

# Title IV-E Grant for Child & Parent Legal Representation

## Adobe Connect 9/20/2019 Questions & Answers

### Child & Parent Legal Representation Frequently Asked Questions and Answers

#### General Questions:

- 1. Our circuit is a dual county. Are grants submitted together or separate?**
  - A. The grantee is the circuit court so populations served by that circuit court may be billed on one grant; special accommodations will be necessary to develop a unique penetration rate to that population (the average of both counties). The department's grants management system, EGrAMS, will hold information on that single grant. The grantee will have to manage the distribution of funds to appropriate parties.
  
- 2. Can you partner with another county for the grant?**
  - A. See related Question 3 above. DHHS staff will need to understand clearly the planned partnership to identify how it could be accommodated. Questions of this nature can be sent to [MDHHS-IVE-LRGrants@michigan.gov](mailto:MDHHS-IVE-LRGrants@michigan.gov)
  
- 3. Can you explain how this works specifically for the Child and Parent Legal Representation grants?**
  - A. These grants are for the legal representation of children and parents in foster care. The department must first identify children in foster care and that is any child with an open foster care case. Open foster care cases are the population from which the title IV-E foster care penetration rate is derived. The majority of those cases are children placed in an out-of-home setting supervised by the department under child protection proceedings in the court; some children do have an open foster care case but are placed in home with a parent. On a monthly basis, the state monitors and records the percentage of children in each county within the foster care population that are title IV-E eligible. The federal claiming methodology is reported to the federal government through the state's cost allocation plan; federal approval of a methodology is granted and then monitored through audits (Statewide Single Audits conducted by the Office of Auditor General and any other federally initiated audits like the Federal Title IV-E Review).

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**4. How do we verify the costs are associated with a child in foster care? If our attorneys are appointed at the first hearing, they do represent children and parents who are not in foster care?**

A. The attorney costs become eligible for foster care under this specific grant when at least one child is removed/placed into an out-of-home foster care setting and opened as a foster care case by the department. Costs for the legal representation of those eligible foster care cases prior to removal (preliminary hearing) will become eligible when the child enters the foster care population. That is generally visible when you see a foster care case opening/assignment and a title IV-E eligibility determination completed for that case. How the court verifies the costs are associated to a child in foster care is up to the court; regardless of the method, the court will need to ensure a plan to substantiate costs billed to this grant if audited.

**5. Do children have to be in foster care in order to include their attorney's fees? What if it is a case where intensive services are provided to try to avoid removal?**

A. See Question above. Here are two examples that may help clarify:

- i. Two children are petitioned by CPS and at the preliminary hearing one of the two children is placed in out of home care by court order but the other child is under jurisdiction but allowed to be placed at home. Both children are brought into the foster care population (open FC case management) so regardless of the outcome of each child's fund source determination, legal representation costs for both children and their parents are eligible for the CPLR grant.
- ii. Two children are petitioned by CPS and at the preliminary hearing but neither child is placed out of home, thereby not coming into the foster care population. None of the legal representation costs for the children or parents is eligible for the CPLR grant.

**6. Do grant funds reimburse us for a portion of our current payments, or are the funds to be paid out in addition to what we currently pay?**

A. The courts will continue to pay the attorney/legal representation costs as usual and will receive a monthly reimbursement based on what the court actually paid in eligible legal representation costs. The money that the court is reimbursed must be spent to improve legal representation in child protective proceedings, as stated in the court's intent to apply document. Example: In FY 2018 the court spent \$100,000 on eligible attorney costs. In FY 2020 the court will spend \$101,000. The maintenance of effort requirement has been satisfied by spending at least what was spent in FY 18. The court is provided its county-specific penetration

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rate to be applied for each month; in this example the penetration rate is an average of 50% so for FY 2020, the court will receive \$25,250 in grant reimbursement (\$101,000 x 50% penetration rate x 50% admin claim).

**7. I'm unclear about what will be required monthly in order to get reimbursed? We currently get vouchers submitted by attorneys in order to get paid - do we need to consolidate all of the vouchers in your format?**

A. The court must submit to the department the Monthly Billing Log. The department does not require the submission of individual bills/vouchers from the contractors providing the eligible legal representation services however the court will be responsible to substantiate the Monthly Billing Log if audited.

**8. Do the grant funds flow through the local funder (i.e. the County) or do the grant funds go directly to the Court for payment to the attorney group or attorney? DHHS? I'm not familiar with EGrAMS – can a court be on it or would it have to be the county??**

A. The Court is expected to be the grantee. In the event there are special circumstances that require the County to be the grantee for these services, please inquire with the department at [MDHHS-IVE-LRGrants@michigan.gov](mailto:MDHHS-IVE-LRGrants@michigan.gov) to discuss any needed accommodations.

**9. Would this apply to appeals contracts where the work is specific to parent representation in abuse/neglect proceedings?**

A. Appeal work is eligible when it is for a child that was a child in a foster care case. The goal is to offer consistent quality legal representation for children and their parents.

**10. How long is the grant period?**

A. The grant period will be October 1 – September 30 each year.

**11. Is it for all cases involving foster care, or only IV-E foster care cases?**

A. The IV-E grant applies only to IV-E eligible cases. However, the court does not need to track the cases by their funding source; rather, the department's claiming methodology will appropriately capture eligible IV-E cases. For example, if 10 out of 20 of cases are title IV-E eligible, courts will not provide a bill only for the 10 IV-E eligible cases. Rather, the billing log will indicate the total amount spent on legal representation for all 20 foster care cases, and the applied IV-E penetration rate will appropriately address how much of the population is eligible for claims.

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**12. And this can be used for BOTH child and parent's attorneys for those foster case related correct?**

A. Correct.

**13. To clarify - we send in a monthly amount of actual costs and receive money back according to the DHHS formula. That money received back can be used for what we determine will improve legal representation.**

A. Yes, according to the court's submitted grant application form that indicates the court's plan to improve legal representation.

**14. What happens if our spending happens to fall below 2018 spending?**

A. In the event spending appears to be trending down during the course of the year, the department is more than willing to work directly with that court to resolve the issue.

**15. What is your FID?**

A. FID is your federal tax identification number.

**16. What is DUNS?**

A. Digital Universal Numbering System, this number is obtained through Duns and Bradstreet (if you do not already have one). Your financial office or whoever handles your accounting or your grant manager (if you have one) can assist you with providing your existing DUNS number or with obtaining one. Additional information regarding DUNS can be found here: <https://www.dnb.com/duns-number.html>

**17. In our application of intent to seek these funds, we only mentioned funding for a program that pairs a social worker with the parents' attorney and funding for a Parent Partner program. Now we are looking at some other ideas such as transportation assistance, case aides and other programs. Are we strictly bound to what we indicated we wanted in our original letter of intent? Or can we look at some of these other programs as long as we are all agreed they are appropriate uses of the funds?**

A. You can look at other strategies but none may involve delivery of social services to families; title IV-E funds may not be used for that purpose. The notion of a social worker supporting the parent and his/her attorney through the legal process is that the individual social worker is part of the legal team. Appropriate duties would include participating on behalf of an attorney at formal or informal family team meetings; assisting a parent in understanding the legal process of child

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welfare; supporting the parent in understanding expectations of court orders and engagement with the department and providers to remediate barriers to reunification. These funds may not be to transport clients to services and programming or support case service delivery that is the responsibility of the department.

**18. What are eligible/claimable expenses?**

- A. Costs associated with the legal representation of a child or parent in a child abuse/neglect proceeding where at least one child has been removed from the home. These are the only claimable expenditures. Social workers are not eligible for IV-E reimbursement, but you can use the reimbursement money that you get back to fund a social worker.

**19. What if the child is returned during the case, can it still be billed?**

- A. Yes, it can still be billed if the child was returned home and the foster care case remains open.

**20. What if the child is in a residential placement?**

- A: The placement setting is irrelevant for the IV-E reimbursement of legal fees.

**21. What happens if we don't spend the required budgeted amount during the grant period?**

- A. There is no problem with that, unless your spending falls below your established MOE.

**22. On the expenditure side, are you only asking what we are spending towards attorney fees or are we to report expenditures for all of the projects we are using this money for?**

- A. You are only submitting eligible expenses such as attorney fees, training and travel cost, etc. We will be requesting additional information regarding what the reimbursement funds were utilized for at a later date.

**23. Will the unspent amount of the grant be rolled over to the following year?**

- A. No, the funding cannot be rolled over to the next fiscal year. Each fiscal year is a stand-alone agreement.

**24. When we do receive the reimbursement, what do we apply it to? Is it just an offset?**

- A. The federal reimbursement money is to be spent (reinvested) in accordance with the court's CPLR grant plan. It is not just an offset of county funding.

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**25. When and to whom will we be reporting how we use the reimbursement monies?**

A. A report describing how the funds were used toward the goal of quality legal representation will be requested at the end of the grant cycle.

**26. Are there other reports required to be completed other than the Monthly Billing Process/FSR(Financial Status Report) in EGrAMS?**

A. Yes, you will be required to complete a quarterly workplan within the EGrAMS system which includes progress updates to your objectives/actives that you listed within your grant application. An additional yearly report will be requested as well which will include reporting on what the reimbursement amounts were spent on to improve quality legal representation.

#### **Application in EGrAMS Questions**

**27. If we already have an EGrAMS account, do we need to create another user account for this grant?**

A. No.

**28. I don't know anything about EGrAMS, how will I know what to do?**

A. The department will release training information to all applicants. Additional technical assistance is provided through the EGrAMS help desk and email box.

**29. Once I can get the user profiles created and the roles assigned, can we submit the grant at any time?**

A. Yes if you are done with your grant, you can submit your application whenever you are ready. The sooner the better as we have multiple levels of approvals before it is officially approved.

**30. How do I know what, if any documents I need to upload to the grant? I can't find anything that gives me that direction? And maybe I don't need to upload anything?**

A. There will be a spreadsheet that is required to be uploaded during your monthly billing, but for the actual application, you will be required to provide a list of attorneys. Any additional documents would be on an individual basis and will be provided support by the EGrAMS helpdesk if that is necessary.

#### **Questions Related to the Monthly Billing Process**

**31. What is FSR?**

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- A. FSR stands for Financial Status Report. This is completed in EGrAMS along to submit your monthly billing request and where you would be attaching your Monthly Billing Log.
- 32. Are we able to modify the Monthly Billing Log to fit our specific circumstances?**
- A. No, we are asking that all participants in this grant complete the same Monthly Billing Log that has been provided. MDHHS is open to suggestions for changes in the future; they may be sent to [MDHHS-IVE-LRGrants@michigan.gov](mailto:MDHHS-IVE-LRGrants@michigan.gov)
- 33. We use a panel system and do not bill for specific services provided but pay an equal monthly contractual amount. Will this need to change to pay for specific services?**
- A. No. The attorney report is offered as a tool to ensure subcontracted legal representation providers report to the court information that allows the court to easily complete the submission/invoicing to the department. It is not, however, a required document.
- 34. It was indicated that only the Financial Officer can submit the FSR -- what if we only have one user in EGrAMS, a Project Director?**
- A. Each agency is required to have 3 users, if you have further questions on this please follow up with EGrAMS Help desk: [MDHHS-EGrAMS-HELP@michigan.gov](mailto:MDHHS-EGrAMS-HELP@michigan.gov)
- 35. Can you bill for the attorneys on a contract?**
- A. Yes you may bill separately for each attorney in your monthly billing report. However, if multiple attorneys are under one contract agreement, you may want to instead bill for that one contract in your billing vs. breaking it up by attorney. You are only required to break it up by attorney if they are on their own contract or do not have a contract at all.
- 36. Regarding contract attorneys: the amount billed must be attached to foster care cases, true?**
- A: Yes, foster care cases where at least 1 child spent at least 1 day in foster care.
- 37. Do we submit the monthly billing spreadsheet as well as the FSR in EGrAMS -- so, two financial reports?**
- A. The monthly billing spreadsheet should be attached to the FSR, so you should only be submitting one report but there should be a file attached each month. The monthly billing spreadsheet, if done correctly, will provide you with the numbers

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needed to enter into your FSR in EGrAMS.

**38. Could you clarify in Source of Funds side what to put in local and what to put in State Agreement.**

A. When utilizing the monthly billing spreadsheet, the formulas are already entered in based on the information you enter for monthly billing and your penetration rate. It should indicate which amount is the local and which is the state. The State amount is what your Court should expect to be reimbursed.

**39. When we claim, is it for the month we actually paid the expenses, not the month they may have been incurred? Some of our attorneys billings may have more than one month on the.**

A. The claim should be for the month that expenses were incurred.

**40. We pay our contract attorneys a flat amount per year. Will we be submitting the amount we are paying monthly for reimbursement? Or should it be 1/12th each month?**

A. Since the grant is covering a 12 month period, you would submit 1/12 of the annual attorney contract expenses.

**41. Regarding contract attorneys: Clarification, it was previously stated that a contract would be 1/12th but what if the contract also covers non-foster care cases? I am asking because do I need to track the exact amount of attorney time on foster care cases or do I just break down the contract to a per month amount?**

A. The grant will only reimburse for eligible expenses (which are costs associated with the legal representation of a child or parent in a child abuse/neglect proceeding where at least 1 child has been removed from the home). If your attorneys have one contract for multiple case types (for example, if you pay your attorneys a flat monthly rate to cover foster care cases AND delinquency), you will need to pro-rate the costs and keep documentation on this. One way to pro-rate the costs would be to determine the percentage of foster care cases and delinquency cases handled by your attorneys (say 80% of the cases are JJ and 20% are FC then only 20% are eligible for reimbursement).

**42. To confirm, does it matter which paperclip we click to attach the monthly billing spreadsheet?**

A. Choose an active line where you have entered a monthly expense. If you have entered a number under contractual then you can attach the spreadsheet there, wherever there is data entered.



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**43. How/where will I bill for my social worker?**

A. Social workers are not eligible for reimbursement – they are, however, one of the major innovations to help improve quality legal rep. The reimbursement amount you get back could be reinvested into the costs of a social worker.

*\*This example is not for the QLR pilot counties.*

**44. Several of our attorneys send in bills either quarterly or sometimes even longer. Rarely do we get monthly bills. Can we still submit these in the month we get them for the full amount – or would we be able to only send in for that particular month?**

A. More than one month's bills may be submitted at a time, but they must be broken down by month. Corrections to a previous month's bill due to a late invoice can also be completed with the EGrAMS system.

**45. Are we only supposed to include attorney bills in our monthly submission that pertain to kids in the foster care system due to the current case we are dealing with – or what if a juvenile on probation for Delinquency has been in foster care or removed from the family in the past? Can those too be included? I just can't remember if we submit all or only current cases in the Neglect and Abuse realm.**

A. Expenditures for legal representation of children and parents currently in child protection proceedings for an open foster care case are eligible (including appeal proceedings). If a youth is under jurisdiction for child protection **and** a delinquency matter at the same time, they are eligible to be included as expenditures. An inactive (former) foster care case, is not eligible because the child is no longer part of the possible title IV-E eligible population.

**46. How long after we submit our monthly billing will we see reimbursement and how will we get it. Often our Equalization Department will get payments from the state that don't indicate what they are for.**

A. Under normal circumstances, grantee agencies should receive payment approximately one week after the MDHHS program office approves the FSR.

**For questions related to the EGrAMS system or technical support within that system, please reach out to the EGrAMS helpdesk at:**

**[MDHHS-EGrAMS-HELP@michigan.gov](mailto:MDHHS-EGrAMS-HELP@michigan.gov)**

**Or**

**517-335-3359**

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**For Program specific questions including technical support with the Monthly Billing Spreadsheet, please email the Grant's email box at:**

**[MDHHS-IVE-LRGrant@michigan.gov](mailto:MDHHS-IVE-LRGrant@michigan.gov)**