



TITLE IV-E JUDICIAL FREQUENTLY ASKED QUESTIONS

Q What is Title IV-E?

A Title IV-E refers to Title IV, part E of the Social Security Act. This title provides the federal guidelines Nebraska must follow to qualify for reimbursement of certain costs associated with foster care, adoption assistance agreements and guardianship assistance agreements.

Source: 42 U.S.C. 670 through 42 U.S.C. 679c

Q How do Judges impact IV-E funding?

A The federal guidelines governing Title IV-E reimbursement require specific court findings at various stages of the court proceedings. Without the necessary court findings, the state is unable to claim federal IV-E reimbursement for costs associated with the specific case.

Source: Social Security Act - Section 472(a)(2)(a) [42 U.S.C. 672]; Sections 471(a)(15) [42 U.S.C. 671] and 479B; 45 CFR 1356.21

Q What court orders impact IV-E funding?

A The primary court orders that impact Title IV-E funding are the initial removal order and the 12 month permanency planning order and any subsequent permanency planning orders.

Source: Social Security Act - Section 472(a)(2)(a) [42 U.S.C. 672]; Sections 471(a)(15) [42 U.S.C. 671] and 479B; 45 CFR 1356.21

Q What if the court order does not include the necessary language? Can it be fixed?

A Federal guidelines will not allow a nunc pro tunc order to be used to meet Title IV-E requirements. Findings required at initial removal or within 60 days of removal cannot be cured if they are missed. Findings required during permanency hearings can be entered at a later date. If this occurs, Title IV-E reimbursement is allowed beginning with the 1st day of the month in which the necessary finding is made.

Source: 45 CFR 1356.21(d)

Q What are the necessary court findings?

A At initial removal, to be IV-E eligible, the court must find it is contrary to the welfare of the child to remain in the family home. No later than 60 days after the initial removal order, the court must find either: 1) The Department made reasonable/active efforts to prevent the removal of the child or 2) Reasonable/active efforts were not required because an emergency existed which threatened the safety of the juvenile. At permanency hearings, the court must find the Department has made reasonable efforts to finalize the permanency goal previously adopted by the court.

While these findings are necessary for a child to be IV-E eligible, the court should only make these findings if the evidence supports it.

Source: Source: Social Security Act - Section 472(a)(2)(a) [42 U.S.C. 672]; Sections 471(a)(15) [42 U.S.C. 671] and 479B; 45 CFR 1356.21

Q What about juvenile justice cases?

A In order to ensure IV-E eligibility in the event this same child becomes the subject of a child welfare proceeding, the necessary court findings must be made at the time of initial removal in the juvenile justice case. It is okay to include language indicating “due to the child’s needs it is contrary to the welfare...”

******Although under Nebraska’s current structure, costs associated specifically with juvenile justice cases are not eligible for Title IV-E funding reimbursement, if the child becomes the subject of a child welfare case, Title IV-E funding will be dependent on the initial removal order in the juvenile justice case.**

*Source: Social Security Act - section 472 (a)(2)(A); Administration for Children and Families Child Welfare Policy Manual 8.3A.6, Question 2
https://www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=37*

Q Are there templates or sample language available?

A Yes. The Court Improvement Project has sample orders that include the language associated with the required court findings. Contact NSC.CIP@NeJudicial.gov to request a copy.

Q I use the DOCKET system on JUSTICE for my court orders. Does DOCKET include the necessary language?

A Yes, in most instances the IV-E required language is part of the autopopulated text in the DOCKET system. The Department, Court Improvement Project and JUSTICE have collaborated to use judicial feedback to make modifications when possible. Information on which DOCKET selections will produce the necessary language is included as part of the “What’s New in IV-E” training available on the Judicial Branch Education website. <https://supremecourt.nebraska.gov/intranet-home>

An additional resource available on the Judicial Branch Education website is a 2025 Title IV-E Education module co-created by Nebraska DHHS and CIP:

insert link and QR Code when completed