

## TITLE IV-E FOSTER CARE ELIGIBILITY REVIEWS

### IV-E INSTRUMENT QUICK GUIDE

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- Always use a pencil to complete the instrument.
- All answers should be written legibly.
- Use each question's Comments section to record documentation, points of concern, and/or explanations.
- Upon completing the instrument, use the Quality Assurance (QA) Self-Check Tip Sheet to conduct a self-check of the instrument.

#### Tips By Section

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##### A: Case Findings

Must select **Non-Error Case** or **Error Case** as Case Type. For either Case Type, must select **Underpayments** and/or **Ineligible Payments** as appropriate.

##### B: Quality Assurance Check Completed Signatures

After the QA Self-Check is completed, each signature line must be signed by the Federal team leader or designee who completes First- or Second-Level QA.

##### C: Instructions

Instructions for completing the Instrument.

##### D: General Case Information

Enter all dates in MM/DD/YYYY format.

##### E: Child Information

Indicate child's age as of first day of period under review (PUR). If less than 1 year, the age is 0.

If you question whether child was age 17 years or older at start of PUR, document that concern in the comments section and verify child's birth date with a birth certificate or other official document. Bring the case to your team leader's attention if necessary.

##### F: Relevant Dates

For question 10, enter date of child's physical or constructive removal from home of specified relative.

For question 11, enter the date child entered foster care, which will be the earlier of the judicial finding of abuse/neglect OR 60 days from date of removal.

##### G: Removal Pursuant to Court Order

Court-ordered removals must include a judicial determination that is explicitly stated in a valid court order or court transcript. The judicial determination must be made on a case-by-case basis, be child-specific, and be timely.

The judicial determination must be to the effect that: (1) continuation in the home with the specified relative would be **contrary to the child's welfare** or that foster care placement is in the **child's best interests**; and (2) the agency made **reasonable efforts to prevent the removal** of the child or reasonable efforts were not necessary.

If no applicable court order is furnished in the file, a transcript of the court proceeding in which the judicial determination was made can be used to document this

determination. The precise language, *contrary to the welfare* or *reasonable efforts*, does not have to be included in the court ruling. However, there must be an expressed statement in the court order or transcript that shows the court has made the judicial determinations as required for IV-E eligibility.

##### H: Voluntary Placements

Only applicable for Voluntary Placement Agreements (VPAs).

For constructive removals, the date that the VPA was signed by the parent or legal guardian and title IV-E agency representative determines the start date of child's foster care placement. If signatures are on different dates, start date is date of the final signature. Judicial determination of best interests must be made within 180 days of this date.

For constructive removals, judicial determination of best interests must be made within 180 days of the date child is physically placed in foster care.

##### I: Valid Removals

Child's removal must be in accordance with a judicial finding of "contrary to the welfare" (Section G) or VPA (Section H).

A removal is not valid if the child is judicially or voluntarily removed from a specified relative but remains in the home under the responsibility of that same specified relative.

##### J: Ongoing Judicial Activity

Applicable to court-ordered removals (Section G).

Examines whether judicial determination of **reasonable efforts to finalize the permanency plan** was satisfied for 12-month period, including PUR. The 12-month period is calculated by calendar month, not date-to-date.

The precise language, *reasonable efforts*, does not have to be included in the court ruling. However, there must be an expressed statement in the court order or transcript that shows the agency has made reasonable efforts as required for IV-E eligibility.

Use of the *Periodicity Chart* to track judicial determinations is optional.

### **K: AFDC Eligibility**

A title IV-E agency is no longer required to re-determine AFDC eligibility on an annual basis after initial eligibility is determined.

Consult the agency's determination documentation, which should include a determination regarding the AFDC eligible month and year, the removal home, the AFDC family unit, and the AFDC unit's income and resources.

For judicial removals, the date ***court proceedings were initiated*** to remove the child is the date the removal petition was filed with the court. If no petition was filed, or was filed after the removal court order, use the date of the removal court order.

For questions 23 and 24, if the answer is NO, the agency may reconstruct AFDC factors to verify AFDC eligibility.

### **L: Age and Extended Title IV-E Foster Care Assistance**

If the State elects to use the age and school attendance option in its IV-A plan, the agency must document that an otherwise eligible youth is: (1) a full-time student in a secondary school or equivalent; and (2) expected to complete his/her educational program before turning 19. The youth must also continue to meet the title IV-E eligibility criteria.

### **M: Title IV-E Agency Responsibility for Placement and Care**

Verifies that ***responsibility for the placement and care*** of the child during PUR is vested with the title IV-E agency or another public agency or Tribe that has a written agreement in effect with the title IV-E agency. Evidence can be documented in the court order (Section G), VPA (Section H), or court transcript.

For question 27, consider only the title IV-E agency. For questions 27a/b, consider other public agencies.

### **N: Placement in Licensed Foster Care Setting**

Complete the section for **each** foster care placement in which child resided during the PUR. If child had more than two placements, use additional copies of this section to complete the instrument (Appendix 1).

For question 32, record the complete dates of child's placement in that setting. If there was a break in the placement, use the additional line to record the next date range.

All placements must be fully licensed, even if out-of-State. Interim, provisional, or "pending" licenses issued pending complete satisfaction of the licensing agency's requirements for full licensure are not acceptable. Beginning October 1, 2010, the definition of a childcare institution also includes a supervised independent living placement in which a youth age 18 years or older is living independently.

If placement type is "Other," the child is not IV-E eligible while in that placement.

If foster family home or childcare institution becomes licensed within a month, it may claim the entire month if eligible child resided there the entire time. If licensure is lost, then child becomes ineligible on day of month where provider loses full licensure status.

### **O: Safety Requirements**

Complete section for **each** foster care placement in which the child resided during PUR. If the child had more than two placements, use additional copies of this section to complete the instrument (Appendix 1).

Provides guidance around safety requirements based on whether foster parent(s) became newly licensed before or after October 1, 2008. Each licensing period will be necessary to determine which documentation requirements apply to a foster family home.

***Newly licensed*** refers to a foster family home licensed for the first time, or to a foster family home for which a previous license expired or was terminated in accordance with the licensing agency's policy.

For childcare institutions, safety requirements apply to each applicable caregiver staff covered in the most recent period of the licensing agency's monitoring schedule prior to or during the PUR. Safety requirements apply regardless of whether the background checks are completed for the initial license, a license renewal, or a re-licensure on or after March 27, 2000.

### **P: Case Findings Glossary**

Definitions of eligible/ineligible child and case findings.

***Eligible Child:*** meets all IV-E eligibility criteria pertaining to the child and child's placement

***Ineligible Child:*** does not meet all IV-E eligibility criteria pertaining to child or child's placement

***Underpayment:*** an allowable IV-E maintenance payment is unintentionally not claimed for an eligible child and the two-year filing period has not passed

***Non-Error Case With Ineligible Payment:*** an ineligible IV-E maintenance payment is made (1) for a period in or outside the PUR on behalf of an eligible child, or (2) for a period solely outside the PUR for an ineligible child

***Error Case:*** a IV-E maintenance payment is made for an activity during the PUR for an ineligible child, including the period within the PUR prior to the month when the child meets an eligibility requirement

### **Appendices**

For Appendix 1 (Additional Copy of Sections N and O), enter agency name and sample number at top of page.

For Appendix 2 (Improper Payment Chart), enter agency name and sample number at top of page. Enter and identify each error payment, ineligible payment, or underpayment on its own line with question number, explanation, and date range.