

**Federally Funded Dependency Representation Program  
(FFDRP)**

**Frequently Asked Questions**

*Updated October 8, 2020*

*This document addresses questions about the FFDRP. The answers have been pulled from federal guidance, directives from the California Department of Social Services (CDSS), and Judicial Branch policies and procedures. However, until the program is fully implemented the Judicial Council cannot ensure that all activities listed as eligible will be reimbursed. This is a fluid document. As more information is received from the federal government and CDSS, this document will be updated.*

**General Questions**

**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.

**2. 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.

**3. Is it possible to claim costs prior to when the [Child Welfare Policy Manual](#) (CWPM) was changed?**

No. Billing prior to the CWPM revision is not permissible. Billing can only be claimed for activities after July 1, 2019.

**4. What should be included in the match agreement contract with the JCC or my local court?**

The contract must include terms that addresses the following:

**Federally Funded Dependency Representation Program  
(FFDRP)**

**Frequently Asked Questions**

*Updated October 8, 2020*

- 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

**5. 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.

**6. 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 that can be 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.

**Federally Funded Dependency Representation Program  
(FFDRP)**

**Frequently Asked Questions**

*Updated October 8, 2020*

**7. 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 year 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.

Providers are currently eligible for allocations as low as \$1000 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 resource 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.

**8. What types of 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 reimbursement calculation tool for the month.

**Federally Funded Dependency Representation Program  
(FFDRP)**

**Frequently Asked Questions**

*Updated October 8, 2020*

**9. What is the difference between the invoice, the monthly data log, and the FFDRP activity reimbursement calculation tool?**

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

The monthly FFDRP activity reimbursement calculation tool 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.

*Please note that the Judicial Council did not collect FFDRP activity reimbursement calculation tools for FY 2019-2020. Instead, programs should retain completed tools and any other relevant documentation, for a period of four years following final payment under the Agreement, to support the percentage of time claimed as eligible for each month.*

Beginning FY 2020-2021, providers should complete and submit the FFDRP activity reimbursement calculation tool as part of their monthly invoice packages (please use the appropriate version: Single County, Multiple Counties or Executive Director and Admins in Single County). The FFDRP activity reimbursement calculation tool should be completed contemporaneously effective July 2020. Please retain a copy of completed tools and any other relevant documentation to support the percentage of time claimed as eligible for each month.

Attorneys, social workers, paralegals, and investigators must use the FFDRP activity reimbursement calculation tool to document the percentage of their time, per day to generate a monthly percentage of time spent on eligible dependency activities. This monthly percentage will be used to determine what portion of individual's salary or contract payments is reimbursable. It's important that the percentage add up to 100% per day. The FFDRP activity reimbursement calculation tool does not need to be completed by attorneys or others whose positions are solely grant funded or for those attorneys that only work on activities that are not eligible for reimbursement. (For example: an attorney that specializes in education and only attends education hearings on behalf of the child or parent.)

For independent contracts that get paid per event or by hearing, they would document 100% of their time as dependency for the days they appeared in court. They do not need to document time on days they did not complete any dependency activities.

**Federally Funded Dependency Representation Program  
(FFDRP)**

**Frequently Asked Questions**

*Updated October 8, 2020*

For executive directors and others in administration operations (such as chief operating officers), please complete the monthly Executive Director/Administrator Log.

The monthly data report accompanies the invoice. In this document, the provider documents the monthly cases that were opened and closed. This document also requires the attorney, social worker, paralegal, and investigator to document the cases they worked on in the month by phase of hearing, the client, the petition type, and hearing date.

**10. Will there be retroactive matching for FY2019-2020 or FY202-2021 for non-CAC funds that are otherwise claimable? For example, our office received county funding in FY2020 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.

**11. 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).

**12. Can Profit and Loss (P&L) Statements be provided as supporting documentation?**

Yes. P&L statements can be used as supporting documentation with accompanying invoices. The P&L statement should reference the vendor name that corresponds to the invoice, payment method information, and date of payment. However, the Judicial Council will need to review the statement to ensure that it meets the requirements. If you would like to use your P&L statement as supporting document, please send to FFDRP staff.

**13. Do clerical staff need to complete an FFDRP activity reimbursement calculation tool or record their time?**

No. Clerical staff do not need to complete an FFDRP activity reimbursement calculation tool to record their time. Their time will be calculated based on the firm's eligible dependency rate. However, if a firm elects to have clerical staff complete activity logs those will serve as the bases for activity calculation. Their salary should be documented on the invoice.

**Federally Funded Dependency Representation Program  
(FFDRP)**

**Frequently Asked Questions**

*Updated October 8, 2020*

**14. 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 JCAT users, the JCAT system currently lists phases for the cases.

**15. 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 allocation 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 is reimbursable based on the percentage (%) of eligible dependency activities from the FFDRP activity reimbursement calculation tool. The operating expenses are calculated based on an overall percentage (%) of the provider's eligible juvenile dependency practice. 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 reimbursement calculation tool, 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 reimbursement calculation tool. Then, document operating expenses applying the overall percentage (%) of the provider's eligible juvenile dependency practice.

**Federally Funded Dependency Representation Program  
(FFDRP)**

**Frequently Asked Questions**

*Updated October 8, 2020*

**Eligible Activities**

**16. Please explain the distinction between dependency vs. non-dependency and eligible vs. ineligible.**

In the FFDRP activity reimbursement calculation tool, the attorney must document the percentage (%) of their time spent on dependency activities versus non dependency activities. This could include the percentage of time spent on dependency work versus criminal or family law work. Within the dependency work for an individual, there are tasks that are not eligible for reimbursement. For example, a dependency attorney helping a parent complete a housing application is an ineligible activity but representing the parent at a dependency court hearing is an eligible activity. Please review [“Eligible Attorney Activities for Reimbursement.”](#)

**17. 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 [“Scope of Foreseeable Billable Activities for In-House Social Workers/Investigators.”](#)

**18. 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 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

**Federally Funded Dependency Representation Program  
(FFDRP)**

**Frequently Asked Questions**

*Updated October 8, 2020*

pre-petition legal work, any pre-petition legal work is not eligible for reimbursement.

**19. 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](#).

**20. What type of activities can be billed to FFDRP?**

Covered billable activities are limited to legal representation that is directly related to issues and causes of action, over which the juvenile court has statutory jurisdiction. Legal representation of the child or services in support of representation of the child, in administrative or judicial proceedings outside the scope of the juvenile court’s statutory jurisdiction, cannot be claimed. Seeking an order from the juvenile court that initiates a separate court proceeding, such as the special immigrant juvenile findings, is an allowable billable activity; however, engaging in legal representation outside of juvenile court is not a covered billable activity. For example, school discipline proceedings, participation in federal immigration proceedings, enrollment in a tribe, and eviction and other legal proceedings involving housing are not allowable billable activities. If an attorney conducts an activity beyond dependency representation, the FFDRP activity reimbursement calculation tool must reflect this, e.g., listing dependency practice as 98% of time and non-dependency as 2%.

However, attorney or social worker activity services may be requested, by court order, if necessary, to ensure that the comprehensive case plan are billable activities. These includes attendance at an Individualized Education Plan (IEP) or 504 disability accommodations plan meeting, attending Child and Family Team (CFT) meeting, Individualized Program Plan (IPP) or Individualized Family Service Plan (IFSP) meeting with a regional center, or other meetings related to the child, as practical and appropriate.

**Federally Funded Dependency Representation Program  
(FFDRP)**

**Frequently Asked Questions**

*Updated October 8, 2020*

**21. Why is training not covered under FFDRP?**

Although the Child Welfare Policy Manual has been updated to allow for short-term attorney training, the scope of work in the contract between the California Department of Social Services and the Judicial Council of California, addresses administrative costs of attorneys representing parents or children in child welfare legal proceedings and is limited to only the appropriate activities listed in [45 CFR 1356.60 \(c\)\(2\)\(ii\), \(ix\), and \(x\)](#), specifically: Preparation for and participation in judicial determinations; a proportionate share of related agency overhead; Costs related to data collection and reporting.

**22. Is New Employee Onboarding covered under FFDRP?**

Activities and tasks relating to the onboarding of new staff was deemed ineligible for FFDRP FY19-20 as training activities. While training activities remain ineligible, after careful consideration, onboarding activities and tasks, will be considered allowable activities for FFDRP FY20-21. Activities such as observing court proceedings, learning to use JCATS or other case tracking software will be FFDRP eligible in FY20-21.

**23. 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](#)).

**24. 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. Any changes to the approved FFDRP application budget plan must be approved in writing by the JCC.

**Federally Funded Dependency Representation Program  
(FFDRP)**

**Frequently Asked Questions**

*Updated October 8, 2020*

Please contact [ffdrp@jud.ca.gov](mailto:ffdrp@jud.ca.gov) if you plan to amend your approved FFDRP application budget. FFDRP Budget Plan Amendment instructions will be available soon.

**Billing**

**25. 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. Effective July 1, 2020, individual FFDRP activity reimbursement calculation tools 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 reimbursement calculation tool but a firm may choose to have administrative staff complete logs to capture eligible activities.

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.

**26. What types of personnel expenses are deemed reimbursable?**

Personnel salaries for administrative support staff, such as: HR, IT, Accounting, and administrative assistants are reimbursable in proportion to the attorneys' dependency practice, i.e., if the attorney has a mixed caseload of 40% dependency and 60% criminal, only 40% of any eligible operating expenses can be reimbursed.

Personnel salaries for non-administrative support staff, such as: attorneys, social workers, investigators, and paralegals are reimbursable to the proportion of eligible activities they performed in a calendar month. Only certain social worker activities will be reimbursed. To find these activities, click [here](#).

**Federally Funded Dependency Representation Program  
(FFDRP)**

**Frequently Asked Questions**

*Updated October 8, 2020*

**27. Is Paid Time Off (PTO) reimbursable?**

At this time, we are awaiting guidance from CDSS regarding whether PTO accrued prior to a provider's FFDRP contract start date is eligible for reimbursement. Updates will be provided as soon as possible.

**28. 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.

**29. 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' eligible juvenile dependency practice. For example, if the organization has a mixed caseload of 40% dependency and 60% criminal, only 40% of any eligible organizational operating expenses can be reimbursed.

Common allowable expenses for an organization that are reimbursed at the organization's monthly average of eligible activities 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, and process servers;
- Office parking fees for clients visiting the attorney's office; and
- Insurance fees, such as an individual's malpractice insurance and business permit fees, or an organization's worker's compensation fees.

Common allowable expenses for an individual that are reimbursed at 100% are:

- Attorney State Bar dues up to \$544;
- Legal publications dedicated to dependency representation (i.e. *California Juvenile Laws and Rules*; *Seiser & Kumli on California Juvenile Courts Practice and Procedure*); and
- Online legal research tools (i.e. LexisNexis and WestLaw).

Common allowable expenses that may apply to either the organization or an individual are:

- Office Equipment, such as: printers, faxes, copiers, phones, ink, toner, paper, equipment rental fees, and code books;

**Federally Funded Dependency Representation Program  
(FFDRP)**

**Frequently Asked Questions**

*Updated October 8, 2020*

- 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.

**30. 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 (i.e. Child Welfare Law Specialist);
- Food and beverage items;
- Breakroom supplies;
- Microwaves; and
- Medication (i.e. acetaminophen, ibuprofen, etc.).

**31. 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.).

**32. 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. 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 for 2019 and 2020.

**Federally Funded Dependency Representation Program  
(FFDRP)**

**Frequently Asked Questions**

*Updated October 8, 2020*

<b>Incurred Travel Dates</b>	<b>Mileage Rate</b>
Effective January 1, 2020	\$0.575
January 1, 2019- December 31, 2019	\$0.58

**33. How should panel administrators document their time?**

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

Panel administrators that are case carriers should document their time in proportion between administrative and case work.

**34. Should the FFDRP activity reimbursement calculation tool reflect the month in which the activity occurred or the month in which the payment was issued (if different)?**

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

**35. How should activities be documented on the FFDRP activity reimbursement calculation tool 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 dependency and 2 hours non-dependency—80% would fall under dependency and 20% would be designated as non-dependency.

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

**36. How do you document weekend work on the FFDRP activity reimbursement calculation tool?**

It is not necessary to document time spend working on a weekend. However, you may document weekend work on the FFDRP activity reimbursement calculation tool by entering the percentage (%) of time spent on eligible activities under the corresponding date on the

**Federally Funded Dependency Representation Program  
(FFDRP)**

**Frequently Asked Questions**

*Updated October 8, 2020*

activity log. For example, if you were preparing for dependency hearings in the next week, then you would document 100% time.

**37. If an attorney is no longer with a provider and therefore cannot sign the FFDRP activity reimbursement calculation tool, how should the provider proceed?**

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

**38. For the retroactive period, how do we submit an FFDRP activity reimbursement calculation tool for an attorney or social worker that is no longer with the provider?**

The Judicial Council will not be collecting FFDRP activity reimbursement calculation tools for FY 2019-2020. Instead, programs should retain this tool and any other relevant documentation to support the percentage of time claimed as eligible for each month.

**39. Do independent contractors need to complete monthly FFDRP activity reimbursement calculation tools and monthly data reports?**

Yes. Independent contractors need to submit the FFDRP activity reimbursement calculation tool and monthly data reporting case information, these are not monthly timesheets. In the FFDRP activity reimbursement calculation tool, the attorney will enter their monthly contract amount or total payments received for the month and document the daily percentage (%) based on their time spent on the contracted work.

**40. How much of the provider's budget needs to be documented?**

The JCC will need to see the overall percentages of the provider's budget. For example, if a provider receives funds from grants, fundraising, or contractual activities, (such as trainings, consultation), the JCC would need to see the percentage (%) of the budget that is court-appointed counsel funds, and the percentage (%) of non-court-appointed activity. If the provider's budget includes supplemental funding from other sources such as the county, that percentage will need to be documented as well, because only the percentage (%) of the funding from the state court-appointed counsel allocation is reimbursable.

**Federally Funded Dependency Representation Program  
(FFDRP)**

**Frequently Asked Questions**

*Updated October 8, 2020*

**41. What happens if a provider cannot submit their invoice within 7 days of the end of the activity month?**

If a provider cannot meet the 7- day timeline, then that invoice will be processed the following month.

**42. 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.

**43. 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, trainings, client enrichment activities, coffee/water/food for provider staff.

**44. 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.

**45. Is more information or guidance coming?**

Children's Bureau is collecting questions about CWPM 8.1B #30 and has not yet

**Federally Funded Dependency Representation Program  
(FFDRP)**

**Frequently Asked Questions**

*Updated October 8, 2020*

determined if additional guidance is necessary. We will continue to update the FAQs as we receive information.

**For additional FAQs and information visit, and review the attached articles:**

<https://www.naccchildlaw.org/page/TitleIVforLegalRepresentation>

<https://familyjusticeinitiative.org/iv-e-funding/>