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MEMORANDUM

TO: County Officials

FROM: Derrick Mason, Executive Director
Stephanie Lalani, Fiscal Analyst

DATE: April 2022

SUBJECT: NEW TITLE IV-E FEDERAL FUNDS AVAILABLE FOR EXISTING COUNTY PUBLIC DEFENSE EXPENSES

The federal government recently announced that it made public defense expenses in Children in Need of Services and Termination of Parental Rights cases eligible for Title IV-E grant reimbursement. The Public Defender Commission (Commission) is pleased to announce that it has reached an agreement with the Indiana Department of Child Services (DCS) finalizing the methodology and giving permission to the Commission to pass federal funds through to all Indiana counties. Counties that currently receive 40% reimbursement from the Commission for its public defense expenses were first made eligible and have already begun receiving these new, additional funds.

This new, federal reimbursement is available to **ALL** counties for a portion of the county's public defense expenses that have ALREADY been spent on DCS cases. No compliance with Commission standards is necessary. There is currently no requirement from the federal government for how to spend these dollars, but we are encouraging all counties to put these funds toward public defense costs.

Two simple steps are required to begin receiving these new federal dollars:

- Sign the attached agreement required by DCS, and
- Submit quarterly public defense information on the Commission's forms so we know how much money to send your county each quarter.

The Commission's reimbursement form requires all county quarterly public defense expenses and caseloads to be included. This information, combined with a federal penetration rate supplied by DCS each quarter, is the DCS-approved methodology to calculate your Title IV-E reimbursement. The higher your overall public defense expenses and ratio of DCS cases vs. other public defense cases, the more money your county will receive each quarter.

Because the form does require case assignment tracking (which may not currently be tracked), it would be easiest to start at the beginning of a quarter – so, signing the agreement and receiving training on the form would be ideal prior to July 1, 2022. You will then begin receiving reimbursement for the second half of this year's expenses. If the county already sufficiently tracks its case assignment information, we can work with you to explore reimbursement for the current quarter (the second quarter of 2022). You should expect to receive approximately 11% of your DCS-related public defense expenses back through this process.

In order to continue receiving funds from year-to-year, your county simply needs to sign a new agreement each year to inform the Commission (for reporting purposes) how the IV-E reimbursement was expended and continue with the quarterly reimbursement submissions.

On a related note, we would encourage you to consider utilizing these funds to come into compliance with Commission standards to then receive an additional 40% reimbursement for the majority of your county's public defense expenses! We have also attached an electronic version of our annual report – the back cover of which shows the state's 67 participating counties and the amount of money each county received during the last state fiscal year.

For questions regarding this new Title IV-E reimbursement, please reach out to Stephanie Lalani, the fiscal analyst organizing the counties' reimbursements. You can reach her at Stephanie.Lalani@pdcom.in.gov or 463-224-3765.

For questions about the Commission or the Commission's 40% reimbursement, please reach out to the Executive Director, Derrick Mason, at Derrick.Mason@pdcom.in.gov or 317-650-6795 or the number on the letterhead.