

**2015 Title IV-E
Federal Foster Care
Eligibility Review:
Promoting Positive Outcomes
for Title IV-E Eligibility**

Wednesday, April 2, 2014

Handout Materials



**New York State
Office of
Children & Family
Services**

New York State
Office of Children and Family Services
and
PDP Distance Learning Project

**2015 TITLE IV-E FEDERAL FOSTER CARE ELIGIBILITY REVIEW:
PROMOTING POSITIVE OUTCOMES FOR TITLE IV-E ELIGIBILITY**

April 2, 2014

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Program Graphics

Learning Objectives:

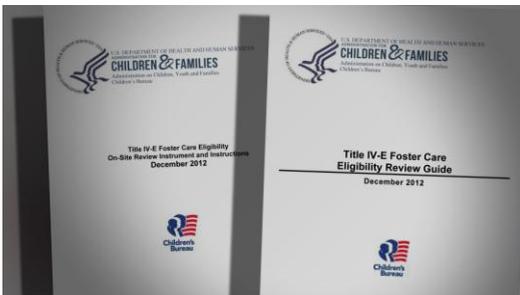
- Explain how the Title IV-E Eligibility Review impacts the local-level program and fiscal process
- Summarize key Title IV-E eligibility and claiming requirements
- Identify and correct Title IV-E eligibility and claiming errors where possible, and explain how to prevent errors

Learning Objectives:

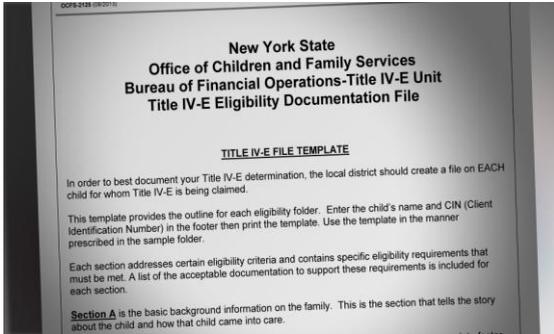
- Describe technical assistance available to address Title IV-E concerns
- Utilize tools and resources to prepare for the Title IV-E Eligibility Review

Title IV-E Foster Care Eligibility Review Instrument & Guide

<http://www.ocfs.state.ny.us/main/fostercare/titleiv-e/chapter3.asp>



Title IV-E Eligibility File Template
<http://www.ocfs.state.ny.us/main/fostercare/titleiv-e/chapter6.asp>



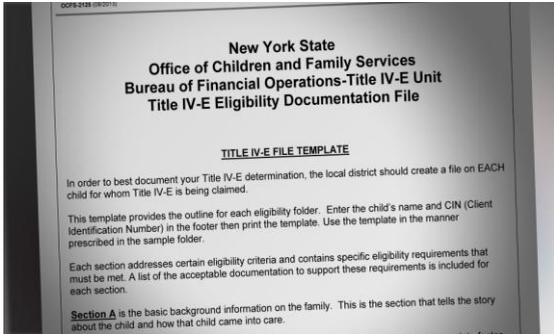
2013 Dress Rehearsal:

- 86 cases in programmatic compliance
- 13 cases in error
- Exceeded 5% threshold
- Not in substantial compliance
- Fiscal hit of \$778,049.94

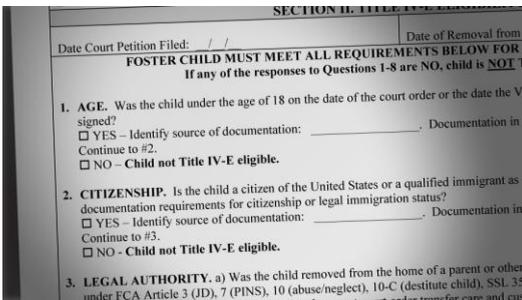
2015 Period Under Review:

- 6-month window
- April 2014 to September 2014 **OR** October 2014 to March 2015

Title IV-E Eligibility File Template
<http://www.ocfs.state.ny.us/main/fostercare/titleiv-e/chapter6.asp>



Initial Foster Child Eligibility Checklist
Age and Citizenship Requirements
(complete document on pg. 15)



Legal Documentation:

- Judicial determinations of best interests/contrary to the welfare, reasonable efforts to prevent removal and reasonable efforts to finalize permanency plan or to return the child home safely "must be explicitly documented and must be made on a case-by-case basis and so stated in the court order" 45 CFR §1356.21(d)

Legal Documentation:

- If best interests/contrary to the welfare or reasonable efforts is not documented in the court order, “a transcript of the court proceedings is the only other documentation that will be accepted to verify that the required determinations have been made” 45 CFR 1356.21(d)(1)

Legal Documentation:

- Court-ordered placement: any document other than a court order or court transcript *is not acceptable*
- Voluntary Placements require a signed Voluntary Placement Agreement

Title IV-E Eligibility Review
Documentation:

- **All** petitions leading to or seeking removal of the child
- **All** court orders that addressed who has legal custody of the child, best interests/contrary to the welfare, reasonable efforts to prevent removal, reasonable efforts to return child home safely, fact finding orders, dispositional orders, detention orders, orders to show cause, TPR orders
- **All** voluntary placement agreements and surrenders

Initial Foster Child Eligibility Checklist Legal Authority Requirements

documentation requirements on continuation: _____ Documentation in child's case file: _____

YES - Identify source of documentation: _____ Continue to #3.
 NO - Child not Title IV-E eligible.

3. **LEGAL AUTHORITY.** a) Was the child removed from the home of a parent or other specified relative as a result under FCA Article 3 (JD), 7 (PINS), 10 (abuse/neglect), 10-C (destitute child), SSL 358-a (approval of a SSL 384-a (deceased parents) and does the placement court order transfer care and custody or custody and guardianship to the Commissioner of the LDSS/ACS?

OR

b) Was a Voluntary Placement Agreement signed by a parent or legal guardian and the Local District (DSS/ACS) pursuant to SSL 384-a that grants care and custody to the Commissioner of the LDSS/ACS?

i. YES, Placement court order gives care and custody or custody and guardianship to the Commissioner.
 ii. YES, Voluntary Placement Agreement is signed by parent or legal guardian and the Local District Representative.

Date of court order/Voluntary Placement Agreement: ____/____/____ Docket #: _____

Check Type (FCA or SSL Article or Section)

FCA Article 3 FCA Article 7 FCA Article 10 FCA Article 10-C SSL 358-a SSL 384-a _____

YES - Identify source of documentation: _____ Documentation in child's case file: _____
 Continue to #4.
 NO - Child not Title IV-E eligible.

Initial Foster Child Eligibility Checklist Contrary to the Welfare/Best Interests Requirements

4. **CONTRARY TO THE WELFARE/BEST INTERESTS.** Does the initial court order sanctioning/directing from the home of the child's parent or other specified relative explicitly stipulate in the court order that the court's specific finding that continuation in the home would be "contrary to the welfare" of the child or that removal is in the "best interests" of the child? For the purpose of this section, the initial order means either: a) an order of detention, removal, or placement under Article 3 or 7 of the FCA that removed the child from his/her home where the child thereafter is placed into the care and custody or custody and guardianship of the Commissioner of the LDSS/ACS OR, b) the court order that removed the child from a parent/guardian or other relative that placed the child into the care and custody or custody and guardianship of the Commissioner of the LDSS/ACS.

Note: The "contrary to the welfare/best interests" requirement noted above does not apply to a child placed in the home of a parent or other specified relative pursuant to a Voluntary Placement Agreement entered into pursuant to SSL 384-a.

YES - Initial court order contains a "contrary to the welfare or best interests" of the child determination. Identify source of documentation: _____ Documentation in child's case file: _____
 Continue to #5.
 NO - Child not Title IV-E eligible.

Refer to Chapter One A (Title IV-E Foster Care Eligibility) of the "Eligibility Manual for Child Welfare Services" for additional clarification on this standard.

5. **REASONABLE EFFORTS TO PREVENT REMOVAL.** For placements made by a court order, is there documentation on the court order issued within 60 days from the date the child was placed in the home of the parent or other specified relative that the court order explicitly stipulates that the court's specific finding that continuation in the home would be "contrary to the welfare" of the child or that removal is in the "best interests" of the child?

Initial Foster Child Eligibility Checklist Contrary to the Welfare/Best Interests Requirements

4. **CONTRARY TO THE WELFARE/BEST INTERESTS.** Does the initial court order sanctioning/directing from the home of the child's parent or other specified relative explicitly stipulate in the court order that the court's specific finding that continuation in the home would be "contrary to the welfare" of the child or that removal is in the "best interests" of the child? For the purpose of this section, the initial order means either: a) an order of detention, removal, or placement under Article 3 or 7 of the FCA that removed the child from his/her home where the child thereafter is placed into the care and custody or custody and guardianship of the Commissioner of the LDSS/ACS OR, b) the court order that removed the child from a parent/guardian or other relative that placed the child into the care and custody or custody and guardianship of the Commissioner of the LDSS/ACS.

Note: The "contrary to the welfare/best interests" requirement noted above does not apply to a child placed in the home of a parent or other specified relative pursuant to a Voluntary Placement Agreement entered into pursuant to SSL 384-a.

YES - Initial court order contains a "contrary to the welfare or best interests" of the child determination. Identify source of documentation: _____ Documentation in child's case file: _____
 Continue to #5.
 NO - Child not Title IV-E eligible.

**Initial Foster Child Eligibility Checklist
Reasonable Efforts to Prevent Removal
Requirements**

NOTE: This document is to be completed by the foster parent. If a Voluntary Placement Agreement entered into pursuant to SSL 384-a is in effect, the foster parent must complete this checklist. If YES, identify source of documentation. Documentation in child's case file: _____

YES - Initial court order contains a "contrary to the welfare or best interests" of the child determination. If YES, identify source of documentation. Documentation in child's case file: _____

NO - Child not Title IV-E eligible.

Continue to #3.

NO - Child not Title IV-E eligible.

Refer to Chapter One A (Title IV-E Foster Care Eligibility) of the "Eligibility Manual for Child Welfare Programs" for additional clarification on this standard.

5. **REASONABLE EFFORTS TO PREVENT REMOVAL.** For placements made by a court order, is there a case specific determination by the court expressly stipulated in the court order issued within 60 days from the date the child was removed from the home of the child's parent or other specified relative, to the effect that "reasonable efforts" to prevent removal were made, including a finding, where appropriate, that no efforts were reasonable, or that reasonable efforts were not required due to statutorily specified circumstances?

For the purposes of this section, removal includes either a) where the child was removed from his/her home pursuant to an order of detention issued in accordance with Article 3 or 7 of the FCA where the child is thereafter placed into the care and custody of the Commissioner of the LDSS/ACS OR, b) where the child was removed from the home of his/her parent/guardian or from another specified relative and the child was then placed into the care and custody or custody and guardianship of the Commissioner of the LDSS/ACS.

What documentation does the court specify was used to make its reasonable efforts determination? _____

Date of order addressing reasonable efforts: ____/____/____ Documentation in child's case file: _____

YES - Identify source of documentation. Documentation in child's case file: _____

N/A - Placement by Voluntary Placement Agreement. Continue to #6.

NO - Child not Title IV-E eligible.

Refer to Chapter One A (Title IV-E Foster Care Eligibility) of the "Eligibility Manual for Child Welfare Programs" for additional clarification on this standard.

**Initial Foster Child Eligibility Checklist
Reasonable Efforts to Prevent Removal
Requirements**

NOTE: This document is to be completed by the foster parent. If a Voluntary Placement Agreement entered into pursuant to SSL 384-a is in effect, the foster parent must complete this checklist. If YES, identify source of documentation. Documentation in child's case file: _____

YES - Identify source of documentation. Documentation in child's case file: _____

N/A - Placement by Voluntary Placement Agreement. Continue to #6.

NO - Child not Title IV-E eligible.

Refer to Chapter One A (Title IV-E Foster Care Eligibility) of the "Eligibility Manual for Child Welfare Programs" for additional clarification on this standard.

5. **REASONABLE EFFORTS TO PREVENT REMOVAL.** For placements made by a court order, is there a case specific determination by the court expressly stipulated in the court order issued within 60 days from the date the child was removed from the home of the child's parent or other specified relative, to the effect that "reasonable efforts" to prevent removal were made, including a finding, where appropriate, that no efforts were reasonable, or that reasonable efforts were not required due to statutorily specified circumstances?

For the purposes of this section, removal includes either a) where the child was removed from his/her home pursuant to an order of detention issued in accordance with Article 3 or 7 of the FCA where the child is thereafter placed into the care and custody of the Commissioner of the LDSS/ACS OR, b) where the child was removed from the home of his/her parent/guardian or from another specified relative and the child was then placed into the care and custody or custody and guardianship of the Commissioner of the LDSS/ACS.

What documentation does the court specify was used to make its reasonable efforts determination? _____

Date of order addressing reasonable efforts: ____/____/____ Documentation in child's case file: _____

YES - Identify source of documentation. Documentation in child's case file: _____

N/A - Placement by Voluntary Placement Agreement. Continue to #6.

NO - Child not Title IV-E eligible.

Refer to Chapter One A (Title IV-E Foster Care Eligibility) of the "Eligibility Manual for Child Welfare Programs" for additional clarification on this standard.

**Initial Foster Child Eligibility Checklist
Legal Authority Requirements**

NOTE: This document is to be completed by the foster parent. If a Voluntary Placement Agreement entered into pursuant to SSL 384-a is in effect, the foster parent must complete this checklist. If YES, identify source of documentation. Documentation in child's case file: _____

YES - Identify source of documentation. Documentation in child's case file: _____

NO - Child not Title IV-E eligible.

Continue to #3.

NO - Child not Title IV-E eligible.

3. **LEGAL AUTHORITY.** a) Was the child removed from the home of a parent or other specified relative under FCA Article 3 (JD), 7 (PINS), 10 (abuse/neglect), 10-C (desiitute child), SSL 35 (abuse/neglect), or SSL 384-b (deceased parents) and does the placement court order transfer care and custody to the Commissioner of the LDSS/ACS?

OR

b) Was a Voluntary Placement Agreement signed by a parent or legal guardian and the placement court order transfers care and custody to the Commissioner of the LDSS/ACS?

i. YES, Placement court order gives care and custody or custody and guardianship to the Commissioner of the LDSS/ACS.

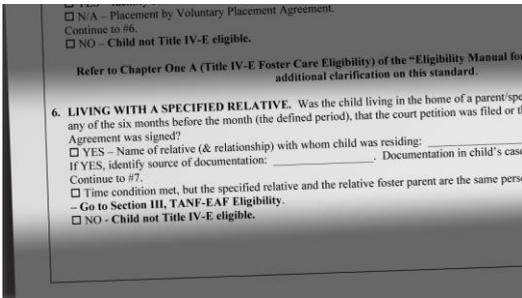
ii. YES, Voluntary Placement Agreement is signed by parent or legal guardian and the placement court order transfers care and custody to the Commissioner of the LDSS/ACS.

Date of court order/Voluntary Placement Agreement: ____/____/____ Docket #: _____

Check Type (FCA or SSL Article or Section)

FCA Article 3 FCA Article 7 FCA Article 10 FCA Article 10-C SSL 35 SSL 384-b

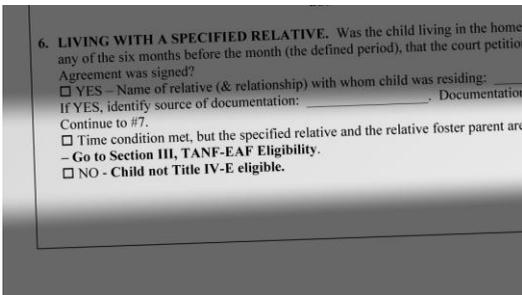
Initial Foster Child Eligibility Checklist
Living with a Specified Relative
Requirements



Living with a Specified Relative:

- Non-services WMS Clearance printout (Upstate only)
- Court petition or court orders
- FASP/Progress Notes

Initial Foster Child Eligibility Checklist
Living with a Specified Relative
Requirements



**Initial Foster Child Eligibility Checklist
Parental Deprivation Requirements**

LDSS-4809 (rev. 5/2013)

7. PARENTAL DEPRIVATION. Was there parental deprivation for one or more of the following reasons?

- Absence from the home
- Incapacity or parent (physical or mental)
- Unemployment/Underemployment
- Death of a parent

YES - Identify source of documentation: _____ . Documentation in effect on 7/16/96, based on the family's income and resources in the month that the court petition was filed leading to the removal of the child?

YES - Identify source of documentation: _____ . Documentation in effect on 7/16/96, based on the family's income and resources in the month that the court petition was filed leading to the removal of the child?

NO - Child not Title IV-E eligible.

**Initial Foster Child Eligibility Checklist
AFDC Financial Eligibility Requirements**

Death of a parent

YES - Identify source of documentation: _____ . Documentation in effect on 7/16/96, based on the family's income and resources in the month that the court petition was filed leading to the removal of the child?

NO - Child not Title IV-E eligible.

8. AFDC FINANCIAL ELIGIBILITY. Would the child have been financially eligible for AFDC in effect on 7/16/96, based on the family's income and resources in the month that the court petition was filed leading to the removal of the child?

YES - Identify source of documentation: _____ . Documentation in effect on 7/16/96, based on the family's income and resources in the month that the court petition was filed leading to the removal of the child?

NO - Child not Title IV-E eligible.

9. CHILD'S ELIGIBILITY

Yes - Child eligible for Title IV-E

No - Child not eligible for Title IV-E

Go to Section III. TANF-EAF. **SECTION III. TANF-EAF ELIGIBILITY**

**Re-Determination of Title IV-E Eligibility Checklist
(Foster Care)**

LDSS-4810 (REV. 8/2012)

RE-DETERMINATION OF TITLE IV-E ELIGIBILITY CHECKLIST (FOSTER CARE)

Instructions: Complete this form for each foster child deemed eligible for Title IV-E and requiring a 12-month re-determination or for a foster child for which Title IV-E eligibility has been suspended because of a lapse in legal authority or failure to secure a reasonable efforts determination when child turns age 18 and annually thereafter.

SECTION I. CASE INFORMATION			
Case Name	Child's Name (Last, First, Middle-Initial)	Unit/Worker Number	
DOB	Child's CIN	Date of Placement	Case Number

SECTION II. RE-DETERMINATION OF TITLE IV-E ELIGIBILITY

FOSTER CHILD MUST MEET ALL REQUIREMENTS BELOW FOR CONTINUED TITLE IV-E ELIGIBILITY

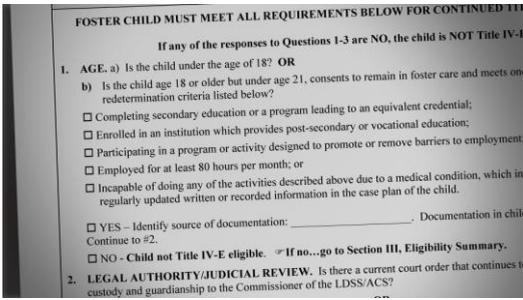
If any of the responses to Questions 1-3 are NO, the child is NOT Title IV-E Eligible

1. AGE: a) Is the child under the age of 18? OR
b) Is the child age 18 or older but under age 21, consents to remain in foster care and meets one of the eligibility redetermination criteria listed below?

Re-Determination of Eligibility Checklist

Age Requirements

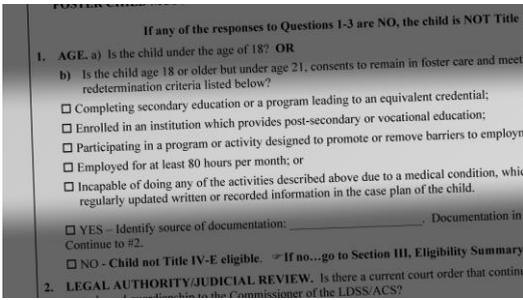
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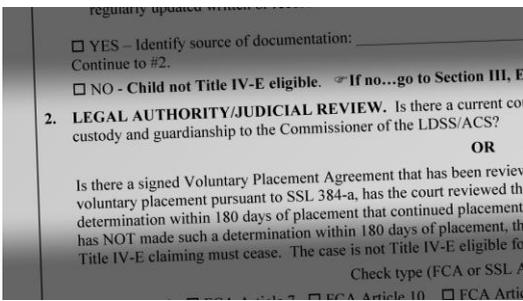
Re-Determination of Eligibility Checklist

Age Requirements



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Re-Determination of Eligibility Checklist
Legal Authority/Judicial Review Requirements



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**Re-Determination of Eligibility Checklist
Legal Authority/Judicial Review Requirements**

Documentation in child's
 YES - Identify source of documentation: _____
 Continue to #2.
 NO - Child not Title IV-E eligible. ☞ If no...go to Section III, Eligibility Summary.

2. **LEGAL AUTHORITY/JUDICIAL REVIEW.** Is there a current court order that continues to authorize custody and guardianship to the Commissioner of the LDSS/ACS?
OR
 Is there a signed Voluntary Placement Agreement that has been reviewed and approved by the court pursuant to SSL 384-a, has the court reviewed the child's placement pursuant to determination within 180 days of placement that continued placement would be in the best interest of the child? If the court has NOT made such a determination within 180 days of placement, the case must NOT be authorized for Title IV-E claiming must cease. The case is not Title IV-E eligible for the duration of the foster care placement.
 Check type (FCA or SSL Articles/Section)
 FCA Article 3 FCA Article 7 FCA Article 10 FCA Article 10-A FCA Article 10-B
 Order (SSL358-a, approving the Voluntary Placement Agreement, as applicable)
 YES - Identify source of documentation: _____ Documentation in child's
 _____ Documentation of Legal Authority
 _____ Docket # _____

**Re-Determination of Eligibility Checklist
Reasonable Efforts to Finalize Permanency Requirements**

LDSS-4810 (REV. 9/2012)

3. **REASONABLE EFFORTS TO FINALIZE PERMANENCY.** For court order the child is considered to have entered foster care and every 12 months thereafter the child is considered to have entered foster care and every 12 months thereafter specific basis and stipulated in the court order that reasonable efforts were made to enable the child to safely return home?
 YES - Identify source of documentation: _____ Docum
 Date of court order: ___/___/___ Docket #: _____ Next Permanen
 NO - Child not Title IV-E eligible ☞ If no...go to Section III, Eligibility S

4. **CHILD'S ELIGIBILITY** (All above criteria)
 YES - Child eligible for Title IV-E.

Reasonable Efforts:

- Determination due 2/15/14 but not secured until 3/31/14
- RE valid until 2/28/14
- No gap since determination is deemed in effect from 3/1/14
- If secured on 4/1/14 there is a gap
- Not IV-E eligible for March 2014

The foster home in which a child is placed in New York State must be fully certified or fully approved according to OCFS regulations for the duration of the child's placement

Foster Home Certification or Approval:

- Foster home is approved or certified to care for children
- All certification/approval criteria must be met
- Must be fully approved/fully certified for entire placement
- Certifications or approvals must be entered in CONNX in FAD (Foster and Adoptive Home Development)

Safety Requirements and Documentation:

- Criminal History Check
- State Central Register (SCR) database check
- Results letter for SCR database check
- Criminal History Review letter

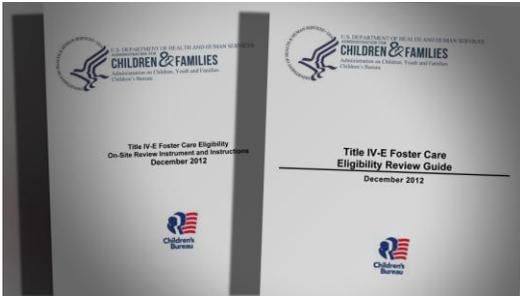
Information in CONNECTIONS:

- Approval/certification in FAD
- FAD Home Record—Criminal History Checks, SCR Database checks, SEL Checks, Safety Assessments

The foster home in which the child is placed must be fully certified or fully approved in accordance with the laws of the state where the home is located

Congregate care facilities include agency-operated boarding homes, group homes and non-public institutions; and facilities operated by a public agency which accommodate no more than 25 children

Title IV-E Foster Care Eligibility Review Instrument & Guide
<http://www.ocfs.state.ny.us/main/fostercare/titleiv-e/chapter3.asp>



Title IV-E Website:

<http://www.ocfs.state.ny.us/main/fostercare/titleiv-e/>

Title IV-E Mailbox:

ocfs.sm.finance.Title.IVE.unit@ocfs.ny.gov

INITIAL FOSTER CHILD ELIGIBILITY CHECKLIST

Instructions: Complete a separate form for each child in foster care

SECTION I. CASE INFORMATION

Case Name	Child's Name (Last, First, Middle Initial)	Unit/Worker Number	
DOB __/__/__	Child's CIN (Optional)	Date of Placement __/__/__	Case Number S
FA/SN Clearance Date __/__/__ FA/SN Recipient <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> WMS Screen Print <input type="checkbox"/> FA/SN ABEL Budget		SSI Clearance Date __/__/__ SSI Recipient <input type="checkbox"/> Yes <input type="checkbox"/> No	

SECTION II. TITLE IV-E ELIGIBILITY

Date Court Petition Filed: __/__/__ Date of Removal from the Home: __/__/__

FOSTER CHILD MUST MEET ALL REQUIREMENTS BELOW FOR TITLE IV-E ELIGIBILITY
If any of the responses to Questions 1-8 are NO, child is NOT Title IV-E Eligible

1. AGE. Was the child under the age of 18 on the date of the court order or the date the Voluntary Placement Agreement was signed?
 YES – Identify source of documentation: _____. Documentation in child's case file: _____.
 Continue to #2.
 NO – **Child not Title IV-E eligible.**

2. CITIZENSHIP. Is the child a citizen of the United States or a qualified immigrant as defined under the federal PRWORA documentation requirements for citizenship or legal immigration status?
 YES – Identify source of documentation: _____. Documentation in child's case file: _____.
 Continue to #3.
 NO - **Child not Title IV-E eligible.**

3. LEGAL AUTHORITY. a) Was the child removed from the home of a parent or other specified relative as a result of a court order under FCA Article 3 (JD), 7 (PINS), 10 (abuse/neglect), 10-C (destitute child), SSL 358-a (approval of a SSL 384 surrender), or SSL 384-b (deceased parents) and does the placement court order transfer care and custody or custody and guardianship to the Commissioner of the LDSS/ACS?

OR

b) Was a Voluntary Placement Agreement signed by a parent or legal guardian and the Local District (DSS/ACS) Representative pursuant to SSL 384-a that grants care and custody to the Commissioner of the LDSS/ACS?

- i. YES, Placement court order gives care and custody or custody and guardianship to the Commissioner.
- ii. YES, Voluntary Placement Agreement is signed by parent or legal guardian and the Local District Representative.

Date of court order/Voluntary Placement Agreement __/__/__ Docket #: _____.

Check Type (FCA or SSL Article or Section)

FCA Article 3 FCA Article 7 FCA Article 10 FCA Article 10-C SSL 358-a SSL 384-a SSL 384-b

YES – Identify source of documentation: _____. Documentation in child's case file: _____.
 Continue to #4.
 NO – **Child not Title IV-E eligible.**

4. CONTRARY TO THE WELFARE/BEST INTERESTS. Does the initial court order sanctioning/directing removal of the child from the home of the child’s parent or other specified relative explicitly stipulate in the court order that the court made a case specific finding that continuation in the home would be “contrary to the welfare” of the child or that removal was in the “best interests” of the child? For the purpose of this section, the initial order means either: a) an order of detention issued pursuant to Article 3 or 7 of the FCA that removed the child from his/her home where the child thereafter is placed into the care and custody of the Commissioner of the LDSS/ACS **OR**, b) the court order that removed the child from a parent/guardian or other specified relative that placed the child into the care and custody or custody and guardianship of the Commissioner of the LDSS/ACS.

Note: The “contrary to the welfare/best interests” requirement noted above does not apply to a child placed into foster care by a Voluntary Placement Agreement entered into pursuant to SSL 384-a.

YES – Initial court order contains a “contrary to the welfare or best interests” of the child determination. If YES, identify source of documentation: _____. Documentation in child’s case file: _____.

Continue to #5.

NO - **Child not Title IV-E eligible.**

Refer to Chapter One A (Title IV-E Foster Care Eligibility) of the “Eligibility Manual for Child Welfare Programs” for additional clarification on this standard.

5. REASONABLE EFFORTS TO PREVENT REMOVAL. For placements made by a court order, is there a case specific determination by the court expressly stipulated in the court order issued within 60 days from the date the child was removed from the home of the child’s parent or other specified relative, to the effect that “reasonable efforts” to prevent removal were made, including a finding, where appropriate, that no efforts were reasonable, or that reasonable efforts were not required due to statutorily specified circumstances?

For the purposes of this section, removal includes either a) where the child was removed from his/her home pursuant to an order of detention issued in accordance with Article 3 or 7 of the FCA where the child is thereafter placed into the care and custody of the Commissioner of the LDSS/ACS **OR**, b) where the child was removed from the home of his/her parent/guardian or from another specified relative and the child was then placed into the care and custody or custody and guardianship of the Commissioner of the LDSS/ACS.

What documentation does the court specify was used to make its reasonable efforts determination? _____.

Date of order addressing reasonable efforts: ___/___/___

YES – Identify source of documentation: _____. Documentation in child’s case file: _____.

N/A – Placement by Voluntary Placement Agreement.

Continue to #6.

NO – **Child not Title IV-E eligible.**

Refer to Chapter One A (Title IV-E Foster Care Eligibility) of the “Eligibility Manual for Child Welfare Programs” for additional clarification on this standard.

6. LIVING WITH A SPECIFIED RELATIVE. Was the child living in the home of a parent/specified relative in the month or in any of the six months before the month (the defined period), that the court petition was filed or the Voluntary Placement Agreement was signed?

YES – Name of relative (& relationship) with whom child was residing: _____.

If YES, identify source of documentation: _____. Documentation in child’s case file: _____.

Continue to #7.

Time condition met, but the specified relative and the relative foster parent are the same person. **Child ineligible for Title IV-E – Go to Section III, TANF-EAF Eligibility.**

NO - **Child not Title IV-E eligible.**

7. PARENTAL DEPRIVATION. Was there parental deprivation for one or more of the following reasons?

- Absence from the home
- Incapacity or parent (physical or mental)
- Unemployment/Underemployment
- Death of a parent

YES - Identify source of documentation: _____. Documentation in child's case file: _____.
Continue to #8.

NO - **Child not Title IV-E eligible.**

8. AFDC FINANCIAL ELIGIBILITY. Would the child have been financially eligible for AFDC in accordance with program rules in effect on 7/16/96, based on the family's income and resources in the month that the Voluntary Placement Agreement was signed or the court petition was filed leading to the removal of the child?

YES - Identify source of documentation: _____. Documentation in child's case file: _____.
Continue to #9.

NO - **Child not Title IV-E eligible.**

9. CHILD'S ELIGIBILITY

Yes – Child eligible for Title IV-E.
 No – Child not eligible for Title IV-E

Go to Section III. TANF-EAF.

SECTION III. TANF-EAF ELIGIBILITY

A. EMERGENCY SITUATION. This emergency situation is due to the following circumstance(s):

- FCA Article 10 court ordered removal/placement.
- FCA Article 10-C destitute child.
- FCA Article 7 court ordered placement.
- FCA Article 3 court ordered placement.
- SSL 358-a court order
- SSL 384 placement made by Voluntary Surrender Agreement
- SSL 384-a placement made by Voluntary Placement Agreement
- SSL 384-b placement based on death of parent
- FCA 651(b) placement of unaccompanied refugee minor

B. TANF-EAF REQUIREMENTS. Foster child must meet all requirements below for TANF-EAF eligibility:

- 1. CITIZENSHIP.** Is the child a citizen of the U.S. or a qualified immigrant as defined under the federal PRWORA?
 YES NO (Child Ineligible for any funding) ☞ **If no...go to Section IV, Eligibility Summary.**
- 2. LIVING WITH A SPECIFIED RELATIVE.** Was the child living in the home of a parent/specified relative at any time within six months before foster care placement?
 YES
 NO (Child ineligible for TANF-EAF) ☞ **If no...go to Section IV, Eligibility Summary.**
- 3. NO PREVIOUS EAF AUTHORIZATION.** Was there no EAF authorization written in the past 12 months, except one written in the past 30 days, or one written for the same emergency where the authorization has not been closed?
 YES
 NO (Child ineligible for TANF-EAF) ☞ **If no...go to Section IV, Eligibility Summary.**
- 4. INSUFFICIENT RESOURCES.** Is the child without sufficient income/resources immediately accessible to meet his/her needs?
 YES
 NO (Child ineligible for TANF-EAF) ☞ **If no...go to Section IV, Eligibility Summary.**
- 5. NEED FOR SERVICES DUE TO REASONS OTHER THAN REFUSAL OF EMPLOYMENT/TRAINING.** Did the child's need for services arise for reasons other than the parent/specified relative's refusal without good cause to accept employment or training?
 YES
 NO (Child ineligible for TANF-EAF) ☞ **If no...go to Section IV, Eligibility Summary.**

- 6. NEED FOR SERVICES DUE TO REASONS OTHER THAN MISMANAGEMENT OF PA GRANT.** Did the child's need for services arise for reasons other than the parent/specified relative's mismanagement of a public assistance grant?
- YES
- NO (Child ineligible for TANF-EAF) ☞ **If no...go to Section IV, Eligibility Summary.**

In accordance 18 NYCRR 372.4(d), costs for services that are necessary to address needs arising from the cited emergency are authorized under the EAF program. This authorization will continue until the emergency ends.

Worker's Signature: _____ Date: __/__/__

Supervisor's Signature: _____ Date: __/__/__

SECTION IV. ELIGIBILITY SUMMARY & SIGNATURES/SUPERVISOR'S REVIEW

THE CHILD IS:

- ELIGIBLE FOR TITLE IV-E ONLY:** Enter eligibility code **02** and direct service code **08** on WMS.
- ELIGIBLE FOR TANF-EAF ONLY:** Enter eligibility code **04** and direct service code **08E** on WMS.
- ELIGIBLE FOR TITLE IV-E AND TANF-EAF (DUAL ELIGIBILITY):** Enter eligibility code **02** and direct service codes **08** and **08E** and add "E" suffix to POS lines as needed on WMS.
- INELIGIBLE FOR TITLE IV-E AND TANF-EAF:** Enter eligibility code **06, 07, 08** or **14**, as applicable and direct service code **08** on WMS.
- INELIGIBLE FOR ANY FUNDING (Costs for this case are not reimbursable by any federal or State funding as child is not a U.S. citizen or qualified immigrant):** Enter eligibility code **14**, direct service code **08** and add the "N" suffix to direct service and POS lines as needed on WMS.

Worker's Signature: _____ Date: __/__/__

Supervisor's Signature: _____ Date: __/__/__

☞ **Proceed to review the case for Title XX Below 200% of Poverty eligibility (except for cases that have been determined eligible for Title IV-E and TANF-EAF and cases that are INELIGIBLE FOR ANY FUNDING).**

SECTION V. DOCUMENTATION OF ELIGIBILITY

Indicate the documentation used for each item of eligibility. Indicate where that documentation is located in the case record or that it is attached to this form.

Item	Documentation	Location in Case Record	Attached
1. Citizenship (Title IV-E / TANF-EAF)			<input type="checkbox"/>
2. Legal Authority (Title IV-E)			a. <input type="checkbox"/> b. <input type="checkbox"/>
3. Contrary to the Welfare/Best Interests			<input type="checkbox"/>
4. Reasonable Efforts to Prevent Removal Finding Within 60 Days of Removal (Title IV-E)			<input type="checkbox"/>

<p>5. Age (Title IV-E / TANF-EAF)</p>			<input type="checkbox"/>
<p>6. Living With a Specified Relative (Title IV-E / TANF-EAF)</p>			<input type="checkbox"/>
<p>7. Parent Deprivation (Title IV-E)</p>			<input type="checkbox"/>
<p>8. AFDC Financial Eligibility (Title IV-E)</p> <p>a. FA or SN Budget/Other Income</p> <p>b. AFDC Scratchpad Budget (7/96)</p>			<p>a. <input type="checkbox"/></p> <p>b. <input type="checkbox"/></p>
<p>9. Emergency Situation (TANF-EAF)</p>			<input type="checkbox"/>
<p>10. No Previous EAF Funding (TANF-EAF)</p>			<input type="checkbox"/>
<p>11. Insufficient Resources (TANF-EAF)</p>			<input type="checkbox"/>
<p>12. Need for Services for Reasons <i>Other Than</i> Refusal of Employment/ Training (TANF-EAF)</p>			<input type="checkbox"/>
<p>13. Need for Services for Reasons <i>Other Than</i> Mismanagement of Public Assistance Grant (TANF-EAF)</p>			<input type="checkbox"/>

RE-DETERMINATION OF TITLE IV-E ELIGIBILITY CHECKLIST (FOSTER CARE)

Instructions: Complete this form for each foster child determined eligible for Title IV-E and requiring a 12-month re-determination or for cases for which Title IV-E eligibility has been suspended because of a lapse in legal authority or failure to secure a reasonable efforts determination or when child turns age 18 and annually thereafter.

SECTION I. CASE INFORMATION

Case Name		Child's Name (Last, First, Middle Initial)	Unit/Worker Number
DOB ___/___/___	Child's CIN	Date of Placement ___/___/___	Case Number S

SECTION II. RE-DETERMINATION OF TITLE IV-E ELIGIBILITY

FOSTER CHILD MUST MEET ALL REQUIREMENTS BELOW FOR CONTINUED TITLE IV-E ELIGIBILITY:

If any of the responses to Questions 1-3 are NO, the child is NOT Title IV-E Eligible

- 1. AGE.** a) Is the child under the age of 18? **OR**
 b) Is the child age 18 or older but under age 21, consents to remain in foster care and meets one of the eligibility redetermination criteria listed below?
- Completing secondary education or a program leading to an equivalent credential;
 - Enrolled in an institution which provides post-secondary or vocational education;
 - Participating in a program or activity designed to promote or remove barriers to employment;
 - Employed for at least 80 hours per month; or
 - Incapable of doing any of the activities described above due to a medical condition, which incapability is supported by regularly updated written or recorded information in the case plan of the child.
- YES – Identify source of documentation: _____. Documentation in child's case file: _____. Continue to #2.
 NO - Child not Title IV-E eligible. ☞ If no...go to Section III, Eligibility Summary.

- 2. LEGAL AUTHORITY/JUDICIAL REVIEW.** Is there a current court order that continues to award care and custody or custody and guardianship to the Commissioner of the LDSS/ACS?

OR

Is there a signed Voluntary Placement Agreement that has been reviewed and approved by the court? In the case of the voluntary placement pursuant to SSL 384-a, has the court reviewed the child's placement pursuant to SSL 358-a and made a determination within 180 days of placement that continued placement would be in the best interests of the child? (If the court has NOT made such a determination within 180 days of placement, the case must NOT be authorized as Title IV-E foster care. Title IV-E claiming must cease. The case is not Title IV-E eligible for the duration of the foster care episode.)

Check type (FCA or SSL Articles/Section)

- FCA Article 3 FCA Article 7 FCA Article 10 FCA Article 10-A FCA Article 10-C Voluntary Placement Order (SSL358-a, approving the Voluntary Placement Agreement, as applicable)
- YES – Identify source of documentation: _____. Documentation in child's case file: _____.
 Documentation of Legal Authority
 Date of Court Order ___/___/___ Docket # _____
 Period: From ___/___/___ To ___/___/___ **OR** Period: From ___/___/___ Next Date Certain ___/___/___
 Continue to #3
 NO - Child not Title IV-E eligible. ☞ If no...go to Section III, Eligibility Summary.

Note: Under Article 10-A of the FCA, as of December 21, 2005, legal authority with the Commissioner continues for children placed into foster care pursuant to Article 10 or 10-C of the FCA or section 384-a of the SSL and all children freed for adoption until the court removes legal authority from the Commissioner or the child is otherwise discharged from foster care.

3. REASONABLE EFFORTS TO FINALIZE PERMANENCY. For court ordered placements, within 12 months of the date the child is considered to have entered foster care and every 12 months thereafter, is there a court determination made on a case specific basis and stipulated in the court order that reasonable efforts were made to finalize the child’s permanency plan or to enable the child to safely return home?

YES – Identify source of documentation: _____. Documentation in child’s case file: _____.

Date of court order: ___/___/___ Docket #: _____ Next Permanency Hearing Date: ___/___/___.

NO - **Child not Title IV-E eligible** ☞ **If no...go to Section III, Eligibility Summary.**

4. CHILD’S ELIGIBILITY (All above criteria must be met)

YES – **Child eligible for Title IV-E.**

NO – **Child not eligible for Title IV-E.**

SECTION III. TITLE IV-E ELIGIBILITY SUMMARY & SIGNATURES/SUPERVISOR’S REVIEW

THE CHILD IS:

ELIGIBLE FOR TITLE IV-E: Enter eligibility code **02** and direct service code **08** on WMS.

INELIGIBLE FOR TITLE IV-E: Discontinue eligibility code **02** on WMS. If previously determined eligible for TANF-EAF, change eligibility code to **04** on WMS. Otherwise, enter eligibility code **06, 07, 08** or **14**, as applicable on WMS. Maintain the direct service code **08** on WMS.

Worker’s Signature _____ Date ___/___/___

Supervisor’s Signature _____ Date ___/___/___

TITLE IV-E FOSTER CARE ELIGIBILITY TIP SHEET

This tip sheet highlights issues identified by the New York State Office of Children and Family Services and the Federal Department of Health and Human Services prior to and during the 2012 primary Title IV-E Foster Care Eligibility Review (FCER). The tip sheet addresses both non-court and court related issues and the steps to take to avoid compliance problems. Users are reminded that the complete set of Title IV-E eligibility requirements and the steps necessary to demonstrate compliance are set forth in the OCFS Eligibility Manual for Child Welfare Programs that is available on the OCFS intranet website. For further information please visit the below OCFS Title IV-E website to tour the Title IV-E Eligibility section:

<http://www.ocfs.state.ny.us/main/fostercare/titleiv-e/>

I. Non-Court Related Issues

A. FULL CERTIFICATION/FULL APPROVAL OF FOSTER HOMES

The FCER identified cases where the foster home was not fully certified or fully approved.

Title IV-E cannot be claimed for an otherwise eligible foster child who is cared for in a foster home that is not fully certified or fully approved in accordance with OCFS regulations 18 NYCRR 443.2 (authorized agency operating requirements) and 443.3 (certification or approval of foster family homes). A foster home that is certified or approved on an emergency basis in accordance with 18 NYCRR 443.7 is not fully certified or approved.

The Title IV-E eligibility standards regarding full licensure, certification or approval also apply to foster homes in other states that care for New York State foster children, according to the standards for licensure, certification or approval in the state where the child is placed.

Make sure that the foster home has been issued a certificate or approval in accordance with 18 NYCRR 443.2 and 443.3, or obtain the license from the other state **before** claiming Title IV-E for an otherwise eligible foster child.

Insert a copy of the certification, letter of approval or out of state license in the foster child's Title IV-E eligibility file.

B. SAFETY CHECKS/FOSTER HOMES

The FCER identified cases where there was no evidence of a safety check before Title IV-E was claimed for a foster child cared for in a foster home.

In order for a foster home to be fully certified or fully approved, ***the results*** of the criminal history record check performed in accordance with section 378-a(2) of the Social Services Law (SSL) and 18 NYCRR 443.8, and the Statewide Central Register of Child Abuse and Maltreatment (SCR) data base check performed in accordance with section 424-a of the SSL and 18 NYCRR 443.2 must have been received and retained by the authorized agency making the decision whether to certify or approve the foster home. Solely recording that a result was received in CONNECTIONS is not satisfactory for this purpose.

Confirm the receipt of the criminal history record check results and the SCR data base check results **before** issuing a certificate to board or a letter of approval. Make sure that a copy of both the criminal history record check summary and the SCR data base check are maintained in the foster parent's file.

If the result of the criminal history record check and/or the SCR data base check is that the applicant or household member has a criminal history or an indicated SCR report(s), documentation in the CONNECTIONS FOSTER AND ADOPTIVE HOME DIALOG (FAD) record is required. For criminal history records, a safety assessment must be completed and documented. In addition, for both a criminal history record and an indicated SCR report(s), the appropriate field(s) in Med/CHRC and SCR Comments on the Household Member Detail tab must be completed that explains why the foster parent was appropriate for certification or approval despite the existence of these records.

C. LIVING WITH A SPECIFIED RELATIVE

The dress rehearsal to the FCER identified issues with cases that involved compliance with the Title IV-E living with a specified relative eligibility standard. This standard provides that a child is required to have lived in the home of a parent or other specified relative and must have been eligible for or in receipt of ADC in that parent's or other relative's home in the month the court proceeding (whether Article 3, 7, 10 or 10-C proceedings) leading to the removal was initiated or the voluntary placement agreement was signed.

If in that month the child is not living with the parent or the other relative who is the subject of the court proceeding or who signed the voluntary placement agreement, the child must have been living with that parent or other relative within six (6) months prior to the month of the initiation of the court proceeding or the signing of the voluntary placement agreement.

Particular attention must be given to cases where the child is removed from the home of the parent and is placed into the direct legal custody of a relative (not in local DSS/OCFS custody) and the child thereafter is placed into DSS/OCFS custody. A key issue is whether the child was physically removed from the relative when entering DSS/OCFS custody. Another consideration is if the child was not physically removed from the relative (constructively removed) when did the child last reside with the parent.

See the OCFS Eligibility Manual for Child Welfare Programs, Living with Specified Relative for scenarios and further direction.

D. VOLUNTARY PLACEMENT AGREEMENTS

Local departments of social services (LDSS) are reminded of the federal and state rules relating to who may execute a voluntary placement agreement. Cases have been identified where the voluntary placement agreement was executed by a person who was awarded legal custody and not guardianship.

The definition of a voluntary placement agreement for Title IV-E eligibility purposes in section 472(f) (2) of the SSA refers to a document executed by the “parents and guardians of a minor child”. In addition, under state law, section 384-a of the SSL, a voluntary placement agreement may only be executed by a parent, guardian or person with whom the parent has entrusted care of the child. The instructions in the OCFS Eligibility Manual for Child Welfare Programs advise LDSS’s not to take a voluntary placement from a legal custodian.

II. Court Related Issues

A. BEST INTERESTS/CONTRARY TO THE WELFARE AND REASONABLE EFFORTS TO PREVENT REMOVAL

The FCER identified cases where Title IV-E was claimed before the court made a determination of best interests/contrary to the welfare or a court determination of reasonable efforts to prevent removal.

Both determinations are Title IV-E eligibility requirements.

Title IV-E cannot be claimed until **all** of the eligibility requirements have been satisfied.

Use the OCFS issued Title IV-E eligibility check list or automated spread sheet to verify that all of the Title IV-E eligibility requirements have been addressed.

B. REASONABLE EFFORTS TO FINALIZE THE CHILD'S PERMANENCY PLAN

The FCER identified cases where there was not a documented timely case specific court determination that reasonable efforts were made to finalize the child's permanency plan or to enable the child to return home safely.

The federal standard is that the judicial determination that the agency has made reasonable efforts to finalize the permanency plan for a foster child removed on or after March 27, 2000 must be made no later than 12 months from the date on which the child is considered to have entered foster care and at least once every 12 months thereafter, while in foster care.

A court determination that reasonable efforts were not made but the failure to make efforts was reasonable is not satisfactory to address this federal requirement (as contrasted to complying with the federal standard regarding reasonable efforts to prevent removal).

The holding of a permanency hearing, in and of itself, does not satisfy the federal reasonable efforts to finalize the child's permanency plan requirement.

Make sure to keep track of each "date certain" for the next permanency hearing and confirm that the court has made the necessary court determination addressing reasonable efforts to finalize the child's permanency plan. In addition, make certain that there is either a court order or court transcript documenting the court's determination.

C. USE OF ORDERS TO SHOW CAUSE TO REMOVE THE CHILD FROM HIS OR HER HOME

Cases when orders to show cause were used that resulted in the removal of the child, although temporarily, created potential compliance issues with the federal requirements relating to best interests/contrary to the welfare and reasonable efforts to prevent removal.

The initial court order sanctioning removal must address best interests/contrary to the welfare, and a court determination addressing reasonable efforts to prevent removal must be made within 60 days of removal of the child from his or her home.

If the order to show cause directs removal just until the return date of the order, that is the initial court order sanctioning removal and therefore must adequately address best interests/contrary to the welfare. Also such removal starts the 60 day clock for the necessary reasonable efforts to prevent removal determination.

If an order to show cause is used, make sure that the order adequately addresses both best interests/contrary to the welfare and reasonable efforts to prevent removal. If it addresses best interests/contrary to the welfare, but not reasonable efforts to prevent removal, secure a court determination of reasonable efforts to prevent removal within 60 days of removal.

III. Other Issues/Recommendations

A. Office of Court Administration (OCA) COURT FORMS

The FCER commented on how useful it was when the model OCA court forms were used. The cases that used the OCA court forms more clearly addressed each of the federal Title IV-E eligibility requirements and were instrumental in avoiding unintended and inadvertent failures to meet the federal requirements.

B. BEST INTERESTS/CONTRARY TO THE WELFARE (JUVENILE DELINQUENT CASES)

The FCER expressed concern in regard to some findings in FCA Article 3 JD cases. It was the impression of some of the federal reviewers that the basis for the court findings of best interests/contrary to the welfare focused more on the protection of the community than on the child. For a case to satisfy Title IV-E best interests/contrary to the welfare eligibility standards, the finding must be child focused. A protection of the community basis is not federally acceptable.

Make sure that the best interests court determination is child focused.

C. PLACEMENT AND CARE/SURRENDERS

When taking a surrender pursuant to section 383-c of the SSL of a child in foster care who is being served by a voluntary authorized agency, make sure that the transfer of guardianship and custody is made to the Commissioner of the local district and not exclusively to the voluntary authorized agency.

Title IV-E Links and Resources

All Title IV-E questions should be addressed to the Title IV-E Mailbox:

ocfs.sm.finance.Title.IVE.unit@ocfs.ny.gov

The Title IV-E website has the most current information related to Title IV-E and the federal Department of Health and Human Services (DHHS), Administration of Children and Families (ACF). Please visit the OCFS website to tour the Title IV-E Eligibility sections:

Title IV-E Website:

<http://www.ocfs.state.ny.us/main/fostercare/titleiv-e/>

OCFS Eligibility Manual for Child Welfare Programs:

<http://ocfs.ny.gov/main/publications/eligibility/>

Administration for Children and Families manual:

http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/policy.jsp?idFlag=8

NYS OCFS Bureau of Financial Operations—Title IV-E Unit

Title IV-E: Eligibility Documentation File Template (OCFS-2125):

<http://www.ocfs.state.ny.us/main/fostercare/titleiv-e/chapter6.asp>

http://www.ocfs.state.ny.us/main/documents/docs.asp?document_type=1&category_number=10

Title IV-E Eligibility Checklists:

<http://www.ocfs.state.ny.us/main/fostercare/titleiv-e/chapter6.asp>

- Initial Foster Care Eligibility Checklist (LDSS-4809)
- Re-determination Foster Care Eligibility Checklist (LDSS-4810)
- Re-Entry into Foster Care for Youth Age 18 and Over Eligibility Checklist (OCFS-4415)

Automated Eligibility Worksheet for Title IV-E, TANF-EAF and Title XX-200%:

<http://www.ocfs.state.ny.us/main/fostercare/titleiv-e/chapter7.asp>

Title IV-E Foster Care Eligibility Tip Sheet (legal tip sheet) and Other Legal Resources:

<http://www.ocfs.state.ny.us/main/fostercare/titleiv-e/chapter8.asp>

Contact Information for Regional Office Title IV-E Leads:

<http://www.ocfs.state.ny.us/main/fostercare/titleiv-e/chapter14.asp>

Title IV-E Foster Care Eligibility Review Guide and Instrument (December 2012):

<http://www.ocfs.state.ny.us/main/fostercare/titleiv-e/chapter3.asp>

New York State Office of Children and Family Services, Bureau of Training

Learning Gain

Alternate Level II Evaluation

Please rate your ability to explain or describe the following items, AFTER attending this training.
 (On a scale of 1 to 5, with 1=not at all confident and 5=very confident)

AFTER you attended this training

How confident are you in your ability to:	Not at all confident	Not very confident	Somewhat confident	Confident	Very Confident
Explain how the Title IV-E Eligibility Review impacts the local level program and fiscal process	1	2	3	4	5
Summarize the key Title IV-E eligibility and claiming requirements	1	2	3	4	5
Identify and correct Title IV-E eligibility and claiming errors where possible, and explain how to prevent errors	1	2	3	4	5
Describe technical assistance available to address Title IV-E concerns	1	2	3	4	5
Utilize tools and resources to prepare for the Title IV-E Eligibility Review	1	2	3	4	5

