

**DEPARTMENT OF HUMAN RESOURCES
SOCIAL SERVICES ADMINISTRATION
311 WEST SARATOGA STREET
BALTIMORE, MARYLAND 21201**

DATE: March 24, 2008

CIRCULAR LETTER: SSA Circular Letter #08- 18

TO: Directors, Assistant Directors for Services, and Supervisors,
Local Departments of Social Services

FROM: Cathy F. Mols, Executive Director
Social Services Administration

RE: IV-E Eligibility of minors in foster care and their dependent children

PROGRAMS AFFECTED: All programs within the Social Services Administration

ORIGINATING OFFICES: Office of Child Welfare Practice and Policy

ACTION REQUIRED OF: Local Departments of Social Services

REQUIRED ACTION: Implement policy and procedures regarding IV-E
Eligibility of minors in foster care and their dependent
children

ACTION DUE DATE: Immediately

CONTACT PERSON: Stephanie Pettaway, Director
Child Welfare Practice and Policy
410-767-7506
SPettawa@dhr.state.md.us

I: PURPOSE:

This circular letter will both clarify and communicate the requirements and guidelines of IV-E funding eligibility as it relates to minors in foster care and their dependent children to ensure that payments are processed accurately and in accordance with federal law.

II: BACKGROUND:

After a recent review of Sections 475(5) and 475(4) B of the Social Security Act, the office of grants management has become aware of an error in the processing of mother-child payments. This error involves the incorrect classification of dependent children of minors in foster care as ineligible for IV-E maintenance payments. In light of the identification of this error, it is necessary to communicate the established eligibility guidelines for title IV-E mother-child payments so that they are processed correctly.

III: GUIDELINES & REQUIREMENTS:

A recent federal decision has expanded eligibility of IV-E funding to cover the dependent children of minors in foster care, who are recipients of title IV-E foster care maintenance payments.

Section 475(4) B of the Social Security Act requires that foster care maintenance payments for a minor parent in foster care cover a child of such parent if the child is placed with the minor parent. Neither the statute nor regulations require the state to have placement and care responsibility for the child in order for such costs to be included in the minor parent's foster care maintenance payment.

In cases where the state has placement and care responsibility for both the minor parent and the child, title IV-E eligibility would have to be determined individually for each. Likewise, if a minor parent leaves the foster home and does not take the child, the child's eligibility for foster care then would be based upon his or her individual circumstances. In addition the state would have to obtain responsibility for placement and care of the child through either a voluntary placement agreement or a court order with the required judicial determinations. When a child is placed with his/her minor parent without placement and care responsibility by the state, no administrative costs can be claimed on her/his behalf because s/he is not eligible for nor a recipient of title IV-E foster care maintenance payments.

The state is merely increasing the amount of the title IV-E foster care maintenance payment made on behalf of the eligible minor parent to accommodate the board and care of the child. In situations where the eligibility of the minor parent and his/her infant are determined separately and both are placed in foster care, the State may claim administrative costs for the child because s/he is eligible for and receiving title-IV-E maintenance payment in her/his own right.