

A Fun Guide to Title IV-E Foster Care Eligibility¹

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In order to claim Title IV-E for a youth in out-of-home care, the youth's eligibility must be established and maintained. Out-of-home care is a general term for anything other than the youth's own home. It includes licensed facilities such as CDS shelters. **Shelter staff members are ultimately responsible for collecting the necessary eligibility information and getting it to the person who determines eligibility.**



Definitions

VPA - Voluntary Placement Agreement.

Home - The family setting maintained or in the process of being established as evidenced by the responsibility of the day-to-day care of the youth. The concept of home is based on the existence of a parent or other adult who has taken on the daily care and supervision of a child or youth.

¹Adapted from "Title IV-E Foster Care Eligibility Training Participant Guide," Florida Network of Youth and Family Services, Inc., June 1, 2001.

Removal - A physical change of location in addition to a change of legal status (VPA signed). The youth has actually moved out of her/his customary home and been placed in a shelter.

Specified Relative - A person or persons listed as eligible to receive public assistance on behalf of a child. Only a relative may receive such assistance. Specified relatives include all people who have ever been married to the person on the "specified" list, even those whose marriages have ended through death or divorce.

Deprivation - A situation in which one or both parents are unable to provide the youth with daily care and support:

- Single parentage due to death, divorce, separation or desertion.
- Parental unemployment.
- Parental underemployment.
- Parental incapacity/disability.

Income - Money coming into the household, except for certain types of benefits (i.e. Food Stamps are not considered income). Counselors should obtain and share information about all income sources.

Assets - Money (e.g., savings accounts, certificates of deposit...) or items that can be readily turned into cash (automobiles may or may not count).

Missie or Greg/Greg or Missie - Data Systems people who are paid to make up all this gross training material.

Current Living/Housing Situation -

- | |
|---|
| 1 = Alone |
| 2 = With Relatives-Share Cost |
| 3 = With Non-Relatives-Share Cost |
| 4 = With Relatives-Do Not Share Costs |
| 5 = With Non-Relatives-Do Not Share Costs |
| 6 = Assisted Living Facility (ALF) |
| 7 = Foster Care/Foster Home/Adult Foster Care Home (AFCH) |
| 8 = Group Home |
| 9 = Homeless |
| 10 = Hospital |
| 11 = Nursing Home |
| 12 = Supported Housing |
| 13 = Correctional Facility |
| 14 = DJJ Facility |
| 99 = Not Available/Unknown |

Admission Type -

- | |
|-----------------------------|
| 1 = Voluntary Competent |
| 2 = Voluntary Incompetent |
| 3 = Involuntary Competent |
| 4 = Involuntary Incompetent |

At Intake

At intake for residential services of CINS/FINS youth you ("you" will depend on your particular procedures at each shelter) should:

- Collect the following from the youth/parent (as soon as possible)

3. The individual must be a resident of Florida, with the intent to remain here.
4. The individual must be a U.S. citizen or qualified non-citizen.

Other Title IV-E eligibility factors are as follows:

1. Physical removal (absence) from home.
2. Residence with specified relatives.
3. Deprivation of parental care.
4. Financial need.
5. Verification of Income
6. "Contrary to the Child's Welfare."
7. "Reasonable Efforts."
8. Title IV-E eligible placements.
9. SSI

1. Physical Removal (Absence) from Home

The parent(s)' home is considered the "removal home" when a youth has been living with a parent and the parent has been maintaining the home for the youth. If the parent(s) made arrangements for someone else to provide the daily care and supervision of the youth and shelter placement occurs in less than six months, the youth is still considered to be living with the parent.

"Removal" can mean **Admission Types** of either court-ordered (involuntary) placement or voluntary placement via agreement (**VPA**). Removal is "absence from," even if it is voluntary on the part of the youth and parent(s). Regardless of where the youth has been most recently, if she/he has been with that person for less than six months, the "removal home" reverts to where the youth was previously housed and cared for.

2. Residence with a Specified Relative

The relationship of the person(s), in regards the youth, with whom the youth is living (**Current Living/Housing Situation**) should be determined as best as can be established when filling in forms. Specified relatives, in respect to the youth, are as follows and include legal spouses of any relative listed, even if separated or divorced, as well as adopted or adoptive relatives.

Specified Relatives

- Great-great-great grandparents.
- Great-great grandparents.
- Great-grandmother/great-grandfather.
- Grandmother/grandfather.
- Mother/father.
- Sister/brother.
- Niece/nephew.
- Aunt/uncle.
- 1st cousin.
- 1st cousin once removed.
- Grandaunt/granduncle.
- Great-grandaunt/great-granduncle.

The youth must have lived with a parent or other specified relative at some time within the six months prior to voluntary placement (or removal) in order to be Title IV-E eligible. The youth need not have been living with a specified relative at the exact time of removal or voluntary placement.

Submit IV-E applications for a youth no matter whom they have been living with in the prior six-month period. Be as specific as possible regarding names and other information, e.g., full names and reported relationships.

In cases where the youth has been "running the street," if a parent or relative has been maintaining a home for the youth and has had some contact with the youth, the youth can be considered as having lived with that person.

If the youth has been in a boarding school or has been placed in a residential facility, the parent(s)' or specified relative(s)' home remains the child's home, regardless of the length of time the youth has spent in the facility or school, as long as the parent(s)/relative(s) is/are maintaining a home and providing support (financial, emotional, etc.) for the youth.

3. Deprivation of Parental Care

Factors considered in defining a youth's deprivation are as follows:

- Single parentage due to death, divorce, separation, or desertion.
- Parental unemployment.
- Parental underemployment.
- Parental disability/incapacity.

If the youth is living with only one parent because of death, divorce, separation, or desertion, deprivation is said to exist. If the youth is living with someone other than a parent, then deprivation exists because there is "continued absence" of both parents. In this case, deprivation will continue to exist unless both parents move in to the home in which the youth is living.

However, if the parents were separated at the time the youth came into shelter (having lived with one of them) and the parents move back in together, deprivation no longer exists (unless one of the other conditions applies) as long as the parents are living together.

It is also important to know that for purposes of determining deprivation, the legal parent takes precedence.

Unemployment refers to the parent who has usually been the primary financial provider in the past, but was not working at the time the youth came into shelter. Underemployment means the person who provides or has provided the primary income is now working less than 100 hours per month.

Incapacity means the parent is actually unable to provide care or support for the youth because of physical or mental illness or disability. Evidence that a parent receives SSI or SSA disability establishes incapacity. Other methods may be more difficult or complex, but possible. If, for example, a psychological

evaluation states that the parent has a condition that makes it unlikely they can adequately care for a young person, you may be able to obtain a statement from the psychologist with the parent's consent. Other indicators of incapacity may be income from Workman's Compensation or disability benefits.

Because different (unique) situations may exist for each child within the same home, the situation for each youth should be separately considered.

4. Financial Need

A family receiving public assistance usually indicates Title IV-E eligibility.

A youth whose combined family financial assets are over \$10,000 at the time of removal, youth's assets inclusive, do not qualify for Title IV-E. However, a youth whose financial assets are between \$1,000 and \$10,000 is always considered as having only \$1,000 in financial assets, i.e., if a youth's assets total \$10,000, but family assets are below \$9,000, then the combined assets are considered to be less than \$10,000 because the youth's assets revert to \$1,000.

Primary residences, including automobiles used as primary residence (not leased), and automobiles used as a business (not leased) are not considered as assets.

Gather all available information in regards household income and assets. Always turn in applications for Title IV-E regardless of what the reported assets and income are -- *information provided to the counselor may be in error.*

5. Verification of Income

All income sources to the household must be verified and proof retained in our participant charts.

For employed households either send a form to their current employer to be filled out or fill it out over the phone with them and document the date and time you spoke with the employer. We need to retain proof of employment/income for the 8 weeks prior to the participant's admission to our shelter.

For self-employed households their most recent tax-return is required as proof of income.

Please note that some forms of benefits do not count as "income" for title IV-E. For example, food stamps do not count as income.

6. Contrary to the Welfare Language

This eligibility criterion applies to court orders placing a youth in care and is not relevant to the shelters. However, if a court order puts a youth in a

shelter, a **VPA** should be signed and the **admission type** should be changed to Voluntary Placement as soon as possible afterwards.

7. Reasonable Efforts

There must be a case plan in place for each youth and family including the services provided, the intent of which must be to return the youth home or to another safe and permanent home as soon as possible. This is what is meant by reasonable efforts to prevent removal and/or to return home. The case/service plan should state that the services being provided are "reasonable efforts" to "eliminate" the need for shelter, as well as list what they are.

8. Title IV-E Eligible Placements

When parent(s) or legal guardian(s) voluntarily place a youth into shelter (substitute care), a **VPA** must be signed and dated by at least one of the parent(s) or the legal guardian(s).

For reimbursement purposes, the date of the first day of the shelter stay is defined as the date the **VPA** is signed.

If the youth is in the shelter over 160 days, court action should be initiated. If the youth remains in care for more than 179 days, a court order must be obtained before the 180th day of placement. The court order must contain the following:

- A finding by the judge that placement in the shelter is (1) in the youth's best interests or that it would be contrary to the youth's welfare to return home at this time, or (2) that there is no adult willing or able to care for the youth at this time.
- A finding by the judge that reasonable efforts have been made to return the youth to their home or find an alternative, permanent home, and list what those efforts have been.

Eligibility is determined for an **admission type** of voluntary placement at the time of entry into shelter, even if a court order is later obtained. The youth will continue to be Title IV-E eligible, regardless of **admission type** (placement status), if she/he was previously eligible.

Continued Title IV-E eligibility stays with the youth, however, reimbursements may be terminated during any period in which the license is not current. This is why the application asks for the license date.

Remember that Title IV-E is claimed on a day-to-day basis, so if a youth moves in and out of shelter, because she/he is in and out of detention or runs away frequently, the claim for reimbursement funds is based on the number of days in the shelter, omitting days the youth was not there. However, two days, at most, can be claimed if the youth runs away and bed space is maintained for the youth.

9. SSI/IV-E

When a youth is SSI-eligible, costs cannot be reimbursed, regardless of IV-E eligibility. Submission for reimbursement of costs could result in an interruption in the youth's SSI funding.

Procedure for Youth Entering Shelter with MediPass

Medipass

MediPass is a form of Medicaid coverage. It is on a fee-for-service basis, and is therefore NOT like an HMO. A person with MediPass can see any doctor s/he chooses. Therefore, having MediPass does not mean that other forms of Medicaid can't be applied for (such as Title IV-E) HOWEVER, if we apply for Child in Care Medicaid, it WILL remove the child from the family's case, and the parents will have to re-apply when the youth goes home. Therefore, the following procedure will be sensitive to the family's needs while still allowing agencies to claim Title IV-E for eligible children.

If a youth comes into care and has MediPass, WAIT to apply for IV-E Medicaid for the youth until it becomes clear that the stay will last longer than one week. If they've been in the shelter for a week and don't appear to be going home right away, an application should be sent in. **If a youth stays less than a week and has MediPass, apply AFTER the youth has gone home, and indicate PROMINENTLY on the application the dates the youth was in care but that they have gone home.**

The End.