

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/IV-EC_pg_5000.asp#IV-EC_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

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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

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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.

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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

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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

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- 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) Appellate attorney Assistant district attorney Assistant county attorney Assistant criminal district attorney Compliance officer (attorney) CPS unit chief attorney Criminal district attorney Deputy division chief Division chief Supervising attorney	Administrative clerical staff Legal clerk Paralegal Receptionist Secretary Legal secretary Law clerk Interpreter (hired and paid by 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.

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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.

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- 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).

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5120 Training Expenditures

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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

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- 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

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- 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.