spending categories”</a> can potentially include legal services. For example, the category “Supportive Services” has broad language that could include legal help to remove obstacles to employment such as securing expungement of an old record or reinstating a drivers’ license, or securing a restraining order when a parent and child are victims of domestic violence. Similarly, <a href="#">“Child Welfare Services”</a> could potentially include legal representation for a child in adoption proceedings or a grandparent caring for a grandchild to secure legal guardianship.</p> <p>States can transfer up to ten percent of their TANF funds to their Social Services Block Grant (SSBG) spending. “Legal services” are included in the <a href="#">SSBG Uniform Definition of Services</a> that states use for</p>	<p>Some states use TANF and/or state MOE funds for legal services. Examples include:</p> <p><b>Arizona:</b> Since 1998, the Arizona Bar Foundation has administered the statewide Arizona Domestic Violence Legal Assistance Project (DVLAP), which is partly funded by TANF. DVLAP establishes and supports a statewide network of trained lawyers, paralegals, lay legal advocates, volunteer lawyers, and law school students who provide civil legal assistance to domestic violence survivors.</p> <p><b>Los Angeles County, California:</b> The <a href="#">Legal Aid Foundation of Los Angeles</a> and <a href="#">Community Legal Aid SoCal</a> receive more than \$1.5 million to provide holistic / trauma-informed and full-scope representation services to domestic violence survivors primarily handling family law and immigration cases, though they also help with housing, government benefits, and employment. See the Los Angeles Department of Public Health’s request for applications for legal services <a href="#">here</a>.</p> <p><b>Oklahoma:</b> Oklahoma: <a href="#">Legal Aid Services of Oklahoma</a> (LASO) contracts with the Oklahoma</p>	<p><b>COVID-19 OFA TANF grantee guidance is <a href="#">here</a>.</b></p> <p><b>How do you find your state administrator?</b></p> <p>The governor of each state and territory and the mayor of the District of Columbia certify the administering and supervising agency for TANF. Among the choices a state makes about their TANF program is whether to delegate administration of at least some program elements to localities or counties, similar to how the federal government transfers administrative responsibility to the states. <a href="#">About half of all families</a> receiving cash assistance from TANF receive assistance through a county-administered TANF program. You can find state TANF administering agencies <a href="#">here</a>.</p> <p><b>How much funding is available?</b></p> <p>All states’ most recent financial data is available on the HHS website, including the breakdown of cash assistance to other services and importantly, whether the state has a history of carryover and unobligated funds. You can find the total TANF and MOE spending by state in fiscal year 2018 (the most recent data) <a href="#">here</a>.</p>

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	<ul style="list-style-type: none"> <li>- Housing</li> <li>- Immigration</li> </ul>	<p>reporting to HHS: “Legal services are those services or activities provided by a lawyer or other person(s) under the supervision of a lawyer to assist individuals in seeking or obtaining legal help in civil matters such as housing, divorce, child support, guardianship, paternity, and legal separation. Component services or activities may include receiving and preparing cases for trial, provision of legal advice, representation at hearings, and counseling.”</p>	<p>Department of Human Services (DHS) to accept referrals from DHS of TANF-eligible people to obtain social security disability benefits.</p> <p><b>Tennessee:</b> Tennessee Alliance for Legal Services <a href="#">collaborates</a> with the Tennessee Department of Human Services to provide legal assistance to families to achieve economic security and halt intergenerational poverty using the state’s unused TANF funds.</p> <p><b>West Virginia:</b> For more than 15 years, West Virginia’s TANF administrator has funded <a href="#">Legal Aid of West Virginia</a> providing legal help concerning domestic violence, SSI eligibility, driver’s license restoration, resolution of outstanding fees and fines, and a range of family law matters including adoption, custody, guardianship, and divorce. More than \$1.5 million in TANF and state MOE funds supports more than 20 full-time attorneys and paralegals to help West Virginia’s needy families.</p>	<p><b>How do you find what's spent and what is leftover (if any)?</b>  You can find the total TANF and MOE spending by state in fiscal year 2018 (the most recent data) <a href="#">here</a>. To find the leftover balance, you use <a href="#">the unobligated balance for each state</a>, which is found at the bottom of your state’s chart in “States Tables,” Section D. HHS also has state-specific pie charts of the most common spending categories, linked <a href="#">here</a>.</p> <p><b>Other useful documents:</b>  Read our JGP <a href="#">Legal aid &amp; TANF FAQs here</a>.</p> <p>Use <a href="#">this link</a> to find the most recent state-by-state pie charts showing spending categories..</p> <p>Each state is required to develop a state plan and receive comments. State plans are generally available for comment between August to October before they are released. In other words, for a state plan running from FY2018-2020, the period for public comment would be in August-October 2017. State plans can run on odd or even years. For example, <a href="#">Alaska’s</a> state plan runs from FY2017-2019 while <a href="#">New Mexico’s</a> runs from FY2018-2020.</p>

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<p>Title IV-D – Child Support and Establishment of Paternity</p> <p>CFDA# 93.563</p> <p><i>U.S. Department of Health &amp; Human Services, Administration for Children &amp; Families, Office of Child Support Enforcement (OCSE)</i></p>	<p><a href="#">Title IV-D of the Social Security Act (Title IV)</a> establishes a state-federal partnership to provide child support services. States must have a single statewide agency that receives the federal funding and administers the program. States are permitted to fund local jurisdictions, enter cooperative agreements with others like law enforcement or state courts to provide IV-D child support services. A Title IV-D case is one in which a parent is either now or may eventually receive services under Title IV-D, such as a parent who receives TANF, Medicaid, or foster care payments.</p> <p><b>Match requirement:</b> Under Title IV-D, the federal government reimburses states \$2 for every \$3 the state spends on eligible program costs for providing child support services.</p> <p>Could support legal aid for:</p> <ul style="list-style-type: none"> <li>- Assisted self-help</li> <li>- Child support</li> <li>- Domestic violence (when secondary to child support)</li> </ul>	<p>In December 2016, OCSE published the <a href="#">Final Rule: Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs</a>. This final rule makes changes to strengthen the child support enforcement program and updates current practices to increase regular, on-time payments to families, to increase the number of noncustodial parents supporting their children, and to improve program operations.</p> <p>One of those changes clarifies that states can use Title IV-D funding for self-help services. Background for the rule’s language regarding pro se services can be found in <a href="#">this OCSE factsheet about Access to Justice Innovations</a>: “Providing information to pro se parents helps ensure that parents understand the child support process, know what to expect in the child support process, and provide accurate financial information.”</p> <p>In <a href="#">final rule</a>, 45 C.F.R. 304.20 (b) (3) (vi), HHS clarifies that funds can be used for “services to increase pro se access to adjudicative and alternative dispute resolution processes in IV–D cases related to providing child support services.”</p> <p>The rule makes clear in 45 C.F.R. 304.21(a), that these pro se services are eligible for Federal financial participation (FFP), or in other words, federal reimbursement. Self-</p>	<p>Several states including Maryland, Michigan, California, Alaska, Minnesota, and Oregon have experience using Title IV-D funds for self-help services.</p> <p><b>California:</b> Collaboration between the state Department of Child Support Services and the Judicial Council of California made it possible to place <a href="#">family law facilitators</a> in the superior courts in every county in the state. These court-based facilitators assist parents by providing a full range of Title IV-D self-help related services including helping parents to respond to the initial request for parentage/support, assisting parents in completing requests for court modification of support, and assisting with legal forms to get court resolution of arrears disputes, among other services.</p> <p>Also noteworthy is that the separate OCSE Grants to States <a href="#">for Access and Visitation Programs</a> have included legal aid and court partners, <a href="#">including technology tools</a>, for example:</p> <p><b>Texas:</b> The Office of the Attorney General – the Texas Access and Visitation (AV) fund administrator – passes through its AV allocation to the Supreme Court of Texas that in</p>	<p><b>Title IV-D funds can be used for technology tools.</b></p> <p><b>ACF and OCSE COVID-19 Guidance is <a href="#">here</a>.</b></p> <p><b>Find additional flexibilities for supporting a virtual workforce during COVID-19 <a href="#">here</a>.</b></p> <p><i>ACF Program Flexibilities on IT and PPE to support State, Local and Tribal Human Services Workforce during COVID-19 Response</i> document summarizes "virtual workforce" specific flexibilities for Title IV-D <a href="#">here</a>.</p> <p><b>How do you find your state administrator?</b></p> <p>To find the agency in your state that handles child support and paternity establishment, <a href="#">the National Conference of State Legislatures has a resource</a> listing all the entities that oversee child support in states as well as which committees in the state legislature pass new policies. Once that entity is identified, each website should list an executive director and staff. HHS OCSE also has a <a href="#">map</a> with state contacts.</p> <p><b>How much funding is available?</b></p> <p>Title IV-D is <a href="#">a federal-state matching grant program</a> under which states</p>

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		<p>help services could also include educational and outreach activities.</p> <p>To be eligible for Title IV-D reimbursement, <a href="#">self-help services – with the exception of allowable education and outreach costs – must be for paternity establishment and child support</a>. This can include assistance with paternity acknowledgement forms, providing information to litigants about relevant court procedures, help with child support order establishment and modifications when circumstances change affecting amounts that should be paid, enforcement processes, or assisting with domestic violence protection orders if the order is necessary to safely obtain child support.</p>	<p>turn subcontracts with Texas Legal Services Center (TLSC) to provide two Shared Parenting Programs. TLSC’s Access &amp; Visitation Hotline (AV Hotline) is a statewide toll-free hotline staffed by non-attorney staff who provide information and referrals to callers about child custody and visitation, and limited information concerning paternity and child support. TLSC also runs the statewide Parenting Order Legal Line (POLL). POLL takes AV Hotline referrals and is staffed by attorneys who offer low-income and non-custodial parents, limited legal representation that can include legal advice, offer settlement negotiation, draft documents to enforce or modify visitation, and help locating a missing custodial parent.</p> <p><b>Michigan:</b> In December 2016, Ottawa County used Title IV-D funding to launch a <a href="#">set of online dispute resolution (ODR) tools, including texts to noncustodial parents regarding case status updates, texts about upcoming hearings, and a hearing check-in system to improve prehearing conferences</a>. Read <a href="#">JGP’s case study</a> about Ottawa’s Title IV-D funded ODR tools.</p>	<p>must spend money in order to receive federal funding. The federal reimbursement requirement is “open ended,” in that there is no ceiling on the federal government’s match of those expenditures. In addition to matching funds, states receive child support enforcement incentive payments from the federal government.</p> <p><b>Other useful documents:</b> The Self-Represented Litigation Network’s Resource Guide, <a href="#">Use of Title IV-D Child Support Program Resources for Court Based Self-Help Services</a> offers a comprehensive nuts and bolts guide to opportunities to facilitate and support cooperation between state Title IV-D child support agencies and partners to provide self-help services to parents and others engaged in paternity establishment and child support establishment, modification, and enforcement processes.</p> <p>The <a href="#">OCSE provides an overview of who is served by the Title IV-D program</a>.</p>

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			<p><b>Missouri:</b> Mediation Achieving Results for Children (M.A.R.C.H.) is a statewide non-profit in Missouri that provides mediation services to parents to resolve disputes including child support and parenting time. M.A.R.C.H. is primarily funded by the state's Access and Visitation grant and provides up to four hours of mediation services and limited scope legal services at no cost for eligible Title IV-D cases. Read <a href="#">JGP's case study</a> about the effectiveness of virtual mediation as a supplement to in-person and phone mediation at M.A.R.C.H. during the COVID-19 pandemic.</p>	
<p>Title IV-E – Federal Payments for Foster Care and Adoption Assistance</p> <p>CFDA# 93.658 and 93.659</p> <p><i>U.S. Department of Health &amp; Human Services, Administration for Children &amp; Families (ACF), Children's Bureau (CB)</i></p>	<p>Title IV-E of the Social Security Act supports the <a href="#">Federal Foster Care Program</a>, which helps provide out-of-home care for children until the children are safely returned home, placed permanently, or placed in other planned arrangements; and the <a href="#">Adoption Assistance Program</a>, which provides funds to states to facilitate the timely placement of children.</p> <p>The Foster Care Program's funding is awarded by formula as an open-end entitlement grant. <a href="#">To be eligible for Title IV-E Foster Care Program</a>, children must be in out-of-home placements, be</p>	<p>In December 2018, the Children's Bureau revised the policy regarding independent legal representation. States can now claim federal matching funds through Title IV-E to help pay for costs of independent legal representation by an attorney for a child who is a candidate of IV-E foster care and the parent to prepare for and participate in foster care legal proceedings.</p> <p>The <a href="#">Child Welfare Policy Manual</a> (CWPM) added language clarifying this change at Question 30:</p> <p>"The statute at section 474(a)(3) of the Act and regulations at 45 CFR 1356.60(c) specify that Federal financial participation (FFP) is available at the rate of 50% for administrative expenditures necessary for</p>	<p>Until the recent policy change, Title IV-E agencies were prevented from claiming title IV-E administrative costs related to legal services provided by an attorney representing a child or parent. In many states, courts will be essential partners. For example, MOUs regarding funding legal representation often involve the courts as a party and/or the contractor.</p> <p><b>Oklahoma:</b> In December 2020, Legal Aid Services of Oklahoma (LASO) began contracting with Oklahoma Department of Human Services (OKDHS) to provide interdisciplinary legal representation to Title IV-E eligible parents. Read <a href="#">JGP's case</a></p>	<p><b>ACF COVID-19 Guidance and CB letters are here.</b> See The Children's Bureau published a letter to the field <a href="#">encouraging agencies and courts to continue working together</a> to provide critical judicial oversight in child welfare proceedings during the COVID-19 pandemic (December 4) and a letter to child welfare leaders on <a href="#">flexibility allowing title IV-E prevention program services</a> to be adapted to a virtual environment (November 20).</p> <p><i>ACF Program Flexibilities on IT and PPE to support State, Local and Tribal Human Services Workforce during COVID-19 Response</i> document summarizes "virtual workforce"</p>

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	<p>removed from families considered “needy” (based on measures from AFDC program), have entered care through judicial determination or voluntary placement, and be licensed or approved foster care placements. The January 7, 2019 Children’s Bureau policy change also includes as eligible a child who is a “candidate” for IV-E foster care (see next column re policy change).</p> <p><b>Match requirement:</b> The Foster Care Program enables states to be generally reimbursed up to 50 percent for every qualifying dollar they spend and up to 75% for trainings.</p> <p>The Adoption Assistance Program provides federal matching funds of 50 to 83 percent, depending on the state’s per capita income.</p> <p>Could support legal aid for:</p> <ul style="list-style-type: none"> <li>- Children in foster care or who are candidates for foster care</li> <li>- Parents of children in foster care or who are candidates for foster care</li> </ul>	<p>the proper and efficient administration of the title IV-E plan. The title IV-E agency’s representation in judicial determinations continues to be an allowable administrative cost. ... This policy is revised to allow the title IV-E agency to claim title IV-E administrative costs of 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 to prepare for and participate in all stages of foster care legal proceedings, such as court hearings related to a child’s removal from the home.”</p> <p>In a July 2020 <a href="#">Technical Bulletin</a>, the Children’s Bureau clarified cost-sharing requirements for the non-federal share of program expenditures and the agencies with which states may form contracts to fulfill legal representation functions. Clarifications of special note include that private donations as well as state or local (non-federal) funds can be used as match, IV-E state agencies can contract directly with a legal aid program without the need for a public agency/court intermediary, and reimbursable administrative costs can include costs of paralegals, office support staff, social workers, and overhead. Specifically, FAQs 4 and 5, and the Appendix say:</p> <p>4. “The required state share of costs claimed for the title IV-E foster care program must be sourced from state or</p>	<p><a href="#">study</a> about Oklahoma’s interdisciplinary parent representation program.</p>	<p><a href="#">specific flexibilities for Title IV-B and Title IV-E here.</a></p> <p><b>How do you find your state administrator?</b> The Children’s Bureau has a <a href="#">directory</a> of foster care contacts, the state agency that oversees child welfare, and links to state-specific foster care information for each state.</p> <p><b>How much funding is available?</b> Title IV-E is a <a href="#">federal-state open-end entitlement program</a> under which states must spend money in order to receive federal funding. States are generally reimbursed up to 50 percent of their respective Title IV-E penetration rate for every dollar they spend. This reimbursement requirement is “open ended,” in that there is no upper limit or ceiling on the federal government’s match of those expenditures. States will sometimes publish their budget requests online, but if it not available or is outdated, you can contact your state administrator.</p> <p><b>Other useful resources:</b> Sample MOUs (including MOUs with courts) can be found on the Family Justice Institute website <a href="#">here</a>.</p> <p>The <a href="#">American Bar Association Center on Children and the Law</a> has a</p>

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		<p>local appropriated funds <i>or donated funds</i>, but may not be sourced from federal funds provided through another program. State title IV-E agencies may not use third party in-kind expenditures (or contributions) as a source of the state share of funds for the foster care programs under title IV-E of the Act... For example, attorney volunteer hours may not be used as a source of state match.” (Emphasis added)</p> <p>5. "Title IV-E agencies often contract out title IV-E administrative functions such as legal representation to other <i>private or public agencies</i> through a contract or other type of agreement.” (Emphasis added)</p> <p>Appendix: CWPM 8.1B Question #32 allows a Title IV-E agency to claim "administrative costs of paralegals, investigators, peer partners or social workers that support an attorney providing independent legal representation to a child who is a candidate for title IV-E foster care or is in title IV-E foster care, and his/her parent, to prepare for and participate in all stages of foster care legal proceedings, and for office support staff and overhead expenses." The costs must be "necessary to support an attorney in providing independent legal representation to prepare for and participate in all stages of foster care legal proceedings for</p>		<p><a href="#">technical overview of Title IV-E</a>, including information on eligibility, criteria, requirements, and a primer on how states can leverage Title IV-E to fund legal representation.</p> <p>The National Association of Counsel for Children has a <a href="#">hub</a> of helpful Title IV-E background materials about the policy clarification, including research, resources and best practices, and sample state agreements and RFPs.</p>

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<p>Title IV-E – Support and Prevention Services</p> <p><i>U.S. Department of Health &amp; Human Services, Administration for Children &amp; Families, Children’s Bureau</i></p>	<p>The <a href="#">Family First Prevention Services Act</a> (FFPSA) of February 2018 enables states to use funds under parts B and E of Title IV of the Social Security Act “to provide enhanced support to children and families and prevent foster care placements through the provision of mental health and substance abuse prevention and treatment services, in-home parent skills-based programs, and kinship navigator services.”</p> <p>The law allows 12 months of preventative services for (1) children who are candidates for foster care, (2) pregnant or parenting foster youth, (3) parents of these children (both biological and adoptive), and (4) kinship caregivers.</p> <p>An <a href="#">Informational Memorandum</a> issued by the Administration for Children and Families explains that states are eligible for 50 percent federal reimbursement if the preventative services and programs are specified in the child’s prevention plan, are trauma-informed, are provided according to “promising, supported, or well-supported</p>	<p>candidates for title IV-E foster care, youth in foster care and his/her parents.</p> <p>Starting October 1, 2019, FFPSA authorized “funding under title IV-E at 50-percent FFP for kinship navigator programs that meet existing kinship navigator grants requirements in section 427(a)(1) of the Act and that meet the promising, supported, or well-supported practice requirements of the IV-E prevention services program, regardless of whether the children/families served are eligible for the title IV-E.”</p> <p>The <a href="#">Consolidated Appropriations Act, 2021</a> signed into law December 2020 temporarily increased the federal reimbursement rate for Title IV-E Prevention Programs from 50 percent to 100 percent from January 27, 2021 through September 30, 2021.</p> <p>The Act also temporarily waivsses state match and evidence-based program requirements for kinship navigator programs, allowing IV-E to fund components of navigator models not included in the <a href="#">Title IV-E Prevention Services Clearinghouse</a>, including:</p> <ul style="list-style-type: none"> <li>• “Evaluations, independent system review and related activities;</li> <li>• Short-term support for direct services or assistance; and</li> <li>• To ensure that kinship caregivers have the information and resources to allow kinship families to function at their full</li> </ul>	<p>With funding from a state “Family First Prevention Grants” RFP (state funds used to further FFPSA goals), since 2019 <a href="#">Kansas Legal Services</a> has been providing legal services to families facing barriers to the placement of related children in their homes, as an alternative to foster care.</p>	<p>The <a href="#">Consolidated Appropriations Act, 2021</a> included several important provisions impacting Title IV-E funding requirements. See <a href="#">Partners for Our Children’s Legislative Update</a> for descriptions of these changes and a full summary of the Act’s impact on children, youth, and families at risk of entering foster care.</p> <p><b>How do you find your state administrator?</b></p> <p>The Children’s Bureau has a <a href="#">directory</a> of foster care contacts, the state agency that oversees child welfare, and links to state-specific foster care information for each state.</p> <p><b>How much funding is available?</b></p> <p>Title IV-E is a <a href="#">federal-state open-end entitlement program</a> under which states must spend money in order to receive federal funding. States are generally reimbursed 50 percent for every dollar they spend. This reimbursement requirement is “open ended,” in that there is no upper limit or ceiling on the federal government’s match of those expenditures. States will sometimes publish their budget requests online, but if it not available or is outdated, you can contact your state administrator. Importantly, while</p>



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				<p>undergone systematic review of their effectiveness. Their <a href="#">Handbook of Standards and Procedures</a> (published April 2019) provides detailed descriptions of the standards and procedures Clearinghouse staff use to identify and review programs.</p>
<p>Victims of Crime Act (VOCA) Victim Assistance Formula Grants CFDA# 16.575</p> <p><i>U.S. Department of Justice, Office for Victims of Crime (DOJ OVC)</i></p>	<p>The <a href="#">Victims of Crime Act (VOCA) of 1984 established the Crime Victims Fund (CVF)</a>, the nation’s primary funding source to help victims of all types of crimes. CVF is a repository of federal criminal fines, forfeitures and special assessments. It does not include tax dollars.</p> <p>Among the VOCA-authorized grant programs is the state administered <i>victim assistance</i> formula grants. It provides funding to groups and direct services for victims, such as domestic violence shelters, legal support, faith-based organizations, and child abuse organizations.</p> <p>OVC – the federal CVF administrator – awards the VOCA Victim Assistance Formula Grant Program in accordance with VOCA and the Victim Assistance <a href="#">Rule</a> and related guidance. The states, in turn, provide subgrants to local public agencies and</p>	<p>The DOJ OVC <a href="#">VOCA Assistance rule</a>, effective August 8, 2016, included clarification that state VOCA administrators have the freedom and flexibility to use their funds for a broad array of legal needs beyond the immediate aftermath of the crime.</p> <p>In <a href="#">this document</a> comparing the 1997 guidance to the new rule, DOJ OVC identified a non-exhaustive list of legal services state VOCA victim assistance administrators could fund:</p> <ul style="list-style-type: none"> <li>- Proceedings for protective/restraining orders or campus administrative protection/stay-away orders;</li> <li>- Family, custody, housing, and dependency matters, particularly for victims of intimate partner violence, child abuse, sexual assault, elder abuse, and human trafficking;</li> <li>- Divorce;</li> <li>- Immigration assistance for victims of human trafficking, sexual assault, and domestic violence;</li> <li>- Intervention with creditors, law enforcement (e.g., to obtain police reports), and other entities on behalf of</li> </ul>	<p>Most states now <a href="#">use VOCA funds for legal aid</a> for crime victims. Several states have launched statewide VOCA-funded crime victims civil legal services programs and resources that incorporate technology and court partners. The statewide models show great promise to raise the overall standard of care through joint provider trainings, data-sharing to better identify statewide patterns and trends, improved collaboration among legal aid providers, and importantly, to get legal aid to rural areas.</p> <p><b>Massachusetts:</b> In 2017, the <a href="#">Massachusetts Legal Assistance Corporation received a VOCA grant</a> to increase access to legal services for victims of violent and economic crimes in the state. The <a href="#">Civil Legal Aid for Victims of Crime</a> (CLAVC) initiative helps victims of crime throughout Massachusetts with their related civil legal problems — including family law, housing, immigration, disability rights, child welfare, education, consumer,</p>	<p><b>OJP COVID-19 guidance including allowability of certain costs and possible alternatives or changes to the scope of projects can be found <a href="#">here</a>.</b> This could potentially include budget modifications for technology costs to improve victim services. <b>VOCA funds can be used to develop/expand technology tools to improve crime victim services.</b></p> <p><b>How do you find your state administrator?</b> Generally, the governor decides which office or department administers VOCA. Consequently, where VOCA sits in the state executive branch varies state-to-state. Go to the DOJ OVC <a href="#">US Resource Map of Crime Victim Services &amp; Information</a> webpage and click on your state.</p> <p><b>How much funding is available?</b> Find OVC formula grant allocations by year <a href="#">here</a> (look for "assistance" allocations).</p>

Funding source	Description	Language regarding legal aid	Examples	Helpful tips
	<p>community service providers (referred to as “subgrantee” or “subrecipient”) that help individuals, families and communities recover from both the initial trauma and the long-term effects of victimization. Courts and legal aid organizations are eligible subgrantees.</p> <p>Because of fluctuations in annual CVF deposits of federal criminal fines and penalties, in 2000, Congress began “capping” annual CVF obligations. In 2015, Congress raised this cap and the amount of VOCA funds available to states nearly quadrupled. Although the amount has fluctuated, Congress has so far continued at elevated levels since the 2015 increase.</p> <p><b>Match requirement:</b> State VOCA subgrantees must contribute 20 percent of the total project cost of each VOCA-funded project, with some exceptions, e.g., federally recognized American Indian or Alaska Native tribes and projects on tribal lands. Match may be cash and/or in-kind.</p> <p>In a <a href="#">March 2020 update to the OVC Match Waiver Approval Process</a>, states now have the</p>	<p>victims of identity theft and financial fraud;</p> <ul style="list-style-type: none"> <li>- Intervention with administrative agencies, schools/colleges, tribal entities, and other circumstances where legal advice or intervention would assist in addressing the consequences of a person’s victimization; and</li> <li>- VOCA funds may also be used to allow victims to file a motion to vacate and/or expunge certain convictions based on their status of being a victim.</li> </ul> <p>The rule also makes clear that states may fund direct services regardless of a victim's participation in the criminal justice process and that victim eligibility under this program for direct services is not dependent on the victim's immigration status.</p> <p>Court navigators and <b>technology</b> relevant to crime victims' services are allowable uses of these funds. Use of the <a href="#">comparison chart</a> is encouraged to explore other key services or aspects of collaboration that may be relevant and allowable under the Rule, e.g., multi-disciplinary partnerships and coordination activities.</p>	<p>identity theft, employment rights and public benefits. The CLAVC website includes guided interviews to generate more tailored responses, legal information, and connects eligible users to their local legal aid office.</p> <p><b>New York:</b> The <a href="#">New York Crime Victims Legal Help</a> website and Network is a partnership of organizations working to address the civil legal needs of crime victims. The technology-centered strategy includes a user-friendly triage screening tool, searchable legal service help directory, know your rights library, real time LiveHelp chat function, warm referrals to legal aid partners, and a secure portal for legal aid partners serving crime victims.</p> <p>JGP prepared narratives about how California, Michigan, <b>New York</b>, Massachusetts, and Washington state expanded civil legal aid for crime victims that can be found in the JGP <a href="#">Toolkit Module 3</a>.</p> <p><b>South Carolina:</b> South Carolina Legal Services in collaboration with South Carolina Coalition Against Domestic Violence and Sexual Assault, and the courts prepared online guided interviews to develop orders of</p>	<p><b>How do you find what's spent and what is leftover (if any)?</b> The US Department of Justice, <a href="#">Office for Victims of Crime Resource Map</a> enables you to click on your state to find your state’s administering agency, information on events, latest available statistics, compensation and assistance information, and VOCA performance reports. The state’s assistance report shows data by year of the federal awards amount, the number of sub awards, and the balance remaining over the last few years.</p> <p><b>Other useful resources:</b> In November 2019, OVC released <a href="#">VOCApedia</a>, a frequently updated VOCA Victim Assistance allowability resource tool for VOCA Victims Assistance state administrators. It is the best source for questions about what VOCA and its corresponding rule allows subgrantees (e.g., legal aid programs and courts) to do.</p> <p>Several states have had their VOCA programs audited by the DOJ Office of Inspector General. To see if your state has been audited, <a href="#">go to this link</a>, select your state in the location filter, and see if there’s a “Victim Assistance Formula Grants” audit report.</p>

Funding source	Description	Language regarding legal aid	Examples	Helpful tips
	<p>discretion to waive or partially waive the match requirement on behalf of subrecipients provided that the state has adopted an OVC-approved waiver policy.</p> <p>Could support legal aid for:</p> <ul style="list-style-type: none"> <li>- Assisted self-help</li> <li>- Consumers (financial fraud, identity theft)</li> <li>- People with a criminal record (survivors of human trafficking)</li> <li>- Survivors of domestic violence</li> <li>- Survivors of elder abuse</li> <li>- Children in foster care</li> <li>- Survivors of human trafficking</li> <li>- Immigration</li> <li>- Native Americans</li> <li>- People with substance use disorder</li> <li>- Partnerships with law enforcement</li> </ul>		<p>protection ready for court filing in <a href="#">English</a> and <a href="#">Spanish</a>.</p> <p><b>Washington:</b> In 2016, the <a href="#">Washington State Office of Civil Legal Aid (OCLA) established the Integrated Civil Legal Aid to Crime Victims Program</a>. OCLA is the grantee intermediary that coordinates the statewide effort and subcontracts, supports, and oversees the delivery of civil legal aid services.</p> <p>Other innovative uses of VOCA since the new rule include:</p> <ul style="list-style-type: none"> <li>- Online automated court-approved Petition for Order of Protection Forms in South Carolina</li> <li>- <a href="#">Human Trafficking Prevention Project</a> at the University of Baltimore School of Law</li> <li>- Economic Exploitation and Fraud Prevention Project at Washington DC’s Tzedek DC</li> <li>- Helping employment-related crime victims, such as those who experienced wage theft, at California Rural Legal Assistance.</li> </ul>	<p>In some states, like California, the VOCA administrator submits reports the state legislature. If your state prepares this kind of report, you may find additional information about how VOCA victim assistance grants work in your state.</p> <p>JGP prepared <a href="#">FAQs about Legal Aid &amp; VOCA</a>.</p> <p>JGP prepared narratives about how California, Michigan, New York, Massachusetts, and Washington state expanded civil legal aid for crime victims that can be found in the JGP <a href="#">Toolkit Module 3</a>.</p>
<p>Workforce Innovation and Opportunity Act (WIOA) State Formula Funding</p> <p>CFDA# 17.258</p>	<p>“<a href="#">WIOA is landmark legislation</a> that is designed to strengthen and improve our nation’s public workforce system and help get Americans, including youth and those with significant barriers to employment, into high-quality</p>	<p>In 2016, the U.S. Department of Labor’s (DOL) published the <a href="#">Final Rule on the Workforce Innovation and Opportunity Act</a>. The new rule includes language identifying legal aid among the supportive services considered “necessary to enable</p>	<p>In 2018, Workforce Tulsa became the first jurisdiction known to JGP to adopt a <a href="#">supportive services policy</a> that includes providing and paying for legal aid providers to help jobseekers with barriers to employment. JGP prepared a</p>	<p><b>How do you find your state administrator?</b></p> <p>The governor of each state and territory and the DC mayor certify the administering and supervising agency for WIOA. DOL’s <a href="#">Career One Stop website</a> enables users to search</p>

Funding source	Description	Language regarding legal aid	Examples	Helpful tips
<p><i>U.S. Department of Labor (DOL), Employment &amp; Training Administration</i></p>	<p>jobs and careers and help employers hire and retain skilled workers.”</p> <p>WIOA was passed in 2014 to help job seekers, youth, and vulnerable individuals find and retain employment. It includes the nationwide system of One-Stop Centers, or American Job Centers, at which individuals can access the Internet, receive trainings, work on interviewing techniques, and more.</p> <p>Could support legal aid for:</p> <ul style="list-style-type: none"> <li>- People with a criminal record</li> <li>- People with disabilities</li> <li>- Immigration</li> <li>- Veterans</li> </ul>	<p>an individual to participate” in workforce activities.</p> <p>The DOL explained in the preamble to the final rule that legal aid could “uniquely” benefit workers. In responding to public comments received on the Notice of Proposed Rulemaking and published in the Federal Register, DOL writes that one commentator “strongly supported the inclusion of legal aid services in the Department’s list of examples of supportive services, noting that legal aid can uniquely address certain barriers to employment, including access to driver’s licenses, expunging criminal records, and resolving issues with debt, credit, and housing.” The DOL responded: “The Department concurs that legal aid can uniquely address certain barriers to employment, as enumerated by the commenter. Therefore, the Department has included legal aid services under § 680.900 and made a corresponding change to the list of supportive services allowable in the youth program in § 681.570.”</p> <p>As listed in the <i>Federal Register</i>, supportive services for adults and dislocated workers as well as supportive services for youth includes “legal aid services.” Legal aid is also listed as one of the services included in a “successful rapid response system.” Such a system includes: “Convening, brokering, and facilitating the</p>	<p>narrative about how they developed this policy that can be found in the JGP Toolkit <a href="#">Module 3</a>. (Scroll down to WIOA Funds for Legal Services to Keep Oklahomans Working.) See also NLADA’s case study of the WIOA-funded <a href="#">collaboration in Oklahoma</a> to provide legal services related to reentry and employment.</p> <p>In 2016, South Carolina issued a <a href="#">guidance</a> regarding the use of WIOA funds for legal aid services as a supportive service to help Title I participants to overcome barriers to employment.</p> <p>Several states’ plans refer to receiving input from legal aid service providers. Colorado’s state plan says that OneStop centers plan to partner with Colorado Legal Services to target migrant and seasonal farmworkers access to career services. Similarly, Connecticut, Delaware, Michigan, New Jersey, Texas, and North Dakota all reached out to legal aid service providers when planning how to best address migrant and seasonal farmworkers access to career services. Minnesota and North Carolina also reference consulting with legal service providers when developing their state plan. Other states are in the</p>	<p>for your state’s workforce development board.</p> <p><b>How much funding is available?</b> The DOL maintains <a href="#">online Excel spreadsheets</a> of how much each state spends on the different WIOA programs.</p> <p><b>How do you find what's spent and what is leftover (if any)?</b> To find the amount that your state has spent, DOL has <a href="#">WIOA quarterly statements</a>.</p> <p><b>Other useful documents:</b> States must submit a Unified or Combined State Plan that outlines a four-year plan for the State’s workforce development system. <a href="#">Target populations</a> include individuals with barriers to employment, as well as veterans, unemployed workers, and youth. Even if your state plan doesn’t currently reflect the need for legal services and partnerships with legal aid programs, you can make the case for the importance of legal aid to jobseekers and enhancing success of your state’s workforce development goals. The plans can be accessed <a href="#">here</a>.</p> <p>In April 2018, the Council of State Governments’ Clean Slate</p>

Funding source	Description	Language regarding legal aid	Examples	Helpful tips
		connections, networks and partners to ensure the ability to provide assistance to dislocated workers and their families such as home heating assistance, legal aid, and financial advice.”	process of adding legal aid services language to their state plans. It is also noteworthy that WIOA funds are used for expungement application fees in South Carolina and Tulsa, Oklahoma.	Clearinghouse (funded by the DOL’s Employment & Training Administration and the DOJ’s Bureau of Justice Assistance) hosted a webinar, with JGP’s support. This <a href="#">webinar</a> discussed how partnering with civil legal aid organizations in American Job Centers can improve employment outcomes.

## Appendix B

<b>ACF</b>  Administration for Children and Families	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  Administration on Children, Youth and Families	
	<b>1. Log No:</b> ACYF-CB-IM-21-06	<b>2. Issuance Date:</b> January 14, 2021
	<b>3. Originating Office:</b> Children's Bureau	
	<b>4. Key Words:</b> High Quality Legal Representation; Multi-disciplinary Representation; Independent Legal Representation; Permanency Outcomes; Case Review Systemic Factor; PIP Legal or Judicial Strategies; Statewide Assessment; Legal Stakeholders; Collateral Representation.	

**TO:** State, Tribal and Territorial Agencies Administering or Supervising the Administration of Title IV-E and IV-B of the Social Security Act, Indian Tribes and Indian Tribal Organizations, State Courts, and State and Tribal Court Improvement Programs.

**SUBJECT:** Utilizing Title IV-E Funding to Support High Quality Legal Representation for Children and Youth who are in Foster Care, Candidates for Foster Care and their Parents and to Promote Child and Family Well-being

**PURPOSE:** To urge all state and tribal title IV-E agencies, courts, administrative offices of the courts, and Court Improvement Programs to work together to ensure that parents, children and youth, and child welfare agencies, receive high quality legal representation at all stages of child welfare proceedings, and to maximize allowable title IV-E administrative reimbursement for children who are candidates for title IV-E foster care or who are in title IV-E foster care and their parent(s) in foster care legal proceedings.

**LEGAL AND RELATED REFERENCES:** Title IV-E of the Social Security Act (the Act).

### INFORMATION

The purpose of this information memorandum (IM) is to urge all state and tribal title IV-E agencies, courts, administrative offices of the courts, and Court Improvement Programs to work together to ensure that parents, children and youth, and child welfare agencies, receive high quality legal representation at all stages of child welfare proceedings, and to maximize allowable title IV-E administrative reimbursement for children who are candidates for title IV-E foster care or in title IV-E foster care and their parent(s) in foster care legal proceedings.

This IM is organized as follows:

- I. Background
- II. New Research Showing Multi-Disciplinary Legal Representation for Parents Helps Children Achieve Permanency
- III. The Significance of High Quality Legal Representation to Child and Family

- Service Reviews (CFSTRs) and Program Improvement Plans (PIPs)
- IV. Strategies for Promoting High Quality Legal Representation
- V. The Title IV-E Claiming Process for Legal Representation Costs
- VI. Conclusion

## I. Background

In 2017, the Administration for Children and Families (ACF) Children’s Bureau (CB) issued an IM identifying high quality legal representation for parents, children and the child welfare agency as critical to a well-functioning child welfare system.<sup>1</sup> The IM discussed the key attributes that define high quality legal representation.<sup>2</sup> The attributes of high quality legal representation discussed in the 2017 IM articulate an accepted understanding of high quality legal representation for families including having access to attorneys who are well-trained and highly knowledgeable of child welfare law, child development and trauma, litigation skills and understand the importance of out of court efforts, including but not limited to:

- time spent getting to know the strengths, needs and wishes of children, youth and parents;
- out of court advocacy for services, benefits and resources;
- participation in case planning meetings;
- school and home visits;
- meetings with important collateral contacts such as medical providers, counselors, treatments providers, family members and friends of the parent or child and other important people in their lives, and professionals; and
- other efforts to advance critical child and parent safety, permanency and well-being needs.<sup>3</sup>

The 2017 IM highlighted research demonstrating that the early appointment of counsel in child welfare proceedings can improve case planning, expedite permanency and lead to cost savings to state and tribal government. The IM also included evidence associating legal representation with:

- increases in party perceptions of fairness;
- increases in party engagement in case planning, services and court hearings;
- more personally tailored and specific case plans and services;
- increases in visitation and parenting time;
- expedited permanency; and

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<sup>1</sup> ACYF-CB-IM-17-02 highlights associations of legal representation with enhanced parent engagement and identifies best practices and exemplary models of legal representation, including multi-disciplinary representation, which pairs attorneys with independent social workers or peer parent partners, as especially promising.

<sup>2</sup> See *Id.*

<sup>3</sup> See e.g., Family Justice Initiative, *Attributes of High-Quality Legal Representation for Children and Parents in Child Welfare Proceedings*, available at: <https://15ucklg5c821brpl4dycpk15-wpengine.netdna-ssl.com/wp-content/uploads/sites/48/2020/03/fji-attributes-2019.pdf>; ABA STANDARDS OF PRACTICE FOR ATTORNEYS REPRESENTING PARENTS IN ABUSE AND NEGLECT CASES (American Bar Association, 2006); ABA STANDARDS OF PRACTICE FOR LAWYERS WHO REPRESENT CHILDREN IN ABUSE AND NEGLECT CASES (American Bar Association, 1996); NACC RECOMMENDATIONS FOR REPRESENTATION OF CHILDREN IN ABUSE AND NEGLECT CASES (National Association of Counsel for Children, 2001).

- reductions of time children and youth spend in care.

Drawing upon the evidence of the positive benefits of high quality legal representation for children and parents and its essential role in supporting a well-functioning child welfare system, in 2019 CB issued revised and new policies that allow title IV-E agencies to claim federal financial participation (FFP) for administrative costs of independent legal representation provided by attorneys representing children in title IV-E foster care, children who are candidates for title IV-E foster care, and their parents for “preparation for and participation in judicial determinations” in all stages of foster care legal proceedings.<sup>4</sup>

In 2019 and 2020, research out of New York City provided additional, compelling evidence of the effectiveness of multi-disciplinary<sup>5</sup> representation for parents of children in foster care in two companion studies. The first study provided strong empirical evidence that when parents are represented by a multidisciplinary team of lawyer, social worker, and peer advocate, who are salaried employees of an independent law office with administrative support and supervision, their children spend significantly less time in foster care and reunify with family more quickly without compromising child safety.<sup>6</sup> The second, qualitative study, found that elements that make the multidisciplinary practice model effective include uniformity of practice, the multidisciplinary team, and an ongoing focus on clients’ well-being.<sup>7</sup>

In April 2020, CB issued a new policy clarifying that administrative costs for paralegals, investigators, peer partners, or social workers may be claimed as title IV-E foster care administrative costs to the extent they are necessary to support an attorney providing independent legal representation to prepare for and participate in all stages of foster care legal proceedings for candidates for title IV-E foster care, youth in foster care and his/her parents and for allowable office support staff and overhead expenses.<sup>8</sup>

In July 2020, CB published a technical bulletin (TB) responding to frequently asked questions regarding the availability of title IV-E FFP for independent legal representation costs.<sup>9</sup> The bulletin provides a list of examples of foster care legal proceedings that funds may cover, including:

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<sup>4</sup>Section 474(a)(3) of the the Act and federal regulations at 45 CFR 1356.60(c). In section 8.1B of the Child Welfare Policy Manual (CWPM), CB revised and issued Q/A #30 on January 7, 2019, issued #31 on July 29, 2019 and issued #32 on April 20, 2020.

<sup>5</sup> The terms multidisciplinary and interdisciplinary are used interchangeably to describe a team approach to legal representation that “incorporates additional professionals into the legal team” including social workers, people with lived experience, interpreters, specialized attorneys, experts and investigators. See e.g., Lucas Gerber et al., *Effects of an Interdisciplinary Approach to Parental Representation in Child Welfare*, 102 Child. & Youth Servs. Rev. 42, 52 (2019); see also Family Justice Initiative, *Implementing FJI System Attributes: Attribute 2, Interdisciplinary Practice Model*, available at: <https://15ucklg5c821brpl4dycpk15-wpengine.netdna-ssl.com/wp-content/uploads/sites/48/2020/03/fji-implementation-guide-attribute2-2.pdf>

<sup>6</sup> Lucas Gerber et al., *Effects of an Interdisciplinary Approach to Parental Representation in Child Welfare*, 102 Child. & Youth Servs. Rev. 42, 52 (2019).

<sup>7</sup> Lucas Gerber et al., *Understanding the effects of an interdisciplinary approach to parental representation in child welfare*, 116 Child & Youth Servs. Rev. (2020).

<sup>8</sup> CWPM 8.1B #32. The costs must be consistent with federal cost principles per 45 CFR Part 75 Subpart E. The title IV-E agency must allocate such costs so as to assure that the title IV-E program is charged its proportionate share of costs (See CWPM sections 8.1B and 8.1C).

<sup>9</sup> [Technical Bulletin](#)

- hearings related to judicial determinations that it is contrary to the welfare of a child to remain in the home;
- hearings related to a child's removal from the home;
- hearings related to judicial determinations that the agency has provided reasonable efforts to prevent removal and finalize the permanency plan;
- permanency hearings;
- hearings related to progress on case plans; and
- appeal proceedings that relate to judicial determinations required under title IV-E.

The TB also includes a non-exhaustive list of activities and expenditures to demonstrate the range of support for which FFP may be claimed for legal representation. The list applies to candidates for title IV-E foster care and their parents as well as children in title IV-E foster care. A child need not be court involved in order for the title IV-E agency to claim FFP for legal representation and advocacy for that child and his or her parents. That list includes, but is not limited to:

- independent investigation of the facts of the case, including interacting with law enforcement,
- meeting with clients or making home or school visits,
- attending case planning meetings,
- providing legal interpretations,
- preparing briefs, memos, and pleadings,
- obtaining transcripts,
- interviewing and preparing their client and witnesses for hearings,
- hearing presentation,
- maintaining files,
- supervising attorneys, paralegals, investigators, peer partners or social workers that support an attorney in providing independent legal representation to prepare for and participate in all stages of foster care legal proceedings,
- filing child abuse and neglect petitions for candidates for foster care,
- court fees to file a petition for a judicial determination required under title IV-E, and
- appellate work in reference to foster care legal proceedings.<sup>10</sup>

This clarification makes it possible to help support legal team approaches, including multi-disciplinary representation models (also known as interdisciplinary<sup>11</sup> representation) and operational costs associated with administration and management of offices, such as data and case management systems and supervision of attorneys and legal team members providing parent, child or agency representation and costs associated with collection of information and submission of data for title IV-E reimbursement to the title IV-E agency.

In addition, CB has determined that states and tribal grantees may use kinship navigator funds provided under title IV-B, subpart 2 of the Social Security Act to provide brief legal services to

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<sup>10</sup> Id at pg. 3.

<sup>11</sup> Some models use the term interdisciplinary to emphasize that all members of the legal team are child welfare experts in law, social work, investigation or peer partners with lived expertise.

“assist kinship caregivers in learning about, finding and using programs and services to meet the needs of the children they are raising and their own needs.”<sup>12</sup>

## **II. New Research Showing Multi-Disciplinary Legal Representation for Parents Helps Children Achieve Permanency**

Two recent companion studies of parent representation in New York City provide compelling evidence that high quality multidisciplinary legal representation for parents is an effective child welfare intervention that promotes timely permanency for children without compromising child safety.

The first study, published in 2019, utilized a design to estimate the causal effect of multidisciplinary law office representation of parents on child welfare outcomes, as compared to representation by court-appointed solo practitioners.<sup>13</sup> Researchers followed the trajectory of 9,852 families and their 18,288 children in New York City’s child welfare system and found that children whose parents were represented through a multidisciplinary law office spent less time in foster care (approximately four months on average) through faster early reunification and guardianship. Specifically, children whose parents were represented by a multidisciplinary law office experienced reunification 43% more often in the first year of their case, and 25% more often in the second year, without any negative impact on child safety.

The second study, published in 2020, utilized a qualitative interview-based design to determine what core components of the multidisciplinary law offices speed up reunification for children in foster care. Based on interviews with nearly 60 stakeholders in New York City Family Court, including judges, lawyers, and parents, the authors determined that key elements of the multidisciplinary law offices are: (1) uniform high-quality representation; (2) utilization of a multidisciplinary team; and (3) a focus on the client’s well-being.<sup>14</sup>

Attributes of uniform high-quality practice among the New York City providers included regular communication with clients outside of court, preparation for hearings, increased formal in-court advocacy through written motions, and improved adherence to court process and timeliness. The multidisciplinary team was essential to supporting clients in out of court case conferences, identifying and helping clients access appropriate services, and guarding against duplicative or unnecessary services. Researchers found that because the multidisciplinary legal team developed supportive relationships with clients, clients reported that they trusted their attorneys and were more willing and able to engage in services.

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<sup>12</sup> See [Technical Bulletin](#), kinship navigator funds may be used for: “support[ing] any other activities designed to assist kinship caregivers in obtaining benefits and services to improve their caregiving.” See section 427(a)(1) of the Act. CB issues this Technical Bulletin (TB) to respond to title IV-E agency and other stakeholder frequently asked questions (FAQs) about the aforementioned policies.

<sup>13</sup> Lucas Gerber et al., *Effects of an Interdisciplinary Approach to Parental Representation in Child Welfare*, 102 Child. & Youth Servs. Rev. (2019).

<sup>14</sup> Lucas Gerber et al., *Understanding the effects of an interdisciplinary approach to parental representation in child welfare*, 116 Child & Youth Servs. Rev. (2020).

These critically important studies provide robust evidence consistent with existing research that has found that enhanced parent representation leads to increased reunification and faster permanency for children.<sup>15</sup>

CB strongly urges all title IV-E agencies to actively pursue utilization of title IV-E funding to create, expand and sustain models of multi-disciplinary representation for children in title IV-E foster care, candidates for title IV-E foster care and their parents.

### **III. The Significance of High Quality Legal Representation to Child and Family Service Reviews (CFSRs) and Program Improvement Plans (PIPs)**

Child welfare agencies and legal and judicial communities have many common goals, including achieving timely and appropriate permanency, promoting and maintaining family relationships and connections, and keeping families together. The CB has emphasized the importance of legal and judicial involvement in all aspects of the CFSR and, where needed, PIPs. This is a major focus of the Court Improvement Program (CIP) which, as part of the core statutory authorizing language, is meant to ensure engagement of the parties in court.<sup>16</sup> This is emphasized in the CIP Program Instruction through a required project requirement to improve legal representation and lives in a context of requirements of CIPs and agencies to collaborate broadly on program planning.<sup>17</sup> Historically CIP and legal and judicial engagement in the CFSR processes has been limited to participation in case reviews and review and response to drafts of PIPs crafted by the child welfare agency. Round three of the CFSR presents a marked difference. As reported from the Federal Fiscal Year 2019 CIP Self-Assessment Reports, 60% of CIPs were included at a high level during the entire CFSR process; 81% were part of PIP design; 81% are involved with PIP implementation and 91% provided suggestions for strategies or activities in PIPs.<sup>18</sup> Additionally, every jurisdiction's PIP contains at least one legal or judicial strategy as well as multiple key activities supporting those strategies. For the 51 approved PIPs there are 147 legal or judicial strategies and 552 resulting key activities.

The need for proactive system-wide reform is evident from the performance of state child welfare systems in Round three of the CFSR:

- No state achieved substantial conformity on Permanency Outcome 1: Children Have Permanency and Stability in Their Living Situations.
- No state achieved substantial conformity on Permanency Outcome 2: The Continuity of Family Relationships and Connections is Preserved for Children.

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<sup>15</sup> MARK E. COURTNEY, JENNIFER L. HOOK, & MATT ORME, EVALUATION OF THE IMPACT OF ENHANCED PARENTAL LEGAL REPRESENTATION ON THE TIMING OF PERMANENCY OUTCOMES FOR CHILDREN IN FOSTER CARE (Partners for Our Children, Feb. 2011); *see also* Lori Darnel & Dawn Matera Bassett, *A Program Evaluation of the Colorado Office of Respondent Parents' Counsel Social Work Pilot Program*, Metropolitan State University of Denver Dept. of Social Work, *available at*: <https://coloradoorpc.org/wp-content/uploads/2019/11/ORPC-SWPP-Evaluation.pdf>.

<sup>16</sup> See, 42 U.S.C. 629h(a)(4)(A).

<sup>17</sup> See, <https://www.acf.hhs.gov/cb/policy-guidance/pi-20-12>

<sup>18</sup> National Report on Court Improvement Program Projects and Initiatives FY 2019, Capacity Building Center for Courts

- Further, only 2 states achieved substantial conformity on the Case Review Systemic Factor.<sup>19</sup>

Coupled with the growing research, CB's continued emphasis on a wider array of legal stakeholders in the CFSR process, especially attorneys for parents and children, has led to an increasing recognition of the impact that high quality legal representation can have on these and other CFSR outcomes and systemic factors. CB strongly encourages all title IV-E agencies to approach CFSR Round four with strong representation and active involvement in all aspects of the CFSR process, from members of their child and parent attorney bar in addition to agency legal representation, judges, court administrators, and CIP.

Considering the research that demonstrates the strong and effective impact of quality legal representation on outcomes measured in the CFSR, it is imperative we embrace these practices in every state to support those efforts using title IVE funding as appropriate. Although CIPs were involved in the development of nearly every PIP in Round 3, in order to develop and implement high quality legal representation programming, it is critically important and necessary to involve members of the parent and children's bar in a meaningful way. Enhancing systems to provide for high quality legal representation requires thoughtful contemplation from multiple professional roles in order for efforts to be well-developed, deeply supported and reliably integrated. Data from various legal professionals should be gathered and understood to inform each state's Statewide Assessment; identifying strengths and gaps upon which to focus. The data and the professional voices should accompany the voices of parents and youth to inform system-wide reform efforts. This early engagement will serve to support PIP development later in the process, where required, in crafting CFSR strategies designed to move systems towards the types of high quality legal representation outlined within this IM.

Many states have already recognized the impact of high quality legal representation on CFSR outcomes and have included specific strategies in their CFSR Round three PIPs. Within CFSR Round 3 approved PIPs there are 22 strategies that address quality legal representation. The CFSR process can be a way to utilize high quality legal representation as standalone or components of strategies as key activities to improve systemic factors or outcomes. For example, Louisiana has multiple strategies designed to implement a holistic plan to implement high quality legal representation for parents and children using title IV-E funding. The plan establishes pre and post removal representation models, uses multi-disciplinary teams and establishes collateral representation models beginning with pilot jurisdictions. Training, performance standards and attention to outcomes support this PIP implementation. Similarly, Michigan built upon their successful pilot of pre-removal representation in Detroit<sup>20</sup> with a PIP strategy that implements that model in addition to supporting families with multi-disciplinary legal teams during post-removal applications. Like Louisiana, Michigan will use title IV-E FFP to support their efforts and designed an implementation plan grounded in training and ongoing monitoring. A third example comes from Iowa. Iowa's PIP strategy to implement high quality legal representation

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<sup>19</sup> The Case Review Systemic Factor is made up of five items: Item 20: Written Case Plan; Item 21: Periodic Reviews; Item 22: Permanency Hearings; Item 23: Termination of Parental Rights & Item 24: Notice and Right to Be Heard of Hearings and Reviews to Caregivers

<sup>20</sup> See Vivek Sankaran, *Using Preventive Legal Advocacy to Keep Children from Entering Foster Care*, William Mitchell Law. Rev. vol.40, Issue 3, 1036, 1042-1043.

across the state begins with providing National Association of Counsel for Children (NACC) Red Book training to all attorneys who practice in child welfare.<sup>21</sup> In addition to the training, Iowa is encouraging practitioners to demonstrate their knowledge and become certified as Child Welfare Specialists. Attorneys who receive this designation will be compensated for their representation at a higher rate. Iowa will also be monitoring the impact of these efforts by collecting data and evaluating the results.

The CFSR is intended to be a tool for states and territories to understand how children and families experience the child welfare system and whether they are receiving the help and support they need to ensure their safety, permanence and well-being. PIPs are intended as a vehicle to improve those experiences when they fall short of conformity. When improvements are made to benefit children and families they are likely to be reflected in improved outcomes on CFSR measures. High quality legal representation is a proven strategy to ensure that the voices of parents and youth are elevated and heard, a proven means of improving parent and youth engagement in case planning, and a proven way to help ensure their needs are met, all of which tie directly to critical CFSR measures. High quality legal representation prior to and after removal is critical to a well-functioning child welfare system. CB strongly encourages title IV-E agencies to work with legal and judicial partners to utilize high quality legal representation as a strategy to improve the experiences parents, youth and children have with the child welfare system and improve outcomes.

#### **IV. Strategies for Promoting High Quality Legal Representation**

High quality legal representation in child welfare proceedings is about more than preparing for and representing a child or parent in court. While attorneys for parents and children must be competent litigators with knowledge of the law and rules of procedure and evidence, research has shown that children's and parents' attorneys work out of the court is as important as attorneys' formal courtroom advocacy.<sup>22</sup> Parents' and children's attorneys must spend significant time with clients to build a trusting and supportive relationships, to understand the clients' goals, and to counsel clients on all legal matters.<sup>23</sup> This relationship building can require expertise in child development, trauma, motivational interviewing, and cultural humility.<sup>24</sup> In addition, attorneys for parents and children should conduct independent investigations, utilize and engage

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<sup>21</sup> <https://www.naccchildlaw.org/page/RedBook>

<sup>22</sup> See e.g., Lucas Gerber et al., *Understanding the effects of an interdisciplinary approach to parental representation in child welfare*, 116 Child & Youth Servs. Rev. (2020); see also, Jay Miller, Jacquelynn F. Duron, Earl Washington & Jessica Donohue-Dioh, *Exploring the Legal Representation of Individuals in Foster Care: What say Youth and Alumni?*, Children and Youth Services Review 78 (May 2017) available at:

[https://www.researchgate.net/publication/316863301\\_Exploring\\_the\\_legal\\_representation\\_of\\_individuals\\_in\\_foster\\_care\\_What\\_say\\_youth\\_and\\_alumni](https://www.researchgate.net/publication/316863301_Exploring_the_legal_representation_of_individuals_in_foster_care_What_say_youth_and_alumni)

<sup>23</sup> Family Justice Initiative, *Attributes of High-Quality Legal Representation for Children and Parents in Child Welfare Proceedings*, available at: <https://15ucklg5c821brpl4dycpk15-wpengine.netdna-ssl.com/wp-content/uploads/sites/48/2020/03/fji-attributes-2019.pdf>; ABA STANDARDS OF PRACTICE FOR ATTORNEYS REPRESENTING PARENTS IN ABUSE AND NEGLECT CASES (American Bar Association, 2006); ABA STANDARDS OF PRACTICE FOR LAWYERS WHO REPRESENT CHILDREN IN ABUSE AND NEGLECT CASES (American Bar Association, 1996); NACC RECOMMENDATIONS FOR REPRESENTATION OF CHILDREN IN ABUSE AND NEGLECT CASES (National Association of Counsel for Children, 2001); DONALD N. DUQUETTE, CHILDREN'S JUSTICE: HOW TO IMPROVE LEGAL REPRESENTATION FOR CHILDREN IN THE CHILD WELFARE SYSTEM (American Bar Association, 2016).

<sup>24</sup> *Id.*

investigators and experts where appropriate, and participate in case planning and ongoing advocacy for services, family time, and placements that support their clients' objectives.<sup>25</sup>

As described above, consistent quality of representation was a key factor leading to improved permanency outcomes for children in New York City.<sup>26</sup> Systems that oversee or administer legal representation for children and parents can support and facilitate consistency through: access to a multidisciplinary team; support and oversight; use of data and continuous quality improvement; competitive compensation; and reasonable caseloads that enable attorneys to meet their ethical obligations to clients.<sup>27</sup> There are a number of strategies for promoting and sustaining high quality legal representation. Several are discussed in more detail below.

### **a. Centralization**

Relying on a centralized office to oversee children or parents' representation can support high-quality legal representation by ensuring consistent practice among attorneys and across jurisdictions.<sup>28</sup> A centralized office can connect lawyers to each other and to office staff who can provide training, and technical assistance on individual cases.<sup>29</sup> Centralized office staff can provide supervision and oversight, promoting consistency of trial and appellate practice.<sup>30</sup> Additionally, a centralized office can provide access to multidisciplinary team members such as lawyers, peer advocates, and experts, and ensure or encourage integration of these experts to meet the clients' needs.<sup>31</sup>

A centralized office does not necessarily need to be a brick and mortar location employing a staff of attorneys and multidisciplinary team members who handle all child welfare representation. Although the independent law offices evaluated in the New York City studies rely on this sort of model that may not be practical in non-metropolitan areas. Rather, a centralized office may be a smaller statewide office that contracts with attorneys, as well as multidisciplinary team members, and provides a community of colleagues, as well as ongoing training and oversight.<sup>32</sup> In this type of centralized office model, legal team support and supervision can be accomplished through in-person meetings, data and evaluation, fiscal management, as well as via technology with legal team listservs, remote supervision, coaching, and training, or some combination thereof.

### **b. Multidisciplinary Representation**

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<sup>25</sup> *Id.*

<sup>26</sup> Lucas Gerber et al., *Understanding the effects of an interdisciplinary approach to parental representation in child welfare*, 116 *Child & Youth Servs. Rev.* (2020).

<sup>27</sup> *See e.g.*, ABA Center on Children and the Law, *Effects of Funding Changes on Legal Representation Quality in California Dependency Cases* (2020).

<sup>28</sup> *See* Mimi Laver and Cathy Krebs, *The Case for a Centralized Office for Legal Representation in Child Welfare Cases*, ABA *Child Law Practice* (December 2, 2020).

<sup>29</sup> *See Id.*

<sup>30</sup> *See Id.*

<sup>31</sup> *See Id.*

<sup>32</sup> A number of states utilize this sort of centralized office for legal representation for parents and/or children, including Washington state, Oregon, Colorado, North Carolina and Massachusetts.

Multidisciplinary representation (also known as interdisciplinary representation) describes a model of representation for children and parents where attorneys have access to work in an integrated manner with a team of professionals for the benefit of the client. This may include social workers, people with lived expertise who can act as peer mentors or advocates, and needed investigators, experts, and interpreters.<sup>33</sup> The New York City studies described above found that multidisciplinary representation was a key attribute of the parent representation programs' impact on improved permanency outcomes.<sup>34</sup> Social work team members were able to help clients access services, support clients in meetings and planning with the child welfare agency, and advocated for streamlined and non-duplicative services for families.<sup>35</sup> Peer parents played an essential role in connecting with and motivating clients, and building trust between clients and the legal team, which parents identified as being essential to their successful participation in the child welfare process.<sup>36</sup>

Systems overseeing legal representation for children and parents should consider implementing a multidisciplinary practice model for parents' and children's representation. This may look different than the New York City models studied, depending on the capacity and population of the jurisdiction and needs of the clients. For example, in Colorado, the statewide office overseeing parents' representation has incorporated social workers into their practice utilizing contracted social workers who are supervised by a staff social work program coordinator.<sup>37</sup> The New Mexico Family Advocacy Program (NMFAP), started as a pilot in one judicial district in 2013, has adapted the multidisciplinary model of legal representation studied in New York City, to provide legal teams of parent attorneys, social workers, and parent mentors to represent parents in a number of jurisdictions in the state.<sup>38</sup> Supported by a grant from the CB, NMFAP predicts that its work on behalf of parents will improve a number of CFSR outcome measures.<sup>39</sup>

### **c. Utilizing Title IV-E Funding to Provide Independent Legal Representation for Candidates for Foster Care and their Parents**

CB's policy clarification in 2019 made clear that title IV-E funds may be used for children who are candidates<sup>40</sup> for title IV-E foster care and their parents and that court involvement is not required for a title IV-E agency to claim reimbursement. This is intended to provide states, tribes and territories with a tool for preventing unnecessary and traumatic family separation. Accordingly, FFP is now available for an attorney to provide legal representation and advocacy

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<sup>33</sup> See e.g., Family Justice Initiative, *Implementing FJI System Attributes: Attribute 2: Interdisciplinary Practice Model*, available at: <https://15ucklg5c821brpl4dycpk15-wpengine.netdna-ssl.com/wp-content/uploads/sites/48/2020/03/fji-implementation-guide-attribute2-2.pdf>

<sup>34</sup> Lucas Gerber et al., *Understanding the effects of an interdisciplinary approach to parental representation in child welfare*, 116 *Child & Youth Servs. Rev.* (2020).

<sup>35</sup> See *Id.*

<sup>36</sup> See *Id.*

<sup>37</sup> See Metropolitan State University of Denver Department of Social Work, *A Program Evaluation of the Colorado Office of Respondent Parents' Counsel Social Work Pilot Program*, available at: <https://coloradoorpc.org/wp-content/uploads/2019/11/ORPC-SWPP-Evaluation.pdf>.

<sup>38</sup> See New Mexico Family Advocacy Program Strengthening Interdisciplinary Practice, available at: <https://nmfap.nmcourts.gov/>.

<sup>39</sup> See *Id.*

<sup>40</sup> A child who is at serious risk of removal from home as evidenced by the agency either pursuing his/her removal from the home or making reasonable efforts to prevent such removal

on behalf of title IV-E foster care candidates and his/her parents. This may include allowable activities prior to court involvement, including prior to the filing of a petition to remove a child.

Evaluations demonstrate that legal advocacy in times of family vulnerability can help stabilize families and reduce the need for more formal child welfare system involvement, including foster care.<sup>41</sup> Several jurisdictions have started implementing pre-petition/pre-removal legal representation programs for parents.<sup>42</sup> These programs may receive client referrals from the title IV-E agency. In addition, multidisciplinary legal representation teams in pre-removal/pre-petition cases can provide parents advice about engaging with needed services and the child welfare agency, which can help mitigate potential child safety issues.

In Snohomish County, Washington, the Family Intervention Response to Trauma (FIRST) clinic provides free pre-petition legal representation to mothers with substance exposed infants.<sup>43</sup> The FIRST clinic legal team receives referrals from hospitals and community-based agencies. Clinic attorneys help parents develop safety plans and alternative care arrangements, if needed. Parent partners, working with FIRST clinic attorneys, help identify and encourage clients to engage in community-based services. The program has been able to help clients prevent family separation, access needed services and navigate the child welfare investigation process.<sup>44</sup> This program, and others like it, empower families to identify the services and concrete supports they need to remain safely intact.

#### **d. Utilizing Title IV-E FFP for Judicial and Legal Representation Professional Partner Training**

Rigorous, multi-disciplinary training is vital to ensuring high quality legal representation for parents, children and child welfare agencies. CB strongly encourages title IV-E agencies to partner with CIPs and other legal and judicial partners to include training and cross-training for attorneys that represent parents, children and the child welfare agencies in their title IV-E training plan. Such training meets the definition of professional partner training through the title IV-E assistance programs (i.e., Foster Care, Adoption Assistance and Guardianship Assistance) and is permissible under section 474(a)(3)(B) of the Act. The Act allows title IV-E agencies to receive FFP for training judges who hear child abuse and neglect proceedings, court staff involved with such proceedings, and attorneys that represent children, parents and child welfare agencies that will increase their ability to increase the ability of such professionals to provide support and assistance to foster and adopted children and children living with relatives. Such

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<sup>41</sup> See e.g., University of Michigan Law School, *Promoting Safe and Stable Families: Detroit Center for Family Advocacy*, available at: <http://artscimedia.case.edu/wp-content/uploads/sites/35/2014/02/14194055/CFAReport.pdf>; Gina Giordano & Jey Rajaraman, *Increasing Pre-Petition Advocacy to Keep Families Together*, ABA Child Law Practice (Dec. 2020), available at: <https://www.americanbar.org/groups/litigation/committees/childrens-rights/articles/2020/winter2021-increasing-pre-petition-legal-advocacy-to-keep-families-together/>.

<sup>42</sup> See Family Justice Initiative, *Implementing FJI System Attributes: Attribute 4: Timing of Appointment*, available at: <https://15ucklg5c821brpl4dycpk15-wpengine.netdna-ssl.com/wp-content/uploads/sites/48/2020/06/fji-implementation-guide-attribute4.pdf>; Casey Family Programs, *How can pre-petition legal representation helps strengthen families and keep them together?* (Jan. 2020), available at: <https://www.casey.org/preventive-legal-support/#:~:text=Pre%2Dpetition%20or%20preventive%20legal,prevent%20child%20maltreatment%20and%20extendedb>

<sup>43</sup> See *Id.*

<sup>44</sup> For more information about the FIRST clinic and other pre-petition/pre-removal representation programs, please view the webinar, *Prepetition Legal Representation*, available at: [https://www.americanbar.org/groups/public\\_interest/child\\_law/project-areas/family-justice-initiative/prepetition-legal-representation/](https://www.americanbar.org/groups/public_interest/child_law/project-areas/family-justice-initiative/prepetition-legal-representation/)

trainings must be short-term, but there is broad flexibility in how such training is provided and by whom and title IV-E agencies may work with government or nongovernment partners through contracts or memoranda of understanding (MOU)s to deliver short-term training.

CB further encourages title IV-E agencies to consider institutionalizing such training for legal and judicial partners. This could take the shape of annual institutes for legal professionals that are tied to continuing legal education and/or professional certification, such as NACC's Child Welfare Legal Specialist Certification (CWLS)<sup>45</sup> or other state specific efforts in partnership with the state or county bar associations, the creation of dedicated child welfare law units within state or county child welfare agency training departments, or other creative approaches that best leverage available resources and meet the needs of the jurisdiction.

As discussed in ACYF-CB-IM-17-02, the Children's Bureau strongly encourages all child welfare agencies to work together with CIPs and other legal and judicial partners to ensure that high quality legal representation is provided to all parties in all stages of child welfare proceedings. Joint training that builds or enhances the capacities of judges, court staff and attorneys that represent children and parents in child welfare proceedings is a critical opportunity to do so.

The availability of title IV-E FFP for professional partner training is only through the title IV-E agency in accordance with its approved training and Public Assistance Cost Allocation Plans (PACAP) or for tribal title IV-E agencies, an approved cost allocation methodology (CAM). The title IV-E agency would, thus, be responsible for describing this training initiative in the agency's annual progress and service report to the Children's Bureau and, if needed, amending the approved PACAP/CAM to identify the extent to which title IV-E and other federal, state or tribal programs benefit from the identified training. Since not all children in foster care, adoption assistance or guardianship assistance are title IV-E eligible, some portion of training focused on serving such children would need to be allocated to programs other than those under title IV-E. This is typically accomplished in a PACAP/CAM through the application of a program participation (or a penetration) rate. This is similar to how the title IV-E agency claims title IV-E administrative costs on behalf of all children and youth in the placement and care responsibility of the title IV-E agency or served by the agency.

**e. Utilizing State and Local and Tribal Funds to Support Civil Legal Advocacy on Issues that affect Family Stability**

Families that make contact with the child welfare system are often in the midst of or recovering from familial, health, or economic challenges or crises. This may include loss of employment, inadequate income, unstable housing or homelessness, food insecurity, mental health and/or substance misuse disorder, and intimate partner violence. Such obstacles and crisis can impede a family's ability to provide a safe and stable environment for their children and may increase the likelihood of contact with the child welfare system. Civil legal representation to address such issues can be preventative and serve as an effective tool to preserve family integrity and promote well-being.

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<sup>45</sup> See <https://www.naccchildlaw.org/page/Certification>

Title IV-E agencies are encouraged to consider using state, local and tribal funds, including title IV-E reimbursement dollars received for independent legal representation to expand representation to include civil legal issues.<sup>46</sup> Investing reimbursement dollars in civil legal advocacy is a strategy to expand the scope of independent legal representation beyond foster care proceedings. The replacement of funds currently sourced 100% from the state or tribe by title IV-E FFP for allowable costs related to foster care proceedings could be a source for kick starting such additional legal services.

## **V. The Title IV-E Claiming Process for Legal Representation Costs**

Title IV-E funding may only be claimed by the title IV-E agency in a state, territory or tribe. A court or law office cannot claim FFP directly from the CB. Title IV-E agencies that choose to claim administrative costs for allowable independent legal representation in foster care legal proceedings should collaborate closely with courts, CIPs, or law offices in order to develop a plan for submitting claims for reimbursement. To claim title IV-E administrative costs of any sort, a title IV-E agency must include a description of the procedures that will be used in identifying, measuring and allocating all costs in a PACAP/CAM.<sup>47</sup> This will require submission by the state of a PACAP or by the tribe of a CAM amendment to address any newly claimable legal representation costs. The cited PACAP/CAM must identify the scope of the clients for whom legal representation costs are to be incurred (i.e., for children in foster care, candidates for foster care and/or their parents or others). The review and approval of such an amendment will require detailed work and some patience. CB recommends that the title IV-E agency work closely with the assigned CB and Office of Grants Management (OGM) Regional Office staff to help navigate this process.

For states, the PACAP must be approved by the HHS Division of Cost Allocation Services (CAS) which is part of the HHS Program Support Center (PSC). The PACAP addresses a number of different programs, including, TANF and Medicaid. CAS also has responsibility for indirect cost agreements for many non-profit grantees, etc.<sup>48</sup> We recommend discussing drafts of the PACAP submission with the CB regional office staff prior to submission to assist with a more timely approval of the PACAP amendment. For tribes, the CAM is reviewed by Children's Bureau regional office and OGM but does not go through CAS for approval.

CB strongly encourages title IV-E agencies to take the following steps with legal and judicial partners on PACAP and CAM amendments to maximize the use of allowable title IV-E administrative FFP for the cost of independent legal representation for children who are candidates for title IV-E foster care or are in title IV-E foster care and their parent(s) in foster care legal proceedings.

1. Meet with the CIP/legal and judicial stakeholders to discuss the current state of legal representation for parents, children and the child welfare agency in your state.
2. Identify areas of strength and areas in need of improvement in legal representation across the state or tribe.

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<sup>46</sup> See ACF-CB-IM-21-02 which discusses the importance of civil legal advocacy in ACF programs and identifies federal funding sources.

<sup>47</sup> A tribal CAM is handled in ACF and is approved by the ACF Office of Grants Management.

<sup>48</sup> <https://rates.psc.gov/>

3. Identify the models of legal representation that best meet your values and vision for child welfare in your state, territory, or tribe. (Please note that multi-disciplinary representation for children in care, candidates for care and their parents is most consistent with a prevention and well-being approach.)
4. Once the preferred model(s) of representation have been identified, continue working with the CIP and other legal and judicial stakeholders to define the specific populations to be served, geographic areas to be served and activities and administrative costs for which it would be most appropriate to seek title IV-E FFP. An important consideration is the availability of necessary data and documentation to support any claims. (This is an essential step to forming a methodology for claiming.)
5. Next, CB highly recommends requesting a meeting with your CB Regional Office to discuss thinking to date. This meeting can be an opportunity to receive CB guidance and support regarding the PCAP or CAM (for tribes) and accompanying agreements or MOUs between the title IV-E agency and the CIP, courts or legal offices. (Being able to discuss proactively ideas for claiming with your CB regional office will support a more timely review and approval of the PACAP or CAM amendment submission.)
6. We recommend sharing a draft of the amendment with the CB regional office for feedback which will support a more timely review/approval.
7. Once the title IV-E agencies have worked with your CB regional office on the draft submission and utilized the feedback, then the state will submit the PACAP amendment to CAS to go through the approval process. CAS will then share the official submission with OGM who will work with the CB regional office on the review and recommended approval. For the CAM, tribes will submit their amendment to OGM and they will share with the CB regional office for review and approval.

Following these steps will better position title IV-E agencies for success by engaging and promoting transparency with legal and judicial stakeholders, working closely with CB to ensure programmatic acceptability of PACAP and CAM amendments and positioning them for formal approval from CAS and OGM. These steps will also help ensure that title IV-E claims will not be subject to audit findings at the state, territorial and tribal levels and reduce the likelihood of potential claiming errors.

## **VI. Conclusion**

The child welfare system is intended to keep families safe, together and strong, and where that is not possible, to find the next best option for children and youth. To realize this potential, it is critical that children and families experience the system as transparent and fair, one in which their voices are heard, rights are protected and options are known, co-created and understood. Providing high quality legal representation to children and youth in foster care, candidates for foster care and their parents at all stages of dependency proceedings is crucial to improving the experiences children, youth and parents have with the child welfare system and in turn improving outcomes. Research shows that legal representation for all parties in child welfare proceedings is clearly linked to increased party engagement, improved case planning, expedited permanency and cost savings to state government. CB strongly urges all title IV-E agencies to maximize all opportunities to seek and utilize title IV-E FFP to support high quality legal representation for children and youth in title IV-E foster care, candidates for title IV-E foster care

and their parents in foster care legal proceedings prior to removal and after a child enters foster care as a means of promoting child, parent and family well-being and improving system performance and creating more just, equitable and humane approaches to child welfare in the United States.

**Inquiries:** [CB Regional Program Managers](#)

/s/

Elizabeth Darling  
Commissioner  
Administration on Children, Youth & Families

**Disclaimer:** IMs provide information or recommendations to states, tribes, grantees, and others on a variety of child welfare issues. IMs do not establish requirements or supersede existing laws or official guidance.

## RESOURCES

ABA Standards of Representation for Parents, Children, and Child Welfare Agencies  
[http://www.americanbar.org/groups/child\\_law/tools\\_to\\_use.html](http://www.americanbar.org/groups/child_law/tools_to_use.html)

ABA Legal Representation infographic:  
[https://www.americanbar.org/content/dam/aba/administrative/child\\_law/cwrepinfographic.pdf](https://www.americanbar.org/content/dam/aba/administrative/child_law/cwrepinfographic.pdf)

ABA Family Integrity Policy  
<https://www.americanbar.org/content/dam/aba/directories/policy/annual-2019/118-annual-2019.pdf>

ABA Recorded webinars including the Money Matters (CA study) and Interdisciplinary Legal Rep series: [https://www.americanbar.org/groups/public\\_interest/child\\_law/resources/videos/](https://www.americanbar.org/groups/public_interest/child_law/resources/videos/)

Family Justice Initiative, Attributes of High-Quality Legal Representation and System Attributes  
<https://familyjusticeinitiative.org/advocacy/>

NACC Standards of Legal Representation for Children  
<http://www.naccchildlaw.org/?page=StandardsOfPractice>

NACC Child Welfare Legal Specialist Certification (CWLS)

<http://www.naccchildlaw.org/?page=certification>

Quality Improvement Center for the Representation of Children in the Child Welfare System.  
(QIC-ChildRep) Practice Model

<http://www.improvechildrep.org/DemonstrationProjects/QICChildRepBestPracticeModel.aspx>

NCJFCJ Enhanced Resource Guidelines

<http://www.ncjfcj.org/ncjfcj-releases-enhanced-resource-guidelines>

NCJFCJ CANI Report

<http://www.ncjfcj.org/CANI-Report-2016>

Child Welfare Capacity Building Center for Courts

<https://capacity.childwelfare.gov/courts/>