

TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES CONTRACT AMENDMENT

This Amendment No. 01 (Amendment) modifies Contract # 24735749 (Contract) and is entered into by the Texas Department of Family and Protective Services (DFPS) and Collin County for IV-E County Legal services.

- I. PURPOSE.** On January 7, 2019, the Administration of Children and Families (ACF) reinterpreted IV-E Regulations to allow Texas counties to recover a portion of their costs associated with attorneys representing certain children and their parents in child welfare legal proceedings. This Amendment modifies the DFPS IV-E County Legal Contract to comply with this updated federal guidance.

II. CONTRACT MODIFICATIONS.

- A.** Both Parties agree to amend Section IV of this Contract by deleting that Section in its entirety and replacing it with the following:

"IV. CONTRACT BUDGET.

All expenditures under this Contract will be in accordance with the DFPS approved Attachment B: Budget and Cost Allocation Plan (Attachment B). No later than September 1st of each year, Contractor will submit its proposed Attachment B: Budget and Cost Allocation Plan for the upcoming State of Texas fiscal year to DFPS. If DFPS approves the Attachment B, both parties agree to incorporate the approved Attachment B into this Contract in lieu of any and all prior budget documents. If Contractor fails to submit a proposed Attachment B: Budget and Cost Allocation Plan for the upcoming State of Texas fiscal year, both parties agree to assume that Contractor will have the same budget and expenditures and use the most recently DFPS approved Attachment B as the budget for the next State of Texas fiscal year. This clause does not prohibit DFPS and Contractor from negotiating budgetary changes throughout the course of the Contract."

- B.** Both Parties agree to delete Section VII of this Contract in its entirety and replace it with the following language:

"VII. ATTACHMENTS.

The Parties agree to comply with following Attachments and that they are attached and incorporated as part of this Contract.

1. Attachment A – Statement of Work
2. Attachment B – Budget Form 2030 and Cost Allocation Plan
3. Attachment C – Grant Uniform Terms & Conditions
4. Attachment D – Grant Supplemental & Special Conditions

5. Attachment E – Federal Assurances and Certifications
6. Attachment F – FY20 DFPS Finance Handbook for County Legal Contracts. This Contract will incorporate "Attachment F: FY20 DFPS Finance Handbook for County Legal Contracts" until such time as DFPS updates the DFPS Title IV-E County Handbook, Section 5000, located at the following link:

https://www.dfps.state.tx.us/handbooks/Title_IV_E_County/Files/IV_EC_pg_5000.asp#IVEC_5000

After DFPS has updated the DFPS Title IV-E County Handbook, both parties agree that a notice from DFPS of the completed updates will have the effect of removing "Attachment F: FY20 DFPS Finance Handbook for County Legal Contracts" from the Contract and replacing all references to such attachment with the updated DFPS Title IV-E County Handbook, Section 5000."

- C. Both Parties agree to delete Section VIII of this Contract in its entirety.
- D. Both Parties agree to amend Attachment A: Statement of Work, Section 1(B) of this Contract by deleting that Section in its entirety and replacing it with the following:

"B. Provide services in accordance with Attachment B: Budget and Cost Allocation Plan and Attachment F: FY20 DFPS Finance Handbook for County Legal Contracts (Handbook);"
- E. Unless otherwise modified by this Bilateral Amendment or any prior Bilateral or Unilateral Amendments, the Contract will remain in full force and effect.


III. EFFECTIVE DATE.

This Bilateral Amendment is effective Tuesday, October 1, 2019.

IV. SIGNATORIES.

By signing this Amendment, the Parties certify that they have the requisite authority to bind their respective Party to this Amendment.

PERFORMING AGENCY



NAME: Chris Hill

TITLE: County Judge

DATE: 19 OCTOBER 2019

DFPS



NAME: Kristene Blackstone

TITLE: Associate Commissioner CPS

DATE: 11.21.19

ATTACHMENT A GRANT STATEMENT OF WORK

I. GRANTEE RESPONSIBILITIES.

Grantee will perform the following:

- A. Assist the DFPS in providing fair, adequate and expeditious judicial determinations and services regarding children eligible for services under Title IV-E of the Social Security Act (Title IV-E);
- B. Provide services in accordance with Attachment B: Budget and Cost Allocation Plan and Attachment F: FY20 DFPS Finance Handbook for County Legal Contracts (Handbook). This Contract will incorporate "Attachment F: FY20 DFPS Finance Handbook for County Legal Contracts" until such time as DFPS updates the DFPS Title IV-E County Handbook, Section 5000, located at the following link:

https://www.dfps.state.tx.us/handbooks/Title_IVE_County/Files/IVEC_pg_5000.asp#IVEC_5000

After DFPS has updated the DFPS Title IV-E County Handbook, both parties agree that a notice from DFPS of the completed updates will have the effect of removing "Attachment F: FY20 DFPS Finance Handbook for County Legal Contracts" from the Contract and replacing all references to such attachment with the updated DFPS Title IV-E County Handbook, Section 5000;

- C. Assist DFPS in identifying and meeting the needs of the children in the Grantee's County who are referred by DFPS;
- D. Develop an estimated annual budget for the operations for this Contract, recommend it to the Commissioners Court and appear in support of it at budget hearings;
- E. Maintain staffing at the level approved by the Commissioners' Court in its annual budget for each year in which the Contract is in effect;
- F. Authorize the expenditure of Grantee funds and other special funds for the children in the Grantee's County referred by DFPS;
- G. Review on a monthly basis expenditures, receipts and services delivered;
- H. The Grantee will certify that the expenditures reported to DFPS on the 4116X, State of Texas Voucher (Invoice) are allowable expenditures under Title IV-E;
- I. Use DFPS' financial and statistical reporting systems as directed by DFPS; and
- J. Submit on an annual basis Federal Assurances and Certifications as directed by the Contract Manager.

II. DFPS RESPONSIBILITIES.

DFPS will perform the following.

- A. Provide the Grantee with child population each quarter.
- B. Process and pay the federally reimbursable portion of County-certified IV-E allowable expenditures on the submitted and approved invoice.

ATTACHMENT A GRANT STATEMENT OF WORK

III. INVOICE AND PAYMENT.

A. Budget.

1. Grantee must provide its Contract Manager written notice on an annual basis if the Attachment B will not change.
2. If there is no change to Attachment B, then the Budget will carry over to the next Federal Fiscal Year.
3. If the Grantee is going to include indirect costs in its invoice, the Grantee will include by reference either the Grantee's approved Indirect Cost Agreement with the Federal Government or the appropriate documentation certifying the Grantee's official indirect cost rate.

B. Invoice.

1. Grantee will request payments using the invoice and in an accurate and timely manner for each federal quarter by the end of the following federal quarter and the expenditures in the invoice must include the information necessary to support these expenditures.
2. If the quarterly expenditures for the Grantee average or are expected to average less than \$1,000 per quarter, the Grantee may request approval from the Contract Manager to submit Invoices on an annual basis with the invoice for each federal quarter submitted and documented separately but at the same time before the end of the first federal quarter of the following federal fiscal year.

Attachment F: FY20 DFPS Finance Handbook for County Legal Contracts

NOTICE: This Contract incorporates "Attachment F: FY20 DFPS Finance Handbook for County Legal Contracts" until such time as DFPS updates the DFPS Title IV-E County Handbook, Section 5000, located at the following link:

https://www.dfps.state.tx.us/handbooks/Title_IV_E_County/Files/IVEC_pg_5000.asp#IVEC_5000

After DFPS has updated the DFPS Title IV-E County Handbook, both parties agree that a notice from DFPS of the completed updates will have the effect of removing "Attachment F: FY20 DFPS Finance Handbook for County Legal Contracts" from the Contract and replacing all references to such attachment with the updated DFPS Title IV-E County Handbook, Section 5000.

5000 Legal Contracts

Title IV-E Finance Handbook for County Legal Contracts July 2019

Texas counties are mandated to represent DFPS in child abuse and neglect cases.

-Texas Family Code §264.009

On January 7, 2019, the Administration of Children and Families reinterpreted IV-E Regulations to allow Texas counties to recover a portion of their costs associated with attorneys representing certain children and their parents in child welfare legal proceedings.

-Child Welfare Policy Manual, Section 8.1B. Question 30

County attorneys or district attorneys who represent DFPS in child abuse and neglect cases and attorneys who represent children and parents (as defined in Texas Family Code §101.024) in the foster care system (including ad litem) may receive compensation for doing so by way of contracts for Title IV-E County Legal Services. Reimbursable expenditures include costs incurred to carry out the proper and efficient administration of the state plan.

County legal contracts are a subset of the types of contracts DFPS may enter into with a county for Title IV-E reimbursement. County legal contracts are subject to the same legal authorities and requirements listed in 2000 Legal Basis.

The subitems within 2000 Legal Basis of the handbook contain additional guidance and examples of allowable costs that are specific to county legal contracts.

5100 Types of Expenses

Title IV-E Finance Handbook for County Legal Contracts July 2019

Two types of expenses, Administrative and Training, are reimbursable under contracts for Title IV-E county legal services. Each type of expense is reimbursed at a different federal financial participation (FFP) level.

Attachment F: FY20 DFPS Finance Handbook for County Legal Contracts

Administration

Costs directly related to the administration of the foster care program are allowable if they are:

- necessary and reasonable;
- incurred while providing proper and efficient services to children who are eligible under Title IV-E; and
- incurred in accordance with 45 CFR 75 and 45 CFR §§95.507, 1356.60(c).

Title IV-E allowable administrative costs are reimbursable at 50 percent and may include such costs as:

- salaries;
- fringe benefits;
- travel;
- supplies;
- equipment; and
- other operating expenses.

Training

Title IV-E training expenses are a subset of Administration services. The expenses are reimbursable at the rate of 75 percent rather than the 50 percent rate offered for other types of administrative services

Title IV-E training expenses include:

- salaries;
- fringe benefits; and
- travel expenses.

5110 Administration Expenditures

Title IV-E Finance Handbook for County Legal Contracts July 2019

Salaries and Fringe Benefits

Counties may claim the salaries and fringe benefits associated with legal personnel for time spent performing reimbursable Title IV-E activities for children and their parents.

Fringe benefits include, but are not limited to the following:

- Federal Insurance Contributions Act (FICA) tax, paid by the county
- Health insurance

Attachment F: FY20 DFPS Finance Handbook for County Legal Contracts

- Retirement
- Workers' compensation

The distribution and apportionment of salaries and wages must be:

- in compliance with 45 CFR 75, Subpart E. Cost Principles; and
- in accordance with the county's approved budget.

The county may claim reimbursement for any allowable Title IV-E related legal services for children and their parents in the Texas foster care system. Reimbursement is provided for the percent of each staff person's time that was spent providing services specifically related to Title IV-E. Some examples of legal services that may qualify under Title IV-E may include:

- Meeting with a child client and/or child's caregiver, as applicable, or parent client prior to each statutorily required hearing
- Interviewing clients or other person with significant knowledge of the case
- Investigating the facts of the case
- Obtaining and reviewing copies of court files

Staff Whose Work May Be Reimbursed

Examples include, but are not limited to the following:

Legal	Support
Any court appointed attorney whose costs are reimbursable through the county	
District or county attorney	
Any court appoint attorneys representing children or their parents in foster care system (including ad litem)	Administrative clerical staff
Appellate attorney	Legal clerk
Assistant district attorney	Paralegal
Assistant county attorney	Receptionist
Assistant criminal district attorney	Secretary
Compliance officer (attorney)	Legal secretary
CPS unit chief attorney	Law clerk
Criminal district attorney	Interpreter (hired and paid by attorney)
Deputy division chief	
Division chief	
Supervising attorney	

Administration Travel

Travel costs are limited to the maximum Travel Reimbursement rates noted by the Texas Comptroller of Public Accounts and are limited to actual travel costs.

Attachment F: FY20 DFPS Finance Handbook for County Legal Contracts

Allowable Travel Costs

Allowable costs incurred by county personnel or legal staff serving children and parents in the Texas foster care system while performing Title IV-E administrative duties may include the following:

- Meals
- Lodging
- Auto rental
- Gasoline
- Airfare
- Mileage
- Registration fees
- Parking
- Other incidental expenses, such as taxi fees and tolls

Unallowable Travel Costs

Costs that may not be reimbursed include the following:

- Gratuity
- Alcoholic beverages
- Any other items not allowed by federal regulations or not directly connected to the Title IV-E program

Supplies

The costs of supplies that are reasonable and necessary to administer the Title IV-E program are reimbursable. Purchases are charged at their actual cost after deducting all cash discounts, rebates, and allowances received.

The costs may include items not capitalized under the county policy. (See the Equipment section, below, for procedures related to the capitalization threshold.)

Equipment

The cost of equipment deemed reasonable and necessary to administer the Title IV-E program is reimbursable only if it is purchased for employees whose work relates exclusively to Title IV-E.

An item is considered equipment, if the two following conditions exist:

- The unit cost is \$5,000 or more.

Attachment F: FY20 DFPS Finance Handbook for County Legal Contracts

- The item has an estimated useful life of more than one year.

See the State of Texas capitalization policy in the document [Uniform Grant Management Standards Word Document](#), published by the Budget, Planning, and Policy Division of the Office of the Governor.

Equipment is considered a fixed asset, as opposed to a consumable item, and therefore must be capitalized. Equipment must be tracked in a property accounting system and included in the county's inventory.

For the purpose of reimbursement through the Title IV-E program, the county's capitalization policy applies. If a county's capitalization threshold exceeds the \$5,000 limit set by the state, an item is considered capitalized equipment for Title IV-E purposes if it costs less than the county's threshold but more than the state's.

If a county does not have a capitalization policy, the state's capitalization policy applies.

Other Operating Expenses

Certain other costs that are directly related to the administration of the Title IV-E program are reimbursable.

Allowable Costs

Other costs that are reimbursable include but are not limited to the following:

- Citations by publication
- Legal mediation fees
- Expert witness fees
- Telephone (purchase and service costs)
- Professional membership fees
- Filing fees related to child welfare cases

Unallowable Costs

Other costs that are not reimbursable include but are not limited to the following:

- Salaries for court employees
- Expenses related to Texas Court Appointed Special Advocates (CASA) program
- General filing fees unrelated to child welfare cases
- Other costs associated with the normal functioning of a court
- Costs already allocated to cost allocation for federal assistance programs
- Costs associated with drug testing (including expert witnesses).

Attachment F: FY20 DFPS Finance Handbook for County Legal Contracts

5120 Training Expenditures

Title IV-E Finance Handbook for County Legal Contracts July 2019

Title IV-E training costs are the costs associated with attending or participating in Title IV-E approved training. The costs must be specifically related to the Title IV-E program as indicated in Appendix B: Title IV-E Training Topics for Which the State May Claim a Title IV-E Match.

Training costs are reimbursable at the enhanced 75 percent match rate only to the extent that a training session is designed to prepare DFPS employees and limited other trainees to carry out the allowable administrative functions identified in 45 CFR, §1356.60(c)(2). Other trainees may include such persons as potential employees, foster care parents, and institution staff. The functions are listed at the beginning of 4120 Administrative Expenditures.

Training for other groups, such as the following, is reimbursable.:

- CASA volunteers
- Contracted child placement providers
- The staff of courts that hear abuse and neglect cases
- Other court-appointed special advocates representing children in court proceedings as specified in the Fostering Connections to Success and Increasing Adoptions Act of 2008.

Approval from a contract manager must be obtained before billing for Title IV-E training expenses.

Allowable Training Topics

For training to be reimbursable at the enhanced 75 percent rate for Title IV-E training, the topic of the training must be:

- related to one of the activities cited in 45 CFR §1356.60(c)(1)(2); and
- allowable as an administrative activity under the Title IV-E program.

See also the guidance provided in Section 8.1H, Child Welfare Policy Manual, published by the U.S. Department of Health and Human Services (U.S. HHS).

Allowable training topics include the following:

- Representation of children and parents in child protection proceedings
 - The American Bar Association Standards of Practice for Representing Children, Parents, and the Child Welfare Agency in Child Protection Cases
 - Eligibility determination and re-determination
- Fair hearings and appeals

Attachment F: FY20 DFPS Finance Handbook for County Legal Contracts

- Trauma informed care training
- Referral to services
- Preparation for and participation in judicial determinations
- Placement of a child
- Development of a case plan
- Case reviews
- Case management and supervision
- Recruitment and licensing of foster homes and institutions

For additional allowable training topics see:

[Appendix B: Title IV-E Training Topics for Which the State May Claim a Title IV-E Match](#)

Guidance provided on the U.S. HHS website

Training Salaries and Fringe Benefits

The training salaries and fringe benefits paid to county legal personnel or legal staff serving children and their parents in the Texas foster care system for the actual time spent attending or participating in Title IV-E training are reimbursable.

Fringe benefits include but are not limited to the following:

- Federal Insurance Contributions Act (FICA) tax paid by the county
- Insurance
- Retirement
- Workers' compensation
- Professional membership fees

The time spent traveling to and from the Title IV-E training may be included.

Travel for Title IV-E Training

Travel expenses incurred by county legal personnel or legal staff serving children and their parents in the Texas foster care system while attending or participating in Title IV-E training are reimbursable.

Travel costs are limited to the maximum [Travel Reimbursement](#)~~External Link~~ rates noted by the Texas Comptroller of Public Accounts and are limited to actual travel costs.

Reimbursable travel costs may include the following:

- Meals

Attachment F: FY20 DFPS Finance Handbook for County Legal Contracts

- Lodging
- Auto rental
- Gasoline
- Airfare
- Mileage
- Registration fees
- Parking
- Other incidental expenses, such as taxi fees and tolls

Exception

Training that is not directly related to Title IV-E topics is not reimbursable at the 75 percent enhanced rate, but may be reimbursable at the 50 percent Administration match rate. Allowable cost is based on the percentage of time that the employee who attends the training is otherwise engaged in Title IV-E activities.

For more guidance on claiming training that is not related to Title IV-E as an administrative expense, contact the contracts administrator.