

Child Welfare Policy Manual

Questions & Answers

8.3A.4 TITLE IV-E, Foster Care Maintenance Payments Program, Eligibility, Child in facility outside scope of foster care

1. Question: How is a child's IV-E eligibility impacted by an interruption in a foster care episode, for example, a temporary placement in a detention facility or psychiatric hospital?

Answer: As long as the original court order pertaining to the child's removal is still in effect, the title IV-E agency may claim title IV-E funds when the child returns to a foster care setting.

Federal financial participation is not available while the child is placed in a facility that is considered outside the scope of "foster care."

- **Source/Date:** Questions and Answers on the Final Rule (65 FR 4020) (1/25/00); April 6, 2010
- **Legal and Related References:** Social Security Act - section 472 (a); 45 CFR 1355.20

2. Question: How should the title IV-E agency establish title IV-E eligibility for a child who is temporarily placed in a facility that is considered outside the scope of "foster care," such as a detention facility or psychiatric hospital, prior to his/her placement in foster care? When may the title IV-E agency begin to claim for such child if s/he is placed in foster care?

Answer: The title IV-E agency must comply with the title IV-E eligibility criteria as set forth in the statute at section 472 (a) of the Social Security Act (the Act) and the implementing regulations at 45 CFR 1356.21(b), (c), and (d). The title IV-E agency must establish the child's eligibility at removal (which includes meeting the Aid to Families with Dependent Children eligibility requirements as in effect on July 16, 1996 and judicial determinations to the effect that it is contrary to the child's welfare to remain in the home and that reasonable efforts were made to prevent such removal) even for children who are not initially placed in a foster care setting. Title IV-E is an entitlement program and, as such, no flexibility exists with respect to satisfying the requisite eligibility criteria. If such eligibility criteria are not satisfied within the time frames prescribed in the regulation, the child is ineligible for title IV-E funds.

When the child is transferred to a facility that meets the requirements of section 472 (c) of the Act, Federal financial participation is available from the first day of placement in the month in which all title IV-E eligibility requirements are met.

- **Source/Date:** Questions and Answers on the Final Rule (65 FR 4020) (1/25/00); ACYF-CB-PIQ 88-03 (4/11/88); 10/23/2019
- **Legal and Related References:** Social Security Act - section 472 and 479B; 45 CFR 1356.21

3. Question: When a child is removed from the custodial parent and placed by the title IV-E agency for a temporary period of time with the non-custodial parent under the placement and care responsibility of the title IV-E agency, and then the title IV-E agency subsequently moves the child to a licensed foster family home, must the title IV-E agency obtain another removal order in order to claim title IV-E?

Answer: No. The child is not eligible for title IV-E while placed with the non-custodial parent (see Child Welfare Policy Manual Section 8.3A.3 Q/A #1). However, the child's placement with the non-custodial parent has no bearing on whether the title IV-E agency may claim title IV-E reimbursement for the child when s/he is later placed in a licensed foster family home, so long as the title IV-E agency maintains placement and care responsibility and the child otherwise meets the criteria in sections 472(a)(2)(A) and (B) and 472(a)(3) of the Act. Presuming the title IV-E agency has already obtained a contrary to the welfare finding in relation to the custodial parent, it remains valid for title IV-E purposes unless the title IV-E agency's placement and care responsibility ends and the child is removed again pursuant to a court order or voluntary placement agreement.

- **Source/Date:** 12/6/2007; 10/23/2019
- **Legal and Related References:** Social Security Act - sections 472(a)(2)(A) and (B), and 479B; 45 CFR 1355.20