



JUDICIAL COUNCIL OF CALIFORNIA

OPERATIONS AND PROGRAMS DIVISION
CENTER FOR FAMILIES, CHILDREN & THE COURTS

Federally Funded Dependency Representation Program (FFDRP)

Frequently Asked Questions

Updated June 29, 2021

This document addresses questions about FFDRP. The answers have been established based on federal guidance, directives from the California Department of Social Services (CDSS), and Judicial Branch policies and procedures. Because FFDRP is a new program and eligibility guidelines for reimbursement are still being established, the answers listed below are subject to change. This document will be updated as new information is received.

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SECTION A: BACKGROUND/OVERVIEW

A-1. Where do the matching funds come from? Do the funds come from the court's existing budget?

The funds do not come from a court's existing budget. The matching funds are new federal dollars that will augment the state's \$156.7 million investment in court-appointed counsel. To receive matching funds, providers must submit invoices, documenting eligible legal work and supplies, paid with the state's court-appointed counsel funds. In addition, claiming requirements must be adhered to as described in this [memorandum](#) by the ABA Center on Children and the Law.

A-2. What funding can be matched under the Federally Funded Dependency Representation Program (FFDRP) and how do providers determine their eligible dependency percentage rate?

For the purposes of the FFDRP contract, only activities compliant with the [Child Welfare Policy Manual](#) that are funded by court-appointed counsel funding are able to be matched. Each county's FFDRP allocation is based on their underlying court-appointed counsel fund allocations. Only that portion of a provider's dependency practice can be reimbursed. For example: if 90% of the provider's practice is juvenile dependency and 10% is juvenile

delinquency, only the 90% which pertains to juvenile dependency work is eligible for reimbursement but still must meet activity criterion.

A-3. What is the range of the FFDRP allocation available to providers?

Allocations for Title IV-E funding are based on the underlying court-appointed dependency counsel contract. The level of FFDRP funding is established each fiscal year (FY) using the federal discount rate, determined by the statewide percentage of federally eligible dependency cases. This rate varies annually:

FY 2019–2020: 59%

FY 2020–2021: 55%

FY 2021–2022: 54% (projected)

FFDRP funds are allocated to legal services providers in a county based on their court’s allocation of the total Judicial Council Juvenile Dependency Counsel budget and in proportion to their contracted services representing parents or children.

Each court’s FFDRP funding allocation represents the available funding and reimbursement is limited to actual eligible FFDRP expenses. It is important to note that because allocations and reimbursement rates fluctuate from year to year, contract amounts need to be amended yearly.

Due to fluctuations in the federal discount rate, expenses that cross fiscal years may need to be prorated. For example, for FFDRP contracts beginning July 1 and ending June 30: an electricity bill covering the period of June 15, 2020 to July 14, 2020 must be prorated for June and July expenses. The portion of the bill covering June should be claimed on the June FFDRP invoice; and the July portion should be claimed on the July FFDRP invoice.

Providers are currently eligible for allocations as low as \$1,000 and as high as \$15 million. To address all allocation amounts, many organizations have had to essentially create a new practice. For example, for a larger firm: hiring 45 attorneys, and administrative staff to support the attorney’s practice such as human resources and IT staff or for a smaller group expanding the use of contract investigators, social workers, or experts. To employ additional attorneys or other employees, existing organizations may need to increase their infrastructure.

A-4. Will there be retroactive matching for FY 2019-2020 or FY 2020-2021 for non-CAC funds that are otherwise claimable? For example, our office received county funding in FY 2020-2021 to supplement our dependency work.

No. Only the state’s \$156.7 million investment in court-appointed counsel is eligible. For example: a firm must indicate their entire budget, but delineate the percentage (%) of the entire budget that is court appointed counsel, % from grants, % from the county, etc. That will determine percentage of the overall budget that can be used for claim reimbursement.

A-5. Is more information or guidance coming?

Children’s Bureau is collecting questions about Child Welfare Policy Manual 8.1B #30 and has not yet determined if additional guidance is necessary. We will continue to update the FAQs as we receive information.

SECTION B: CONTRACT & FFDRP APPLICATION

B-1. What should be included in the match agreement contract with the JCC or my local court?

The contract must include terms that address the following:

- The scope of services and deliverables;
- Conflict of interest avoidance;
- Administration of conflict of interest contracts appointments;
- Adequate dependency courtroom staffing to minimize court operation impacts;
- Education and training standards;
- Judicial systems administrative meeting participation;
- Staffing and service level standards;
- Case reports and maintenance of records standards

B-2. When can an attorney’s salary be increased without reducing their caseload?

FFDRP is being provided to improve the quality of representation for children and parents in the dependency courts. Retaining competent and experienced counsel is one strategy to accomplish that goal but it is not sufficient if attorney caseloads are so high that clients cannot consult with their attorneys. The salaries for court-appointed counsel in the funding model are based, in part, on the low to middle level range of county counsel salaries. Thus, when determining whether to hire more attorneys to reduce caseloads or consider salary increases for retention, the provider must consider which expenditure will do more to improve the quality of representation for their client population. If achieving the caseload guidelines requires hiring more attorneys, more attorneys should be hired. Salaries for attorneys may be increased, if needed, in order to stay competitive, and retain attorneys in counties where public sector attorneys, with comparable caseloads (e.g. county counsel in child welfare proceedings) are paid significantly more or receive a more robust benefits package, such as those attorneys that are providing services in remote locations where extensive travel is necessary to reach the court site.

B-3. How can programs use FFDRP FY 2019-2020 Retroactive Funds?

Subcontractors onboarding in FY 2019-2020 had a unique opportunity to participate in FFDRP prior to implementing new efforts to provide high quality representation. Funds received through this opportunity are referred to as “retroactive” and the subcontractors determine use of these funds.

Starting FY 2020-2021, FFDRP invoices must identify the funding source for each activity, either Court Appointed Counsel or FFDRP. Subcontractors are responsible for designating the appropriate funding categories and may use retroactive funds in the designation column for FFDRP in any fiscal year. The JCC cannot provide advice on the use of the retroactive funds received through FFDRP nor provide any information on tax implications.

B-4. If the court-appointed counsel budget is cut in a future budget cycle, may providers amend approved FFDRP application budget plans, in order to seek reimbursement for existing expenses?

Yes. Providers may use the FFDRP funds to pay for existing expenses and staff, if their underlying court-appointed counsel budget is decreased, and they can no longer pay for existing services under the court-appointed counsel budget alone.

Budget amendments are not required for FY 2020-2021. FFDRP staff will contact providers during invoice review if clarification or additional information regarding expenses is needed.

Any substantial changes to your approved FFDRP budget plan during the fiscal year, that significantly impacts implementation of your FFDRP initiatives, must be approved in writing by the JCC.

B-5. Does the legal entity or type of an attorney agency matter for Title IV-E if claiming, whether the agency is a non-profit or for profit or independent attorneys? After a state agency contract is in place with the Judicial Council (JCC), is there any restriction on the type of attorney, corporation, or agency affiliation that ultimately benefits from the claims? Are there any concerns with for-profit entities?

We would need to see a specific proposal to provide a definitive response. Legal representation by an attorney is an allowable administrative cost and is treated the same as any other allowable title IV-E administrative cost for which the agency contracts its work.

SECTION C: ELIGIBLE AND INELIGIBLE CASE SPECIFIC ACTIVITIES

C-1. What is a dependency foster care proceeding?

A dependency foster care proceeding is a proceeding for a dependent child or nonminor dependent at which the court may be making or reviewing a finding or determination required to allow for title IV-E foster care funding eligibility. FFDRP can only fund activities that are necessary for the attorney to represent the parent or child client at such proceedings and cannot support legal representation for any other purpose.

C-2. Please explain the distinction between dependency vs. non-dependency and eligible vs. ineligible.

In the FFDRP activity log, the attorney must document the percentage (%) of their time spent on case specific eligible dependency activities, as well as on training, and on eligible non-case specific activities versus non dependency or other ineligible activities. This could include the percentage of time spent on dependency work versus criminal or family law work. In addition, there are tasks that a dependency attorney may wish to assist their client with but that are not a covered court appointed counsel expense nor eligible for reimbursement. For example, a parent's attorney helping a parent complete a housing application is an ineligible activity as is a child's attorney helping a youth with a name change. Please review "[*Eligible Activities for Attorneys.*](#)"

C-3. Are there limitations on claims for the costs of non-attorney support staff, who support the legal representation work – i.e. *paralegals, social workers*, at the law firm who provide legal service support for an attorney?

While CWPM places limitations on claims for the costs of non-attorney support staff, (see [CWPM 8.1B #30](#)) it allows the title IV-E agency to claim administrative costs of attorneys, representing parents or children in child welfare legal proceedings which may include certain non-attorney activities. For more details, please refer to “[Eligible Activities for Social Workers/Investigators.](#)”

C-4. Regarding legal representation, what are the appropriate activities listed in [45 C.F.R. 1356.60\(c\)\(2\)\(ii\), \(ix\), and \(x\)](#), and are there any activities that are not claimable to Title IV-E? What administrative activities of a law firm are claimable to Title IV-E?

Only the activities listed in [45 CFR 1356.60 \(c\)\(2\)](#) are claimable. Those activities are: (ii) preparation for and participation in judicial determinations; (ix) a proportionate share of related agency overhead; and (x) costs related to data collection and reporting - see [CWPM 8.1B #1](#). The new [CWPM 8.1B #30](#) does not change or broaden allowable administrative activities under 1356.60. Claimable activities remain strictly limited to work on dependency foster care cases; work on non-dependency issues, such as child support, is not claimable. It is noted that the CWPM has been updated to allow for reimbursement for pre-petition legal work. However, because underlying court appointed counsel funding in California does not cover pre-petition legal work, any pre-petition legal work is not eligible for reimbursement.

C-5. Is representation for a dual status or dual jurisdiction child an eligible activity for FFDRP reimbursement?

Any representation of a dual status child related to the dependency foster care proceeding is FFDRP eligible, but representation related to the delinquency case is not eligible. If an attorney is appointed to represent the child on the dependency and delinquency matters, that attorney must track the time spent on each and exclude the time spent on delinquency matters (e.g., jurisdiction, issues relating to probation conditions or violations, record sealing) from their daily tally of case specific dependency hours on the activity log. Preparation for and attendance at hearings for dependency foster youth whose jurisdictional status is being determined pursuant to section 241.1 is FFDRP eligible.

C-6. May the title IV-E agency claim appellate work of independent attorneys representing parents or children in foster care legal proceedings? Examples of appellate work includes, appealing the court’s jurisdiction, termination of parental rights, and termination of assistance and/or service provided by the title IV-E agency.

Yes, a title IV-E agency may claim title IV-E administrative costs of appellate work provided by an independent attorney for a child who is a candidate for title IV-E foster care or in foster care and his/her parent. If it: (1) is necessary for the proper and efficient administration of the title IV-E plan, (2) is allowable in accordance with the title IV-E agency’s cost allocation plan, and (3) is in reference to foster care legal proceedings [45 CFR 1356.60\(c\)](#); [CWPM 8.1B #30](#).

C-7. May a title IV-E agency claim administrative costs of paralegals, investigators, peer partners or social workers that support an attorney providing independent legal representation to a child who is a candidate for title IV-E foster care or is in title IV-E foster care, and his/her parent, to prepare for and participate in all stages of foster care legal proceedings, and for office support staff and overhead expenses?

Yes, the policy permits a title IV-E agency to claim administrative costs to the extent of providing necessary assistance in support to an attorney, such as providing independent legal representation to prepare for and participate in all stages of foster care legal proceedings for title IV-E foster care candidates, youth in foster care and his/her parents. The costs must be consistent with federal cost principles per [45 CFR Part 75 Subpart E](#). The title IV-E agency must allocate such costs to assure the title IV-E program is charged its proportionate share of costs (see [CWPM 8.1B and 8.1C](#)).

However, attorney or social worker activity services may be requested, by court order, if necessary, to ensure a comprehensive case plan. Some of these activities, including attending Child and Family Team (CFT) meetings, or other meetings related to the child, as practical and appropriate, may be eligible.

C-8. What types of contract fees are deemed reimbursable?

Contractor fees for attorneys, social workers, investigators, bonding studies, and other experts are eligible for reimbursement, up to the proportion of their services which pertains to eligible activities.

C-9. What activities on behalf of clients who are or may be subject to the Indian Child Welfare Act (ICWA) are eligible for FFDRP?

Communication and engagement with tribal government representatives is an eligible activity as long as it is focused on providing the attorney with the information needed to represent the client in the foster care dependency proceeding. So, for example, providers may contact tribal government representatives to inquire what inquiry efforts were made by the county agency to determine whether or not the agency fulfilled its obligation of inquiry, further inquiry if necessary and notice where required. They may also contact the tribe about the tribe's position on any of the legal issues in the case, on its view of the extent to which the case plan is or is not compliant with the active efforts requirements of ICWA, as well as to determine if the tribe is proposing alternative options to that being recommended by the child welfare agency, whether the child's placement complies with ICWA placement preferences, or whether the agencies proposed qualified expert witness is knowledgeable about the tribe's child rearing practices as required. Attorneys may also gather information on whether a child is or is not eligible for tribal membership but may not claim time spent assisting a client in obtaining that membership status as those activities are outside the scope of FFDRP legal representation. Similarly, a provider may contact a tribe to determine if there are services available through the tribe that would benefit the client, and may then bring that information to the court on behalf of the client, but may not claim time for making referrals to such services as that is also a child welfare responsibility.

C-10. What scope of activities relating to the educational or developmental services needs of a child is eligible for FFDRP?

Attorneys, and social workers or investigators working on their behalf may claim as eligible time spent gathering information about a child's educational or developmental services needs

including the following activities related to presenting information to the dependency court relevant to the case plan:

- meeting with the school or regional center to gather information and investigate the facts
- attending the child welfare agency's case planning meetings where educational issues are discussed
- preparing briefs, memos, and pleadings
- obtaining meeting transcripts, educational documents and reports such as an IEP, 504 plan, IFSP, or IPP
- interviewing and preparing their client and witnesses for dependency foster care hearings
- participation and presentation at the dependency foster care hearing

However, an attorney may not claim time spent attending or advocating for a client at an administrative proceeding or meeting to establish such plans or any type of school discipline proceeding (e.g. an IEP, 504 plan, IFSP, or IPP) as those are deemed outside the dependency foster care proceeding and thus ineligible for title IV-E match. A representative of the attorney (such as a social worker or investigator) may attend such meetings as a means of gathering information for the attorney to present to the court in the foster care proceeding.

C-11. Are any activities related to obtaining Special Immigrant Juvenile Status findings eligible for FFDRP?

No. Even if SIJS findings are made during a dependency proceeding, any work performed by the provider to obtain those findings (e.g. filling out the form) and any time spent in the court proceeding that is focused on SIJS must be tracked separately, and cannot be claimed for FFDRP.

C-12. Are any activities related to the issuance of a restraining order FFDRP eligible?

No. Starting FY 2020-2021 preparing or seeking a restraining order, even if it is associated with the dependency proceeding or intended to support the case plan is not deemed representation necessary for the dependency foster care proceeding.

C-13. Is time spent attending or participating in collateral legal proceedings (e.g. criminal, delinquency, collaborative courts) involving a client FFDRP eligible?

It is not eligible for FFDRP for attorneys, but a social worker or investigator or any other non-attorney staff person may count time spent at legal proceedings beyond the dependency foster care proceeding as eligible for FFDRP if the non-attorney staff person is attending the proceeding to gather information for the attorney to use when representing the client in a dependency foster care proceeding. Such proceedings include dependency specific collaborative court proceedings that involve only one party to the proceeding, and/or a different judicial officer and are not squarely focused on the dependency foster care timelines and statutory requirements. For example, time spent advocating for a client at a dependency drug court/Family Support Court proceeding that is assisting a parent who is addressing substance abuse issues is not eligible for FFDRP.

C-14. May a social worker or investigator participate in any advocacy or service coordination on behalf of the client outside the dependency foster care proceeding context?

No. The work of a social worker or investigator as part of an interdisciplinary model that is eligible for FFDRP is limited to information gathering (including interviewing the client and therapists or other service providers), case preparation, and advising of the attorney for the

dependency foster care proceeding, but does not extend to any effort that would duplicate the work of the child welfare social worker in obtaining services for a parent or child.

C-15. Are CSEC activities reimbursable at an enhanced IV-E Rate?

No. FFDRP cannot reimburse CSEC activities at the enhanced rate. However, providers may claim standard reimbursement for CSEC work related to dependency foster care legal proceedings.

C-16. Some cases hold the required statutory hearings (i.e. no less frequent than every 6-months) as well as more frequent hearings (e.g. hearings every 90 days) to monitor the case plan, is the preparation for and participation in those additional hearings eligible for reimbursement?

Yes. Providers may claim title IV-E administrative cost reimbursement for the cost of legal representation associated with preparing for and participating in foster care legal proceedings, whenever they occur. Child Welfare Policy Manual (CWPM) [Section 8.1B](#), Question 30.

SECTION D: OVERHEAD/OPERATING EXPENSES/NON-CASE SPECIFIC ELIGIBLE AND INELIGIBLE ACTIVITIES

D-1. How will the overhead rate be calculated?

For employer organizations and sole proprietors: The overhead rate will be calculated each month based on the average percentage of FFDRP eligible time (case specific and training time on the activity log) for all employees/sole proprietors doing case specific work that is tracked in JCATS or other case management systems to generate monthly data reports (typically this will be attorneys, social workers, investigators etc.). Non-case specific staff can invoice their time at this monthly overhead percentage, unless they perform a significant amount of work that is not related to dependency foster care proceedings, in which case they will need to track their eligible percentage for each month on an activity log. Staff that do case specific work that is not being tracked for monthly data reports must use the overhead rate, or they must track their work in JCATS or other case management system and keep an activity log to generate a higher reimbursement rate. This overhead rate will also be used to invoice FFDRP eligible non-case specific administrative activities for employees that are doing and tracking case specific work on their activity logs. It is also the rate that is to be used for all eligible operating expenses.

For panel organizations: The overhead rate will be calculated each month based on the average percentage of FFDRP eligible time (case specific, administrative, and training time on the activity log) for employee administrators and administrative support doing eligible FFDRP work.

D-2. What overhead rate is used for expenses being claimed? When does an expense get claimed on the FFDRP invoice?

The overhead rate is determined by the month in which the expense is incurred, and expenses can be claimed on an FFDRP invoice if both the invoice and proof of payment can be provided.

Example A (expense incurred and paid for in the same month):

Item purchased and paid for in May.

→include in May FFDRP Invoice

→use May OH rate

Example B (expense incurred and paid for in different months):

Item purchased in March and paid for in May.

→include in May FFDRP Invoice

→use March OH rate

Example C (expense incurred and paid for in different fiscal years):

Item purchased in May and paid for in July.

→include in a supplemental FY20-21 FFDRP Invoice

→use May OH rate

D-3. What types of operating expenses are deemed reimbursable?

Operating expenses associated with an individual or an organization are reimbursable in proportion to the individuals or organizations' overhead rate for the month that is being billed.

Common allowable expenses that are reimbursed at the overhead rate are:

- Rent and any tenant owed portion of tenant improvements;
- IT Expenses, such as: IT consultant, computers, servers, equipment maintenance fees, and repairs;
- Contractor fees, such as: contract human resources, contract accounting services, contract IT services, and process servers;
- Office parking fees for clients visiting the attorney's office;
- Insurance fees, such as an individual's malpractice insurance and business permit fees, or an organization's worker's compensation fees;
- Attorney State Bar dues up to \$544 (reimbursed in the month paid);
- Legal publications dedicated to dependency representation (i.e. *California Juvenile Laws and Rules*; *Seiser & Kumli on California Juvenile Courts Practice and Procedure*);
- Online legal research tools (i.e. LexisNexis and WestLaw);
- Office Equipment, such as: printers, faxes, copiers, phones, ink, toner, paper, equipment rental fees, and code books;
- Furniture, including modifications based on ergonomic assessments; Phone Services, such as: landline and work cell phone equipment, wi-fi/internet/data, and monthly contract services fees; and
- Janitorial and security services.

D-4. What are common types of operating expenses that are deemed ineligible for reimbursement?

Common expenses deemed ineligible for FFDRP reimbursement include but are not limited to:

- Pre-licensing expenses (Application to State Bar, Moral Character Application, MPRE, etc.);
- Professional specialization expenses or local bar association memberships (i.e. Child Welfare Law Specialist);
- Food and beverage items;
- Breakroom supplies;
- Microwaves; and

- Medication (i.e. acetaminophen, ibuprofen, etc.).

D-5. Is the time of staff (e.g. administrative or clerical staff) whose work is non-case specific eligible for FFDRP?

Yes, at the same rate as other overhead or operating expenses necessary to operate the legal practice.

Staff	Activity Log Required?
1. Organizational support staff (ACCT, HR, IT).	No, can claim time and salary at the organizations overhead rate.
2. Admin/clerical staff supporting attorneys who do a majority of FFDRP eligible work.	Activity log optional, may claim time and salary at the organizations overhead rate.
3. Admin/clerical staff supporting attorneys who are partially CAC funded and/or whose FFDRP eligible work fluctuates from month to month.	Activity log is required.
4. Admin/clerical staff supporting executives/panel administrators who do policy or fundraising work.	Executive Director/Administrator log is required.

D-6. What types of employee benefits are eligible for reimbursement?

Employee benefits such as medical, vision, and dental are eligible for reimbursement. If there are any other benefits the employer provides, please check with the Judicial Council to determine if they are eligible for reimbursement.

Additionally, the employer portion of payroll taxes are eligible for reimbursement. Payroll taxes and benefits should be included with the employee’s salary on the FFDRP invoice. These expenses will be reimbursed using the percentage (%) of eligible dependency work reflected on the employee’s FFDRP activity log for the month.

D-7. Is New Employee Onboarding covered under FFDRP?

Activities and tasks relating to the onboarding of new staff was deemed ineligible for FFDRP in FY 2019-2020 as training activities. Starting FY 2020-2021 onboarding of employees is eligible at the overhead rate, for both the supervisor and new employee, unless it meets the requirements for eligible training. Staff time spent on recruitment should be recorded in the non-case specific dependency line on the Activity Log.

D-8. Is Paid Time Off (PTO) reimbursable?

Paid Time Off (PTO) can be reimbursed if it complies with the guidance received from CDSS:

While it is true that only services provided during the award period are eligible for a federal match, the question of how to fund the costs of accrued leave is different. Title 2 Code of Federal Regulations (CFR) 200.431 (b) (Compensation - fringe benefits - Leave) details the general allowability of the costs of leave (such as PTO) under a federal award. Leave is an allowable cost of fringe benefit, as long as the cost meets the accounting methodology requirements of 2 CFR 200.431 (b)(3)(i) for cash basis of accounting, or

(b)(3)(ii) for accrual basis accounting. For cash basis accounting it does not matter when the leave accrued, instead, “the cost of leave is recognized in the period that the leave is taken and paid for.” For entities eligible to use accrual basis accounting as described in (b)(3)(ii), the rule is that “allowable leave costs are the lesser of the amount accrued or funded.”

Please see information below regarding cash basis and accrual basis accounting.

Cash Basis Methodology for PTO – PTO is paid to employees at the employee’s current rate of pay, regardless of when the PTO was earned.

Accrual Basis Methodology for PTO – PTO is paid to employees at the employee’s rate of pay when the PTO was earned. Allowable leave costs will be the lesser of the amount accrued or funded.

For FY 2019-2020, we requested that each provider submit certification on the accounting method used for PTO. Starting FY 2020-2021, the FFDRP activity log will include a section for employees and organizations to certify compliance with FFDRP and legal requirements.

D-9. Is employee paid sick leave or expanded family and medical leave taken under the Families First Coronavirus Response Act (FFCRA or ACT) FFDRP eligible?

No, this leave is federally funded and therefore not FFDRP eligible.

D-10. What expenses relating to meeting employer obligations to accommodate the needs of lactating parents can be reimbursed?

Providers can seek reimbursement for operating expenses related to complying with Labor Code section 1031, which requires all employers of 50 or more employees to provide a space for lactation. Any items required for statutory compliance can be reimbursed, including: a table (surface for pump), a chair or other seating, extension cords or costs to include electric power for a pump, and a refrigerator or cooler for the milk. Items of a more personal/individual nature will not be reimbursed (e.g. a pump, pumping supplies, blankets etc.).

D-11. What are the rules around reimbursement for travel?

Given the numbers of in and out of state placements, travel is required for attorneys to observe children in their environments. To address this, in-state mileage is covered. However, at this time, out of state travel is NOT covered by FFDRP funds. Time for out of state travel can be reimbursed. Please see table below for additional information.

	In-State Eligible Activity (Non-Training)	In-State Eligible Activity (Training)	Out-of-State Eligible Activity (Non-Training)	Out-of-State Eligible Activity (Training)
Costs	Yes	Yes	No	No
Time at activity	Yes	Yes	Yes	Yes
Time travelling to activity	Yes	Yes	No	No

In addition, parking at the court for attorneys with offices not within the attorney’s walking distance of the courthouse (typically more than half a mile) to represent a client in a dependency hearing are reimbursable.

Mileage is reimbursed from residence or office location, whichever is a shorter distance. Travel expenses are limited to the maximum amounts set forth by the California Department of Human Resources, for comparable classes at <https://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx>.

Please see below for mileage reimbursement rates.

Incurred Travel Dates	Mileage Rate
Effective January 1, 2021	\$0.56
January 1, 2020–December 31, 2020	\$0.575
January 1, 2019–December 31, 2019	\$0.58

D-12. What other overhead expenses are reimbursable?

Other reimbursable expenses include costs for transcripts, payroll taxes, bookkeepers, accountants, mandatory 501(c)(3) audits, labor attorneys, and other costs required to operate and provide dependency representation.

Expenses that are NOT reimbursable include: software to track donations, fundraising expenses, expenses related to marketing, client enrichment activities, and coffee/water/food for provider staff.

D-13. Are recruiting expenses eligible for FFDRP?

Yes. Expenses relating to recruitment were deemed ineligible for FFDRP FY 2019-20. Starting FY 2020-2021 these expenses, and associated activities, are eligible for FFDRP at the overhead rate for the month. Some examples are job board fees, agency fees and costs associated with background check services. Staff time spent on recruitment should be recorded in the non-case specific dependency line on the Activity Log.

D-14. Is notarization of a document an eligible activity if it is related to the dependency case?

No. To the extent notarization is required relating to an adoption, those costs are eligible for a different stream of federal funding not accessible to legal representation providers, thus it cannot be included in FFDRP.

D-15. Can we apply the indirect cost rate which is already calculated?

No. Indirect costs cannot be claimed. Overhead expenses may be claimed but must be specifically identified and documented with proof of the amount and the payment (e.g. office rent can be claimed with a lease and proof of payment for the month that is being invoiced).

SECTION E: INVOICE/ACTIVITY LOG/DOCUMENTATION

E-1. What is the difference between the invoice, the monthly data log, and the activity log?

The invoice is the document where providers enter details on how they spent their court appointed counsel (CAC) allocation and FFDRP enhancement funds. This document has tabs so that providers can show how their CAC & FFDRP allocations are used for the following expenditure categories: personnel salaries, professional services, overhead, and travel expenses.

The monthly activity log is a tool that can be used along with case management system records, personal calendar information, payroll records, and other records to determine the monthly percentage of FFDRP eligible time

E-2. How to manage and record non-Court Appointed Counsel (CAC) funds in your budget and invoicing?

This issue is extremely complex and most often, requires direct conversations with FFDRP staff to evaluate your program's structure to determine if activities are IV-E eligible and the impact to your dependency practice. Please contact FFDRP staff for advice on how to optimize use of your FFDRP allocation. Following are some questions to consider.

- How does non-CAC funding impact your dependency practice? What does the funding cover? Proportional share of overhead expenses? Does the non-CAC funding partially or fully cover a position?
- What happens when a position is funded by non-CAC funds and the activities are deemed not title IV-E eligible?
- Should a subcontractor receiving non-CAC funds apply a standard across the board percentage to offset operating expenses?

E-3. Can Profit and Loss (P&L) Statements be provided as supporting documentation?

Providers using Profit & Loss statements and General Ledgers may be asked to provide additional information. These documents can be used as supporting documentation if they clearly delineate the following:

1. Business Name matches the invoice
2. Amount on ledger/statement matches the amount on the invoice.
3. The ledger/statement includes proof of payment information, for example:
 - a. Check number
 - b. Electronic payment confirmation
 - c. Last 4 digits of credit card

E-4. Do clerical staff need to complete an FFDRP activity log or record their time?

No. Clerical staff do not need to complete an FFDRP activity log to record their time. Their time will be calculated based on the firm's overhead rate, unless they complete an activity log and submit monthly data report documentation to support a higher rate based on their case specific activity. Their salary should be documented on the invoice.

E-5. In the Monthly Data Report, how do providers indicate the phase of the hearing for other hearing types such as interim hearings, restraining orders, etc.?

There are 5 phases of a case for the monthly data log.

- A – Work and Hearings Through Detention
- B – Work and Hearings Post Detention Through Disposition
- C – Work and Hearings Post Disposition Through Reunification
- D – Work and Hearings from Reunification to 366.26 Hearing, and/or Writ Preparation
- E – Work and Hearings through Post-Permanency

The excel spreadsheet allows providers to indicate the phase of the case. This is needed for the retroactive period as well as for invoicing moving forward. To document hearings that are not statutory, indicate where the case is. For example: if the hearing is an interim hearing on case planning, the provider can document in phase C; if the hearing is to perfect notice at a 366.26 hearing, the provider can document in phase D. For JCATS users, the JCATS system currently lists phases for the cases.

E-6. How should sole providers that are paid on a monthly flat fee contract document their salary and expenses?

As a reminder, only the base court-appointed counsel and FFDRP allocations can be matched by federal funds. The monthly flat fee compensation for providers is inclusive of salary and all other expenses. The personnel or salary portion, and operating expenses are reimbursable based on the percentage (%) of eligible dependency activities from the FFDRP activity log. Sole providers with a flat fee monthly contract may choose to:

- 1) Allocate the entire monthly flat fee compensation as personnel which will be reduced by the percentage (%) of eligible juvenile dependency work from the FFDRP activity log, or
- 2) From the entire monthly flat fee compensation, allocate a portion of that to salary/personnel that will be reimbursed at the percentage (%) of eligible juvenile dependency work from the FFDRP activity log. Then, document operating expenses applying the overhead rate which for sole providers will be equal to the monthly percentage of FFDRP eligible case specific work and training.

Please note: Any expenses being claimed under FFDRP enhancements will need to be itemized and the required documentation provided (invoice and proof of payment).

E-7. What documentation must be provided to the JCC to receive reimbursement for dependency counsel representation?

An invoice which provides detailed, time-specific descriptions of legal work must be provided to the JCC, on a monthly basis. Proof of payment is also required.

Effective July 1, 2020, individual FFDRP activity logs must be attached to the invoice. Personnel such as administrative staff, secretaries, human resource/payroll personnel, and IT do not need to complete FFDRP activity logs but a firm may choose to have administrative staff complete logs to capture eligible activities if they also are recorded in the case management system and monthly data reports.

In addition to the invoice, a monthly data report must be provided to the JCC. The monthly data report must include:

- The number of staff who support the attorneys;
- The number of active clients and associated case numbers;
- The phases of the case, by hearing type and hearing date;
- The type of petition;
- The party represented; and
- A breakdown of the number of clients, at the beginning of the month versus the number of clients at the end of the month, showing the number of new clients and the number of cases that closed.

E-8. How can providers determine FFDRP eligible time retroactively for FY 2020-2021?

For all options, training can only be claimed if the training requirements have been met and supporting documentation is provided.

Providers may establish their FFDRP eligible time using one of the options below:

1. Complete FFDRP activity log (May 2021 version) using real time monthly percentages.

Documentation Required: Standard invoice documentation (activity logs, payroll reports, invoices and proof of payments, etc.).

2. Bill dependency time at no more than a 70% eligible rate (reducing by 30% to account for non-eligible activities such as restraining orders or collaborative court proceedings).
 - a. Complete new activity log (May 2021 version) using the data from the previous versions. Refer to tip sheet, Previous vs Current Activity Log (revised 5/21/21).
 - b. On the invoice template, individuals who have a designated “OH Code” of “AL” need to adjust their eligible case specific percentage so that the ineligible time totals 30%.

Example: After transferring data to the May 2021 activity log using the previous log versions, the May 2021 log shows:

- 80% case specific,
- 5% administrative,
- 5% training,
- 10% ineligible.

When entering this individual’s percentage of time spent on FFDRP activities in the invoice template, their time would show:

- 60% case specific (reduced by 20% so that the total ineligible time would be 30%),
 - 5% administrative,
 - 5% training,
 - 30% ineligible (time not shown on the invoice).
- c. For administrative and support positions, follow the instructions on the invoice.

Documentation Required: Both sets of activity logs in addition to the standard invoice documentation (payroll reports, invoices and proof of payments, etc.).

3. Bill dependency time at 30% reduction (to account for non-eligible activities such as restraining orders or collaborative court proceedings) while the time study is underway. Activity logs are not required for this option. Refer to #4 below for details on the time study.

PLEASE NOTE: Providers who opt to bill using the 30% reduction (option 3) are required to then recalculate using the real time monthly percentages (option 1) or the time study rate (option 4). Adjustments will be included in the last invoices of the fiscal year.

Documentation Required: Standard invoice documentation except for activity logs (payroll reports, invoices and proof of payments, etc.).

4. Conduct a three-month time study during the months of June to August 2021 (or may have begun earlier) to generate the FFDRP percentage that can then be applied to invoices for July 2020 through May 2021 (non-time study months in FY 2020-2021) for which real time tracking is not available. Refer to the Time Study Process document for details.

PLEASE NOTE: The time study approach is only for FY 2020-2021, and only through the month of May 2021. Starting June 2021, providers should be maintaining real time activity logs that can generate the correct rate for that month (option 1 above).

Documentation Required: Time Study Results packet (3 Time Study Monthly Summaries and the Time Study Results) will be accepted in lieu of real time activity logs. Additionally, the standard invoice documentation will be required (payroll reports, invoices and proof of payments, etc.).

E-9. How should panel administrators document their time?

Panel administrators that are not case carrying should document their time on the ED/Admin log as administrative costs, such as time they spend managing conflict panels. Panel administrators may not bill activities that are not reimbursable such as lobbying and policy work.

Panel administrators that are case carriers should document their time in proportion between administrative and case specific work on an activity log.

E-10. What are the deadlines to submit invoices for FY 2020-2021?

The deadline for providers to submit their first sample invoice is June 14, 2021; July through December 2020 invoices are due by October 18, 2021; and, January through June 2021 invoices are due by January 31, 2022.

E-11. How should supervisory work be categorized and documented?

Supervision that is case specific may be tracked as case specific time on the activity log for both the supervisor and the supervisee provided that the organization is documenting that activity by case in its files. Other supervisory activity should be categorized as FFDRP eligible dependency administrative/supervisory/executive time and billed at the overhead rate.

E-12. How are staff meetings categorized and documented?

Staff meetings are not an eligible activity and cannot be claimed for federal reimbursement. If the meeting is a training, it should be documented as a training and may be claimed as training pursuant to the guidance on eligible training and provided that the required training documentation is submitted with the invoice. All or a portion of one-on-one case staffing between a supervisor and attorney or social worker is eligible for reimbursement, if discussing and documenting an eligible title IV-E activity, at the case-specific rate.

E-13. Should the FFDRP activity log reflect the month in which the activity occurred or the month in which the payment was issued (if different)?

The FFDRP activity log should reflect all of the activities that took place during the month when the activities occurred.

E-14. How should activities be documented on the FFDRP activity log for individuals whose work hours fluctuate day to day?

The daily percentage will be determined based on the total hours worked in the day and the work performed during that day.

If the attorney works 10 hours on day 1, 8 hours were case specific dependency and 2 hours non-dependency—80% would fall under case specific dependency and 20% would be designated as FFDRP ineligible or non-dependency.

If the next day, the same attorney works 11 hours, 9 hours were case specific dependency and 2 hours were non-dependency—82% would be designated case specific dependency and 18% would be FFDRP ineligible or non-dependency.

E-15. How do you document weekend work on the FFDRP activity log?

It is not necessary to document time spent working on a weekend. However, you may document weekend work on the FFDRP activity log by entering the percentage (%) of time spent on eligible activities under the corresponding date on the activity log as you would for any work day.

E-16. What happens if there are billable activities that come to light after the monthly invoice has been received? For example, an attorney visited a client in January, but did not submit their travel claim until March.

Providers may submit one supplemental invoice (per month) up to six months past the activity month. An invoice must provide backup documentation that details the services provided by the attorney/law firm; without the back-up documents, the expenses cannot be paid. All supplemental invoices must be received within the contract year, in order to be processed within the same fiscal year. Outside the fiscal year, one invoice may be received within 90 days

following each fiscal year. However, it is noted that the processing of this invoice may be delayed.

E-17. If an attorney is no longer with a provider and therefore cannot sign the FFDRP activity log, how should the provider proceed?

The JCC is uncertain whether these FFDRP activity logs will be deemed acceptable. But if a provider wishes to try and match time spent by former staff, the provider should complete the FFDRP activity log for the attorney, noting that the individual is no longer with the organization. The FFDRP activity log should be signed by the Executive Director or head of the individual's office under penalty of perjury.

E-18. Do independent contractors need to complete monthly FFDRP activity logs and monthly data reports?

Yes. Independent contractors need to submit the FFDRP activity log and monthly data reporting case information, these are not monthly timesheets. In the FFDRP activity log, the attorney will document the daily percentage (%) based on their time spent on the contracted work. However, starting FY 2020–2021, the JCC will not require an activity log for a subcontractor provided that the subcontractor's invoice contains the same daily level of information about eligible and ineligible activities that can validate the percentage of eligible IV-E activities claimed on the FFDRP invoice. Additionally, all subcontractors work must be included in the monthly data report submitted to the JCC.

E-19. How long is the processing time for FFDRP invoices?

Payment for FFDRP invoices will be issued as soon as operationally feasible. FFDRP invoice processing involves several steps including:

1. Provider submission of a complete invoice with required documentation, including proof of payment for corresponding CAC expenses;
2. Review and approval by JCC for submission to CDSS;
3. Receipt of funds from CDSS and submission of invoice to State Controller's Office (SCO); and
4. Processing by SCO.

E-20. What are the FFDRP requirements for record retention?

If Contractor receives in excess of \$10,000 under the FFDRP Agreement, Contractor will be subject to Bureau of State Audits and the Federal Government audit standards. Program contracts and agreements shall be retained for three fiscal years from date of approval and invoices shall be maintained for two years from the end of the fiscal year affected and confidentially destroyed after those 2 years, if audited, or four calendar years, whichever occurs first.

E-21. If a provider received PPP funds how does that impact FFDRP billing?

The Paycheck Protection Program is a federal loan meant to help businesses keep their workforce employed during the Coronavirus (COVID-19) crisis. Payroll paid for using PPP funds are not eligible for FFDRP reimbursement. However, if the organization performed eligible FFDRP activities during a month where payroll was PPP funded, the organization can claim operating expenses for the month based on the organization's overhead rate.

How to address in invoices:

1. On the invoice template, under personnel, list all the employees (name, title, and OH Code).

- a. For salary, note \$0.00.
 - b. Enter the FFDRP % of eligible activities for the month for each employee.
 - i. The organization’s overhead rate will be automatically generated using this information. The overhead rate is the percentage that you will be able to claim for the month for operating expenses.
2. On the invoice template, under operating expenses, list all of the organization’s eligible operating expenses.
- a. Fill in all of the requested information on the invoice.
 - i. For non-training related expenses, enter the overhead percentage rate in column H.

SECTION F: TRAINING

F-1. What training expenses are FFDRP eligible and how should they be documented?

Effective FY 2020-2021, certain training activities and related training costs for attorney and non-attorney staff are eligible for FFDRP reimbursement. Please see [CWPM section 8.1H](#), Question #8, for examples of eligible training topics. CWPM Section 8.1H, Question 11, includes examples of topics that are not allowable as a title IV-E training cost.

Eligible training costs will be calculated using the rate of 50% for non-attorney staff, and the enhanced rate of 75% for attorney staff.

Providers should consider the following when determining whether a training activity is FFDRP eligible:

- Who is the intended audience?
- Is the course dependency specific?
- Will the course enhance title IV-E client representation?

Common expenses associated with eligible training and related activities are:

- For Attendees (costs associated with attending a training)
 - Eligible: in-state travel, registration fees, time
 - Ineligible: out-of-state travel
- For Trainers (costs associated with presenting training)
 - Eligible: presenter preparation time, video communications platforms, rental space, speaker fees, travel
 - Ineligible: food and beverage

The Judicial Council will begin to advertise at the time of registration whether a training sponsored by the Judicial Council is FFDRP eligible. The Judicial Council will not evaluate outside trainings for FFDRP eligibility. Each provider should determine whether their trainings meet FFDRP eligibility requirements and keep that information in their files for audit purposes. Documents needed for FFDRP reimbursement are below.

Documentation Required (ok for items to be contained within the same document):

For Training Attendees	For Trainers and Organizations that Provide Trainings
<ul style="list-style-type: none"> • Course Title • Course Description with Learning Objectives 	<ul style="list-style-type: none"> • Course Title • Course Description with Learning Objectives

For Training Attendees	For Trainers and Organizations that Provide Trainings
<ul style="list-style-type: none"> • Date(s) • Agenda • Type of Training (in-person, webinar, live, etc.) • Location (if applicable) • Proof of Attendance (certificate of attendance or supervisor certification of attendance if proof of attendance is unavailable) • Invoices and Proof of Payment for Registration Fees • Invoices and Proof of Payment for Travel Costs 	<ul style="list-style-type: none"> • Date(s) • Type of Training (in-person, webinar, live, etc.) • Intended Audience • Number of attendees by classification • Location (if applicable) • Invoices and Proof of Payment for all training expenses <p>Trainers and Organizations that provide trainings must also maintain supporting documentation in their files for audit purposes, including:</p> <ul style="list-style-type: none"> • Sign-in/attendance sheets • Course Curriculum/handouts