



**Administrative Policies and Procedures: 16.36**

<b>Subject:</b>	<b>Title IV-E Foster Care Funds</b>
<b>Authority:</b>	TCA 37-1-166, 37-5-106, 45 C.F.R 1356.21 (b); 1356.21 (c)
<b>Standards:</b>	<b>DCS:</b> 2-500, 6-500 A, 9-102, 12-100; <b>COA:</b> PA-FIN 4.02, PA-FIN 4.04-4.05
<b>Application:</b>	Family Service Workers, Supervisory Staff, and Child Welfare Benefits Counselors
<b>Policy Statement:</b>	
<p>The Department of Children's Services (DCS) will seek to maximize Title IV-E foster care reimbursement funds by determining initial eligibility of Title IV-E funds at removal for all children entering state custody. DCS will also ensure that all children eligible for Title IV-E reimbursement maintain their eligibility until they are released from care.</p>	
<b>Purpose:</b>	
<p>In order to meet the financial obligations of the children/youth in its care the Department of Children's Services (DCS) depends on funding from Title IV-E Foster Care Reimbursement. Compliance with this policy ensures maximum resource availability for children in DCS custody.</p>	
<b>Procedures:</b>	
<b>A. Court hearing, judicial determinations, and court orders</b>	<ol style="list-style-type: none"> <li>1. When children enter DCS custody, the committing court must have found at least the following conditions:               <ol style="list-style-type: none"> <li>a) A child remaining in their home is contrary to the child's welfare or removal is in the child's best interest; and</li> <li>b) A determination that reasonable efforts have been made to prevent a child's removal or were not required.</li> </ol> </li> <li>2. The judicial determination of contrary to the welfare must be documented in the first court order regarding the child's physical removal or constructive removal from the home.</li> <li>3. The judicial determination of reasonable efforts should also be documented in the first court order regarding the child's physical removal or constructive removal from the home.</li> <li>4. In cases in which DCS has filed a petition or DCS is allowed to be heard, DCS attorneys will secure the required judicial determination of contrary to the welfare and reasonable efforts at the first court hearing regarding the child's physical or constructive removal from the home.</li> <li>5. If the reasonable efforts determination is not in the first court order, DCS attorneys will set a further hearing in order to present evidence to obtain the</li> </ol>

	<p>finding of reasonable efforts from the court within sixty (60) days of a child’s removal from their home.</p> <p>6. A foster child is ineligible for Title IV-E funding if a judicial determination of contrary to the child’s welfare or removal is in the child’s best interest and a reasonable efforts determination is not obtained within these specified time frames.</p>
<p><b>B. Voluntary placement agreements</b></p>	<ol style="list-style-type: none"> <li>1. When there are no abuse or neglect issues involved, a parent(s) or legal guardian may sign a voluntary placement agreement with the Department for the temporary placement of a child in foster care, or a child age 18 or older is able to sign the agreement as his/her own guardian. Title IV-E may be claimed for the first 180 days of the child’s placement if the child and family meet the <u>AFDC</u> eligibility criteria. A signed Voluntary Placement Agreement must be executed and be available in the child’s case record. The agreement must contain the signature of the parent(s) or legal guardian(s) and the Department representative and the date the agreement was signed. If the signings occurred on different dates, the date of the final signature is the agreement date. Financial need and deprivation of parental care or support must exist at the time of the voluntary placement in licensed foster care in order for the child to be Title IV-E eligible. The staff person receiving the voluntary placement must annotate detailed information about the parent(s)’ living situation and the removal home.</li> <li>2. In order to continue Title IV-E eligibility, within 180 days from the date of the voluntary placement placement, a judicial finding must be made to the effect that the placement in out of home care is in the child’s best interest. If the judicial finding is not made within the first 180 days, the child will not be Title IV-E eligible for the remainder of the removal episode.</li> <li>3. For any child who is placed voluntarily, the court must determine within 180 days of the agreement that it is in the best interest of the child to remain in out of home care. If a continued placement in out of home care finding is not obtained from the court within 180 days, the child is not Title IV-E eligible beyond the first 180 days and federal claiming must cease. If the “contrary to the welfare” order lacks “reasonable efforts” language, the child will not be eligible until that language is obtained within a subsequent order of the court.</li> </ol>
<p><b>C. Initiation of application for benefits</b></p>	<ol style="list-style-type: none"> <li>1. The Family Services Worker (FSW) will complete form <b>CS-0475, Child Welfare Benefits Application</b> (this form will be used until it can be entered into <b>TFACTS</b>), for each child committed to DCS custody and placed in foster care.</li> <li>2. The FSW will forward the completed Child Welfare Benefits Application Information in <b>TFACTS</b> and all available eligibility verifications to the regional Child Welfare Benefits Counselor (CWBC) within five (5) working days of the child entering DCS custody and removal from the home.</li> </ol>

**D. Completion of the eligibility determination process for Title IV-E foster care funds**

The Child Welfare Benefits Counselor will:

1. Complete the eligibility determination process in **TFACTS** for Title IV-E foster care within 30 calendar days by assessing whether the child meets the program requirements.
2. Confirm the child as eligible and reimbursable for Title IV-E foster care if the child meets the following Title IV-E foster care program requirements:
  - a) The July 16, 1996 AFDC program requirements;
    - ◆ The child must be under the age of 18; or
      - Under age 19 and expected to complete high school or an equivalent vocational/technical training program before his/her 19<sup>th</sup> birthday.
    - ◆ The child is a U.S. citizen or a legal alien;
    - ◆ The child was removed from a Specified Relative and lived with this same specified relative at some time within six (6) months of the removal petition month or the month the Voluntary Agreement was signed.
    - ◆ The child must be deprived of parental support and/or care due to one of the following reasons:
      - i) Continued absence from the removal home of one or both parents;
      - ii) Death of one or both parents; or
      - iii) Incapacity of one or both parents; or
      - iv) Unemployment of one or both parents.
    - ◆ The child and the mandatory removal home members countable income is less than the 1996 AFDC Income Need Standards and the countable resources are less than \$10,000.
  - b) A contrary to the welfare judicial determination is documented in the first court order that sanctions the child's removal;
  - c) A reasonable efforts judicial determination is documented in the removal court order or in a supplemental court order obtained no later than 60 days from the date of removal;
  - d) DCS has legal responsibility for the child;
  - e) The child is in financial need;
  - f) The child is placed with an eligible Title IV-E provider/resource home.

	<p><b>Note:</b> Resource homes must meet the standards of full approval or re-approval as established in DCS Policy <a href="#">16.4 Resource Home Approval</a> and <a href="#">16.8, Responsibilities of Approved Resource Homes</a>. IV-E eligibility must be maintained within the time frames established by the initial approval date of a resource home. However, there are instances in which extenuating circumstances may prevent adherence to the initial timelines. In those instances a resource home is considered IV-E eligible 30 days after the biennial re-assessment due date.</p> <ol style="list-style-type: none"> <li>3. The CWBC must confirm the child as ineligible for Title IV-E Foster Care Reimbursement if any of the aforementioned criteria is not met.</li> <li>4. The CWBC must confirm the child’s benefit status in the appropriate computer systems:             <ol style="list-style-type: none"> <li>a) Confirm the child’s Title IV-E foster care status into <b>TFACTS</b>.</li> <li>b) Enter the child into the DHS ACCENT computer system to authorize TennCare Medicaid benefits.</li> <li>c) Complete the <b>TFACTS</b> verification of the child within the <b>TFACTS</b> system if verification has been received to confirm the child’s name, SSN, etc. In addition, record all benefits that the child has been approved to receive in <b>TFACTS</b>.</li> </ol> </li> <li>5. Complete form <b>CS-0508, Notice of Child Welfare Benefits Summary</b> (or appropriate <b>TFACTS</b> screen) and provide to the child’s case manager.</li> <li>6. Will manage the electronic eligibility file within <b>TFACTS</b> for each foster child that includes the application, copies of court orders and petitions, eligibility forms, verifications, etc.</li> </ol>
<p><b>E. Children of minor parents in foster care</b></p>	<ol style="list-style-type: none"> <li>1. A child living with his/her minor parent in a licensed foster family home or a child-care institution is not considered to be in “foster care” if the minor parent’s child has not been legally removed from the parent pursuant to a voluntary placement agreement or a judicial determination. The needs of the child living with a minor parent in the same licensed foster home are included in the Title IV-E payment being made on behalf of the minor parent. See DCS Policy <a href="#">16.46, Child/Youth Referral and Placement</a>.</li> <li>2. Separate Title IV-E foster care maintenance payments cannot be made for children of minor parents (unless the child has been legally removed from the minor parent). The minor parent’s foster care board payment may be increased to cover the foster care maintenance costs of a child of that minor parent when the parent and the child are in the same licensed foster home or facility by requesting form <b>CS-0674, Special or Extraordinary Rate Request</b>. However, if the child is removed or separated from the minor parent,</li> </ol>

	<p>the needs of the child must no longer be included in the maintenance payment of the minor parent and a new foster care contract must be completed. In such cases, the child’s eligibility for Title IV-E out-of-home care will be based on the child’s current and individual circumstances.</p> <p>3. A child whose cost of care in a licensed foster home or facility is covered by the Title IV-E foster care payments made with respect to the minor parent is also eligible for Title XIX Medicaid.</p> <p><b>Note: If a minor parent’s child is brought into custody, at a later date, by either judicial determination or Voluntary Placement Agreement, the mother and the child(ren)’s Title IV-E eligibility will be determined separately. In this instance, treat the minor parent’s child as an assistance unit of one when determining the minor parent’s child initial eligibility for Title IV-E foster care.</b></p>
<p><b>F. Permanency hearings, court orders, and reasonable efforts</b></p>	<ol style="list-style-type: none"> <li>1. An annual judicial determination of reasonable efforts to finalize the Family Permanency Plan must be obtained for each foster child as long as the child remains in foster care.</li> <li>2. The first annual judicial determination of reasonable efforts to finalize the Family Permanency Plan is due within twelve (12) months of the child’s date of custody.</li> <li>3. Each subsequent annual reasonable efforts judicial determination is due within twelve (12) months of the date of the last hearing in which the judicial determination was made.</li> <li>4. A Title IV-E foster child’s cost of care is non-reimbursable from Title IV-E foster care funds if a judicial determination of reasonable efforts to finalize the Family Permanency Plan is not obtained within these specified time frames.</li> <li>5. DCS attorneys will request an annual permanency hearing and will present proof as to the reasonable efforts made by the department to achieve permanency for the child. The attorney will ask the court for a finding of reasonable efforts to finalize the Family Permanency Plan at the annual permanency hearing or other court hearing if the hearing addresses reasonable efforts made by the department to achieve permanency for the child.</li> <li>6. DCS attorneys will forward a copy of the court order documenting reasonable efforts to finalize the Family Permanency Plan for each foster child to the regional CWBC and the FSW as soon as the court order is obtained for management within the electronic and paper files. The FSW will complete the <b>TFACTS</b> court screens to link the annual reasonable efforts court order to the hearing in which the annual reasonable efforts finding was obtained.</li> <li>7. DCS attorneys will continue efforts to obtain a court order documenting reasonable efforts to finalize the Family Permanency Plan due to a finding by the court that DCS has not made reasonable efforts. The DCS attorney will set the case back on the docket as soon as program staff notify the DCS attorney</li> </ol>

	<p>that reasonable efforts have been made. After the court order documenting reasonable efforts to finalize the Family Permanency Plan is obtained, the attorney will forward a copy of the court order to the CWBC and the child’s FSW to be maintained in the electronic and paper files. The FSW will complete the <b>TFACTS</b> court screens to link the annual reasonable efforts court order to the hearing in which the annual reasonable efforts findings was obtained.</p> <p>8. An order determining reasonable efforts is not required once a custodial child has reached the age of eighteen.</p>
<p><b>G. Certification of continued reimbursability for Title IV-E foster care funds</b></p>	<ol style="list-style-type: none"> <li>1. Child Welfare Benefits Counselors will confirm whether the Title IV-E foster care child continues to comply with federal Title IV-E foster care standards and continues to be reimbursable for Title IV-E foster care funds.</li> <li>2. Child Welfare Benefits Counselors will confirm that the child continues to be reimbursable for Title IV-E foster care after a court order with annual reasonable efforts judicial determination is obtained. The CWBC will:             <ol style="list-style-type: none"> <li>a) Update the <b>TFACTS</b> screens to reflect that the court order with the required reasonable efforts judicial determination was received. The date of the judicial determination is the date of the hearing.</li> <li>b) Include the copy of the new court order in child’s IV-E foster care file.</li> </ol> </li> <li>3. If notification is received that an annual finding of reasonable efforts is required and was not made at the annual Permanency Plan hearing or other court hearing within the specified time frames, the CWBC will confirm that the child is non-reimbursable for Title IV-E foster care funds. The child will remain non-reimbursable for Title IV-E foster care funds for the duration of the child’s stay in foster care until a court order with a reasonable efforts judicial determination is obtained. The CWBC ensure the current child welfare information system reflects the following:             <ol style="list-style-type: none"> <li>a) Updates to the <b>TFACTS</b> IV-E foster care file and the child’s paper Title IV-E foster care file to reflect that the new court order with a reasonable efforts judicial determination has not been secured. If the court order with the reasonable efforts finding is not obtained, the child will become non-reimbursable for Title IV-E foster care funds at the end of the 12<sup>th</sup> month following the date the child entered foster care <b>or</b> the end of the month the most recent court order to finalize a Family Permanency Plan was due.</li> <li>b) Any reinstatement to the child for Title IV-E foster care funds if a subsequent court order with the required reasonable efforts finding is obtained at a later date and the child continues to meet the other reimbursable requirements. The child will become reimbursable for Title IV-E foster care funds starting with the month of the hearing in which the annual judicial finding was made. The CWBC will:                 <ul style="list-style-type: none"> <li>◆ Update the <b>TFACTS</b> IV-E foster care file and the child’s Title IV-E foster care case to reflect that a court order with the required reasonable</li> </ul> </li> </ol> </li> </ol>

	<p>efforts judicial finding has been secured;</p> <ul style="list-style-type: none"> <li>◆ File copies of the court order in the child’s IV-E foster care file and;</li> <li>◆ Confirm that <b>TFACFS</b> reflects that the child is again reimbursable for Title IV-E foster care funds.</li> </ul>
<p><b>H. Periodic re-determination of AFDC eligibility</b></p>	<p>1. Periodic re-determinations of AFDC eligibility factors are no longer required.</p> <p><b>Note:</b> Effective April 1, 2010, the Federal Government no longer required states to complete periodic AFDC Re-determinations. Documentation of completed AFDC Re-determinations prior to April 1, 2010 is still required.</p> <p>2. A foster child who has been determined AFDC eligible under Title IV-E at removal will be considered to meet AFDC financial need (income and resources) and deprivation requirements throughout the foster care custody episode regardless of subsequent changes in income, resources and parental deprivation.</p>
<p><b>I. IV-E eligibility for children over age 18</b></p>	<p>1. Any IV-E eligible child over the age of 18 that remains in or re-enters foster care via a Voluntary Placement Agreement (VPA), will <b>not</b> require a new determination of AFDC eligibility <b>if</b>:</p> <ul style="list-style-type: none"> <li>a) The child exited custody and then re-entered foster care within six (6) months of that exit; or</li> <li>b) There is a court order authorizing the youth’s trial independence and the child returns to foster care within that specified timeframe.</li> </ul> <p>2. Any child over the age of 18 who re-enters foster care via a VPA and was not IV-E eligible upon exiting custody, or has experienced a break in custody for six (6) months or longer, <b>will</b> require a new determination for IV-E foster care. <u>The child must meet the AFDC eligibility requirements based on the child without regard to the parents/legal guardians or others in the assistance in the home from which the child was removed as a younger child (e.g., child only case).</u></p> <ul style="list-style-type: none"> <li>a) The IL specialist will assist the child with completion of form, <b>CS-0953, Application for Title IV-E Eligibility for Young Adults Requesting Extension or Re-establishment of Foster Care Services</b>, and forward the completed application, a copy of the Voluntary Placement Agreement(VPA) and form <b>CS-0954, Certification of Eligibility for Title IV-E Fostering Connections: Extension or Re-establishment of Foster Care for Young Adults</b>, to the regional Child Welfare Benefits Counselor (CWBC).</li> <li>b) The regional Child Welfare Benefits Counselor will confirm the child over the age of 18 as eligible and reimbursable if the child meets the following Title IV-E foster care requirements for a new determination. <ul style="list-style-type: none"> <li>◆ Is a U.S. citizen, or meets certain other guidelines to be considered a qualified alien; and</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>◆ Resides in the state of Tennessee; and</li> <li>◆ Does not have countable assets exceeding \$10,000 ( applies to young adults only); and</li> <li>◆ Does not have countable income exceeding the 1996 AFDC Income Needs Standard ( \$420,00 per month for one person assistance unit- applies to young adults only; and</li> <li>◆ Is not married; and</li> <li>◆ Signed an agreement to voluntarily accept foster care as an adult, to include acceptance of a DCS placement option or supervised Independent Living setting (case management plus an approved living arrangement).</li> </ul> <p>c) The Child Welfare benefits counselor will inform the child’s IL specialist of the child’s IV-E status by completing and forwarding a copy of form <b>CS-0954, Certification of Eligibility for Title IV-E Fostering Connections, Extension or Re-Establishment of Foster Care for Young Adults.</b></p> <p>3. A young adult who has been determined AFDC eligible under Title IV-E Fostering Connections when they re-enter foster care, will be considered to meet AFDC financial need (income and resources) throughout the foster care custody episode regardless of subsequent changes in the young adult’s income and resources.</p>
<p><b>J. Notification of changes in circumstances</b></p>	<ol style="list-style-type: none"> <li>1. The FSW will inform CWBC of any change in circumstances for a child for whom child welfare benefits, e.g., Title IV-E foster care, TennCare, SSI, Social Security, etc., are being claimed.</li> <li>2. Within ten (10) days of the change, the child’s case manager will complete changes of circumstances in <b>TFACTS</b>.</li> <li>3. The CWBC will review any changes to the child’s benefit circumstances. A child who has been determined AFDC eligible at removal will be considered to meet the AFDC financial need and deprivation requirements throughout the foster care custody episode. Any subsequent changes in a Title IV-E child’s need or parental deprivation status will not change the child’s initial Title IV-E status.</li> <li>4. The CWBC will update the child’s benefit status in <b>TFACTS</b>, ACCENT, etc. If the report change results in a change in the child’s child welfare benefits, a summary of those changes will be provided.</li> <li>5. A summary of any changes to child welfare benefits will be documented and filed in the child’s paper and electronic files.</li> </ol>

<b>Forms:</b>	<p><a href="#"><u>CS-0475 - Child Welfare Benefits Application</u></a></p> <p><a href="#"><u>CS-0508 - Notice of Child Welfare Benefits Summary</u></a></p> <p><a href="#"><u>CS-0486 - Title IV-E Reimbursability Determination, Monthly Criteria</u></a></p> <p><a href="#"><u>CS-0674- Special/Extraordinary Rate Request</u></a></p> <p><a href="#"><u>CS-0797- Affidavit of Reasonable Efforts</u></a></p> <p><a href="#"><u>CS-0953, Application for Title IV-E Eligibility for Young Adults Requesting Extension or Re-Establishment of Foster Care Services</u></a></p> <p><a href="#"><u>CS-0954, Certification of Eligibility for Title IV-E Fostering Connections: Extension or Re-Establishment of Foster Care Services for Young Adults</u></a></p>
<b>Collateral documents:</b>	<p><i>Petition</i></p> <p><i>Voluntary Placement Agreement</i></p> <p><i>Court Orders</i></p>