

<h1>ACF</h1> <p>Administration for Children and Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration for Children and Families Administration on Children, Youth and Families	
	1. Log No: ACF-ACYF-CB-IM-24-05	2. Issuance Date: May 10, 2024
	3. Originating Office: Children's Bureau	
	4. Key Words: Title IV-E of the Social Security Act; Final Rule; Administrative Costs; Federal Financial Participation (FFP); Legal Representation	

INFORMATION MEMORANDUM

TO: State, Tribal, and Territorial Agencies Administering or Supervising the Administration of Title IV-E of the Social Security Act

SUBJECT: Final Rule on Foster Care Legal Representation

RELATED REFERENCES: Sections 471(a), 472(i), 474 and 475 of title IV-E of the Social Security Act; 45 CFR 1356.60(c); Child Welfare Policy Manual Section 8.1B Questions 30, 31 and 32

PURPOSE: The purpose of this Information Memorandum (IM) is to inform title IV-E agencies that ACF published a final rule amending 45 CFR 1356.60(c).

INFORMATION: ACF published a final rule in the Federal Register on May 10, 2024 (89 FR 404). that amends title IV-E regulation 1356.60(c) to allow title IV-E agencies to claim federal financial participation (FFP) for the administrative costs of: (1) legal representation in foster care proceedings of a title IV-E agency or any other public agency, including a tribe, that has an agreement in effect under which the other agency has placement and care responsibility of a title IV-E eligible child; (2) independent legal representation of a child who is either a candidate for title IV-E foster care, or in title IV-E foster care, the child's parent(s), the child's relative caregiver(s), and the child's Indian custodian(s) in foster care and other civil legal proceedings when such legal representation is found necessary by the Secretary to carry out the requirements in the title IV-E agency's title IV-E foster care plan; and (3) legal representation by an attorney, or representation by a non-attorney, of an Indian child's tribe when the child's tribe participates or intervenes in any state court proceeding for the foster care placement or termination of parental rights of a title IV-E eligible Indian child when such legal representation is found necessary by the Secretary to carry out the requirements in the title IV-E agency's title IV-E foster care plan.

As with all allowable administrative costs, a title IV-E agency may choose whether to claim FFP for legal representation as described in the final rule. A title agency that elects to do so must: 1) amend its Public Assistance Cost Allocation Plan (PACAP) or Tribal Cost Allocation Methodology (CAM), and 2) report such costs on the Form CB-496. The title IV-E agency is not required to submit a title IV-E plan amendment.

_____/s/_____
Rebecca Jones Gaston, MSW (she|her|hers)
Commissioner
Administration on Children, Youth, and Families
Administration for Children and Families
U.S. Department of Health and Human Services

[LINK: FINAL RULE: FOSTER CARE LEGAL REPRESENTATION](#)

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