

# Child Welfare Policy Manual

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## Questions & Answers

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### **8.3A.8d TITLE IV-E, Foster Care Maintenance Payments Program, Eligibility, Facilities requirements, supervised independent living**

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**1. Question: May a title IV-E agency consider a youth age 18 or older who is residing in the same home as his/her parent or guardian to be in an allowable title IV-E supervised independent living setting if paired with title IV-E agency supervision?**

**Answer:** Yes. A title IV-E agency may develop a range of supervised independent living settings as long as those settings can be reasonably interpreted as consistent with the law at section 472(c)(2). It is within the title IV-E agency's discretion to determine that residing with a parent or guardian is an allowable supervised independent setting provided that the title IV-E agency is providing supervision. In this arrangement, the parent or guardian is not the foster care provider for the youth, nor has the agency returned the youth home to live under the care of his/her parent or legal guardian.

For example, the title IV-E agency may consider a youth who normally resides in a dorm during college who then lives in a room in the home of his/her parent during breaks from college, or a youth who takes classes and rents a basement room from his/her guardian to be in allowable supervised independent living settings when paired with agency supervision. Ultimately, it is up to the title IV-E agency to consider the circumstances of the youth and the supervised independent living arrangement to determine whether it would be an appropriate and allowable independent living setting.

- **Source/Date:** 05/06/2013
- **Legal and Related References:** Social Security Act § section 472(c)(2); ACYF-CB-PI-10-11

**2. Question: May a title IV-E agency consider a youth age 18 or older who is residing in a substance abuse, mental health or other adult residential treatment facility to be in a supervised independent living setting for title IV-E purposes?**

**Answer:** It depends. Title IV-E agencies have the discretion to develop a range of supervised independent living settings for youth age 18 or older which can be reasonably interpreted as consistent with the law at section 472(c)(2). A title IV-E agency may consider a substance abuse, mental health or other adult treatment facility to be a supervised independent living setting only if the youth is living in the facility voluntarily. In addition, this arrangement must be paired with title IV-E agency supervision.

- **Source/Date:** 05/06/2013
- **Legal and Related References:** Social Security Act § section 472(c)(2); ACYF-CB-PI-10-11