



## FAQs related to Title IV-E Waivers

The following Frequently Asked Questions (FAQs) reflect key considerations for jurisdictions interested in applying and planning for a Title IV-E Waiver. This is not meant to be an all inclusive list of questions or an exhaustive exploration of waiver implementation. Instead, these FAQs provide an overview of waiver requirements; the application process; and considerations related to waiver planning and project design, use of data, financing, and evaluation, along with a sample of resources that might assist jurisdictions with commonly asked questions.

### Waiver Requirements and Application

#### **Q: What are child welfare title IV-E waivers?**

A: The Child Welfare Waiver Demonstration authority provides an opportunity for states and tribes that administer title IV-E funding to use the funds more flexibly in order to test innovative approaches for child welfare service delivery and financing. Section 1130 of the federal Social Security Act, enacted in 1994, gave the Secretary of Health and Human Services (HHS) the authority to approve waivers to title IV-E rules for the purpose of funding demonstration projects in state or county child welfare systems. In 2011, Congress reauthorized HHS to approve up to 10 waivers per year in federal fiscal years 2012 through 2014, and revised certain demonstration project goals and requirements. With a federally approved waiver, states can design and demonstrate a wide range of approaches to reform child welfare and improve safety, permanency, and well-being outcomes for children.

Source: <http://www.childwelfarepolicy.org/resources?id=0006>

For more information about the need to expand and reauthorize IV-E Waivers and requirements of the reauthorization, click [here](#).

#### **Q: What are the goals and priority areas of the waiver demonstration program?**

A: The 2011 waiver reauthorization legislation requires that approved projects be designed to accomplish one or more of the following goals:

- Increase permanency for all infants, children, and youth by reducing the time in foster placements when possible and promoting a successful transition to adulthood for older youth;

- Increase positive outcomes for infants, children, youth, and families in their homes and communities, including tribal communities, and improve safety and well-being;
- Prevent child abuse and neglect and the re-entry of infants, children and youth into foster care.

Source: Information Memorandum – Child Welfare Demonstration Projects 2012-12, pp. 3-4.  
[http://www.acf.hhs.gov/programs/cb/laws\\_policies/policy/im/2012/im1205.pdf](http://www.acf.hhs.gov/programs/cb/laws_policies/policy/im/2012/im1205.pdf)

**Q: Can a waiver proposal include both title IV-E and title IV-B funds?**

A: These demonstration projects involve the waiver of certain requirements of titles IV-E and IV-B, the sections of the Social Security Act that govern the foster care, adoption assistance and optional kinship guardianship assistance programs, as well as related expenses for program administration, training, and automated systems; as well as the Chafee Foster Care Independence Program, the Stephanie Tubbs Jones Child Welfare Services program, and the Promoting Safe and Stable Families program.

Source: Information Memorandum – Child Welfare Demonstration Projects 2012-14, p. 2.  
[http://www.acf.hhs.gov/programs/cb/laws\\_policies/policy/im/2012/im1205.pdf](http://www.acf.hhs.gov/programs/cb/laws_policies/policy/im/2012/im1205.pdf)

**Q: What if my state already has a waiver authorized prior to the 2011 reauthorizing legislation?**

A: States with previously approved child welfare waiver demonstration projects are not subject to the requirements of the new law or the Information Memorandum (IM) on Child Welfare Waiver Demonstration Projects when applying for a renewal, except for the statutory requirement that all child welfare waiver demonstration projects authorized by Section 1130 of the Social Security Act must terminate operation by September 30, 2019.

Source: Information Memorandum – Child Welfare Demonstration Projects 2012-14, 3.  
[http://www.acf.hhs.gov/programs/cb/laws\\_policies/policy/im/2012/im1205.pdf](http://www.acf.hhs.gov/programs/cb/laws_policies/policy/im/2012/im1205.pdf)

**Q: What is the timeline for the application process?**

A: The initial deadline for FFY 2012 waiver applications was July 9, 2012. While the Department will accept proposals after this date, review of later submissions may not be completed by the end of the federal fiscal year (FFY). Proposals received during FFY 2012 but not reviewed or approved will be carried over for consideration in FFY 2013.

Source: Information Memorandum – Child Welfare Demonstration Projects 2012-14, p. 20.

# Waiver Planning and Project Design

**Q. To what extent are there additional or uniquely designated tasks associated with the management of the waiver activities?**

A. Though jurisdictions with waivers have noted certain specific areas of attention-- including fiscal accountability, data collection and the evaluation process—they have not found that the level of attention is that much different than their current infrastructures are prepared to manage.

**Q: What kinds of program improvements do states need to consider in their proposals?**

A: The 2011 reauthorizing legislation requires applicants to demonstrate that they have or plan to implement within three years of the submission of their application at least two of the following child welfare program improvement policies summarized below. At least one of these selected approaches must be a new policy that the agency has not implemented prior to submitting the application; the other policy or policies may have been previously implemented.

- Establish a Bill of Rights for children in foster care;
- Develop and implement a plan for meeting the health and mental health of children in foster care;
- Implement a title IV-E kinship guardianship assistance program;
- Extend eligibility for title IV-E foster care until age 21 and for adoption assistance, and if applicable kinship guardianship assistance beyond age 18 up to age 21;
- Develop and implement a plan to ensure that congregate (group and facility) care is used appropriately and reduces the placement of children and youth in such care.
- Substantially increase the placement of siblings in the same foster care, adoption, or guardianship setting above the frequency of sibling placement in Fiscal Year 2008.
- Develop and implement a plan to improve the recruitment and retention of high quality foster family homes, including through the provision of additional supports and training;
- Establish procedures to allow youth in foster care (ages 12 or older) to participate in age-appropriate extracurricular activities, have appropriate access to computers and cell phones, obtain a driver's license, receive counseling and financial support for post-secondary education, and be notified of where siblings are placed or located;
- Allow every youth in care (age 16 or older) to explore whether they wish to
- reconnect with members of their biological family, and if so, how to do so safely;
- Establish one or more of the following programs designed to prevent infants, children, and youth from entering foster care or to provide permanency for those in foster care:
  - An intensive family finding program
  - A kinship navigator program

- A family counseling program (such as a family group decision making program)
- A comprehensive family-based substance abuse treatment program
- A program where special efforts are made to identify and address domestic violence that endangers infants, children, and youth and puts them at risk of entering foster care
- A mentoring program.

Sources:

- Emilie Stoltzfus. Child Welfare: The Child and Family Services Improvement and Innovation Act (P.L. 112-34), Congressional Research Service, October 5, 2011, pp. 13-14.
- [http://aaicama.org/cms/federal-docs/CRS\\_PL\\_112\\_34.pdf](http://aaicama.org/cms/federal-docs/CRS_PL_112_34.pdf)
- Information Memorandum – Child Welfare Demonstration Projects 2012-14, pp. 12-14
- [http://www.acf.hhs.gov/programs/cb/laws\\_policies/policy/im/2012/im1205.pdf](http://www.acf.hhs.gov/programs/cb/laws_policies/policy/im/2012/im1205.pdf)

**Q: Are there other priorities for the project design?**

A: HHS will give priority to projects that test or demonstrate approaches that will:

- Produce positive well-being outcomes for children, youth and their families, especially those who have experienced trauma related to maltreatment;
- Enhance the social and emotional well-being of children and youth who are available for adoption, as well as those who have been adopted, with emphasis on children who have been waiting the longest or are hardest to place in successful adoptions;
- Yield “more than modest improvements” in the lives of children and families and contribute to the evidence about what works to improve child and family outcomes;
- Leverage the involvement of other resources and partners to make improvements concurrently through child welfare and related program areas, such as delivery of effective mental and behavioral health services and continuity of Medicaid eligibility as children move in and out of foster care;
- Use the waiver as a vehicle to test or implement (1) innovative, valid and reliable screening and assessment and (2) evidence-based or evidence-informed intervention approaches that will produce positive well-being outcomes for children, youth and their families, with particular attention to addressing the trauma experienced by children who have been abused and/or neglected.

Information Memorandum – Child Welfare Demonstration Projects 2012-14, pp. 3-4

[http://www.acf.hhs.gov/programs/cb/laws\\_policies/policy/im/2012/im1205.pdf](http://www.acf.hhs.gov/programs/cb/laws_policies/policy/im/2012/im1205.pdf)

Please see [California Evidence Based Clearinghouse](#) for more information on child welfare related evidence based interventions and practices.

**Q: Will my state receive technical assistance? Who will provide the technical assistance?**

A: HHS will provide pre-approval consultation with a title IV-E agency which can include providing assistance related to preparing a proposal, answering specific questions regarding cost-neutrality and cost-allocation issues, working with a title IV-E agency to consider the scope of its project and options for evaluation, and referring a Title IV-E agency to other sources of assistance for the formulation of evaluation plans.

Each title IV-E agency selected as a demonstration site will receive evaluation TA. For more information see the [Evaluation Technical Assistance for Title IV-E Child Welfare Waiver Demonstrations](#) memo.

**Q: What considerations should be given to social and emotional well being and the use of evidence based practices?**

A: Administration for Children and Families issued this [Information Memorandum](#) related to social and emotional well being. Waiver demonstrations can support title IV-E agencies in their efforts to shift from a reliance on interventions without demonstrable improvements in outcomes to interventions with demonstrable improvements in outcomes. Please see ‘Resources on Evidence-Based/Evidence Informed Programs and Practices’ on p.2 of [Child Welfare Waiver Demonstration Projects – Helpful Resources](#).

**Q: When planning the waiver demonstration, what consideration should be given to Medicaid services?**

A. HHS encourages waiver applicants to consider particular strategies, mechanisms, or projects which, if undertaken concurrently with their waiver project, would improve access to, coordinate, and/or find efficiencies in the delivery of effective mental and behavioral health services to children and youth and their families involved in child welfare and ensuring continuity of Medicaid eligibility as children move in and out of foster care.

To explore this coordination with Medicaid services and strategies, HHS encourages applicants to engage in a dialogue with their State Medicaid and mental health agencies and to consider new and existing opportunities in Medicaid and/or other program areas to complement Medicaid’s efforts to serve children with special needs. HHS indicated that proposals aligning a title IV-E waiver project with a Medicaid waiver will be strongly considered.

Source: [http://www.ncsl.org/documents/cyf/NCSLWaiverWebinar\\_052212.pdf](http://www.ncsl.org/documents/cyf/NCSLWaiverWebinar_052212.pdf)

Information Memorandum – Child Welfare Demonstration Projects 2012-14, p. 9

**Q: Where can I learn about states' experiences with previous waiver demonstration programs?**

A: Health and Human Services [Administration for Children and Families](#) has published information about demonstration projects which includes brief descriptions of each State's waiver demonstration, evaluation approach, and links to reports. Reports not posted on the Web may be available by request from the Children's Bureau. [James Bell and Associates](#) has also catalogued many state reports, summaries and meeting presentations including a [Summary of Child Welfare Demonstrations](#).

**Q: What are possible roles and implications for Juvenile Court?**

A: The National Council for Juvenile and Family Court Judges issued this [Child Welfare Reform Policy Statement](#) that addresses possible roles and implications for Juvenile Court.

## Use of Data

**Q: What data should states look at to determine if they may be a good candidate for a waiver?**

A: Start with your vision for child welfare in your jurisdiction and consider the following:

What are your data currently reflecting? What has the trend been for the past several years in the following areas?

- Maintaining children safely in their own homes/preventing placement – what proportion of cases are served in home vs. placement? Is the number of children entering care increasing, decreasing, or staying about the same? Which children are more likely to enter care?
- Achieving timely permanency for children who do enter care – Understand care days/type of care/exit types... how will this change as your case mix changes? Examine the timeliness and likelihood of exiting to permanency using entry cohorts. Examine re-entries – how well are post-permanency services working to maintain intact families? How do these measures differ by age, race, and geographic areas?
- Well-Being of children and youth in care, and those youth who transition to adulthood – are functional assessments used? Are the data available for analysis?

**Q: How can your data help you target interventions?**

A: Be specific about which areas you want to improve (for example, increase in kinship first-placement, or reduce African American entry rates, etc.)

- Which innovative or evidence-based practices do you want to utilize to help you get there? How does the data help you choose which subgroups to target, and identify what type of intervention may have the most success?
- Would flexible funding support these efforts? How? Review recent trends in IV-E claims (number of children, average cost per child/per care day by placement type (probation and child welfare) and recent spending on in-home services (non IV-E eligible services)

For more information please see the National Conference of State Legislatures webinar: [Guidance on New title IV-E Child Welfare Demonstration Projects](#)

## Financial Considerations

### **Q: What are the potential financial impacts of a IV-E Waiver?**

A: The National Coalition for Child Protection Reform created a [BlogSpot](#) that provides a state by state breakdown of IV-E waiver funding that could be accessed to support alternative programs.

### **Q: What is cost neutrality and how can it be determined?**

A: Cost neutrality means that a title IV-E agency cannot be reimbursed for more title IV-E funds for children served by the demonstration than it would have received without the demonstration. It is a requirement of the legislation authorizing title IV-E waivers that the demonstration be cost neutral over the life of the demonstration (see Sec. 1130(h) of the Social Security Act, as amended by Public Law 112-34).

ACF has produced additional information about cost neutrality and calculation formulas their [Commonly Asked Questions about Cost Neutrality](#) document.

## Evaluation Considerations

### **Q: What should the evaluation include? Who pays for the evaluation? Is TA available?**

A: HHS expects that title IV-E agencies will propose to use a rigorous evaluation design that is appropriate to the intervention being tested. In general, evaluations must include: a process evaluation, an outcome evaluation, and a cost analysis. Each grantee is expected to submit

information to James Bell and Associates, who is under contract with HHS, to summarize findings across states and jurisdictions. The costs of this required independent evaluation of the demonstration project will be excluded from the cost-neutrality calculation. In addition, the costs of the evaluation may be directly charged as title IV-E administrative costs without needing to allocate costs to other benefiting programs. This means that a title IV-E agency may claim a full 50 percent of allowable developmental costs and evaluation costs as title IV-E administrative costs.

For detailed information, see [Evaluation Technical Assistance for Title IV-E Child Welfare Waiver Demonstrations](#).

## **Additional Resources:**

The current ACF “open” funding announcements support the high priority goal of building child welfare’s capacity to address trauma and promote the social and emotional well being of children and youth. Funding announcements can be found at:

[http://www.acf.hhs.gov/grants/open/foa/office/acyf\\_cb](http://www.acf.hhs.gov/grants/open/foa/office/acyf_cb).

Administration for Children and Families issued [Information Memorandum for Psychotropic Medication](#). This addresses safe and appropriate use of psychotropic medications for children in foster care.

[State Child Welfare Policy Data Base](#): This website provides state-by-state policy information on a range of child welfare topics including child welfare financing. Visitors can access up-to-date information on individual state policies and can compare their own state's policies to those of other states.