

Foster Care Services: Eligibility

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ELIGIBILITY

Overview of Funding Sources

Funding for Georgia's Foster Care Program is available from federal and state sources including IV-E Foster Care, IV-B Foster Care, Supplemental Security Income (SSI), Medicaid and state funds. Whenever possible, it is advantageous for the state to maximize federal financial participation. This allows state funds to be conserved and used for other services to benefit our families. Another funding source available to DFCS is child support. The parents of children in care are routinely referred to Child Support Enforcement (CSE) and may be obligated by court order to contribute to their child's care and medical support.

The Social Services Case Manager (SSCM) needs to be familiar with funding sources and their programmatic requirements:

- **IV-E FOSTER CARE:** Title IV-E is a federal funding source which provides reimbursement for costs associated with the care and maintenance of children in placement and for administrative costs related to the state's Foster Care Program; e.g., case management, staff training, etc. Children classified as IV-E eligible must have some relationship to the Aid to Families with Dependent Children (AFDC) program (explained in 1003.6), in addition to meeting other criteria. Title IV-E is unrelated to Temporary Assistance to Needy Families (TANF).

- **IV-B (CHILD WELFARE FOSTER CARE):** Title IV-B is a federal child welfare block grant that provides funds to states for foster care expenses. A child who is eligible for IV-B has been determined *ineligible* for IV-E Foster Care. The IV-B grant is capped. Once these limited federal funds are spent, foster care expenses are paid primarily with state funds.

- **SUPPLEMENTAL SECURITY INCOME (SSI):** SSI is a federal payment program for disabled individuals administered by the Social Security Administration. Payments are made directly to the recipient from the federal government on a monthly basis. However, when a child is in DFCS' custody, the county department becomes the payee for the child's SSI check. Certain SSI eligible children are concurrently eligible for IV-E payments.

- **MEDICAID:** The Medicaid program is a joint federal/state program that is authorized under the Social Security Act. Funds are available to states for providing medical services to eligible recipients and for reimbursing activities that support the administration of the Medicaid program. DFCS accesses Medicaid funds through the Department of Community Health, Division of Medical Assistance, for case management and therapeutic services for children in out-of-home care. MATCH placements are partially funded with Medicaid dollars paying for therapeutic services. Children who are IV-E eligible and/or SSI eligible are automatically eligible for Medicaid. However, children whose foster care is paid by state funds are not automatically eligible for Medicaid. The Medicaid class of assistance for which the child qualifies must be determined. Most children in care are eligible for Medicaid.

INITIAL UAS PROGRAM REPORTING

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A. FORM 527 – INITIAL AUTHORIZATION OF FOSTER CARE

1003.1

Requirement

Within five (5) working days of a child entering care, the SSCM completes a Form 527 (*Initial Authorization of Foster Care*) and for **up to six months**, reports one of the following "Initial" UAS Foster Care Programs:

- Initial Family Foster Care (UAS Code 503)*
- Initial Institutional Foster Care (UAS Code 507)*
- Initial SFC State Approved Per Diem Waiver (UAS Code 579)*
- Initial Privately Supervised FFC–Private Foster Care Agency (UAS Code 565)*

The SSCM follows routine county procedures to ensure that the completed and **signed Form 527** is forwarded to Accounting and that a copy is retained in the case record.

B. FORM 529 – AUTHORIZATION OF FOSTER CARE STATUS CHANGE/TERMINATION

1003.1.1

Requirement

To change a child from the "Initial" Program, the Medicaid Eligibility Specialist (MES) completes Form 529 (*Authorization of Foster Care Status Change/Termination*) and submits it to Accounting (as a tickler) and to the county department. The SSCM enters the appropriate UAS Program Code and follows routine county procedures to ensure that the **signed Form 529** is forwarded to Accounting and that a copy is retained in the services case record.

1003.1 PRACTICE ISSUES

1. The MES at the **Revenue Maximization Center** (also referred to as the **Rev Max Center**) has the responsibility of determining the child's eligibility for IV-E and Medicaid, and for preparing Form 529 that indicates "IV-E" or "CW-FC (IV-B)":

- **If the child is determined eligible for IV-E per diem payments** at any point during the first six months of care, the Form 529 will be completed by the MES changing the "Initial" Program to the "IV-E" Program and indicating the effective date. The unsigned Form 529 will be submitted to Accounting and to the county department to enter the appropriate UAS Program Code and obtain an authorizing signature.
- **If the child is determined NOT eligible for IV-E per diem payments**, Form 529 will be completed to change the funding source from the "Initial" Program to the appropriate CW-FC (IV-B) UAS Program effective the first day of the month following month # 6. (See examples below.) The unsigned Form 529 will be submitted to Accounting and to the county department to enter the appropriate UAS Program and obtain an authorizing signature.

2. Several examples show how the "Initial" UAS Program works:

EXAMPLE: Child enters care on October 22 and is reported in the "Initial" Program. Child

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meets all eligibility requirements for IV-E payments as of November 29. Child is reported as IV-E FC effective November 1.

EXAMPLE: Child enters care on October 22 and is not eligible for IV-E payments. Child is reported in the "Initial" Program through March. Effective April 1, child is reported as CW-FC (IV-B). (Note: In counting the six months, the first month (October) is counted as month #1, even if a partial month.)

EXAMPLE: Child enters care on October 22 and is determined NOT eligible for IV-E payments. Child is placed with a relative on November 21. The child returns to a paid foster care placement on February 4. Child is reported as "Initial" through March. (Note: If during the "Initial" six months, the child goes in and out of foster care, but legal custody is not returned, the six months run continuously.)

EXAMPLE: Child enters care on October 22 and is determined NOT eligible for IV-E payments. Physical and legal custody returned to parents on April 1. Child enters care again (new placement episode) on June 4. "Initial" is reported through November. Child reported as CW-FC (IV-B) effective 12/1. (Note: if the child is no longer in the legal custody of DFCS, but re-enters custody at a later time, a new six months of "Initial" begins.)

ELIGIBILITY for MEDICAID and IV-E

A. RIGHT FROM THE START (RSM) MEDICAID

1003.2

Requirement

As soon as possible (but no later than 5 working days of a child's removal), the SSCM or designated staff person requests medical assistance for the child by completing the "**Medicaid Information**" portion of Form 223, *Medicaid and IV-E Application for Foster Care*. The application is faxed (or an e-mail sent with the application as an attachment) to the RSM Project. Form 223 is also faxed to the **Revenue Maximization Center** as a tickler alerting the MES that an application for IV-E is forthcoming.

1003.2 PROCEDURES

The SSCM or designated staff person:

1. Checks all available resources including SUCCESS (Economic Support's computer system) to determine if there is any history on or information about the family.
2. Confirms whether there is an existing case for TANF and/or Medicaid. If so, notifies the county department's Eligibility Worker to take the appropriate action on any existing case; i.e. close or remove the child from any other Medicaid case due to the current application for RSM.
3. Completes the requested items of information on Form 223, including
 - *Identifying information on the child.* (Use child's formal name, not nickname; provide correct

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DOB.)

- *Social Security Number.* (If not available, proceed with the application and submit.)
- *US Citizenship.* (Be sure to answer item "yes" or "no" due to item's impact on Medicaid eligibility.)
- *Income of child.* (Only indicate income that the child receives directly at the time of application; do not count income parent receives on behalf of the child which will be diverted to DFCS as payee.)
- *Resources of child.* (Only indicate resources that are in the child's name and are directly accessible by the child.)

4. Faxes the Form 223 ("**Medicaid Information**" portion completed) to the RSM Project at 770-473-2620.

(NOTE: Telephone contact or application may be made by calling the toll free number (800) 809-7276.)

1003.2 PRACTICE ISSUES

1. Once the RSM Project receives a request for assistance, the application is reviewed. If there are any questions, the MES will contact the SSCM or designated staff person by telephone. The child's eligibility for RSM Medicaid is determined (generally within 24 hours).
2. The RSM Project provides notification of RSM eligibility to the:
 - **County department.** (A letter is generated from SUCCESS, and if requested, a temporary Medicaid card (Form 964) is faxed to the individual designated on the application.)
 - **Revenue Maximization Center.** (The RSM Project transfers the case at this point to the Center. A tickler file is created to await subsequent application information from the SSCM to process Foster Care and the appropriate Medicaid class of assistance.
3. The **Rev Max Center** provides Accounting with the child's Medicaid number to ensure accurate and timely billing of Medicaid for case management and therapeutic services.

B. IV-E FOSTER CARE MEDICAID

1003.3

Requirement

Within 5 working days, the SSCM or designated staff **initiates** the IV-E and Medicaid determination process by completing what information is known following the child's removal and faxing the following to the **Rev Max Center**:

- "**IV-E Information**" portion of the *Medicaid and IV-E Application for Foster Care* (Form 223)
- and
- *Removal Home Income and Assets Checklist* (Form 224)

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As additional information becomes available, the Forms 223 and 224 are updated and re-faxed to the **Rev Max Center**. The MES will hold the application for 60 days to determine if the IV-E requirements, including court order language, can be established.

(See 1003.4 – 1003.6 regarding the application items; e.g., the required judicial determinations, the AFDC relatedness criteria and the Income and Assets Checklist.)

1003.3 PRACTICE ISSUES

1. Since children who are IV-E or SSI are automatically eligible for IV-E Medicaid, IV-E is always considered **first**. If the child is **NOT** eligible for IV-E or SSI, other classes of assistance are considered by the MES in the order of priority listed below:

- IV-E Medicaid
- IV-B Child Welfare Foster Care (CWFC) Medicaid
- Right from the Start Medicaid (RSM)
- PeachCare for Kids
- Medically Needy (MN)

IV-E Foster Care Medicaid (IV-E FC)

- a. Title IV-E eligibility is determined for each child who enters care via court order or a Voluntary Placement Agreement (VPA).
- b. The following criteria must be met for a child to be IV-E eligible:
 - If the child entered care as a result of a court order, see 1003.4 and 1003.5 for the required judicial determinations.
 - If the child entered care through a VPA, see 1003.7 for the required judicial determination that must be obtained within 180 days of removal.
 - The child must meet "AFDC relatedness" criteria in the eligibility month as defined in 1003.6; e.g., living with a specified relative, parental deprivation, financial need, citizenship, age, etc.

Supplemental Security Income (SSI)

- a. The Social Security Administration processes the child's monthly Medicaid card.
- b. See 1003.16 regarding concurrent eligibility of a child for SSI and IV-E, and the determination of which federal funding source is most advantageous for the child.

C. OTHER MEDICAID CLASSES OF ASSISTANCE

Child Welfare Foster Care (CWFC) or IV-B

- a. CWFC Medicaid provides coverage to children who have been determined **ineligible** for IV-E FC.
- b. Only the financial circumstances of the **child** in foster care (not the income and resources of the parent/specified relative) are considered.
- c. The child must be placed in an approved foster home or licensed child care facility.
- d. Eligibility continues through the month in which the CWFC child reaches age 21 (assuming the CW - FC per diem payment continues to be made and all other requirements are met).

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- e. The child must meet citizen/alienage requirements.
- f. Only children in DFCS custody may receive this type of Medicaid. (DJJ youth may be eligible for RSM, which is described below.)
- g. Youth ages 19 and 20 may continue to receive CWFC Medicaid if there is a signed Voluntary Agreement to Remain in Care (Form 7), and the youth is in a placement receiving a per diem for his/her care at least one day per month.

Right from the Start Medicaid (RSM)

- a. RSM Medicaid, like CWFC, provides coverage to children who have been determined *ineligible* for IV-E Foster Care. However, if the child's coverage is determined under RSM, rather than CWFC Medicaid, it is responsibility of the Medicaid Eligibility Specialist (MES) to notify the Division of Medical Assistance (DMA) of the child's foster care status. This exempts the child from participation in Georgia Better Health Care (GBHC), a managed health care program.
- b. The resources and income limits for RSM are considerably higher; therefore, more children qualify.
- c. Eligibility continues through the month in which the child reaches age 19.
- d. Youth, who are adjudicated delinquent and are placed in an out-of-home facility, may be eligible for RSM Medicaid and/or IV-E FC payments. The application process involves the submission of a RSM Request from the DJJ Juvenile Probation/Parole Specialist (JPPS) to the DJJ Eligibility Worker.

PeachCare for Kids

- a. PeachCare provides comprehensive health care to children through age 18 who do not qualify for Medicaid and do not have any other form of insurance.
- b. The child must meet citizen/alienage requirements.
- c. A child in care is exempt from the monthly premium of \$7.50 per month, provided that the MES obtains a waiver from the Department of Medical Assistance based on the fact that the child is in Foster Care.

Medically Needy (MN)

- a. MN Medicaid has no income limits.
- b. The child must meet citizenship/alienage requirements.
- c. Eligibility continues through the month in which the child reaches age 18.

Emergency Medical Assistance (EMA)

- a. If the child does **not** meet the citizenship/alienage requirements, EMA may be an option when there is an emergency medical need. The "immediacy" of treatment must be "verified" by a doctor and subsequently, the claim approved by the Department of Medical Assistance.
- b. Routine, non-emergency health care may require using state funds such as In-Hospital Care and Unusual Medical/Dental. (See 1016, Fiscal, for information).

2. As a requirement of Medicaid, the parents of children in care are referred by the MES to Child Support Enforcement (CSE) to determine if medical support is available or can be obtained at a reasonable cost.

3. If the child is covered by health insurance other than Medicaid, the name of the insurance company, policy number, group number and name of insured are significant in processing the application for

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Medicaid. At the time that a claim is filed, such coverage will be primary with Medicaid being the secondary insurance provider. The MES will request that the SSCM, as the child's authorized representative, sign Form DMA-285, *Health Insurance Questionnaire* regarding third party resources available to the child.

4. The MES communicates the initial decision for IV-E and Medicaid eligibility via the Form 225, *IV-E Eligibility Documentation Sheet*. The Form 529, *Authorization of Foster Care Status Change/Termination*, is prepared by the MES and submitted to Accounting (as a tickler) and to the county department to obtain an authorizing signature. (See 1003.1.)

5. The Director/designated staff signs the Form 529 and forwards to Accounting and to the SSCM for the case record.

REMINDER to the SSCM: Be sure that all documents, including the IDS 590, are consistent in identifying the child's funding classification.

IV-E ELIGIBILITY (COURT-ORDERED REMOVAL)

A. "CONTRARY TO THE WELFARE" or "BEST INTERESTS" OF THE CHILD

1003.4

Requirement

To establish IV-E eligibility, the SSCM reviews the first court ruling which sanctions the removal of the child from the home; e.g., the order that is issued as a result of the 72-hour hearing, to determine if the appropriate judicial determination of "contrary to the welfare" or "best interest of the child" is made.

1003.4 PROCEDURES

1. Determine if one of the following judicial determinations is made by the court *to the effect that*:

a. *Continuation in the home is "contrary to the welfare" of the child*

OR

b. *Placement is in the "best interest of the child."*

NOTE: *If neither one of the above judicial determinations is made in the first court order sanctioning removal, the child is not eligible for IV-E Foster Care maintenance payments for the duration of that stay (placement episode) in foster care.*

2. Complete the following legal information for Form 223, *Medicaid and IV-E Application for Foster Care*:

- Filing date of the complaint/petition or the signature date of the VPA
- Removal Date

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- Type of placement authority (court or VPA)
- Documentation that the order contains the appropriate judicial determination.

1003.4 PRACTICE ISSUES

1. The first criterion for IV-E eligibility is the judicial determination of “*contrary to the welfare*” or “*best interest of the child.*”
2. This finding should be explicitly documented in the court order and made on a case-by-case basis; that is, based on individual circumstances/facts of the case that led the judge to conclude the finding.

(Note: The order may enumerate the specific facts of the case or reference the facts contained in such documents as the complaint, court report, Affidavit of Efforts, etc.)

B. “REASONABLE EFFORTS TO PREVENT REMOVAL”

1003.5

Requirement

To establish IV-E eligibility, the SSCM reviews all court orders issued within the first 60 days following removal to determine if the appropriate judicial determination pertaining to “*reasonable efforts to prevent removal*” or “*reasonable efforts not required to prevent removal*” is made.

1003.5 PROCEDURES

1. Review all court orders issued within the first 60 days following removal. (These orders may be known to the county department by various names such as the Detention, Shelter Care, Dispositional, Temporary Custody orders, etc.)
2. Determine if one of the following “*reasonable efforts*” determinations pertaining to the removal of the child is made by the court *to the effect that*:

a. “*Reasonable efforts were made to prevent or eliminate the need for removal of the child from the home.*” (See Practice Issues)

Or

b. “*Reasonable efforts are not required to prevent removal of the child from the home.*” (See Practice Issues)

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NOTE: If one of the above judicial determinations is NOT made within 60 days of the child's removal, the child cannot receive IV-E Foster Care maintenance payments for the duration of that stay (placement episode) in foster care.

3. Complete the following legal information on the *Medicaid and IV-E Application for Foster Care*:
 - Documentation that the "reasonable efforts" finding was made by the court within 60 days of removal
 - Date of the court order (Indicate if a **nunc pro tunc** order was issued; i.e., the order is signed after the 60 days, but the judge's signature (and not the findings of the court) reference back to the actual date of the hearing. If the findings were made at a hearing within 60 days of removal, then the language requirement is met.)

1003.5 PRACTICE ISSUES

1. The judicial determination of "reasonable efforts" should be explicitly documented in the court order and made on a case-by-case basis; e.g., based on the individual circumstances/facts of the case which led the judge to conclude this finding.

(Note: The order may enumerate the specific facts of the case or may reference the facts in such documents as the petition, court report, Comprehensive Assessment, etc.)

2. Should the required judicial determination be obtained in a hearing held within 60 days, BUT THE SIGNED ORDER CONTAINING THE FINDING IS NOT RECEIVED UNTIL AFTER 60 DAYS, the SSCM provides immediate notification to the MES via Form 227, *Notification of Change in IV-E Status*. If the MES makes a determination that the child was eligible for IV-E payments effective an earlier date, the MES completes the Forms 225 and 529. The latter is forwarded to Accounting (as a tickler) and to the county department for UAS Program Coding and for an authorizing signature. The usual county procedures are followed for ensuring that Accounting and the SSCM receive signed copies of the Form 529. Accounting re-rates the per diem charges back to the effective date of eligibility.
3. The judicial determination that "reasonable efforts to prevent removal" is made whenever the court determines that DFCS was providing adequate services to preserve the family unit prior to the child's removal.
4. The judicial determination that "reasonable efforts are not required to prevent removal" is made whenever the court determines that one or more of the following circumstances, as specified in both state and federal law exists:
 - A court of competent jurisdiction has determined that the parent has subjected the child to aggravated circumstances;
 - A court of competent jurisdiction has determined that the parent has been **convicted** of murder of another child of the parent; voluntary manslaughter of another child of the parent; aiding or abetting, attempting, conspiring, or soliciting to commit such a murder or such a voluntary manslaughter; or a felony assault that results in serious bodily injury to the child or another child of the parent; or
 - The parental rights of the parent with respect to a sibling have been terminated involuntarily.

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5. If the order inadvertently omits the finding, a transcript of the court proceedings is the only other means of documentation that is federally accepted to verify that the required judicial determination was made.
6. Affidavits or court orders that reference the Juvenile Court Code to substantiate judicial determinations are not federally acceptable ways to document that such a finding was made.
7. **Nunc pro tunc** orders need to be carefully reviewed to determine if only the judge's signature and NOT THE COURT'S FINDING, is dated back to the time of the actual hearing.
8. Sometimes, as a result of (1) an emergency situation where the child must be removed before preventive services can be provided; or (2) any circumstance which the court determines to seriously compromise the health and safety of the child in the home (**other than those enumerated in Practice Issue 4**), the court will alter the language to state that "*it is reasonable to make no efforts to prevent removal*" or "*reasonable efforts to prevent removal were not appropriate.*"
9. The court may also make other "*reasonable efforts*" determinations for the child in care with a **plan of reunification**. However, such findings are no longer a requirement for determining initial IV-E eligibility. Temporary Custody, Disposition, Final Order, etc., are all examples of orders that may contain one of the following judicial determinations:
 - a. "*Reasonable efforts are being made to make it possible for the child to safely return to the home;*"
OR
 - b. "*Reasonable efforts are not required to reunify the child and family;*"
OR
 - c. "*It is reasonable to make no efforts to reunify the child and family.*"

C. "AFDC RELATEDNESS" CRITERIA

1003.6

Requirement

In order for the MES to determine if the child meets the "AFDC Relatedness" criteria in the removal home, the SSCM completes the items on Form 223, *Medicaid and IV-E Application for Foster Care*, which request social and family information at the time of child's removal. In addition, the SSCM enters financial data on Form 224, *Removal Home Income and Asset Checklist*. Both forms are faxed to the **Revenue Maximization Center** to complete the IV-E application process.

1003.6 PRACTICE ISSUES

1. Eligibility for IV-E requires that the child must have a relationship to the Aid to Families with Dependent children (AFDC) Program within six months prior to or during the "eligibility month." (See definition of "eligibility month" in Practice Issue 2 below.) In all references to "AFDC Relatedness," the eligibility of the child is based

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on the AFDC program and its policies that were in effect in Georgia on July 16, 1996.

2. The "**eligibility month**" is defined as the month in which one of the following occurs:
 - The initiation of court proceedings (i.e., the filing of the complaint or petition) that led to the removal of the child; or
 - The signing of a Voluntary Placement Agreement (VPA).

3. The criteria of AFDC eligibility (or potential eligibility) for IV-E purposes are:

AGE:

To be IV-E eligible, the child must be under the age of 18. However, IV-E payments may continue to the end of the month in which the youth turns 18.

LIVING WITH A SPECIFIED RELATIVE IN THE REMOVAL HOME:

The AFDC definition of **specified relative** includes the parent, grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, first cousin, first cousin once removed, nephew, niece, "half-blood" relationships, and persons of preceding generations (e.g., "great" and "great-great") and includes the spouses of any persons named, even if the marriage has been terminated.

A child must meet AFDC eligibility criteria in the eligibility month; i.e., the month in which either a Voluntary Placement Agreement (VPA) is signed or a court order is initiated to remove the child from the home.

If the child is **not** living with the specified relative from whom custody is removed during the month the VPA is signed or the court order is initiated, a child can be considered AFDC eligible in that month if the following conditions apply:

- The child had been living with the specified relative from whom custody is removed at some time within the six-month period prior to the month the VPA was signed or the court order initiated

AND

- The child would have been AFDC eligible in the home of the specified relative from whom custody is removed in the month the VPA is signed or the court order initiated if the child had continued to live with the relative.

NOTE: The "living with" and "removal from" condition must be met by the same Specified Relative.

The requirement for "living with a specified relative" is met if a newborn child is placed in DFCS care and responsibility directly from the hospital.

When DFCS obtains custody, there must be a "removal" for a child to be IV-E eligible. The two types of "removals" are:

Physical removal. This occurs when DFCS has physically removed the child from the current living arrangement. Custody must also be

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removed from the appropriate person.
and

Constructive removal. This is a "nonphysical" or a "paper removal." This situation occurs when DFCS has obtained custody of the child but did not physically remove the child from the current living arrangement.

NOTE: A removal has not occurred in situations where legal custody is removed from the parent or relative, and the child remains with the same parent or relative in that home under the supervision of DFCS.

Instructions to the SSCM when completing the "living with" and "removal home" information on the Form 223 (Application):

1. *Determine who was the child's caretaker in the month the VPA was signed or the court order was initiated; i.e., who was the child physically living with at removal? Indicate if parent, relative, or other.*
2. *If "other" is checked, determine if the child lived with a specified relative in the past six months. Indicate "yes" or "no". If "yes", list the month(s).*
3. *Determine from whom legal custody has been removed. The specified relative with whom the child most recently lived (during the eligibility month or within six months prior to the eligibility month) **and from whom legal custody was removed**, is considered the relative from whom the child was removed or the **"removal home."** Once this home is identified, then the SSCM needs to list the household members and other identifying information.*

NOTE: This "removal home" is also the same home whose income and assets must be considered when completing the Form 224, Removal Home Income and Assets Checklist. See "Financial Need" criteria for AFDC-Relatedness.

4. *If there are any questions during the Application process in determining which home constitutes the "removal home", the SSCM may contact the MES for clarification.*

PARENTAL DEPRIVATION (exhibited in the complaint/petition month):

To meet the AFDC deprivation criteria, the child must have been deprived of the care, guidance or support of one or both parents (married or unmarried), if paternity is established. Deprivation must exist in the *eligibility month*.

- **Absence** via divorce, separation or continual absence of one of the parents from the home where the child resides.
- **Death**

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- **Incarceration:** One of the parents is in an institution or incarcerated, prior to the child's placement.
- **Disability/Incapacity:** If the parent is receiving SSI or Social Security disability benefits, 100% VA benefits, Worker's Compensation benefits, etc., the disability/incapacity may be self-evident.
- **Unemployment of the principal wage earner:** This condition only applies when both parents are present in the household.
- **Termination/surrender of parental rights:** The child is deprived from the date of the termination/surrender.

FINANCIAL NEED: (Income and Resources)

The income and assets of the **removal home** family must be considered in determining if the child meets financial need for AFDC Relatedness.

The SSCM is responsible for gathering available information from the family concerning income and assets. Form 224, *Removal Home Income and Asset Checklist*, is completed and submitted as an attachment to the *Medicaid and IV-E Application for Foster Care*.

NOTE: The MES takes the statement of the SSCM concerning the family's financial circumstances. Documentation is not required. Some of this information may have been part of the *CPS Risk Assessment Scale* (Form 457) or the *Family Strengths and Needs Assessment Scale* (Form 458). Additional family income/asset information may also be obtained at the time of the 72-hour hearing and/or the Family Conference / Case Planning meeting.

The MES applies AFDC rules and standards in determining if the total income of the removal family during the eligibility month meets the test for financial eligibility.

The maximum value of resources that a child's Assistance Unit (AU) can own is \$10,000 and still meets financial need criteria. The MES does not count SSI benefits and any other income or resources of the SSI recipient. If the child lived with either or both parents, the resources of all members of the household are considered. If the child was living with a specified relative, other than the parents, only the child's resources and the child's siblings (living in the same home) are considered.

CITIZENSHIP / ALIEN STATUS:

The child must be a US citizen or a qualified alien to be IV-E eligible. IV-E can be claimed for an otherwise eligible child pending the SSCM's verification of alien status from the Immigration and Naturalization Service (INS). If INS later verifies that the child's alien status does not meet requirements, then the SSCM would fax Form 227, *Notification of Change in IV-E Status*, to the MES. Both Forms 225 and

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529 would be completed and returned to the county department. A signed and coded copy of the Form 529 would be sent to Accounting so that any IV-E claim could be re-rated and charged to CW-FC (IV-B).

IV-E ELIGIBILITY (VOLUNTARY PLACEMENT)

1003.7

Requirement

To establish IV-E eligibility for a child who enters care by a Voluntary Placement Agreement (VPA), the SSCM ensures that the written agreement has been properly executed and that the required judicial determination of “*best interest*” is made prior to the 180th day following placement.

1003.7 PROCEDURES

1. Indicate on Form 223, *Medicaid and IV-E Application for Foster Care*, the effective date of the VPA; i.e., the date that both DFCS and the parent(s) signed the Agreement.
2. Complete all other information requested, including where the child is placed and its approval/licensure status.
3. Fax the completed Application and the Form 224, *Removal Home Income and Asset Checklist*, to the **Revenue Maximization Center** to process for IV-E eligibility.
4. Ensure that the time limits for the Agreement are carefully monitored; that is, ninety (90) days with a possible extension of another ninety (90) days. Be sure that 180 days is not exceeded.
5. If the child cannot be safely returned home, file a petition in time for a temporary custody hearing to be held and a judicial determination made within 180 days of the child's placement.
6. Obtain and review the court order issued as a result of the above hearing. Document

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via Form 227, *Notification of Change in IV-E Status*, that the following judicial determination is made to the effect that:

“Continuation in foster care is in the child’s best interest.”

NOTE: If the “best interest” determination is not made, the child ceases to be IV-E eligible and reimbursable on the 181st day.

1003.7 PRACTICE ISSUES

1. The MES will determine whether the child meets the “AFDC Relatedness” test in the month in which the Voluntary Placement Agreement was signed. (See 1003.6 for an explanation of the criteria applied to determine IV-E eligibility.)
2. A judicial determination that “*reasonable efforts to prevent removal*” is **NOT** required for meeting IV-E eligibility.
3. A judicial determination of “*reasonable efforts to finalize the permanency plan*” is required within **12 months of the VPA signature date (and every 12 months thereafter)**, to maintain IV-E payments. (See 1003.10, IV-E Reimbursability.)

IV-E ELIGIBILITY (VOLUNTARY SURRENDER OF PARENTAL RIGHTS)

1003.8

Requirement

If a child enters care through Voluntary Surrender, the SSCM completes Form 223, *Medicaid and IV-E Application for Foster Care*, and the Form 224, *Removal Home Income and Assets Checklist*, and faxes both the **Rev Max Center**. The MES is requested to determine the child's potential eligibility for IV-E Adoption Assistance.

1003.8 PROCEDURES

1. Initiate the process to obtain a judicial determination that continued placement is in the “*best interest*” of the child or remaining in the home would be “*contrary to the welfare*” of the child within six (6) months of the child's removal. (See Appendix E for model *Ex Parte* Petition and Order.)
2. Ensure that a permanency hearing is held within 12 months of the Voluntary Surrender. Until the child is adopted and the placement is finalized, permanency hearings continue at least every 12 months.

1003.8 PRACTICE ISSUES

1. See 1002.24 regarding the Voluntary Surrender of Parental Rights.
2. A properly executed Voluntary Surrender is legally binding if the parent does not

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withdraw the surrender within the ten-day revocation period.

3. Children who enter care via Voluntary Surrender *rarely* become eligible to receive IV-E Foster Care payments. The only exception would occur if a child had been living with a parent(s) within six months of the date court proceedings were initiated to "judicially remove" the child subsequent to a Voluntary Surrender. The required judicial determinations of "*contrary to the welfare*" or "*best interest*" and "*reasonable efforts to prevent removal*" must be obtained for IV-E Foster Care purposes.
4. Children who enter care via Voluntary Surrender may be eligible to receive IV-E Adoption Assistance if Procedure 1 is followed. In such case, the court merely sanctions the removal and makes a "*best interest*" finding that is a requirement for IV-E Adoption Assistance.

IV-E REIMBURSABILITY

A. ELIGIBILITY VS. REIMBURSABILITY

1003.9

Requirement

The SSCM needs to understand the concepts of "IV-E Eligibility" and "IV-E Reimbursability," and how IV-E reimbursement can fluctuate from month to month. Redeterminations are conducted by the MES every six months to determine if the child continues to meet eligibility and reimbursability factors. Form 226, *Medicaid and IV-E Redetermination Form*, is generated by the MES and a request made for the SSCM to update the status/circumstances of the child within the timeframe provided. (See Addendum to Section 1003.)

1003.9 PRACTICE ISSUES

Eligibility

1. Eligibility is determined on a one-time basis when the child initially enters care. It is based on the child's situation at the time of removal.
2. Once established, a child's eligibility continues as long as the child remains in DFCS custody.
3. The following circumstances are "**FATAL**" to IV-E eligibility; i.e., the child loses IV-E eligibility **and** IV-E reimbursability for the *entire placement episode in foster care when*:
 - The child reaches the age limit for the program (age 18);
 - DFCS has terminated custody;
 - DFCS fails to acquire a court order within 180 days of a Voluntary Placement Agreement that contains the judicial finding that continued placement is in the

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"best interest" of the child.

- A judicial determination of "contrary to the welfare" or "best interest" is not obtained in the first order that sanctions the removal of the child; e.g. the order entered as a result of the 72-hour hearing.
- A judicial determination of "reasonable efforts prevent removal" or "reasonable efforts not required" is not obtained within 60 days of the child's removal. (Applies to court-ordered removals, only.)
- The child is on a trial home visit beyond six months or the trial home visit exceeds the time frame authorized by the court.

Reimbursability

4. Reimbursability refers to the federal share in paying for the maintenance costs of a child in care; i.e., charging the cost of care to IV-E FC. The state may also claim IV-E Administrative costs when a child is IV-E reimbursable. A child may lose and regain reimbursability status depending on changes in:

- Placement (based on whether the placement is in a IV-E reimbursable setting - See 1003.10)
- Financial Need (based only on the **child's** income and resources)
- Deprivation in the removal home
- Legal responsibility for the placement and care of the child
- Judicial determination of "reasonable efforts to finalize the child's permanency plan" obtained within 12 months of the child's removal and at least every 12 months thereafter while the child is in care.

5. Any time that reimbursability is lost, the child is re-classified as CW-FC (IV-B - State) effective the first day of the following month in which there was a change in IV-E circumstances.

NOTE: The MES will determine the effective dates. Generally, IV-E reimbursability is for the entire month; i.e., if a child is IV-E reimbursable for any part of a month, the child is IV-E for the entire month. Therefore, most Form 529s will cover "whole months." The only exception to the "whole month" rule occurs with a change in the child's placement. For example, a child moves into a foster home that is not in full approval status. The child would "lose" IV-E reimbursement effective the date of the placement. The child could "re-gain" IV-E reimbursement on the day that the home attains full approval status. This may result in claiming CW-FC (IV-B - State) for part of the month and IV-E Foster Care for the remainder of the month.

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6. The MES conducts an IV-E redetermination at six-month intervals to coincide with the six-month Medicaid redetermination. Reimbursability for each of the past six months and for the next six months is established. The SSCM is notified of any changes via the *IV-E Eligibility Documentation Sheet*. The MES sends Form 529 (whether there is a change to the child's IV-E payment status or not) to Accounting (as a tickler) and to the county department for an authorizing signature. The SSCM follows the routine county procedures to ensure that the **signed Form 529** is appropriately coded and forwarded to Accounting for any necessary re-rates. A copy is retained in the case record.

B. NOTIFICATION OF CHANGE in IV-E STATUS

1003.10

Requirement

The SSCM is responsible for communicating changes to the MES that may affect the child's IV-E status. Form 227, *Notification of Change in IV-E Status*, is completed and faxed to the MES to provide timely notification of the change. (See the "Notification" form in the Addendum to Section 1003.)

1003.10 PROCEDURES

1. At the time of any IV-E status change, complete Form 227 and fax to the **Revenue Maximization Center**.

NOTE: In response, the MES prepares and sends the Form 225, *IV-E Eligibility Documentation Sheet*, to the SSCM to confirm any change in the child's eligibility classification and the effective date. Form 529 (indicating a change in Program to CW-FC) is forwarded to Accounting (as a tickler) and to the county department for the appropriate UAS coding and an authorizing signature.

2. File the signed copy of Form 529 in the child's record. Follow the routine office procedures to ensure that Accounting receives a signed copy as well.
3. Remember to enter any change in the child's funding classification on IDS 590.

1003.10 PRACTICE ISSUES

The SSCM uses Form 227, *Notification of Change in IV-E Status*, as a means of communicating the following changes that may affect IV-E eligibility and reimbursability:

PLACEMENT CHANGES

Approved * IV-E reimbursable placements include:

- a. A licensed or approved relative foster home;
- b. A licensed or approved foster family home;
- c. A private, non-profit or for profit group home or child care facility licensed by the state (including most MATCH placements); and
- d. A public child care group home or child care facility licensed for no more than 25 children.

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Federal regulations require that the placement home or facility must be **fully approved and meet established standards. (This includes DFCS foster homes having timely Annual Re-evaluations to ensure that foster home standards continue to be met.) For safety reasons, homes must also have a satisfactory criminal record check, which is documented in the foster home record.*

Non-IV-E reimbursable placements include:

- a. Juvenile detention centers (public or private);
- b. Youth forestry camps (secure and non-secure);
- c. Youth development centers (YDC) and other public or private facilities (secure and non-secure) that are operated primarily for the detention of delinquent youth; and
- d. Medical facilities

FINANCIAL NEED (Income and resources):

- a. The child must have financial need in AFDC terms for each month that he or she is in care.
- b. Only the child's income and resources are considered. (In determining initial eligibility, the total income of the removal family, including the child, was considered.)
- c. The income available to the child must be less than the child's monthly foster care per diem expenses. The MES determines whether the child's income meets the standard after applying certain deductions and disregards.
- d. The child's resources may not exceed \$10,000.00 in any single month.
- e. If the child in care is working, it is significant for the MES to know if the child is a full-time student.

DEPRIVATION (Parental support)

- a. The child in foster care must continue to be deprived of parental support of one or both parents in order to maintain IV-E reimbursability.
- b. Any change in family composition may be significant to IV-E.
- c. The "home" considered in applying the "deprivation test" is the removal home.
- d. The deprivation factor present at the time of initial eligibility determination can change to another "type" of deprivation and still meet the IV-E criteria. (See example in 1003.9, Practice Issue 5.)

LEGAL RESPONSIBIITY FOR PLACEMENT AND CARE

- a. The county department must continue to have a valid court order or VPA giving DFCS placement responsibility for the child.
- b. In the event that the hearing to extend custody is not held prior to the expiration of the court order, the required judicial determination of "reasonable efforts to finalize" cannot be obtained, resulting in the child losing IV-E reimbursability. (See "Judicial Determination" section.)
- c. Once a hearing is held and an order obtained with the appropriate finding, the child can become IV-E reimbursable again effective the first day of the

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- month in which the finding was made.
- d. The same applies to consent orders in which a parent consents to continuation of custody and waives the hearing. When and if a hearing is subsequently held and the IV-E language requirements met, the child can again be IV-E reimbursable effective the first day of the month in which the finding was made.
 - e. In the event there is a legal lapse (expiration) of custody; i.e., there is no continuation order entered to maintain custody, the child in continuous care remains IV-E eligible, but not IV-E reimbursable. During the time of the lapse, no IV-E FC payments may be made. However, the child may return to IV-E reimbursable status once a **new** court order with the “*contrary to the welfare*” and “*reasonable efforts*” language is obtained.

JUDICIAL DETERMINATION (“*Reasonable Efforts to Finalize the Permanency Plan*”)

- a. In order to maintain IV-E reimbursability, there must be a judicial determination pertaining to finalizing the permanency plan in effect; i.e., reunification, adoption, guardianship, permanent placement with a fit and willing relative or another planned permanent living arrangement. Any change as a result of court order language, timing of hearings, lapsed or expired custody, etc., requires the SSCM to provide notification to the MES via Form 227, *Notification of Change in IV- E Status*.
- b. The finding is usually made at the permanency hearing held within 12 months of removal and subsequently, every 12 months as long as the child remains in care.
- c. If the “*reasonable efforts to finalize*” finding is **NOT** made, the child cannot be IV-E reimbursable from the end of the 12th month following removal or the end of the 12th month following the month in which the most recent judicial determination of “*reasonable efforts to finalize*” was made.
- d. When a judicial determination is made, IV-E payments can begin again effective the first day of the month in which the finding was made.
- e. The finding should be explicitly documented in the court order and made on a case by case basis; i.e., based on the individual circumstances/facts of the case which led the judge to conclude this finding. (Note: The order may enumerate the specific facts of the case or may reference facts contained in other documents; e.g., Case Plan, Comprehensive Assessment, etc.)
- f. If the court order inadvertently omits the finding, a transcript of the court proceedings is the only other documentation that is federally acceptable to verify that the required judicial determination was made.

(Note: Affidavits or court orders which reference the Juvenile Court Code to substantiate the judicial determination are not federally acceptable ways to document such a finding. ***Nunc pro tunc*** orders need to be carefully reviewed to ensure that only the judge's signature, and NOT THE FINDING, is dated back to the actual hearing date.)

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SPECIAL SITUATIONS IN IV-E

A. TRIAL HOME VISITS

1003.11

Requirement

The SSCM tracks the length of time that the IV-E child is on a trial home visit and notifies the MES to determine the impact on the child's IV-E status in the event that the child returns to care.

1003.11 PRACTICE ISSUES

Occasionally, the county department may retain custody while the IV-E child returns home for a trial visit. In the event that this is a planned occurrence, there are several implications for IV-E:

1. The child's "stay" must be less than six months for him/her to retain IV-E eligibility. The only exception to this "six month rule" is when a court order authorizes the child's return for a longer period.
2. Should the child subsequently re-enter foster care within the time frames specified above, the child may become IV-E reimbursable again (assuming that all the other IV-E requirements are met).
3. If the six-month time frame or the court's authorized time frame is exceeded, the child loses IV-E eligibility. If such child subsequently re-enters care, the placement is considered a **new** placement and a **new** IV-E determination is made, including a **new** judicial determination of "*contrary to the welfare*" and "*reasonable efforts*". Also, there must be a **new** determination of the child's eligibility in the home from which s/he was subsequently removed.
4. During the time the child is on a "trial home visit," the child continues to have IV-E Medicaid.
5. The child is never eligible to continue receiving IV-E payments when living in the home of a parent.

B. RUN AWAY STATUS

1003.12

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Requirement

The SSCM tracks the length of time that the IV-E child is on a run away status and notifies the MES to determine the impact on the child's IV-E status in the event of the child's return.

1003.12 PRACTICE ISSUES

1. The same IV-E principles for trial home visits apply to IV-E eligible children on run away status.
2. A new application must be filed for IV-E FC when the child returns to a foster care placement, but AFDC eligibility does not have to be established. All other eligibility requirements must be met.
3. If the child is on run away status longer than six months, or if the court order expires and the child subsequently returns to foster care, the placement must be considered a **new** placement. A **new** (initial) determination of all eligibility factors is required. In addition, the judicial determinations regarding "contrary to the welfare" and "reasonable efforts to prevent removal" are required.

C. MINOR PARENT AND CHILD IN CARE

1003.13

Requirement

Whenever the IV-E minor parent gives birth, the SSCM notifies the MES and provides information as to whether the mother and child are in the same placement and whether DFCS obtained placement authority of the infant.

1003.13 PROCEDURES

1. Consider the age, capabilities and desires of the minor parent to care for her baby if the two are placed together in the same placement.
2. Determine if DFCS needs to petition for custody or if the minor parent can continue to exercise legal responsibility for her child.
3. If the decision is to leave the minor parent and her child in the same placement and NOT obtain placement authority of the child, the SSCM does the following:
 - Completes Form 529 (for the IV-E minor parent). Then,
 - (1) Annotates "MINOR PARENT AND CHILD" in the top right hand corner of the Form 529; and
 - (2) Increases the minor parent's per diem rate to include the cost of the infant's care in the

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same payment.

- Follows the usual county procedures for obtaining a signature on the Form 529 and sends to Accounting (retaining a copy for the services record).
4. Assist the minor parent in applying for Medicaid for her infant via application faxed to the **Revenue Maximization Center**.

1003.13 PRACTICE ISSUES

1. The IV-E Program allows a state to claim IV-E reimbursement for the cost of an infant living in the same placement as his/her minor parent. This provision does NOT require DFCS to obtain custody of the child.
However, this provision is considered an exception to usual practice.
2. The added cost of care for the infant living in the same placement as his/her parent is reimbursed through the mother's IV-E status. Only **one payment** is made to the substitute care provider.
3. The infant does not have a Foster Care or IV-E status since there is not a separate judicial removal or custody. Therefore, do not complete an IDS 590 on the infant. However, good practice suggests that the minor parent's case plan include the needs of the infant and that these needs and interests be addressed during the six-month periodic reviews and permanency hearings held on behalf of the minor parent.
4. If the child is ever removed and placed apart from his/her minor parent, placement authority would have to be obtained. The infant would be entered on an IDS 590 and a *Medicaid and IV-E Application for Foster Care* completed for the MES to establish IV-E eligibility of the infant in care.

D. OUT-OF-STATE IV-E FC

1003.14

Requirement

The SSCM needs to understand how IV-E eligibility affects children whose placements are approved through the Interstate Compact on the Placement of Children (ICPC) into and out of the state of Georgia.

1003.14 PROCEDURES

1. If an *OUT-OF-STATE* IV-E child is placed in Georgia through ICPC, the SSCM:
 - Completes Form 223, *Medicaid and IV-E Application for Foster Care*, and faxes to **the Revenue Maximization Center**. NOTE: Only Georgia IV-E FC Medicaid will be processed since the sending state is responsible for the ongoing IV-E FC determinations and for the payment of the child's monthly per diem.
 - Provides these verifications: Child is receiving IV-E FC per diem from the sending state

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-
5. If the SSCM decides that it is in the child's best interest to receive SSI instead of an IV-E foster care payment each month, the MES must be notified via Form 227 to cease IV-E reimbursability.

1003.15 PRACTICE ISSUES

1. All children who receive SSI are eligible for Medicaid under this class of assistance.
2. If a child is SSI eligible and is **not eligible for IV-E**, the child is classified as Child Welfare - Foster Care or State (IV-B).

B. DETERMINING WHICH FUND SOURCE: SSI OR IV-E

1003.16

Requirement

Whenever a child receiving SSI benefits enters care, the SSCM follows the usual application procedures for Medicaid and IV-E and faxes information to the RSM Project and to the **Revenue Maximization Center**. Should IV-E reimbursability be established, the SSCM is responsible for (1) deciding if it is more advantageous for the child in foster care to continue receiving SSI benefits or have his/her cost of care paid from IV-E Foster Care and (2) notifying the SSA (if it is decided that the child's per diem will be charged to IV-E FC).

1003.16 PRACTICE ISSUES

1. SSI benefits do not affect a child's IV-E eligibility; i.e., a child receiving SSI should always be IV-E eligible if the child meets all the IV-E eligibility criteria.
2. Federal policy allows a child to be *concurrently* eligible for SSI and IV-E FC.
3. Guidelines for deciding which fund source is most advantageous for the child are:
 - a. Using the child's *per diem payment* as the basis for making that decision:
 - If the per diem payment is **over \$853.00** per month, make the child IV-E reimbursable; i.e., charge per diem costs to IV-E FC.

IMPORTANT NOTE: *The child's receipt of IV-E per diem and its effective date must be reported by the SSCM to the Social Security Administration (SSA). Per regulation, SSA treats IV-E per diem as "income" and reduces the child's SSI check dollar for dollar based on the IV-E per diem amount. In all likelihood, the child's SSI payment will be eliminated. If not, and the child continues to receive a reduced SSI check amount, see 1016.31 regarding the treatment of SSI income. IT IS **NOT APPLIED TO THE CHILD'S PER DIEM AS IV-E COSTS HAVE ALREADY BEEN APPLIED.** If the child subsequently loses IV-E eligibility, the SSCM must notify SSA. The child's SSI may be restored since CW-FC per diem payments are not counted as*

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income.

- If the per diem payment is **under \$853.00** per month, continue the SSI and classify the child as CW-FC (IV-B).
- b. Applying *programmatic reasons* for making that decision,
 - If the child is expected to be in out-of-home care a short period of time, continue the SSI.
 - If the child is approaching emancipation, continue the SSI. (SSI benefits do not terminate at age 18, as do IV-E benefits.)
 - If the child is in the process of being adopted, continue the SSI.
- 4. Be sure to notify the MES of the SSCM's decision regarding the receipt of SSI or IV-E payments.

IV-B ELIGIBILITY (Child Welfare-Foster Care or CW-FC)

1003.17

Requirement

Whenever it is determined that a child is NOT eligible for IV-E FC, the SSCM needs to ensure that the funding source on all documents classifies the child as Child Welfare - Foster Care (CW-FC).

1003.17 PROCEDURES

1. File the signed Form 529 in the record to indicate the change in the child's funding classification.
 - If the child is placed in a foster family home, the UAS Program Code is Child Welfare-Foster Family Care (CW-FFC). (See "UAS Program Codes and Descriptions" for foster care per diem in the Addendum to Section 1003.)
 - If the child is placed in a group home or residential care facility, the UAS Program Code is Child Welfare-Institutional Foster Care (CW-IFC). See the same reference as above.
2. Ensure that the IDS 590, accurately reflects that the child's financial support (per diem payment) is charged to CW-FC.

1003.17.1 PRACTICE ISSUES

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1. The funding source of CW-FC is title IV-B. Since federal funds represent a very small percentage, state funds pay the bulk of the foster care expenses for the CW-FC child.
2. Any youth who has been IV-E eligible, but reaches the age of 18 and signs a Form 7, *Voluntary Consent to Remain in Foster Care*, is classified as CW-FC beginning the first day of the *following* month after reaching age 18.
3. Any child, who has been reported in an "Initial" UAS Program for six months, is classified as CW-FC beginning the first day following month #6. (See 1003.1 for examples of how "Initial" is counted.)

ADOPTION ASSISTANCE (IV-E and STATE)

1003.18

Requirement

When making application for Adoption Assistance (AA), the SSCM requests the assistance of MES to determine if an otherwise eligible child will be funded from IV-E AA or State AA.

1003.18 PRACTICE ISSUES

1. Adoption Assistance enables the Department to continue financial involvement for a child beyond the finalization of the adoptive placement. The child must meet the **special needs** definition and other criteria for Adoption Assistance (AA) as outlined in Section 109, Adoption Services Manual.
2. Funding for Adoption Assistance comes from two sources: IV-E and State funds. It is advantageous to the state if IV-E Adoption Assistance is established, thus conserving state monies. If the child is ineligible to receive IV-E AA, then the alternative is State AA.

For IV-E Adoption Assistance:

- The child must meet AFDC eligibility criteria at the time of the removal from the home (See Foster Care Policy 1003.6).
- A court order must contain the required judicial determinations (See Foster Care Policy 1003.4):
 - a. If the child initially entered foster care under a VPA, a finding of "*contrary to the welfare*" or "*best interest*" must be obtained within 180 days of placement. At least one foster care per diem payment must be charged under IV-E FC while the child was in care under a VPA.
 - b. If the child's initial removal from the home was the result of Voluntary Surrender, a finding of "*best interest*" must be initiated within six (6) months of the removal from the home of the specified relative. (See 1003.8.)
- The following children are categorically eligible to receive IV-E Adoption

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Assistance:

- a. Children who are SSI eligible; and
 - b. Children who received IV-E AA and experience adoption dissolution.
- For the SSI-eligible child, there must be verification of SSI benefits.
3. Once IV-E Adoption Assistance is established, then:
- IV-E eligibility begins at the time of adoptive placement as long as the Adoption Assistance Agreement is in effect.
 - If the child experiences a **dissolution** of his/her adoptive placement, or if the Adoptive parents die, eligibility for IV-E Adoption Assistance is possible in a subsequent approved adoptive placement.
 - If a child receiving IV-E Adoption Assistance experiences a **disruption** of his/her adoption, IV-E eligibility is retained. A new application must be filed for IV-E FC, but AFDC relatedness does not have to be established. All other eligibility criteria must be met (as determined by the MES).
 - The child is eligible for and receives IV-E AA Medicaid in the state in which he/she resides.
 - IV-E AA terminates the month of the child's 18th birthday. A child may receive state funded Adoption Assistance after turning 18 under certain conditions.
- (See Adoption Services Manual 109.11)

For State Adoption Assistance:

- If it is determined that an otherwise eligible child does not qualify for IV-E Adoption Assistance, then state funded AA is explored.
- The SSCM provides the following information to assist in determining initial Medicaid eligibility:
 - a. Verification that there is a legally executed Adoption Assistance Agreement in place, including the date it was signed.
 - b. There exists a specific factor or condition, which precludes adoptive placement without state assistance. These factors include, but are not limited to the following:
 - Ethnic background

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- Age
 - Membership in a minority or sibling group
 - Presence of a mental condition
 - Physical, mental or emotional disability
- c. The placement of the child in the adoptive home would not be possible without the Medicaid coverage.
- d. The child's date of birth.
- e. The Social Security number (SSN) of the child or statement of intent to apply for a SSN.

CHILD SUPPORT ENFORCEMENT (CSE)

A. NOTIFICATION OF PARENTAL RESPONSIBILITY FOR SUPPORT

1003.19

Requirement

When a child enters care, the SSCM has the responsibility to inform parents of their continuing obligation to support their child in care. An explanation is provided to the effect that:

- a. The parent(s) may be financially responsible for expenses incurred by the State in serving his/her child in care;
- b. The parent(s) may be responsible for providing health care coverage (if it is available and/or reasonable in cost);
- c. The parent(s) will be notified of an appointment to meet with an agent of the local CSE office so that his/her responsibility, if any, can be determined.

1003.19 PRACTICE ISSUES

1. As a part of the eligibility determination for both IV-E and Medicaid, the MES at the **Revenue Maximization Center** refers parents of children in care to CSE with the **exception** of the following children:
 - Those who are in the permanent custody of DHR;
 - Those who have returned home at the time the eligibility determination is completed;
 - Those who receive Adoption Assistance benefits;
 - Those whose parent(s) is (are) unknown; and/or
 - Those for whom "Good Cause" NOT to refer exists and is supported by a written justification statement signed by the County Director/Program Director. (See 1003.20.)

Foster Care Services: Eligibility

2. Unless the SSCM has communicated a "Good Cause" reason **NOT** to refer a child's parent(s), the MES makes a referral on **each parent** via Form 122, *Foster Care Referral Form*, and forwards to the local CSE Office for processing.
3. Upon receipt of Form 122, the CSE agent acknowledges receipt of the referral within 20 days by using Form 123, *Interagency/Interoffice Update and Follow-up Form*. The MES provides the SSCM with a faxed copy of the acknowledgement for documentation purposes.
4. All child support collected by CSE is processed through the CSE computer system (\$TARS) for accounting and distribution purposes.
5. In IV-E cases, federal regulations require that a certain portion of child support payments be remitted to the federal government. (This is the responsibility of CSE.) Remaining funds are forwarded to the county department for the child.
6. In non-IV-E cases, collected payments are forwarded to the county department and are deposited in the child's restricted funds. (See 1016, Fiscal, for policies regarding the application of income to pay per diem expenses.)
7. Children in DFCS custody who are placed in the homes of relatives (no per diem), including MAO-Child Only cases, are **NOT** treated as "Foster Care" cases in terms of collections by CSE since they are neither IV-E nor IV-B (CW-FC).
8. Economic Support policies allow for a \$50.00 child support disregard in determining eligibility for both IV-E and IV-B children. However, the \$50.00 child support disregard is not allowed in determining the amount of the IV-E child's income, which is to be applied to the cost of care. (See 1016, Fiscal.)
9. Sometimes, there is an existing juvenile court order that orders child support. The SSCM needs to inform the MES and provide a copy of such to be attached to the referral. CSE agents must usually establish a new support order in Superior Court.

B. ASSERTING "GOOD CAUSE" NOT TO REFER A PARENT (S) TO CSE

1003.20

Requirement

The SSCM determines whether a "Good Cause" reason exists NOT to refer a parent(s) of a child in care to CSE. Written approval from the County Director/Program Director is obtained and forwarded to the MES.

Foster Care Services: Eligibility

1003.20 PROCEDURES

1. Obtain written approval from the County Director or Program Director whenever the SSCM asserts that a "Good Cause" reason **NOT** to refer a parent(s) to CSE exists.
2. Place a copy of this documentation in both the Services and MES's records for audit purposes.
3. On active cases, assert "Good Cause" whenever it is determined that CSE should cease collections. Provide written approval of the "Good Cause" reason.

C. UPDATES TO CSE

1003.21

Requirement

It is the responsibility of the SSCM to update CSE on all Foster Care cases (IV-E, IV-B Medicaid, IV-B Non-Medicaid and SSI) by using Form 123, *Interagency/Interoffice Update and Follow-up Form*.

Examples of information communicated by the SSCM to the local CSE agent are:

- Child returns home (include effective date)
- Rights of parent(s) terminated/relinquished (include effective date)
- Parent's employment status changes
- Eligibility status of the child changes (IV-E to CW-FC and vice versa)

Examples of information communicated by the CSE agent to the SSCM are:

- Locate information
- Copy of orders, enforcement or obligation actions
- Payment history
- Medical insurance and policy #

1003.21 PRACTICE ISSUES

1. The CSE agent is dependent on the SSCM for sharing critical updates that may impact the collection and/or distribution of any collected payments.

Example: A Foster Care case is entered onto the \$TARS system as IV-E FC. Per regulation, payments are remitted by CSE to the federal government. With notification by the SSCM via Form 123 that the child is no longer classified as IV-E FC, the CSE agent changes the case type to CW-FC. This impacts both the accounting and the distribution. Monies are now forwarded to DFCS.

Foster Care Services: Eligibility

Example: An active child support case involves an absent father on whom the court has terminated parental rights. Upon notification by the SSCM via Form 123 that rights have been terminated, collection activities for current support from that parent will cease; however, if arrears have accumulated, CSE may continue collection until the amount in arrears is satisfied.

2. The \$STARS computer system allows a prompt to be set every six months to review cases and verify that the child remains in care and the type of case. However, this does not relieve the SSCM of the responsibility to maintain communication with CSE and provide timely updates.

D. REQUESTS FOR INFORMATION

1003.22

Requirement

The SSCM may request information concerning a parent who has already been referred to CSE by completing Form 123, *Interagency/Interoffice Update and Follow-up Form*, and mailing or faxing it to the local CSE office.

Examples of information requested by the SSCM on an active case include:

- To search for an absent parent(s) through the Federal Parent Locator Services (FPLS) of CSE.
- To establish paternity of a child in care
- To document the payment history of a parent(s)

1003.22 PRACTICE ISSUES

1. Federal Parent Locator Services are beneficial to DFCS in identifying extended family members of a child for whom DFCS is making placement and/or permanency plans. (See 1006, Assessment and Permanency.) If CSE does not have an active case, the request for FPLS comes through the CSE State Office via a "*CSE Diligent Search Request.*" (Request copy from the local CSE office.)
2. Where paternity is an issue, CSE will arrange for and pay for DNA testing, but only in conjunction with a case that has been referred for full CSE services. Any other need by the county department to establish paternity; e.g., in preparation for filing a TPR petition, identification of a placement resource, etc., will require DFCS to schedule and pay for the testing. See Section 1016, Fiscal, for UAS Code 518, First Placement/Best Placement Wrap-Around Services for payment options.
3. Documentation of the payment history of a parent(s) may be useful information in preparing for a Review, building a case for termination of parental rights or

Foster Care Services: Eligibility

documenting evidence for a court hearing.