

# Child Welfare Policy Manual

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## Questions & Answers

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### 8.6B Eligibility

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**1. Question: Are title IV-E agencies required to have an open child welfare case for a child who is receiving title IV-E prevention services? For example, if an otherwise eligible child is provided title IV-E prevention services by a community provider, does the title IV-E agency need to have an open child welfare case for that child?**

**Answer:** No, there is no requirement in the statute that the title IV-E agency have an open child welfare case for a child who is receiving title IV-E prevention services. The title IV-E agency, however, must still meet the requirements of the agency's title IV-E prevention 5-year plan regarding these children.

For example, section 471(e)(5)(B)(ii) of the Act requires that the agency describe how it will monitor and oversee the safety of children receiving title IV-E prevention services in the 5-year plan. This must include periodic risk assessments throughout the 12-month period, and if the risk of the child entering foster care remains high despite the provision of the services, the agency must reexamine the child's prevention plan during the 12-month period. While the statute does not specify who must conduct the periodic risk assessments, the agency must ensure that it can fulfill its responsibility to examine the prevention plan as necessary based on these risk assessments and provide oversight.

Another example of a title IV-E agency responsibility is eligibility determinations. Determinations with respect to foster care candidacy for the purposes of eligibility for the title IV-E prevention program must be made by employees of the title IV-E agency, or the employees of another public agency that has entered into an agreement with the title IV-E agency pursuant to section 472(a)(2)(B)(ii) of the Act. However, the title IV-E agency may enter into a contract or agreement with community providers to assist in gathering all of the necessary information for the title IV-E agency to make the determination of candidacy.

- **Source/Date:** 02/28/2023
- **Legal and Related References:** Social Security Act - sections 471(e)(5)(B)(ii) and 472(a)(2)(B)(ii)

**2. Question: In the process of determining eligibility for and providing title IV-E prevention services, does title IV-E require that the title IV-E agency and/or community provider use language indicating that the child is “at imminent risk of entering foster care ? in communicating with parents?**

**Answer:** No, section 471(e) of the Act does not address what, if anything, the title IV-E agency must communicate to parents about a child's eligibility for title IV-E prevention services and status as a candidate for foster care. The law specifies only that a child's eligibility for title IV-E prevention services as a candidate for foster care who is at imminent risk of entering foster care absent the provision of title IV-E prevention services must be documented in the child's title IV-E prevention plan (section 471(e)(3)(A) of the Act). However, good practice dictates that title IV-E agencies approach families with integrity. The IV-E agency should consider potential practice implications related to family engagement and agency transparency with involved families when providing prevention services.

- **Source/Date:** 02/28/2023
- **Legal and Related References:** Social Security Act – sections 471(e) and 471(e)(3)(A)

**3. Question: What guidance has been provided regarding when a title IV-E agency can consider a child to be at “imminent risk ? of entering foster care under the definition of “candidate for foster care ? for the title IV-E prevention program?**

**Answer:** As stated in ACYF-CB-PI-18-09, we are not further defining the phrase “candidate for foster care” as it appears in section 475(13) of the Act or further defining the term “imminent risk” of entering foster care for the title IV-E prevention program. Therefore, states and tribes have the flexibility to define and operationalize the concept of “imminent risk” in a way that fits within the scope and goals of the agency's 5-year title IV-E prevention plan, consistent with the statute.

- **Source/Date:** 02/28/2023
- **Legal and Related References:** Social Security Act – sections 471(e) and 475(13), and ACYF-CB-PI-18-09