



December 21, 2023

Re: Ensuring Legal Counsel for Children and Parents through Title IV-B

Dear Committee Staff:

Thank you for inviting the [National Association of Counsel for Children](#) to participate in last week's roundtable discussion regarding reauthorization of Title IV-B of the Social Security Act. We write to **strongly urge congressional leaders to amend IV-B to ensure access to legal counsel for children and parents in foster care court proceedings**. This proposal enjoys bipartisan support, is backed by a strong body of research, is already funded by the federal government, and aligns with the overarching principles and purpose of Title IV-B.

Bipartisan Support – the longstanding need for legal counsel in foster care court proceedings has been championed by leaders from both parties.

- Under former President Trump, the Department of Health and Human Services [changed long-standing administrative policy](#) to open federal funding for children's and parent's attorneys and [released important guidance](#) to the field to support implementation. [Executive Order 13930](#) further affirmed the former administration's commitment to this issue.
- Under President Biden, HHS has continued to promote this initiative, citing it as [a strategic priority](#) for the agency and [providing relevant testimony](#) to the Senate Judiciary Committee. Furthermore, the administration recently released [a proposed rule](#) that will codify funding for legal counsel within the Code of Federal Regulations.
- Similarly, in Congress, leaders from both parties have come together on this issue. In June 2021, the Senate HELP Committee **unanimously** [voted in favor](#) of a proposal that would have embedded this mandate in law. The proposal had [broad national support from across the country](#) as well.

Backed by Research – research on child and parent legal representation shows that legal representation helps Title IV-B grantees meet their mandate.

- A [2021 study from Washington State](#) found that, compared to children without attorneys, children receiving standards-based legal representation were 45% more likely to reunify, 30% less likely to change foster homes, and 65% less likely to experience unnecessary school moves. These results did not expand state costs (in fact, they may have yielded fiscal savings). This is just one [of many studies](#) confirming the impressive impact of counsel for kids.
- Likewise, research on parent counsel continues to demonstrate its import. [One study](#) showed high-quality legal representation for parents resulted in a 50% reduction of in the utilization of foster care placement and, for those children that did enter, the median stay in care was

2.2 months, compared to the statewide average of 2.5 years. An [even larger study from 2019](#) found that when parents are represented by interdisciplinary legal teams, children were returned to their care 43% more often, with equal measures of post-reunification safety, leading to an estimated \$40 million in cost savings for the jurisdiction.

Funding in Place - Prior concern this reform would constitute an “unfunded mandate” is now mitigated, thanks to a recently opened Title IV-E funding stream, as well as other federal resources.

- As noted above, the U.S. Children’s Bureau updated its Child Welfare Policy Manual in 2019 to permit federal match funding for legal representation in foster care cases. The [most recent available public data](#) shows that at least 26 states and 3 tribes are utilizing this opportunity (See column AG). Others have [readily followed suit](#); NACC anticipates that the next federal report will show approximately 75% utilization cross states.
- In addition to Title IV-E, other funding streams support child welfare legal representation across the country. These include Social Services Block Grants, State Opioid Response Grants, the Victims of Crime Act, [and more](#).

Aligns with Title IV-B’s Purpose –Title IV-B is a logical home for this reform because legal counsel expedites the law’s key objectives, such as “promoting the safety, permanence, and well-being of children in foster care and adoptive families” [Subpart 1] and “address[ing] the problems of families whose children have been placed in foster care so that reunification may occur in a safe and stable manner” [Subpart 2].

- Title IV-B already mandates legal representation for abandoned infants. See 42 USC 622(b)8(B). **Upon request, I would be happy to share draft language** that could be used to expand this provision to guarantee counsel for all children and parents in these proceedings.
- In addition to meeting the express goals of the law, legal counsel also brings efficiency and accountability to many other provisions of Title IV-B (ex. advocating for access to evidence-based services and material resources), Title IV-E (ex. QRTP court review process) and other areas of law (ex. Indian Child Welfare Act).

I invite you to review NACC’s [Policymaker’s Guide to Counsel for Kids](#) and welcome the opportunity to talk more with you about this proposal. Please feel free to reach out to me using the contact information below. Thank you for your ongoing commitment to children and families nationwide.

Sincerely,



Allison Green, Legal Director
National Association of Counsel for Children
www.NACCchildlaw.org
Allison.Green@NACCchildlaw.org
202-230-9128