

# Child Welfare Policy Manual

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## Questions & Answers

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### 8.3A.5 TITLE IV-E, Foster Care Maintenance Payments Program, Eligibility, Child of a minor parent

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**1. Question:** Please explain the requirements with respect to title IV-E eligibility and the case review system at section 475(5) of the Social Security Act (the Act) for a child and his/her minor parent in foster care. Specifically: Must the title IV-E agency have placement and care responsibility of both? Is the child considered to be in foster care even if the title IV-E agency does not have placement and care responsibility? May the child continue to receive IV-E if the minor parent runs away? May the title IV-E agency claim administrative costs for the child? Is the child eligible for medical assistance under title XIX and social services under title XX?

**Answer:** Section 475(4)(B) of the 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 title IV-E agency 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. Good social work practice suggests that the minor parent's case plan include the needs of the child and that the child's needs and interests be addressed during the six-month periodic reviews and permanency hearings held on behalf of the minor parent. However, the title IV-E agency is not required to satisfy these requirements independently on behalf of the child because s/he is not under the title IV-E agency's responsibility for placement and care and, therefore, pursuant to Federal law and regulations, is not in foster care.

In cases where the title IV-E agency 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 title IV-E agency 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. Once the child of a minor parent is in foster care, the requirements of the case review system at section 475(5) of the Act apply.

When a child is placed with his/her minor parent without placement and care responsibility by the title IV-E agency, no administrative costs may 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 title IV-E

agency 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 title IV-E agency may claim administrative costs for the child because s/he is eligible for and receiving title IV-E maintenance payments in her/his own right.

Section 472(h) of the Act makes clear that a child whose costs are covered by the title IV-E payment made with respect to the minor parent is a child with respect to whom foster care maintenance payments are made under title IV-E and is thus eligible for medical assistance and social services under titles XIX and XX.

- **Source/Date:** 06/09/04; 10/23/19
- **Legal and Related References:** Social Security Act - sections 472, 475, and 479B; Titles XIX and XX; 45 CFR 1356.21

**2. Question: If the child of a minor parent, who is a title IV-E recipient, has resources, such as survivor benefits, how would the resources of the infant affect his/her minor parent's eligibility for title IV-E foster care maintenance payments?**

**Answer:** Section 475 (4)(B) of the Social Security Act requires title IV-E agencies to include in the foster care maintenance payment for a minor parent an amount necessary to cover the costs of maintenance of the son or daughter living in the same foster home or institution with such minor parent. Eligibility of the son or daughter under title IV-E is not a condition of the increased maintenance payment on behalf of the minor parent. Rather, it is the title IV-E eligibility of the minor parent that allows the increased payment to include an amount to meet the son's or daughter's needs in that home.

- **Source/Date:** ACYF-CB-PIQ-91-02 (4/2/91); 10/23/2019
- **Legal and Related References:** Social Security Act - sections 472 (h), 475 (4)(B), and 479B

**3. Question: Are both a teen mother and her child eligible for Federal financial participation under title IV-E if both are under the placement and care responsibility of the title IV-E agency and have been placed in the same foster family home? If so, would the minor child continue to be eligible for title IV-E if the court orders that the child be reunited with the teen mother?**

**Answer:** If a teen mother and her child are both in the same foster family home and each has been determined to be eligible for title IV-E, the title IV-E agency can claim FFP under title IV-E foster care for both the teen mother and her child. This includes foster care maintenance payments and administrative costs. In this situation, both the child and mother have been determined eligible for title IV-E foster care, and placed in a licensed foster family

home. The fact that the teen mother and her child are in the same foster home does not mean that they have been "reunified" in the statutory sense, as the foster parent and not the teen parent, is responsible for the day-to-day care and supervision of the child.

If reunification of the child with the teen mother has occurred and the child is no longer under the responsibility of the title IV-E agency for placement and care, the child is no longer eligible for a title IV-E payment. (We use the term "reunification" here to refer to situations in which a child is returned to the parent's control and is no longer under the care or supervision of the title IV-E agency.) In such situations, the title IV-E agency must include amounts necessary to cover the costs incurred on behalf of the child in the teen mother's title IV-E payment. (See Section 475(4)(B)(ii) of the Act, 45 CFR 1356.21(j), and CWPM 8.3.A.5) However, once the child is no longer under the responsibility of the title IV-E agency for placement and care, the title IV-E agency cannot continue to claim administrative costs on his or her behalf since s/he is not eligible for, nor a recipient of, title IV-E foster care maintenance payments.

- **Source/Date:** 06/09/04; 10/23/19
- **Legal and Related References:** Social Security Act - sections 472, 475, and 479B; 45 CFR 1356.21.