

Child Welfare Policy Manual

Questions & Answers

8.3C.2d TITLE IV-E, Foster Care Maintenance Payments Program, State Plan/Procedural Requirements, Case review system, six month periodic reviews

1. Question: Is it possible to abbreviate and/or alter case review procedures for a child whose case plan goal is long-term foster care?

Answer: Each child for whom foster care maintenance payments are claimed under title IV-E must have a case review in accordance with the provisions outlined in section 475 (5) of the Social Security Act. These statutory requirements must be adhered to under all circumstances. Thus, a case plan and periodic reviews must be developed and implemented even if the goal for the child is long-term foster care.

However, the form and content of the review may be varied to accommodate the circumstances described. If the placement goal is long-term foster care, review would focus on areas other than alleviating problems in the child's original home. There are many interests of the child for which the agency continues to be responsible. There are, for example, matters concerning the continued appropriateness of the plan and the placement, plans for assuring that the child continues to receive proper care in the placement, and the appropriateness of services provided to the child under the plan; and, by implication, the agency has a continuing responsibility to assure and facilitate the child's adjustment. Moreover, information from full case review is needed to report to the court at the 12-month permanency hearing.

- **Source/Date:** ACYF-CB-PIQ-81-01 (10/20/81)
- **Legal and Related References:** Social Security Act - sections 471(a)(16) and 475(1) and (5)

2. Question: Is it correct to say that an administrative review as a written report from the State agency to the court does not meet the court review requirement unless the court reviews the report and makes a determination as described in section 475 of the Social Security Act (the Act)?

Answer: This interpretation is correct. Section 475 (5)(B) of the Act lists the determinations which must be made with regard to a foster child's status during the periodic six month review. If these do not occur in the court review, it is the State agency's responsibility to carry

out an administrative review which meets these requirements. For States which make use of courts for periodic review of children in foster care, it would be advisable to develop cooperative arrangements, if possible, to accomplish the purposes of the review.

- **Source/Date:** ACYF-CB-PIQ-82-01 (1/19/82)
- **Legal and Related References:** Social Security Act - sections 471(a)(16) and 475 (5)

3. Question: We believe failure to hold a six month case review is a program issue and not an eligibility issue. Is this correct?

Answer: Yes. Failure to hold a periodic review as required in section 471 (a)(16) of the Social Security Act is not an eligibility issue. Section 471 (a)(16) is a title IV-E State plan requirement for a case review system with respect to each child receiving title IV-E foster care maintenance payments. It is not an eligibility requirement for the individual child in care. Failure to conduct timely periodic reviews of the status of each child receiving assistance under title IV-E could result in the State's being out of compliance with its title IV-E State plan; however, such failure would not affect the individual child's eligibility under the program.

- **Source/Date:** ACYF-CB-PIQ-85-06 (6/5/85)
- **Legal and Related References:** Social Security Act - sections 471 (a)(16) and 472

4. Question: Can periodic reviews occur less frequently than every six months?

Answer: No. Section 475 (5)(B) of the Social Security Act provides that, "the status of each child is reviewed periodically but no less frequently than once every six months by either a court or by administrative review.." Without exception, the clear statutory language requires a review at least once every six months.

- **Source/Date:** ACYF-CB-PIQ-81-01 (10/20/81)
- **Legal and Related References:** Social Security Act - sections 471(a)(16) and 475 (5) (B)