



**Revenue Maximization and
Certification of Local Funds as State Match Annual
Report 2024**

Department of Children and Families
Office of Child and Family Well-Being

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Executive Summary

With the passage of section 409.017 Florida Statute, (F.S.) in 2018 titled “Revenue Maximization Act”, the legislature recognized that state funds did not fully utilize federal funding matching opportunities and authorized the use of certified public/local funding for federal matching programs. Section 409.26731, F.S., establishes the authority of the Department of Children and Families (Department) to certify local funds as the federally required state match for eligible Title IV-E expenditures. This process, commonly referred to as “local match”, enables other state agencies and local agencies (agencies) that have public funds that meet federal regulations pursuant to 42 CFR 433.51 – Public Funds as the State share of financial participation, and 45 CFR 235.66 – Sources of State Funds to receive federal reimbursement on allowable expenditures. The Department is the single state entity authorized to enter into an interagency agreement with agencies to pass through Title IV-E reimbursements.

Title IV-E is a federal program, authorized by the Social Security Act, that provides funding for foster care, prevention services, adoption assistance, and guardianship assistance allowing states to claim partial reimbursement for allowable costs within these programs. Title IV-E reimbursement may also be claimed on certain administrative costs for the operation of such programs and training costs. Title IV-E maintains restrictions on the type of funds that may be used as match for reimbursement. The costs must be expended by the agency receiving the Title IV-E grant or Medicaid, or another public agency, or a county-based agency that has an interagency agreement in place. A public agency may use certified public expenditures to leverage Title IV-E reimbursement when those funds are paying for Title IV-E eligible costs and are not used as match for other federal funds. No private provider funds can be used to match Title IV-E expenditures unless the private provider transfers those funds to a public agency. These programs are federal grants allowing eligible agencies to receive federal matching of funds up to 50% of the funds they have expended.

This local match initiative has been in place since 1998, and agencies have received significant federal reimbursement because of the partnership with the Department. The Department is authorized in section 409.26731, F.S., to retain up to five percent of local match earnings to administer the program, although the Department has never exercised that option.

Participating Agencies

During Fiscal Year (FY) 2023-2024, the Department maintained 10 interagency agreements with the state and local agencies listed below. These agencies provided local match for Adoption Assistance and Independent Legal Representation. The allowable costs were submitted for federal claiming and received reimbursement as reflected in the table below.

Program	State/Local Funding Used as Match	Federal Reimbursement	Total
Adoption Assistance:	\$58,184.33	\$26,022.26	\$84,206.59
Independent Legal Representation:	\$82,492,539.74	\$22,788,352.99	\$105,280,892.73
Grand Total:	\$82,550,724.07	\$22,814,375.25	\$105,365,099.32

The total for Independent Legal Representation includes federal reimbursements of pass-through funding retroactively to the effective date of their interagency agreements. This includes FY 2021-2022 and 2022-2023, which were being held pending the approval of the Public Assistance Cost Allocation Plan (PACAP). The PACAP was approved November 7, 2023, allowing these claims to be processed.

1. **Children’s Services Council (CSC) of Broward County:** Claiming for eligible Title IV-E adoption assistance and independent legal representation for children involved in the child welfare system. Legal representation for children may continue to the age of 21 for those young adults that remain or re-enter the Department’s care in Extended Foster Care (EFC).
2. **Palm Beach County Board of County Commissioners:** Claiming for pre-and post-adoption services to support adoptive families and children.
3. **Children’s Services Council (CSC) of Palm Beach County:** Claiming for eligible Title IV-E administrative costs for independent legal representation of children involved in the child welfare system. This agreement also allows for claiming reimbursement of administrative costs for social workers and additional legal staff utilizing a multidisciplinary legal representation model.
4. **Justice Administrative Commission (JAC):** Claiming for eligible Title IV-E administrative costs for independent legal representation of parents and children with special needs.
5. **Office of Criminal Conflict and Civil Regional Counsels, Region 1 (RC1):** Claiming for eligible Title IV-E administrative costs for independent legal representation of parents including multidisciplinary legal representation model.
6. **Office of Criminal Conflict and Civil Regional Counsels, Region 2 (RC2):** Claiming for eligible Title IV-E administrative costs for independent legal representation of parents.

7. **Office of Criminal Conflict and Civil Regional Counsels, Region 3 (RC3):**
Claiming for eligible Title IV-E administrative costs for independent legal representation of parents.
8. **Office of Criminal Conflict and Civil Regional Counsels, Region 4 (RC4):**
Claiming for eligible Title IV-E administrative costs for independent legal representation of parents including multidisciplinary legal representation model.
9. **Office of Criminal Conflict and Civil Regional Counsels, Region 5 (RC5):**
Claiming for eligible Title IV-E administrative costs for independent legal representation of parents.
10. **Guardian ad Litem Program (GAL):** Claiming for eligible Title IV-E administrative costs for independent legal representation of children involved in the child welfare system.

Progress Toward Expansion

Federal revisions were made on January 7, 2019, when the U.S. Department of Health and Human Services' Children's Bureau announced a revision to the Child Welfare Policy Manual (CWPM) permitting states to receive Title IV-E funding reimbursement for the administrative costs of providing "independent legal representation by an attorney for a child who is a candidate for Title IV-E foster care or in foster care, and his/her parent."

Under this revision, Title IV-E agencies may claim the 50 percent administrative match (after the statewide Title IV-E eligibility rate is applied) for the costs of "preparation and participation in judicial determinations" in all stages of foster care legal proceedings by a Title IV-E agency attorney, an attorney providing independent representation to a child who is a candidate for Title IV-E foster care or is in Title IV-E foster care, and an attorney providing independent representation to such a child's parent. Additionally, states may claim administrative costs for paralegals, investigators, peer partners, or social workers as administrative costs to the extent they are necessary to support an attorney providing independent legal representation. Chapter 2021-170, Laws of Florida (Senate Bill 96) was passed in 2021, supporting these revisions and the use of the Multidisciplinary Legal Representation model through the creation of section 39.4092, F.S.

On May 10, 2024, Federal Register 89 FR 40400, announced the publication by the Administration for Children and Families of the amendment to 45 CFR Part 1356.60(c). The amended rule went into effect July 9, 2024. The change allows Title IV-E agencies to claim federal financial participation of administrative costs related to Independent Legal Representation provided by an attorney to the child's relative caregiver(s), and the child's Indian custodian(s) in foster care and other civil legal proceedings as necessary to carry out the requirements in the Title IV-E agency's Title IV-E foster care plan. At this time, the Department has not been contacted by any agencies wishing to expand their claiming to include these allowable costs.

Many of the state agencies with existing interagency agreements have increased the amount of locally appropriate public funds to use as a match for earning the federal reimbursement funds. The Department amended interagency agreements to allow for growth in their programs for FY 2024-2025. The increases will allow the agencies to expand the services they provide and increase their federal reimbursement.

The Department is collaborating with Palm Beach County Board of County Commissioners to amend their interagency agreement to include services for their Family Visitation Center. The amendment includes the reimbursement of allowable administrative costs associated with the services provided to support the parents and children in foster care during visitations.

The federal Families First Prevention Services Act (FFPSA) was passed in 2018 which provides the opportunity for Title IV-E state agencies to claim Title IV-E for prevention services. This is an avenue for agencies to utilize the local match process to receive reimbursement for these services. However, due to the complexities, there are currently no agencies with interagency agreements.

Cost Allocation and Title IV-E Eligibility

Cost Allocation:

To receive federal reimbursement, the Department must have an approved PACAP that identifies the allowable costs and cost allocation methodologies associated with the agencies that have interagency agreements with the Department. To determinate the federal reimbursement amount, certain expenditure amounts are calculated against a percentage of time the position spends on IV-E allowable activities, then against the Department’s applicable eligibility rate, then against the Federal Financial Participation (FFP) rate of 50%. Reimbursement for training expenditures is calculated based on a 75% FFP rate.

Calculation Example: Expenditure Amount X Applicable Eligibility Rate X FFP = Federal Reimbursement

Title IV-E Eligibility Rate:

The eligibility rate is the statewide percentage of children who meet the applicable Title IV-E requirements for the program they are in compared to children that do not. This is the rate referred to above. The eligibility determination is documented in the Department’s child welfare information system and the data is pulled each month to determine the rates to apply to the local match claims.

The statewide eligibility rates for each program are calculated in this manner:

Statewide Foster Care Title IV-E Eligibility Rate	
Numerator Includes:	Denominator includes:
Count of all children determined Eligible and Reimbursable that are placed in licensed foster care (Foster Home, Residential, and Residential Treatment Center placements) and the children determined Eligible Not Reimbursable due to receiving Supplemental Security Income (SSI) placed in licensed foster care as of the last day of the month..	Count of all children in licensed foster care, regardless of Title IV-E eligibility status as of the last day of the month..
Statewide Foster Care Candidate Title IV-E Eligibility Rate	
Numerator Includes:	Denominator includes:
Count of all children in an in-home living arrangement with a Safety Plan completed within the last 180 days as of the last day of the month.	Count of all children in an in-home living arrangement as of the last day of the month..

Statewide Adoption Title IV-E Eligibility Rate	
Numerator Includes:	Denominator includes:
Count of all children with an adoption assistance agreement determined to be Title IV-E Adoption Eligible as of the last day of the month..	Count of all children with an adoption assistance agreement regardless of eligibility status as of the last day of the month..

Title IV-E Requirements:

The following is a basic description of the criteria that must be met as documented in the Department’s child welfare information system.

Foster Care Candidate:

- Child is in home with a parent or family-made arrangement.
- Child is at imminent risk of removal.

Foster Care:

- Judicial determinations regarding “contrary to the welfare” and “reasonable efforts” or Voluntary Placement Agreement.
- Responsibility for placement and care vested with the Title IV-E agency.
- Based on the family circumstances in the removal month, the child would be eligible for Aid to Families with Dependent Children (AFDC) based on the state plan in effect July 16, 1996.
- Child’s placement in a licensed foster family home or childcare institution.
- Safety requirements are met by the child's foster care provider.

Adoption:

- Difficult to Place determination:
 - Child cannot return home.
 - Hard-to-place factor.
 - Efforts to place with subsidy.
- Applicable Child determination:
 - Age.
 - Length of time in foster care.
 - Applicable Sibling.
- Eligibility Path determination for Applicable Child:
 - Contrary to the welfare determination at removal.
 - Supplemental Security Income recipient.
 - A child of a minor parent in foster care whose removal was based on a contrary to the welfare finding.
 - Title IV-E eligible in prior adoption.

Key Advantages to the Local Match Initiative

This initiative requires no investment on the part of the Department, other than staff time of the Office of Child and Family Well-Being and Office of Revenue Management.

Permitting agencies to obtain Title IV-E reimbursement for providing adoption recruitment and legal representation to children and their parents is an opportunity for the Department to improve outcomes for children, reunite families whenever possible, and expedite permanency for each child. The federal reimbursement provides agencies the opportunity to further re-invest in services to children and families.

In the Information Memorandum issued by the Administration for Children and Families Children's Bureau in 2017 (ACYF-CB-IM-17-02), quality legal representation for parents and children was identified as critical to the children welfare system. The research included suggests the early appointment of counsel in child welfare proceedings could improve case outcomes and lead to cost savings to state government. As a result, agencies providing legal representation have re-invested the reimbursement funds in their programs to hire additional positions allowing them to implement multi-disciplinary representation. This model pairs attorneys with social workers and peer parent partners to enhance the legal representation being provided and support the families they serve.