


Policy Subject:	Initial Foster Care Title IV-E Determination Eligibility
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Approved By:	Michelle L. Farr  Executive Director Social Services Administration
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Program Affected:	Title IV-E Compliance and Eligibility, Foster Care, Intake and Referrals Services



Legal Information and Purpose

The purpose of this policy directive is to provide guidance to the Local Department of Social Services (LDSS) and the Department of Juvenile Services (DJS) on completing accurate and timely Title IV-E initial determinations for children removed from their home by the LDSS or DJS and placed in Out of Home Placement (OHP), foster or kinship care.

Policy

The Title IV-E program was created by U.S. Public Law 96-272 and is set forth in Title IV, Part E of the Social Security Act. This part of the Social Security Act provides funds to States to prevent children from entering out-of-home placement (foster care), and to maintain children in out-of-home placements, adoptive and guardianship homes. The Title IV-E program also provides funds to support administrative costs, which helps to pay for staff salaries, supplies, programs for the training of new workers, continuous education of current workers, training for foster families and staff in foster care facilities. U.S. Public Law 96-272 also mandates that safeguards and protection criteria are provided for foster children to ensure that they are not placed in out-of-home care unnecessarily.

Every child removed from their home by the LDSS or DJS and placed in foster or kinship care must be determined for federal eligibility as provided in Title IV Part E of the Social Security Act. If a child is found eligible, the state of Maryland would be entitled to claim federal funds for the cost of maintaining the child in foster care and the cost of administering the Title IV-E program. The eligibility determinations are performed by Maryland Department of Human Services/Social Services Administration (DHS/SSA), Montgomery County DHHS and DJS Title IV-E Specialists using various information provided by the LDSS foster care caseworkers and supervisors.

Under the policies and regulations of Title IV Part E of the Social Security Act, the State of Maryland is required to remove a child from the home of a specified relative that meets certain AFDC standards at age 18 or younger. In addition, the LDSS or DJS must obtain a court order transferring custody to the state IV-E agency and place the child in an approved or licensed foster home. The LDSS can also obtain temporary placement and care responsibility by way of voluntary placement agreement. Therefore, the Title IV-E determination is a battery of tests conducted on foster care cases to determine Title IV-E eligibility in order to maximize federal reimbursement (funds) needed for implementing child welfare programs in the State of Maryland. When a child is removed from their home and placed in the custody of the state, an initial determination is completed, and if the child is found ineligible, the child's eligibility decision will remain the same throughout the foster care episode unless new information is found that could reverse the eligibility decision. If the child is found eligible, federal reimbursement could change throughout the foster care episode depending upon circumstances, i.e., placement, court language, etc.

Procedural Guidance

Title IV-E Initial Determination Eligibility Criteria

The following are the eligibility criteria for Title IV-E initial determination:

1. The removal must be in accordance with the judicial determination of contrary to the welfare and reasonable efforts to prevent removal or via a voluntary placement agreement.
 - Court Order: This test is to establish that a Maryland Juvenile Court sanctioned the removal of the child via a signed court order that is timely and has the required court

- language by making a “contrary to welfare” and “reasonable effort to prevent removal” finding.
- Voluntary Placement Agreement: This is a test to establish that there is an agreement signed on or before the date of placement by a parent/parents/legal guardian and the LDSS giving temporary placement and care responsibility to the LDSS.
2. The Title IV-E agency or public agency that has an agreement with the Title IV-E agency has placement and care responsibility
 - Removal Type: This test is to establish that a Maryland Juvenile Court order transferred custody of the child from their parent(s) or legal custodian to DHS/LDSS or DJS **OR** the child is voluntarily placed with DHS/LDSS and a voluntary placement agreement is signed between the child’s biological, adoptive parent(s) or legal guardian and DHS/LDSS designee or in the case of a youth re-entering foster care a voluntary placement agreement between the youth and DHS/LDSS.
 3. The Title IV-E agency must establish that the child meets the AFDC eligibility requirements using criteria that were in effect on July 16, 1996 in accordance with the Title IV-A state plan. The AFDC removal home is based on the specified relative who is the subject of the judicial finding of “contrary to welfare” or who signed the voluntary placement agreement.
 - Demographics: This test is to establish that the child is less than 18 years of age when they are removed from their home or in the case of a youth re-entering foster care, that they are less than 21 years of age for DHS cases. DJS youth can enter foster care at age 18-21 if the offense occurred prior to age 18. In addition, the child **MUST** be a US citizen or a qualified alien (Personal Responsibilities and Work Opportunity Reconciliation Act).
 - Financial need: This test is to establish that the child met the resource and income requirement in the AFDC removal month.
 - Deprivation: This test is to establish that the child was deprived of parental support in the AFDC removal month.
 4. The child is placed in a fully licensed or approved foster family home or child care institution
 - Placement: This validates that the removed child is placed in an appropriate foster care or non-foster care setting that meets the standards for licensure or approval established by the State of Maryland or the State where the foster care placement is located.
 5. The safety requirements for the caregivers have been verified.
 - This validates that the safety requirements have been met as part of the licensure or approval process

Eligibility Status/Decisions

Each foster care case must have one of the following status, **Pending, Incomplete, Eligible & Reimbursable, Eligible Non-Reimbursable or Ineligible.**

1. Pending: Indicates that a new IV-E referral has been received and that an initial eligibility determination is needed.
2. Incomplete: Occurs when an initial eligibility determination has been started in the data system but has not been completed. DJS does not currently generate IV-E determinations in the data system.
3. Eligible & Reimbursable: When all Title IV-E eligibility criteria have been met.
4. Eligible Non-reimbursable: When all of the Title IV-E eligibility criteria have been met but all of the reimbursability requirements have not been met, the Title IV-E agency is

still able to claim administrative costs (i.e. child in a non-foster care setting, child in receipt of SSI).

5. Ineligible: When the child does NOT meet the eligibility criteria. This can be for one or more reasons.

Time Frames for Completing Eligibility Determination

The initial Title IV-E eligibility determination should be completed within 60 days from the date of assignment.

Caseworker Responsibilities

In order for a Title IV-E case to be generated, the LDSS/DHS foster care casework staff must complete certain criteria in the database system. The DHS/LDSS foster care caseworker is responsible for completing the following information. Currently, DJS staff receive notification of new referrals from Research and Cost Allocation listing all new entrants requiring an initial determination.

1. Create a removal: Removal is to be entered within 1 business day. This opens the IV-E episode.
2. Complete Education/Employment information. If the child is over age 18 years and is re-entering foster care under Enhanced Voluntary Placement Agreement this information should be completed within 30 days of entry into care.
3. Ensure that all demographic information is accurate and completely entered for all household members including relationships (age, citizenship, DOB, SSN, both parents' names for children).
4. Complete court hearing information with Shelter Petition and Removal Order information
5. Complete living arrangement prior to removal.
6. Complete placement or living arrangement information.
7. Scan documents into the database system (i.e. birth certificate, alien registrations, social security cards, court petitions, court orders, VPA agreements).

Pay and Close (DHS Cases)

"Pay and Close" are children/youth that enter and exit foster care within 60 days. In order to close the foster care case, a Title IV-E determination must be completed. Casework services must submit a written request to the Title IV-E Unit and enter all required information into the database system before a determination can be completed. Upon receipt of the request, the Title IV-E Supervisor will assign the case to a Specialist. Once assigned, the Specialist has 4 business days of entry into the database system and the supervisor has 1 business day to approve.

Expedited Determination (DJS Cases)

An expedited Title IV-E eligibility determination (Fast Track) must be completed for DJS youth referred for placement with an out of State residential placement provider. A copy of the Title IV-E eligibility determination is required by the Department of Human Services (DHS) to process the Interstate Compact for Placement of Children (ICPC) referral. The DJS Case Manager Specialist (CMS) must make the request for an expedited Title IV-E eligibility determination no later than one business day following the resource staffing that identifies the youth for referral to an out of State placement. Upon receipt of the request, the Title IV-E Supervisor will assign the case to a Specialist. Once assigned, the specialist has 10 business days to complete the expedited determination.

Title IV-E Policy Requirements for Completing Initial Determination

The following table illustrates how each component is completed using a series of evaluation questions, eligibility standards, acceptable verification/documentation, and special consideration and associated database screen shots. The Title IV-E Specialist must complete all eligibility components in order to complete a determination.

Component Status and Definitions	Evaluation Question	Eligibility Standard	Acceptable Verification or Documentation	Special Consideration
Demographics See Title IV-E Initial Eligibility Decision Worksheet Sections IIC & IID	A. Is the child a US citizen?	A. Child must be a US citizen or qualified legal alien.	A. Birth Certificate. Valid passport or alien registration card.	
	B. Was the child under the age of 18 prior to being removed from home and placed in the care and custody of LDSS or DJS? OR Was the child between the age of 18 to 20 years and six months at entry or re-entry into care and custody of the LDSS or DJS?	B. Child must be under 18 years of age prior to removal from the home or between 18 to 20 years and six months of age at entry for DJS cases or re-entry into foster care for DHS cases. In addition, child must meet the 18 to 21-year-old criteria within 30 days of entry or re-entry.	B. Birth Certificate or official government document with date of birth. Date of birth at removal date	
	C. Did the child meet the 18-21-year-old criteria within 30 days of entry/re-entry into foster care?		C. Employment, education folder updated by caseworker	C. DJS youth can enter foster care at age 18-21 as long as the offense occurred prior to age 18.
D. Safe Haven laws allow any person statutorily defined by law, usually parents, to abandon an unharmed newborn baby at any location permitted by law. A distressed parent who is unable or unwilling to care for their infant can safely give up custody of their baby, no questions asked.	D. Was the child a Safe Haven child?	D. Established Safe Haven cases in the database are ineligible for Title IV-E federal funding for the life of the foster care episode.		D. A parent has up to 10 days from the birth to invoke Safe Haven anonymously and safely leave a baby with a responsible adult at a designated location. A person who invokes Safe Haven is immune from civil liability or criminal prosecution provided the child is unharmed.

Component Status and Definitions	Evaluation Question	Eligibility Standard	Acceptable Verification or Documentation	Special Consideration
Removal Type See Title IV-E Initial Eligibility/ Decision Worksheet Sections IA, IB & IC	A. Was there a valid removal of the child from the home via VPA or Court Order?	A. Child must be physically or constructively removed via a court order sanctioning the removal OR via a VPA signed by the child's parent(s) or legal guardian or youth and the agency	A. Removal recorded in the database system. This generates a Title IV-E pending case.	A. A removal is not valid when legal custody, i.e. placement and care responsibility, has been removed from a specified relative and the child remains in the home of the same specified relative.
	B. Was the VPA (time limited or child with disability) signed by the child's parent(s) or legal guardian and the agency? OR Was there an EA-VPA agreement signed by the youth and the agency in accordance with an EA-VPA referral and removal?		B. DHS or DJS Shelter care authorization and/or Initial court order removing the child from home OR A hard or scanned copy VPA signed by the child's parent(s), or legal guardian and the agency. OR A hard or scanned copy VPA signed by the youth and the agency.	B. DJS youth do not enter foster care via VPA or EA-VPA. Physical Removal vs. Constructive Removal. Physical removal occurs when the child is physically taken from his or her current place of residence and placed into a substitute care setting. Constructive Removal is when a judicial ruling of "contrary to the welfare" is made or when a voluntary placement agreement sanctions the child's removal from the parent or another specified relative with whom they physically resided within 6 months prior to the court proceedings or execution of a voluntary placement agreement while the child is living with a related or unrelated interim caregiver.

Component Status and Definitions	Evaluation Question	Eligibility Standard	Acceptable Verification or Documentation	Special Consideration
Court Order See Title IV-E Initial Eligibility/ Decision Worksheet Section IC	A. Was there a judicial finding of "Contrary to the Welfare" (CTW) in the first court order sanctioning the child's removal for children entering care after March 27, 2000? For children entering care between Oct 1, 1986 and March 27, 2000, was there a judicial finding of CTW rendered within 6 months of the child's removal? AND	A. A removal court order that contains a judicial finding to the effect that it is contrary to the child's welfare to remain in the home.	A. A hard or scanned copy of a removal or shelter or review court order signed by a judge with the required "CTW" language.	A. The court order should identify the person whom the contrary to welfare is against.
	B. For children entering care after March 27, 2000, was there a judicial determination of "Reasonable Efforts" (RE) to prevent removal of the child from the home or that reasonable efforts were not necessary due to emergent circumstances, within 60 days from the date the child was considered to have entered foster care? For children entering foster care prior to March 27, 2000, was the judicial determination of reasonable efforts to prevent removal made at any point in the foster care episode?	B. A court order that contains a judicial finding to the effect that DHS/LDSS or DJS made "Reasonable Efforts" (RE) to prevent removal of the child from the home within the specified timeframe requirement or that reasonable efforts were not necessary due to emergent circumstances.	B. A hard or scanned copy of a court order signed by a judge with the required "RE" language.	

Component Status and Definitions	Evaluation Question	Eligibility Standard	Acceptable Verification or Documentation	Special Consideration
Removal Month/Home See Title IV-E Initial Eligibility and Decision Worksheet Sections IIA, IIB, IIE & IIF	<p>A. What month was the child physically removed from the home? Were the date petition filed and/or the date of the first court order sanctioning the removal of child</p> <p style="text-align: center;">OR</p> <p>the date of final VPA signature established and recorded?</p>	<p>A. The Title IV-E agency must petition or provide the court a report detailing the reason and circumstances of the child's removal from the home.</p>	<p>A. A hard or scanned copy of petition or court report.</p>	<p>A. This date defines the Eligibility Month. Most of the documentation required for DHS/LDSS cases must be provided and entered into the database system by the foster care caseworker responsible for the child's case.</p> <p>Documentation for DJS cases may be obtained from the Case Manager Specialist (CMS) case file.</p>
	<p>B. Was the child legally removed from a specified relative? If the child was not removed from a specified relative, did the child live with a specified relative within six months prior to the removal month?</p>	<p>B. A specified relative is a person related to the child within 5 degrees of consanguinity or affinity by blood, marriage or adoption, who is the subject of the contrary to welfare finding. The child must be removed from a specified relative that is within 5 degrees of consanguinity. If not, the child must have lived with a specified relative within six months prior to removal.</p>	<p>B. A scanned or hard copy of the petition, caseworker notes or court report that addresses the relationship between the child and the specified relative(s) and the date(s) the child last lived with that relative(s).</p>	<p>B. A specified relative is a person related to the child within 5 degrees of consanguinity or affinity by blood, marriage or adoption, who is the subject of the contrary to welfare finding.</p>
	<p>C. Was there parental deprivation?</p> <p>Deprivation factors: "Absence; incapacity of a parent (physical or mental); unemployment or under-employment; death of a parent"?</p>	<p>C. The child must be deprived of at least one biological or adoptive parent in the home during the removal month. Deprivation must be met in the month the VPA is signed or the court proceedings were initiated, but prior to the child's physical or constructive removal from the home. The child must meet one of the deprivation factors.</p>	<p>C. A scanned or hard copy of the petition, caseworker notes indicating the household composition of the child's removal home and the deprivation factor(s).</p>	

Component Status and Definitions	Evaluation Question	Eligibility Standard	Acceptable Verification or Documentation	Special Consideration
	D. Does the case record contain financial information citing income and assets of all members of the household?	D. The removal home must meet the AFDC financial need requirement in effect as of July 16, 1996.	D. Scanned or hard copy of supporting clearances (SVES, MABS, CIS, Child Support).	
	E. Are members of the assistance unit identified from the household?	E. All assistance unit members must meet the income and asset requirements for Title IV-E.	E. Scanned or hard copy of supporting clearances (SVES, MABS, CIS, Child Support).	
Placement See Title IV-E Initial Eligibility/Decision Worksheet Section III	A. Was the child placed in a fully approved or licensed foster care family home, group home or child placement agency? OR	A. All foster care placements must be approved or licensed by LDSS Resource Home unit, DHS Office of Licensing and Monitoring or DJS Licensing and Monitoring unit prior to receiving Title IV-E payments.	A. Details of approval or licensing information for each family foster home, group home or child placement agency is documented in the database system or the files of DJS Licensing and Monitoring unit.	A. When a child is determined eligible and placed in a non-foster care setting such as a RTC or kinship home, the child will be eligible for IV-E however no federal reimbursement payments will be made until they are placed in a fully approved or licensed foster care family home, group home or child placement agency.
	B. Was the child placed in a kinship home? A kinship home is continuous 24-hour care and supportive services provided for a minor child placed by the LDSS in the home of a relative related by blood, marriage or adoption within 5 degrees of consanguinity or affinity.	B. All restricted foster care placement settings must be approved by LDSS Resource Home unit.		B. DJS completes an initial eligibility determination when a child enters a foster care placement.
	C. Was the kinship home a fully approved or licensed home?	C. All Formal Kinship homes must have a safety check completed.		

References

1. Title IV, Part E of the Social Security Act
2. Promoting Safe Stable Families Amendments of 2001
3. Fostering Connections and Increasing Adoptions Act of 2008
4. Preventing Sex Trafficking and Strengthening Families Act of 2014
5. Personal Responsibilities and Work Opportunity Reconciliation Act
6. Title IV-E Policy and Procedure Manual

Attachments

1. Title IV-E Initial Eligibility/Decision Worksheet
2. Income Calculation Worksheet
3. Deemed Step parent Income