

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY</b>	
	<b>Chapter 15 : Eligibility</b>	<b>Effective Date:</b> October 1, 2018
	<b>Section 1: Title IV-E Foster Care (Overview)</b>	<b>Version:</b> 2

## STATEMENTS OF PURPOSE

The Department of Child Services (DCS) will utilize Title IV-E Foster Care funding (Title IV-E), a federal program that is authorized under and administered in accordance with Title IV-E of the Social Security Act. All IV-E eligible cases must be referred to the [Title IV-D agency](#).

### Title IV-E Program Eligibility

A Title IV-E eligibility determination must be completed for every child that enters out-of-home care. In addition, a Title IV-E eligibility determination must be completed each time an out-of-home care episode begins. There are two (2) categories of Title IV-E eligibility criteria that impact a child's status:

1. Initial eligibility; and
2. Ongoing eligibility.

### Initial Eligibility Criteria

If a court order authorizes removal of a child from his or her home, the child's initial eligibility determination is based on the month of the child's removal. Once a child is determined to be initially eligible for Title IV-E, the child remains eligible throughout the duration of the out-of-home care episode unless one (1) of the following events occurs:

1. DCS Placement and Care responsibility is terminated by a court order; or
2. A trial home visit (THV) lasts over six (6) months without a court ordered extension.

**Note:** DCS best practice is to obtain placement and care responsibility language in a court order to extend the THV. See separate policy, [8.39 Trial Home Visits](#) for further information.

If the out-of-home care episode ends and the child later re-enters out-of-home care, this is considered a new episode, and a new Title IV-E initial eligibility determination must be completed.

Information that is evaluated when determining initial eligibility includes:

1. Child's age;
2. Child's citizenship;
3. Court Ordered Removal;
4. Judicial Determinations of:
  - a. Contrary to the Welfare or Best Interest,
  - b. Reasonable Efforts to Prevent Removal, and
  - c. Placement and Care Responsibility.
5. Assistance Group;
6. Specified Relative;
7. Deprivation;

8. Income; and
9. Resources.

Children placed with a parent residing in a licensed residential family-based treatment facility for substance abuse may be eligible for Title IV-E regardless of whether the specified relative, deprivation, income, and resources criteria are met. Information related to income and resources for all individuals living in the household should be collected for all children, regardless of where they are placed. All documentation necessary to determine Title IV-E eligibility will be needed if a child is later placed in another out-of-home placement type. See [Related Information](#) for additional information.

DCS must be able to verify and document all initial eligibility criteria in the case file, and in the Management Gateway for Indiana's Kids (MaGIK). If DCS cannot verify and document these factors, the child will be ineligible for Title IV-E funding for the entire out-of-home care episode.

#### Title IV-E Ongoing Eligibility Criteria

Title IV-E ongoing eligibility refers to DCS' ability to continue claiming Title IV-E reimbursement for a child in out-of-home care. A child's ongoing eligibility is based on whether:

1. The child is placed in a Title IV-E eligible placement. See separate policy, [15.10 Ongoing Eligibility](#) for further information on Title IV-E eligible placements;
2. DCS maintains Placement and Care responsibility; and

**Note:** In order to be eligible for Title IV-E, DCS must continue to have Placement and Care responsibility of the child while he or she is residing with a parent in a licensed residential family-based treatment facility for substance abuse.

3. Reasonable Efforts to Finalize the Permanency Plan language is obtained within 12 months from the date the child entered foster care and every 12 months thereafter. In order to meet this federal requirement, REPP language should be obtained every nine (9) months. See separate policy, [6.10 Permanency Plan](#) for further guidance.

**Note:** A child will be considered to have entered foster care on the earlier of:

1. The date of the first judicial finding that the child has been subjected to Child Abuse and/or Neglect (CA/N); or
2. The date that is 60 days after the date on which the child is removed from the home.

A child's ongoing eligibility may change when there is a change in any of the ongoing eligibility criteria. The child's Title IV-E ongoing eligibility status may vary throughout the duration of the out-of-home care episode depending on events of the case (e.g., placement changes and court actions). DCS must verify and document all ongoing eligibility criteria in the case file and in MaGIK. If wardship is dismissed or the out-of-home care episode ends, DCS will determine eligibility again, if the child re-enters care.

#### Code References

1. [42 USC 671: State plan for foster care and adoption assistance](#)
2. [42 USC 672: Foster care maintenance payments program](#)

<b>PROCEDURE</b>
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The Family Case Manager (FCM) will:

1. Collect information and documentation to support Title IV-E initial eligibility criteria within 30 days of removal and upload the documentation that supports the initial eligibility criteria into MaGIK within 30 days of removal, including the following:
  - a. [Preliminary Inquiry](#);
  - b. Birth certificate;
  - c. All court orders for the child;
  - d. [Title IV-E and Title IV-A-EA Information \(SF 55435\)](#); and
  - e. Any other documentation supporting the IV-E initial or ongoing eligibility determination (e.g., pay stubs or signed parent statements).
2. Contact DCS Central Eligibility Unit (CEU) ([centralized.eligibility@dcs.in.gov](mailto:centralized.eligibility@dcs.in.gov)) if information is discovered that would impact the initial or ongoing eligibility determination during the out-of-home care episode; and
3. Enter all subsequent court hearings and associated court orders into MaGIK.

The FCM Supervisor will:

1. Assist the FCM to ensure the necessary information is collected; and
2. Ensure necessary information is documented in MaGIK.

The DCS CEU will:

1. Review the eligibility information in MaGIK;
2. Review Public Assistance database screens; and
3. Make an initial or ongoing eligibility determination.

<b>PRACTICE GUIDANCE</b>
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N/A

<b>FORMS AND TOOLS</b>
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1. [Title IV-E and Title IV-A/EA Information \(SF 55435\)](#)
2. [Preliminary Inquiry](#)
3. [Case Plan \(SF 2956\)](#) – Available in MaGIK

<b>RELATED INFORMATION</b>
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**Aid to Families with Dependent Children (AFDC):**

AFDC was a federal assistance program in effect until 1996 that provided financial assistance to children whose families had low or no income. AFDC program requirements in effect for the State of Indiana on July 16, 1996, continue to apply to the Title IV-E program. Although the Temporary Assistance for Needy Families (TANF) program replaced AFDC in 1996, a child eligible for TANF is not automatically eligible for Title IV-E.

**Impact of the Fostering Connections - Older Youth Foster Care Option**

The Fostering Connections to Success and Increasing Adoptions Act of 2008 includes a number of provisions intended to provide new supports and services to promote permanency and improved well-being of older youth in foster care, including an option for the state to continue providing Title IV-E reimbursable foster care, adoption, or guardianship assistance payments to children after the age of 18. Indiana has opted to extend foster care to youth up to age 20. Beginning on July 1, 2012 youth who are considered to be enrolled in school, employed at least

80 hours per month, participating in an employment promoting activity, or removing barriers to employment, or who are unable to participate in employment, or education due to a mental, or physical condition may stay in foster care until age 20. See separate policy [11.18 Eligibility for Collaborative Care](#) for more information regarding Collaborative Care (CC) eligibility for a foster care youth over age 18.

### **Families First Prevention Services Act of 2018 - Children Placed with a Parent Residing in a Licensed Residential Family-Based Treatment Facility for Substance Abuse**

The Families First Prevention Services Act of 2018 includes numerous provisions intended to change how child welfare services are funded and delivered. Under this legislation, beginning October 1, 2018 Indiana may receive Title IV-E reimbursement for an eligible child placed with a parent in a licensed residential family-based treatment facility for substance abuse for up to 12 months.

For the purposes of a child placed with a parent residing in a licensed residential family-based treatment facility for substance abuse, an eligible child is defined as a child who:

1. Is eligible for Title IV-E or is eligible for all Title IV-E eligibility criteria, except for the AFDC eligibility requirements (i.e., specified relative, deprivation, income, and resources); and
2. Has a recommendation for placement with a parent in a licensed residential family-based treatment facility for substance abuse specified in the [Case Plan \(SF 2956\)](#) prior to placement

In order for the placement to be eligible for Title IV-E reimbursement, the treatment facility must:

1. Provide parenting skills training, parent education, and individual and family counseling, and
2. Provide substance abuse treatment, parenting skills training, parent education, and individual and family counseling. These services must be provided under an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma and in accordance with recognized principles of a trauma informed approach and trauma-specific interventions to address the consequences of trauma to facilitate healing.

**Note:** A licensed residential family-based treatment facility for substance abuse is not considered a Child Caring Institution for the purposes of Title IV-E; therefore, the costs of administration and operation of the facility cannot be included in the Title IV-E foster care maintenance payment.

### **Title IV-D Agency**

Title IV-D of the Federal Social Security Act requires every state to provide child support services. This is called the Title IV-D Child Support Program. In Indiana, the Title IV-D Child Support Program is administrated by the DCS Child Support Bureau, and is carried out locally by the county prosecutor's office, the office of the county clerk, and the courts.

See <https://www.in.gov/dcs/2429.htm> for more information, including how to apply for the Title IV-D Child Support Program.