

# Tribal Title IV-E

## Frequently Asked Questions

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Title IV-E of the Social Security Act, a federal law, provides partial reimbursement to federally recognized tribes, tribal organizations or tribal consortia for the care of eligible children. Title IV-E is not a grant. It is an open-ended entitlement program to which local matching funds are applied.

Title IV-E is administered by the Children’s Bureau, an office of the Administration for Children and Families in the U.S. Department of Health and Human Services.

For an introduction to Title IV-E and the different pathways tribes can take to access funds, please see these additional resources from the Capacity Building Center for Tribes:

- [What is Title IV-E?](#)
- [Pathways to Tribal Title IV-E](#)
- Title IV-E Guide for Tribal Governments and Leaders: Considerations and Lessons Learned



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# Getting Started

## How can tribes access IV-E funds?

There are different options for tribes to access Title IV-E funding. These include receiving funding directly by becoming an approved Title IV-E agency, entering into a tribal-state agreement, or entering into a tribal or state contract. There are many things to consider when determining which pathway is the best option for a tribe. For a more thorough introduction to Title IV-E and the different pathways to access funding please see:

- [What is Title IV-E?](#)
- [Pathways to Tribal Title IV-E](#)

## Do Indian tribes have to operate a Title IV-B program to receive Title IV-E funds?

Yes, but only a Title IV-B subpart 1 program. The Title IV-E agency must be the same agency that is operating the Title IV-B, subpart 1 program. There is no similar requirement in Title IV-E related to the Title IV-B, subpart 2 program.

## Which Tribes have approved **Direct** Title IV-E plans?

The following tribes have an approved Title IV-E plan to operate a foster care, adoption assistance, and, at tribal option, guardianship assistance program (as of August 2018):

- Port Gamble S’Klallam Tribe of Kingston, Washington
- Confederated Salish and Kootenai Tribes of Pablo, Montana
- South Puget Intertribal Planning Agency of Shelton, Washington
- Keweenaw Bay Indian Community, Baraga, Michigan
- Navajo Nation, Window Rock, Arizona
- Chickasaw Nation, Ada, Oklahoma
- Eastern Band of Cherokee Indians, Cherokee, North Carolina
- Pascua Yaqui Tribe, Tucson, Arizona
- Tolowa Dee-ni’ Nation (formerly Smith River Rancheria), Smith River, California
- Salt River Pima-Maricopa Indian Community, Scottsdale, Arizona
- Penobscot Indian Nation, Indian Island, Maine
- Chippewa Cree Tribe, Box Elder, Montana
- Rosebud Sioux Tribe, Rosebud, South Dakota
- Standing Rock Sioux Tribe, Fort Yates, North Dakota

The Children’s Bureau updates their list of tribes with approved Title IV-E plans here:

<https://www.acf.hhs.gov/cb/resource/tribes-with-approved-title-iv-e-plans>.

Will receipt of Title IV-E funding affect the funding the tribe receives through the Bureau of Indian Affairs Child Assistance Program?

Indian Tribes are encouraged to talk to the Bureau of Indian Affairs (BIA) about the potential impact of Title IV-E on BIA grant funds or any other funding received from other federal sources, as well as the possibility of using BIA funds as match.

## Planning

What is a Title IV-E plan **pre-print** and how is it used?

A Title IV-E plan pre-print is the document a tribe/state submits to the Children's Bureau to seek approval of their Title IV-E plan. The pre-print is in a standardized format, states/tribes may choose to use a different format that contains all of the same information. Using the pre-print as a guide, the tribe records references to their laws, policies, and procedures in effect that correspond with the specified federal requirement. All corroborating documents that are referenced must also be submitted (electronically or in hardcopy) along with the plan. The references in the pre-print may be to statutes, codes, tribal resolutions, regulations or any other official policy, or procedures manuals that indicate how the Title IV-E agency is complying with the Title IV-E plan.

What is the Tribal Title IV-E Plan Development Grant?

A grant that provides a one-time award of up to \$300,000 to assist in the development of the Title IV-E Plan. The process to apply for ACF grants are announced via [www.grants.gov](http://www.grants.gov). The funds for the plan development grants are permanently authorized. By law, the Title IV-E plan development funds may be used by tribes who will submit a Title IV-E plan to ACF within 24 months of receiving the grant. The grant funds can be used to meet any costs necessary to secure approval of a tribally-operated Title IV-E plan, such as development of a data collection system and/or establishing agency and court procedures to meet case review requirements.

What happens if a tribe receives a Development Grant but is unable to submit an approvable Title IV-E plan?

If the Tribe is unable to submit a Title IV-E plan in the 24 month timeframe, the money must be returned per section 476(c)(2)(B) of the Act. (A Tribe may request a waiver of the payback of the grant if they fail to submit an approvable plan due to circumstances beyond their control.) Indian Tribes may find that other non-dedicated funds, such as Title IV-B funds, may assist them in building their overall capacity to operate a Title IV-E program. A tribe may want to look at other funding sources. For example, The Administration for Native Americans grants can be used broadly and some Department of Justice grants can be used for writing code.

[Can a tribe operate a direct funding program and a Title IV-E agreement/contract?](#)

Yes. The law allows an Indian Tribe to operate a direct Title IV-E program while simultaneously having a Title IV-E tribal-state agreement or contract. It is up to the tribe and state to work out the details of such an arrangement, determine practicality, and look for potential overlaps within program components (i.e., for foster care maintenance payments). The Tribe must retain responsibility for determining a child's eligibility for IV-E. The tribe may not duplicate claims under both the Title IV-E agreement/contract and a directly-funded plan.

[What additional funding streams are available to tribes receiving Title IV-E reimbursements?](#)

The John H. Chafee Foster Care for Successful Transition to Adulthood Program, referred to as *Chafee*, offers assistance to help current and former foster care youths achieve self-sufficiency. Chafee funds can support activities and programs such as help with education, employment, financial management, housing, emotional support and assured connections to caring adults for older youth in foster care as well as youth 18-21 who have aged out of the foster care system or achieved permanency through adoption or guardianship after age 14.

The Educational and Training Vouchers Program (ETV) for Youths Aging out of Foster Care provides resources specifically to meet the education and training needs of youth aging out of foster care or achieving permanency through adoption or guardianship after age 16. This program makes available vouchers of up to \$5,000 per year per youth for post-secondary education and training for eligible youth.

A tribe which operates a Title IV-E program (for foster care and adoption assistance) directly or through an agreement with a state may apply for Chafee and ETV program funding.

[Are the application/approval processes the same for Title IV-E and Chafee?](#)

No. The application, approval, funding and requirements for each plan are different. Further guidance on applying for the Chafee and ETV programs is contained in a program instruction on the Child and Family Services Plan and the Annual Progress and Services Report process through Title IV-B.

## Reimbursements

[What does Title IV-E provide reimbursement for?](#)

Title IV-E is not a complete child welfare program, but does provide partial reimbursement for foster care, adoption assistance, and guardianship assistance. Title IV-E also provides partial reimbursement for certain allowable administration and training costs for eligible children. Beginning October 1, 2020, certain prevention services will also be included.

### How do tribes receive reimbursements?

Funds are provided in the form of reimbursements based on eligible claims. Established Title IV-E agencies must file claims within two years of when the expense is incurred. Awards of federal funds are made on a quarterly basis. A tribe can do draw-downs with a request of funds that it anticipates needing for a particular quarter.

Typically, the Title IV-E agency can only seek reimbursement for a percentage of allowable expenses for an eligible child. For tribes only, some administrative and training costs may be “in-kind” funds from third party sources as indicated in section 479B of the Act. Tribes may also use certain Indian Child Welfare Act funds, Indian Self Determination and Education Assistance Act funds, and other funding sources that specifically authorize such federal funds to be used as match for other federal programs.

### What is the reimbursement rate?

The reimbursement rate depends on the type of expenditure: maintenance and subsidy payments are reimbursed at a state or tribe-specific rate (the Federal Medical Assistance Percentage); administrative and information system costs are reimbursed at a 50% rate; and, training costs are typically reimbursed at 75% (see section 474(a)(3) of the Act).

### What is the Tribal FMAP?

FMAP stands for the Federal Medical Assistance Percentage, which is a rate calculated by the Department of Health and Human Services (HHS) for each state based on a statutory formula under Title XIX of the Social Security Act and used to determine the Federal share of costs for Medicaid, Title IV-E and other federal programs.

The Tribal FMAP is unique to the Title IV-E program and is calculated by HHS using the statutory formula as a starting point, but also taking into consideration the tribe’s Title IV-E service population and tribally-submitted information on per capita income.

The Tribal FMAP rate is applied to expenditures for Title IV-E foster care maintenance payments, adoption assistance payments and guardianship assistance payments and will be the higher of: 1) a calculated tribal FMAP or, 2) the highest FMAP of any state in which the tribe is located.

The maximum rate for a tribe is 83%.

For more information on the FMAP, see: <http://aspe.hhs.gov/health/fmap.htm>.

### What is the difference between indirect costs and administrative costs?

Indirect costs are typically common overhead costs shared by various programs, such as administrative salaries and fringe benefits associated with overall financial and organizational administration, operation maintenance costs for facilities and equipment, and payroll and procurement services. Administrative costs under the Title IV-E program include indirect costs, but also eligibility determinations, referral to services, placement of the child, development of the case plan, recruitment and licensing of resource homes, case management and supervision, and data collection and reporting, among other items (see 45 CFR 1356.60(c)). In some federal grant programs, Indian Tribes negotiate with a federal agency (i.e. The Department of Interior) an indirect cost rate that is charged to the grants awarded by that agency. For the Title IV-E program, Title IV-E agencies have to identify the indirect costs and other administrative costs that will be allocated and claimed under the Title IV-E program.

## Jurisdiction & Licensing

### What are the parameters for establishing a tribal service area?

Indian tribes receiving direct Title IV-E funds are required to describe the service area and population to be served for purposes of complying with section 471(a)(3) of the Social Security Act. There is nothing in the Act that expressly addresses *how* a tribe defines its service area or population; however, the following factors should be kept in mind:

- An Indian Tribe that is directly providing Title IV-E will be obligated to serve all children in its service area and population. Therefore, it may not be practical or feasible to define a service area that extends beyond where the tribe has its resources.
- The service area is a factor in how the federal medical assistance percentage is calculated. See section 479B(d) of the Act.
- The service area has to be within the United States.

### How far off the reservation does a Tribe license foster care homes?

The answer is unique for each tribe. Some tribes limit their licensing area to the reservation boundaries. Others ask themselves how far they are willing to travel if an emergency comes up. For example, some tribes state they are willing to go 50 miles beyond the reservation.

Must foster family homes approved through the tribal process meet the same standard as homes licensed by the state?

No. Tribal authorities have the jurisdiction to license or approve homes that are on or near Indian reservations (as outlined within the definition of "foster family home" at 45 CFR 1355.20). The authority to license or approve includes the authority to set standards. This is consistent with ICWA at section 1931(b) which states that for purposes of qualifying for funds under a federally assisted program, licensing or approval of foster or adoptive homes or institutions by an Indian tribe is equivalent to licensing or approval by a state.

Does operating a Title IV-E program affect issues of jurisdiction in child custody cases?

No. Nothing in the Title IV-E program addresses the issue of which court (i.e., state or tribal) has jurisdiction over a proceeding affecting the child's custody. Tribes and states are to follow the jurisdiction provisions of the Indian Child Welfare Act, Public Law 83- 280 and any other existing federal, tribal, state laws and/or tribal/state agreements in effect that relate to jurisdiction.