

# Child Welfare Policy Manual

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## Questions & Answers

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### 8.3A.10 TITLE IV-E, Foster Care Maintenance Payments Program, Eligibility, Redeterminations

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**1. Question: We believe failure to hold a timely redetermination of title IV-E eligibility is a program issue, not an eligibility issue. Is this correct?**

**(Deleted 04/27/2010)**

**2. Question: How does a title IV-E agency determine when it must re-establish a child's eligibility for foster care? What is required after a break in a foster care placement in those cases where there is no new court ordered removal from the home and no break in title IV-E agency responsibility for placement and care? Examples of situations are as follows: (a) A child in foster care goes to the State training school and then back to foster care; (b) A child in foster care goes to live with a relative (not parent) under title IV-E agency supervision, and then back to foster care; (c) A child in foster care goes home under title IV-E agency supervision without a change in court order and then returns to foster care.**

**Answer:** The criteria to be used in determining whether re-establishing a child's eligibility for foster care maintenance payments under title IV-E would be required hinges on whether the child is continuously in foster care status and remains under the responsibility of the title IV-E agency for placement and care. In making this determination, the agency would ask: (1) Is the child in foster care? (2) Is the original court order or voluntary placement agreement still in effect in relation to removal of the child from his home? (3) Is the child still under the responsibility of the title IV-E agency for placement and care? If all of these conditions are in effect, even though there has been a temporary interruption of the foster care placement, the child's title IV-E eligibility does not need to be re-established.

If the child is discharged from foster care and returned to his own home (the home from which he was removed), he could not be considered to be in foster care status, even if the agency maintains a supervisory role with the child and family. If the child leaves foster care to live with a relative, the agency would need to determine whether the child remained in foster care status or whether the home of the relative was now considered to be the child's own home. Short trial visits to a child's home would not be considered interruptions in foster care status. In the event the child returns home (for what is expected to be a permanent period), but is later returned to foster care, a new determination of eligibility based on circumstances

at the time of that placement would be required. If the child leaves the foster home and is placed in the State training school for a temporary period, and the court order of removal is still in effect, he may retain his foster care status during the training school placement. Of course, Federal financial participation is allowed only during the time the child is in a licensed or approved foster care facility.

- **Source/Date:** ACYF-CB-PIQ-85-06 (6/5/85); April 6, 2010
- **Legal and Related References:** Social Security Act - section 472

**3. Question: During the time the child is receiving title IV-E foster care payments, the parental rights of his parents are terminated. The child is subsequently moved into a residential care facility which is not eligible to receive foster care payments and the title IV-E case is discontinued. Later, he is again placed into a foster home and reapplication for title IV-E foster care is made. In considering eligibility for this reapplication, the deprivation at the time of court action, found initially and verified under the old foster care case, can be utilized. However, to meet the requirement of "continues to be eligible", must deprivation with regard to the biological parents again be established or may the termination of parental rights be used to constitute deprivation?**

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