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TITLE IV-E FOSTER CARE

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TITLE IV-E FOSTER CARE

1.1 Introduction

1.1.1 Purpose of Title IV-E

This manual addresses title IV part E of the Social Security Act (title IV -E) (42 U.S.C. 670 et seq.) to establish eligibility requirements as provided by Federal regulations (45 CFR Parts 1355 and 1356) and State statutes (title 63.2 and title 16.1), as well as the appropriate use of title IV-E funds for those foster care children who have been found eligible for funding under title IV-E. This manual is a companion to the Foster Care Manual. The title IV-E Manual provides guidance and authority specific for use of title IV-E funds, but additional guidance may also be documented in the Foster Care Manual.

1.1.2 Overview

Foster Care is a State-mandated service provided through federal, state, and local funds for children who have been placed in family foster homes or other types of out-of-home placements as initiated by a court order, or a Voluntary Placement Agreement, e.g., entrustments and non-custodial foster care agreements. Foster care placement is intended to be a temporary, rather than a long-term solution to family problems. A placement may be with a foster family, an adoptive family, in a group living arrangement, in a residential treatment facility, or in an independent living arrangement.

"Foster care services" refers to the provision of a full range of casework, treatment, and community services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in need of services as defined in § 16.1-228 and his family when a child:

- Has been identified as needing services to prevent or eliminate the need for foster care placement.

- Has been placed through an agreement between the local board and the parent(s) or guardians where legal custody remains with the parent(s) or guardians.
- Has been committed or entrusted to a local board or licensed child-placing agency (LCPA) (§ 63.2-905).

Federal Financial Participation (FFP) in the form of reimbursement to states for allowable foster care costs is provided under Part E of title IV of the Social Security Act.

1.2 Title IV-E

1.2.1 Definitions

The following words and terms are unique to title IV-E, when used in this manual, shall have the following meaning, unless the context clearly indicates otherwise. If additional definitions are needed please refer to Section 1.2 of Chapter E of the VDSS Child and Family Services Manual.

Term	Definition
Agency-Approved Foster Home	Any LDSS-approved provider home that gives 24-hour substitute family care, room and board, and services for children or youth.
Aid for Families with Dependent Children (AFDC)	The benefit program prior to Temporary Assistance for Needy Families (TANF). AFDC was repealed but the AFDC Program requirements that were in effect in Virginia on July 16, 1996, remain in effect for the title IV-E eligibility determinations.
AFDC Determination Month	The AFDC determination month is the month that the petition is filed by the agency or the physical removal: whichever occurs earliest. If the removal and petition are completed in the same month, the AFDC determination month is the same as the Eligibility month.
Allowable Costs	The expenses identified as reimbursable in Federal guidance.
Annual Judicial Review (AJR)	Court hearing and signed order held within a 12-month period that evaluates and approves the permanency plan for a foster care child.
Assistance Unit	The grouping of persons who were residing in the removal home in the month of removal prior to the child's actual (physical or constructive) removal from the home whose income and resources shall be

	considered during the eligibility month when evaluating AFDC eligibility.
Benefit Programs Specialist	The worker is primarily responsible for determination and ongoing evaluation of documentation for title IV-E requirements for a foster care case.
Best Available Evidence	The allowable use of documentation that, based upon a preponderance of evidence, can be reasonably viewed to satisfy certain title IV-E eligibility requirements.
Certificate of Approval	The document provided to a foster home as proof of meeting standards for approval.
Child-Placing Agency (CPA)	Any person who places children in foster homes, adoptive homes, or independent living arrangements pursuant to § 63.2-1819 of the Code of Virginia or a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221 of the Code of Virginia. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.
Children's Services Act (CSA)	The legislation that created a collaborative system of services and funding that is child-centered, family-focused, and community-based to address the strengths and needs of troubled and at-risk youth and their families in the Commonwealth (§ 2.2-5200 et. seq.).
Contrary to the Welfare	A determination made by a judicial order with language to the effect that continuation in the home would be contrary to the child's welfare, or that placement is in the child's best interest.
Court Order	Any order issued by a court that removes custody, approves custody, or approves placements and conditions for foster care. This includes Petition for Removal, Emergency Removal orders, Preliminary Removal orders, Annual Judicial reviews and CHINS petitions. Nunc Pro Tunc (now for then) orders or affidavits attesting that the judicial determination occurred at a previous hearing court orders that change the substance of a prior judicial determination or constitute a judicial determination not previously made are not acceptable documentation in support of a judicial determination. Nunc Pro Tunc orders are acceptable for verifying administrative oversights.

Date Child Entered Foster Care	The earlier date of a judicial finding of abuse or neglect or 60 days from the date the child is physically removed from the home.
Deeming	The procedure to evaluate income of an individual living in the removal home who is not included in the AFDC assistance unit but whose income may be considered available to the AFDC assistance unit.
Deprivation	Verification that the child does not have parental support or care due to the death, absence, or physical or mental incapacity of one parent, unemployment or underemployment (when both parents reside in the home). The initial determination of deprivation is based on the conditions in the specified relative's home during the month the Voluntary Placement Agreement (VPA) is signed or the removal petition is filed.
Eligibility Month	The eligibility month is the month a petition was filed or court proceedings were initiated to remove the child or the month a VPA is signed by the last party whose signature is required. If the removal and petition, court proceedings, or VPA are not completed in the same month, the eligibility month may be different than the AFDC determination month.
Episode of Foster Care	The period of time beginning with the date the agency receives custody of a child through a court order or VPA and ends the date the court releases agency responsibility.
Evidence Based Programs	A defined curriculum or set of services that, when implemented with fidelity as a whole, has been validated by some form of scientific evidence. Evidence-based practices and programs may be described as "supported" or "well-supported", depending on the strength of the research design.
Family Services Specialist	The worker primarily responsible for case management or service coordination and meeting the foster care requirements for a foster care case.
Income	The funds earned by members of the assistance unit from wages, salaries, commissions, or profit through self-employment or unearned income received for which no service is performed such as child support, disability/retirement payments, Social Security, or Veterans' benefits.
Legal Custody	The legal status created by court order which vests in a custodian the right to have physical custody of the child, to determine and re-determine where and with whom he shall live, the right and duty to

protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal status created by court order of joint custody as defined in § 20-107.2. A court order that gives responsibility for the child's daily care and supervision to relatives or other interested individuals whom the court has determined is:

- Willing and qualified to receive and care for the child.
- Willing to have a positive and continuous relationship with the child.
- Committed to providing a permanent suitable home for the child.

Willing and able to protect the child from abuse and neglect (§§ 16.1-278.2 and 16.1-288).

Licensed Child-Placing Agency (LCPA)

Any CPA who is licensed and places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819 of the Code of Virginia.

Local Department of Social Services (LDSS)

The local department of social services of any county or city in Virginia.

Personal Incidentals

These items are typically allowable costs using maintenance funds to purchase for the child on an occasional, as-needed basis and may include a variety of items. Specifically, we consider the following categories of expenditures examples of "personal incidentals": items related to personal hygiene; cosmetics; over-the-counter medications and special dietary foods; infant and toddler supplies, including high chairs and diapers; fees related to activities, graduation fees; and miscellaneous items such as stamps, envelopes, writing paper, etc. Personal incidentals are solely funded using Budget Line 811.

Physical Custody

The physical care and supervision of a child (§ 20-146.1).

Qualified Residential Treatment Program (QRTP)

A new designation of non-family based placements by the Administration for Children and Families (ACF). QRTPs serve children with specific treatment needs who require short term placement out of their home.

Relatives of Fifth Degree

Any relative by blood, marriage, or adoption that is within five (5) generations of child which goes back to:

- 5th degree-Great-great-great grandparent; Great-great aunt/uncle; Great-great niece / nephew; First cousin once removed (child of first cousin).
- 4th degree-Great-great grandparent; Great aunt/uncle; Great niece / nephew; First cousin.
- 3rd degree-Great grandparent; Aunt / Uncle; Niece / nephew.
- 2nd degree-Grandparent; Sibling.

Removal Home

The home of the individual from whom the child is being removed.

Residential Placement

A placement in a licensed publicly or privately owned facility, other than a private family home, where 24-hour care is provided to children separated from their families. A residential placement includes children's residential facilities as defined in § 63.2-100 of the Code of Virginia.

Resources

Real and personal property with countable value owned by the members of the assistance unit.

Sibling

Two or more children with at least one natural or adoptive parent in common.

Specified Relative

Any relation by blood, marriage or adoption who is within the fifth degree of kinship to the dependent child. This includes great-great-great grandparents and first cousins once removed (children of first cousins).

System Inquiries

Automated resources used to substantiate eligibility. Databases that may be accessed include APECS (Automated Program to Enforce Child Support), SVES (State Verification Exchange System), DMV (Department of Motor Vehicles), SPIDeR (Systems Partnering in a Demographic Repository), MMIS Medicaid Management Information System), VaCMS (Virginia Case Management System) and VEC (Virginia Employment

Commission) wage records.

Title IV-E

The title of the section of the Social Security Act that authorizes federal funds for prevention, foster care, and adoption assistance.

Voluntary Placement Agreement (VPA)	An agreement entered into by the parent(s) or legal guardian which leads to a physical or constructive removal of the child from the home. VPAs include Permanent and/or temporary entrustments and Non-custodial foster care agreements.

1.2.2 Legal basis – federal

1.2.2.1 Federal adoption assistance

In 1980, the Federal Adoption Assistance and Child Welfare Act (Public Law 96-272) created new sources of funding under title IV-E of the Social Security Act for the placement of children from needy families. Title IV-E requirements included certain protections for children: reasonable efforts to prevent unnecessary removal of the child from his home; returning the child to his home as soon as conditions in the home permit; and facilitating the adoption or other permanent placement for children who cannot be returned to their own homes.

Additionally, the Adoption Assistance and Child Welfare Act established the Federal title IV-E adoption assistance program which provides matching funds to States operating a program of subsidies for parent(s) who adopt children with special needs who were either eligible for Aid for Families with Dependent Children (AFDC) or Supplemental Security Income (SSI).

1.2.2.2 Personal Responsibility and Work Opportunity Reconciliation Act

In 1996, the Personal Responsibility and Work Opportunity Reconciliation Act (Public Law 104-193) created the Temporary Assistance for Needy Families (TANF) block grant to replace the AFDC Program. Although AFDC was repealed, the AFDC Program requirements that were in effect in Virginia on July 16, 1996, remain in effect for title IV-E eligibility determinations for all children in foster care and for certain children being adopted. If a child is receiving TANF assistance, this does not mean that the child is eligible for title IV-E assistance. The title IV-E eligibility decisions shall be based on the AFDC requirements as set forth in this manual.

1.2.2.3 Fostering Connections to Success and Increasing Adoptions Act of 2008

Fostering Connections Act refers to Public Law 110-351 enacted on October 7, 2008. Generally, the law amends the Social Security Act to extend and expand adoption incentives through FY2013; create an option to provide kinship

guardianship assistance payments; create an option to extend eligibility for title IV-E foster care, adoption assistance and kinship guardianship payments to age 21; de-link adoption assistance from Aid to Families with Dependent Children (AFDC) eligibility; and provide federally-recognized Indian Tribes or consortia with the option to operate a title IV-E program, among many other provisions.

1.2.2.4 Code of Federal Regulations

Federal regulations (Title 45 Public Welfare) specify the requirements applicable to title IV-E foster care.

1.2.3 Legal basis – state

Title 63.2 of the Code of Virginia effective October 1, 2002 mandates an LDSS in every political subdivision of the state, or combination thereof, and specifies the duties and responsibilities of the local board of social services and director, as well as the methods of discharging these responsibilities. This title defines the general and specific duties and responsibilities of the VDSS in relation to the supervision of LDSS. Only LDSS employees are authorized to make the determination of title IV-E eligibility.

Title 16.1 Chapter 11, of the Code of Virginia authorizes the court to cooperate with and make use of the services of all public or private societies or organizations which seek to protect or aid children or families, in order that the court may be assisted in giving the children and families within its jurisdiction such care, protection, and assistance as will best enhance their welfare.

1.2.4 Title IV-E federal review

The Improper Payments Information Act (IPIA) of 2002 requires Federal agencies to manage and reduce or eliminate, where possible, improper payments in Federal programs. Periodic title IV-E foster care eligibility reviews are conducted to validate the accuracy of a State's claim for reimbursement of payments made on behalf of eligible children placed in allowable homes or facilities. The validations are made most effectively by an examination of the case records of the child and provider and payment documentation. Payment eligibility also is monitored and reviewed by audits conducted by the Office of the Inspector General (OIG) and the Administration for Children and Families (ACF) Regional Office when conducting a claims review. In conducting foster care eligibility reviews, ACF is fulfilling its financial and programmatic stewardship responsibilities, while also complying with statutory provisions mandated in the IPIA of 2002.

The amount of funds to be disallowed will be determined by the extent to which the State – by virtue of the LDSS – complies with title IV-E eligibility provisions. Due to the

potentially significant dollar amount, LDSS may be held responsible for any financial disallowance associated with cases determined not to be in title IV-E compliance.

In addition to the periodic Federal reviews, the State will also conduct onsite case reviews at all LDSS agencies to ensure compliance with Federal Regulation. The State review will evaluate accuracy of compliance with state guidance, completion of staff training requirements, correctness of: child welfare information system reports for court hearing; date of birth; social security number; name in child welfare information system is consistent with the birth certificate and placements. Also, ensure file structure and organization, and the accuracy of payments using title IV-E funds. The Virginia Appropriations Act provides authority for the state to seek repayment of funds identified through the State review process or Federal reviews that were made in error by the LDSS if the LDSS has not utilized or applied required procedures for full compliance with Federal regulations.

1.2.4.1 Title IV-E Fiscal Responsibility Plan

This plan ensures appropriate management of title IV-E funds, following all state and federal requirements. The plan includes payment corrections/adjustments that are required as a result of a title IV-E payment error being identified, whether by the LDSS, or during a state or federal review. If a title IV-E payment has been made in error, an adjustment must be made by the LDSS with the appropriate funding source. Federal requirements allow retroactive billing for title IV-E eligible payments as far back as eight quarters. Adjustments between title IV-E and CSA are restricted to the current quarter and the seven previous quarters. While the Office of Children's Services (OCS) allows adjustments to be reflected during a single quarter, federal reporting requires that adjustments be made according to appropriate quarters. For title IV-E, any identified adjustments must be made retroactively through eight quarters. More information on the Title IV-E Fiscal Responsibility Plan can be found on the Quarterly QA Reviews FUSION page.

1.2.5 Standard file format

For state and federal reviews, the file format needs to be an electronic file with the capacity for remote access by the Division of Family Services. The COMPASS|Portal is the standard platform; however, if other electronic file systems are used, they will need prior approval from the QAA Program Manager. The documents required for determining eligibility should be a part of the electronic file and are outlined below. These documents shall be uploaded utilizing the appropriate naming convention. Use of the COMPASS|Portal naming convention will minimize errors, improve error detection, and provide adequate documentation.

Permanent Verification

- Birth Certificate for child
- Social Security Number for foster care child
- DCSE Referral/501 form on both absent parents (not required on deceased parent or for Fostering Futures applications). Good Cause Claim forms (if applicable)
- Any other form/document which would be considered a permanent document
- Adoption Assistance Agreement

Initial Court Orders or VPA

- Removal Petition (if applicable)
- Court Order which transferred legal custody to agency (i.e., ERO, PRO, Transfer of Custody Order and associated affidavits)
- Court Order which adjudicated abuse/neglect (if applicable, i.e., PRO or Adjudicatory Order)
- VPA (if applicable) which includes Permanent Entrustments, Temporary Entrustments, and Non-custodial Agreements
- Voluntary Continuing Services and Support Agreement (VCSSA)

Initial Screening

- Initial Application
- Initial Evaluation of Eligibility
- Supporting Documentation used to establish initial eligibility (i.e. System Inquiries)
- Notice of Action with approval date

Changes

- Forms or agency notification forms used to notify workers

Placements - Documentation required for each type of placement is listed below

Child Care Placements

- License for Child care Provider
- Proof of Foster Parents Need for Child care

Agency Approved Family Foster Home

- Financial Agreement for LDSS Approved Providers (032-02-0052-04-eng.)
- Checklist Form (032-04-0054-01) with Documentation of results of National
- Fingerprint Criminal Record Check, Virginia State Police Check (if applicable)
- Central Registry Check, and Sworn Disclosure Statement, requested and received dates
- Foster Home Certificate of Approval
- Emergency Approval for title IV-E Reporting **(prior to January 1, 2021)**
- Kinship Waiver Request Form **(effective January 1, 2021)**

Licensed Child Placing Agency Family Foster Home

- Financial contract/agreement
- LCPA license (license shall cover the timeframe of the Certificate of Approval)
- Foster Home Certificate of Approval
- Non-Conviction Letter State Form (032-02-0507-02/032-02-0506-02) substantiating results of National Fingerprint Criminal Record Check, Virginia State Police Check (if applicable), Central Registry Check, and Sworn Disclosure Statement and received (dates shall be prior to child's placement in home if agency is utilizing title IV-E funds)

Residential Facility/Group Home

- Financial contract/agreement/rate sheet (if applicable)
- Facility/Group Home license (license shall be current)

Fostering Futures Placement

- Fostering Futures Independent Living Arrangement Agreement

Annual Judicial Reviews & Related Court Orders (all court documents including but not limited to):

- Preliminary Removal Order
- Dispositional Order
- Foster Care Review Order
- Permanency Planning Orders
- Termination of Parental Rights Orders
- Permanent Foster Care Orders

Payment Information

- Case Actions
- Clothing Allowance Tracking
- Any documentation regarding payment status of case
- Virginia Enhanced Maintenance Assessment Tool (VEMAT) page with approved payment

1.2.6 Child welfare information system access and verification

All title IV-E workers will be granted access to the child welfare information system by the LDSS Director/LDSS Security Officer. The agency may decide if this is read-only access or full use. The Benefit Programs Specialist should review their in child welfare information system quarterly to verify that the court hearings, placement, date of birth, social security number, the legal name in child welfare information system is consistent with the birth certificate, and payment category information is correct. The Benefit Programs Specialist should notify the Family Services Specialist and/or finance of any errors or discrepancies on the areas reviewed. Any reported errors that are unresolved longer than **two (2) weeks** should be referred to the Benefit Programs Supervisor for review and resolution.

1.2.7 Payment accuracy

Title IV-E funds are to only be used for allowable costs as defined by the Social Security Act for children who meet title IV-E requirements. Included in the allowable maintenance costs are payments to cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision/child care, school supplies, a child's personal incidentals (see definitions), and reasonable travel for the child to visit with family or other caretakers and to remain in the same school he or she was attending prior to placement in foster care.

- Title IV-E funds cannot be used for parents/relatives to travel to visit children. Reasonable costs of travel for a child to visit siblings, parents, and prior custodians to whom the child is expected to return may be made if needed. Costs may include mileage (calculated at the state mileage reimbursement rate), bus tickets, or other transportation costs. Providers shall submit receipts for travel costs to the LDSS in order to receive reimbursement.

- Transportation costs for a child to remain in the same school are allowable maintenance costs and shall be made available when the LDSS and school jointly determine that remaining in the same school is in the child's best interests. Reasonable costs of transportation include mileage (paid at the state mileage reimbursement rate with proof of miles driven), bus fare, or other similar and reasonable transportation costs.

Unallowable costs include any type of services payments under any circumstances, and regardless of who provides the service. Examples of services are:

- Counseling and therapy to help with a child's adjustment at the institution.
- Counseling and therapy to help a child resolve the problem(s) for which he or she was placed.
- Counseling and therapy with the child and their biological family to resolve the difficulties that led to the need for placement.
- Counseling and therapy to plan for the return of the child to the community.
- Psychological or educational testing.
- Evaluation and assessment.
- Mentoring or in-home services.

- Medical cost including doctor visits and prescriptions.
- Respite care or education services.
- Physical or occupational therapy.

The Benefit Programs Specialist is responsible for determining eligibility for title IV -E foster care and recommending accurate payments. Maintenance payments shall be verified to the amounts provided in the financial agreements and the VEMAT. The Benefit Programs Specialist is also responsible for monitoring the amount paid annually for supplemental clothing and to ensure that it does not exceed the limits established by the State. All supplemental clothing allocations shall be verified through documentation provided by the Family Services Specialist that the funds were used to purchase clothing for the designated child. This may include a purchase order to the store and receipt or a receipt from store(s) where the foster parents purchased the items. The decision as to the appropriateness and reasonableness of the items purchased is the responsibility of the Family Services Specialist. Section 18.3 of the Foster Care Manual provides additional guidance for clothing purchases.

Documentation for state and federal reviews requires a complete payment history including invoice numbers, child and provider identification, date paid, and period covered, type of payment/activity, and funding source. Invoices with ambiguous definitions or lump sum payment request shall be clearly identified as applicable to an allowable title IV-E cost. Although this type of information is generally processed and maintained in the LDSS business office, each locality should ensure that benefit, service, and finance staff are aware of the financial requirements.

1.2.7.1 Funding – categories of Title IV-E foster care costs

Title IV-E provides states Federal Financial Participation (FFP) for the costs of children placed in foster homes or other types of foster care under a court order or Voluntary Placement Agreement (VPA) (entrustment or non-custodial foster care). Title IV-E is an individual entitlement for qualified children who have been removed from their homes. For children who meet title IV-E eligibility requirements, the federal government shares in the cost of:

- **Maintenance**. Maintenance costs are for payments associated with maintaining the child who has been removed from his/her home. For title IV-E eligible children, the federal share of maintenance costs is based on the state Medicaid matching rate. States may claim FFP from the first day of placement in the month in which all title IV-E eligibility criteria are met. If the full monthly payment is not due, prorating room and board for part of a month is based upon the actual number of days of care provided and

the number of days in the month. Payments begin on the date a child is placed in the home and end as of the date prior to the removal date. See Section 18.1.4 and 18.1.5 of the Foster Care Manual for General guidance regarding maintenance payments.

- **Sources of funding**. Maintenance costs should be paid with:
  - A child's own income (i.e., SSI, SSA, or child support);
  - Title IV-E funds for eligible children;
  - Medicaid for Psychiatric Residential Treatment Facilities (PRTF),
  - State pool funds for Non-Title IV-E children; or,
  - Local only funds when the locality is not in compliance with guidance.

Note: For PRTF placements, Medicaid funding must be utilized first before other funding streams such as title IV-E and CSA. The Medicaid rate for a PRTF covers room and board and daily supervision; therefore, title IV-E funds cannot be used for these placements.

1.2.8 Confidentiality

Client information given to the agency will be kept confidential and will only be used as needed in the administration of title IV-E and other related public assistance programs and services. The Code of Federal Regulations (45 CFR 205.50), and Virginia Code §§ 63.2-102 and 63.2-104 and § 2.2-3800 et seq., and Virginia Administrative Code 22 VAC 40-910-100, govern the confidential treatment of case information.

1.3 Entering foster care – Title IV-E removal requirements

The child shall meet the title IV-E removal requirements to be title IV-E eligible. Entry into foster care begins with a removal and transfer of custody, or a voluntary placement by the specified relative from whom contrary to the welfare finding was made with the LDSS.

1.3.1 Types of removals

1.3.1.1 Court ordered removal

- A judicial order for a physical or constructive removal of the child from a parent or specified relative (see Section 1.3.2.1).
- Judicial orders used for removal include, but are not limited to:

- Emergency Removal Order (ERO), (form DC-526)
- Preliminary Removal Order (PRO), (form DC-528)
- Order for Custody Transfer to Agency, (form DC -562)

- A judicial determination regarding a child's removal from the home can occur on any District Court Order Form, or locally created court order that meets all federal requirements for Contrary to the Welfare and "Reasonable Efforts" language.

- All documentation to support the removal order; to include petitions, affidavits, and any other case related documents must be submitted to the Benefit Programs Specialist for determination of eligibility.

1.3.1.2 Voluntary Placement Agreement (VPA)

This is an agreement entered into by the parent(s) or legal guardian which leads to a physical or constructive removal of the child from the home.

Voluntary Placement Agreements include:

- Permanent and/or temporary entrustments.
  - Legal and/or physical custody transferred to LDSS.
- Non-custodial foster care agreements.
  - Physical custody transferred to LDSS and legal custody remains with the parent(s) or legal guardian.

Voluntary Placement Agreements do not include CSA Parental Agreements.

- Children with CSA Parental Agreements are not required to adhere to VDSS foster care policy, and as such are not considered to be "in foster care."

- Neither title IV-E referrals nor title IV-E funds shall be used for any costs for children under CSA Parental Agreements.

1.3.1.3 Physical removal

Physical removal occurs when the child is physically taken from their current place of residence and placed into a substitute care setting.

Example 1: The child was living with a parent at the time the agency physically removed the child from the parent's home pursuant to a court order or VPA and subsequently placed the child in a foster care setting.

Example 2: The child ran away from home of parents and was residing in the home of a non-relative when the agency was awarded legal custody. The child was physically taken out of the home of the non-relative and placed in a foster care setting.

1.3.1.4 Constructive removal

Constructive removal is considered a "paper removal." The agency has obtained legal responsibility for the child via a court order or VPA, but the agency does not physically remove the child from their current residence. In these situations the LDSS approves the home as a foster family home and the child continues to reside in that home while in foster care. The following conditions should exist for constructive removals:

- Child is left in their current residence.
- Specified relative of the child did not reside in the home at the time of the judicial order or VPA.
- Child and specified relative did reside together within six months of the judicial order or VPA.

Example 1: The child resides in a three-generation household comprised of the child, his/her parent, and his/her grandparent. Within six months prior to the eligibility month, the child's parent leaves the home. The agency places/leaves the child in the grandparent's home subsequent to the court order removing legal custody from the parent. The local agency begins a process to approve the grandparent as a foster home.

Example 2: On May 1 the parent(s) leaves the child at grandparent's house for an overnight visit. The parent(s) never return for the child. On June 15, the grandparent contacts the LDSS to report that the child has been abandoned. A court hearing is held on June 23 and custody of the child is transferred to the LDSS. The agency places/leaves the child with the grandparent and the agency begins a process to approve the grandparent as a foster home. All constructi ve removal requirements are met.

Example 3: The child resides in a three-generation household comprised of the child, his parent, and his grandparent. On February 23 the child's parent moves

out of the home to live with their paramour. The parent leaves the child to remain living with the grandparent who is exercising care and control of the child. A court order is issued on November 23 transferring legal custody from the parent to the LDSS. The agency places/leaves the child with the grandparent. Child is title IV-E eligible as the child and specified relative have lived together within six months of the judicial order.

Note: If an infant is taken directly from the mother after birth and placed into foster care, and the mother is a hospital patient or a prison inmate, the hospital or prison would be considered the removal home, and therefore also meet the "living with a specified relative" criterion.

1.3.2 Specified relative

1.3.2.1 Identification/Determination

The specified relative shall be related to the child by blood, adoption, or marriage at time of removal and from whom the contrary to welfare finding was made.

Biological parents are the specified relative unless the child resides elsewhere.

Note: If a man not married to the mother is living in the home deprivation on the basis of absence cannot be established if any one of the following evidences of his paternity exists:

- The man has been found by a court to be the child's father.
- The man has admitted paternity either before a court or voluntarily, in writing, under oath.
- Unrelated to any court action to establish paternity, the man has voluntarily submitted to genetic blood testing which affirmed at least a 98 percent probability of paternity.
- The man's name appears on the child's official birth certificate issued by the Virginia Department of Health, Bureau of Vital Statistics and Health Records.
- The child has been placed by a court with the man or a relative of the man on the basis that he is the child's father.

If evidence of paternity is required to establish eligibility or ineligibility, such evidence must be in the eligibility case record, and paternity must be established at the time of, or prior to, the removal.

Other relatives shall be related within the fifth degree of kinship to be considered a specified relative.

- Spouses of the specified relative within the fifth degree in which the marriage is terminated by death or divorce may also be considered a specified relative.

1.3.2.2 Documenting the specified relative

- Biological Parent(s)
  - No additional documentation is needed when the specified relative is the biological parent(s).
  - All other relatives within the fifth degree of kinship require further documentation of relationship.

1.3.3 Removals that do not meet Title IV-E requirements

If the child does not meet title IV-E removal requirements, the child cannot be title IV-E eligible during that episode of foster care. The following are situations that do not meet title IV-E removal requirements:

- Judicial determination was made to remove the child from the home, but the child was not removed either physically or constructively (see Section 1.3.1.4) within a reasonable amount of time.
- A VPA was executed, but the child remained in the home of the parent or legal guardian who entered into the agreement.
- The child had not lived with a parent or specified relative within six months prior to the initiation of court proceedings, or as of the date of the signed VPA.

1.3.4 Timeliness of removal

Although there is no defined amount of time from which a child shall be physically or constructively removed upon a court ordered removal or signed VPA, there are guidelines in Sections 1.3.4.1 and 1.3.4.2 for meeting the title IV-E criterion of removal that should be used. Additional timelines for removal and court hearing dates are available in the Foster Care Manual, Section 17.3.

1.3.4.1 Timeliness considerations

The following shall be considered when evaluating if the child's removal from the home was timely:

- The judicial determination that results in the child's removal shall coincide with (i.e., occur at the same time as) the agency's action to physically or constructively remove the child, unless the court order specifies an alternative timeframe for removal.
    - **Example**: A judicial order was issued on August 3 granting the LDSS custody of the child. The judge issuing the order adds language to the order which states the child will be provided with temporary in-home service to protect the child and there is no physical risk to the child. The child will remain in the home until August 6 at which time the child will be removed and placed into a residential facility.
- If a court makes a judicial determination that it is contrary to the child's welfare to remain at home (or similar language) and the child does, in fact, remain at home and no immediate removal occurs, the requirement for removal is not met and the child is ineligible for title IV-E during the episode of foster care.
- Since VPAs are entered into on a prearranged, non-emergency basis, the child's removal and subsequent placement are expected to occur immediately.

1.3.4.2 Delayed placements into foster care

There may be situations which prevent the local agency from making an immediate placement into a foster care setting following a court order or VPA. These could include but are not limited to a child being hospitalized, the child is temporarily in detention or the child cannot be located.

These situations should be treated as an unallowable placement and the case record should clearly document why the placement date with a foster care provider does not coincide with the court order or VPA. The title IV-E case would not be approved for title IV-E payments until the child is placed.

1.3.4.3 Physical removals prior to a judicial order

The Code of Virginia (§ 63.2-1517) provides authority for a CPS worker of an LDSS, physicians, or law-enforcement officials, investigating a report or complaint of abuse and neglect, to take a child into custody for up to 72 hours

without prior approval of parents or guardians. If the 72-hour period for holding a child in custody expires on a Saturday, Sunday, or other legal holiday, the 72 hours shall be extended to the next day on which the court is not lawfully closed (CPS Manual).

- In this situation, typically an emergency removal order (ERO) or preliminary removal order (PRO) is issued **within 72 hours** of the child's physical removal from the home. If no order is issued the child is not in foster care and will be returned to his home.

- A child is considered to be in foster care beginning with the date of the physical removal from the home.

    - **Example**: Child physically removed on 10-2-10 which is a Saturday. The LDSS places the child into a family foster home. The court hearing is held on 10-4-10 which is the date of the signed court order. Title IV-E reimbursement could begin as early as 10-2-10 (the first day of placement) if all title IV-E eligibility conditions are met in October.

Note: Federal policy states "reimbursement may begin from the first day of placement in the month in which all title IV-E requirements are met."

1.4 Title IV-E application process

A title IV-E eligibility determination process begins the moment the LDSS obtains legal custody of the child via court order or an entrustment, or physical custody via a signed non-custodial foster care agreement. The determination process requires proactive communication between local benefit, service, and fiscal staff to gather and share information in the effort to make a timely and accurate title IV-E eligibility determination.

1.4.1 Application referral

The Family Service Specialist shall refer a child for initial evaluation to the Benefit Programs Specialist within ten (10) calendar days of the removal from the home, the date the voluntary entrustment agreement is signed, or the date the non-custodi al agreement is signed. The Family Services Specialist is responsible for completing the Title IV-E Foster Care and IV-E Medicaid Application (Form # 032-03-0636-05) and transferring the completed form to the Benefit Programs Specialist (Foster Care Manual, Section 4.5.1). The Family Services Specialist is responsible for referring and providing information to the Benefit Programs Specialist that is used in making the title IV-E eligibility determination. If there is no reported income for the household, the Family Services Specialist documents on the form in Section IV how the family is making ends meet.

1.4.1.1 Application date

The application date for processing the title IV-E application is considered to be the date the Benefit Programs Specialist receives the completed title IV -E application from the Family Services Specialist. The date of application for determining title IV-E payments is considered to be the date the judge signs the court ordered removal, or the most recent date when all the required signatures on the VPA are obtained.

1.4.1.2 Application process

The completed title IV-E Foster Care and Medicaid Application shall be submitted by Family Services Specialist to Benefit Programs Specialist for evaluation along with:

- A copy of the initial court order placing custody with the LDSS, accompanied with the petition and/or affidavit, if applicable, or VPA (see Section 1.3.1.2).
- Any other supporting documentation in reference to the title IV-E Foster Care and Medicaid Application which may include, but is not limited to:
  - Social security number (SSN), or proof of application.
  - Birth verification.
  - Citizenship or alien status.
  - Foster care placement approval/license documentation.
  - "501 form" – Absent Parent/Paternity Information (032-03-0501-06) (see Section 1.9).

Note: If the child enters foster care through a non-custodial foster care agreement, a separate Medicaid application form shall be submitted by the child's legal guardian (see Section 1.9).

If new or additional information that will affect the eligibility determination is obtained by the Family Services Specialist after the ten-day referral period, the information shall be communicated to the Benefit Programs Specialist immediately.

1.4.2 Initial evaluation

Upon receiving the "Title IV-E Foster Care and IV-E Medicaid Application", the Benefit Programs Specialist shall make an initial title IV-E eligibility determination by completing the Title IV-E Foster Care and IV-E Medicaid Evaluation (Form # 032-03-0635-07). The Benefit Programs Specialist will be required to complete the evaluation in its entirety and list all reasons for ineligibility on the form.

1.4.2.1 Evaluation process

The "title IV-E Foster Care and Medicaid Application", is evaluated by the Benefit Programs Specialist and reviewed to determine if additional information is needed. If additional information is needed, the Family Services Specialist should be notified **within two (2) business days** to allow sufficient time to obtain the information to meet the 45-calendar day processing time frame.

1.4.2.2 Disposition of application

There are three (3) possible determinations related to title IV-E eligibility that may be made:

- **Eligible**. A case is considered Eligible if the following conditions are met:
    - Established and documented for the month of the VPA or initiation of removal court proceedings that the child is removed, physically or constructively, from the home of a specified relative;
    - Living with the same specified relative who had care and control within six (6) months of the child's removal;
    - AFDC eligible in that home in the month of, and prior to, removal;
    - Financially needy; and
    - Deprived of parental support or care.

Refer to Section 1.6 for ongoing requirements for payment eligibility. Refer to Section 1.7 to determine the entitlement begin date. Title IV-E eligibility will continue for the duration of that foster care episode unless the child loses eligibility as a result of one of the instances provided in Section 1.11.1.

However, if new information is received which indicates incorrect information was used to conduct the initial screening, a new initial screening shall be conducted.

- **Ineligible**. The child did not meet initial title IV-E eligibility criteria listed above.

Corrections cannot be made to court orders which amend or change contrary to the welfare or reasonable efforts language. Administrative errors (i.e., the wrong year was written on the order) may be corrected with a written statement or "nunc pro tunc' order from the court (see Section 1.5.3) verifying the correct date upon which the hearing was conducted and that the original date was an administrative oversight.

- **Denial**. This is temporary status due to insufficient or missing information being provided for a full determination. This case would need to have a final resolution for determination of eligibility within 120 days of the child entering care. If additional information is received prior to the 120th day, immediate action to establish the correct eligibility status should be completed. All cases without a final determination by the 120th day should have a Notice of Action (NOA) finding the case as ineligible.

The agency may reconstruct the application if 1) the case was found initially ineligible, 2) the agency conducted the child's AFDC determination on the wrong specified relative or used the wrong AFDC approval month, or 3) the agency subsequently receives information that will change the agency's previous determination regarding the child's initial eligibility. This does not include establishing paternity if paternity was established after the child's removal. If a reconstruction is necessary, the agency should clearly mark on the application and evaluation the word "Reconstruction", and follow the process in Sections 1.4.1 and 1.4.2.

1.4.2.3 Title IV-E eligibility disposition – Notice of Action (NOA)

Upon rendering the disposition of title IV-E eligibility, the Title IV-E Foster Care Notice of Action (Form # 032-04-0079-02) will be completed and communicated to the Family Services Specialist, fiscal staff, and CSA Coordinator. This communication will help ensure timely and accurate use of title IV-E and/or state funds.

All correspondence with the payee regarding the title IV-E payment shall be done by the Family Services Specialist.

1.4.2.4 Title IV-E re-screening of initial eligibility

If the agency has made a determination on a case and information is obtained afterwards that may affect the initial determination decision, re-screening of the

initial application is allowed; however, AFDC relatedness criteria must be met prior to removal. If the initial determination is changed, the payments may also be corrected and retroactive adjustments not to exceed 8 quarters (including the current quarter) are allowed. The local department should verify the adjustments with VDSS Finance to ensure correct quarterly corrections are made.

Examples of types of information are:

- Father listed on the application is determined to not be the father through Paternity/DNA test results.
- People listed as a member of the AU are in error such as a step-parent later determined not to be the father of the child.
- If best available evidence of income is what the parent reported, and later it was verified as less income, which would make the child eligible.
- If best available evidence is used for items such as income and resources, but the agency later discovers that income was more than initially determined, the agency would not make changes to the original evaluation and the approval of title IV-E would not be affected.

1.5 Initial Title IV-E eligibility screening

Initial title IV-E eligibility evaluation requires compliance with judicial language requirements and Aid to Families with Dependent Children (AFDC) relatedness criteria. If the child fails to meet either of these requirements, the child cannot be title IV -E eligible at any point during this episode of foster care.

AFDC relatedness criteria, is based on title IV-A (AFDC), Part A, of the Social Security Act. In all references to AFDC relatedness, the eligibility of the child is based on the AFDC program in effect in Virginia's State Plan on July 16, 1996.

If a child is initially determined title IV-E eligible, the child continues to be title IV-E eligible while under the legal responsibility of the agency. If placement and licensing requirements are not met or annual judicial hearings are not completed when due, all payments are title IV-E unallowable until the requirements are met.

1.5.1 Judicial language requirements – court-ordered removal

After the LDSS receives legal responsibility, even temporarily, through a court order, the following judicial language criteria shall be evaluated: contrary to the welfare/best interest, and reasonable efforts.

1.5.1.1 Contrary to the Welfare (CTW) / Best Interest (BI)

For a child to be title IV-E eligible, the initial court order authorizing removal of the child shall include and properly indicate (i.e., a check box) a statement that continuation in the home would be contrary to the welfare of the child or similar language to the same effect. If the initial determination does not satisfy the CTW/BI language requirement, the child cannot be title IV-E eligible for the duration of that foster care episode.

- The initial court order authorizing removal of the child is usually either the Emergency Removal Order (ERO) or the Preliminary Removal Order (PRO), but can be made on any type of judicial determination that meets all federal requirements.

- The Family Services Specialist shall make every effort to ensure that the initial judicial determination authorizing the removal of the child includes the required language.

Examples of CTW or BI language:

- "The child would be subjected to an imminent threat to life or health … if the child were returned to or left in the custody of their legal guardian."

- "Continued placement in the home would be contrary to the welfare of the child."

- "It is in the best interest of the child to be removed from the parent or legal guardian."

Note: Title IV-E judicial language requirements apply to delinquent youth and children in need of services or supervision (CHINS or CHINSup) placed in foster care pursuant to a court order. It is permissible to include language referencing community protection, but judicial language that addresses the reasons why remaining in the home is contrary to the individual juvenile's welfare must appear. Court orders lacking CTW language shall result in the child being title IV-E ineligible for the entire foster care episode.

1.5.1.2 Reasonable Efforts (RE)

Title IV-E cannot be granted prior to obtaining a judicial determination with acceptable reasonable efforts language. There shall be a court order within 60 days after the child's physical removal that contains a judicial determination that

"reasonable efforts to prevent removal" or "reasonable effort to prevent removal were not required" has been made.

Note: Typically the RE language requirement is satisfied on the initial order placing the child in the custody of the LDSS.

- If the "reasonable efforts" judicial determination has not been obtained within 60 days from the child's physical removal, the child cannot be title IV-E eligible for the duration of that foster care episode.
- This requirement does not apply to children brought into foster care pursuant to a VPA (see Section 1.5.2.2).
- Reasonable efforts to prevent a child's removal from the home is not required if the agency obtains any judicial determination within 60 days from the child's physical removal that:
  - Parental rights have been terminated;
  - The parent(s) have been convicted of certain crimes; or
  - The child has been subjected to certain aggravated circumstances.

Examples RE language:

- "Reasonable efforts have been made to prevent removal of the child from their home."
- "Reasonable efforts are deemed to have been made to prevent removal of the child from their home because there was no reasonable opportunity to provide preventive services."
- "The court finds that the agency made reasonable efforts to maintain the child in his/her own home."
- "Due to the circumstances presented, there was an immediate danger to the child which would not have been mitigated by the provision of preventive services."

1.5.2 Judicial requirements – Voluntary Placement Agreements (VPA)

When a child enters foster care through a VPA (entrustment or non-custodial foster care agreement), the only judicial language criterion is contrary to the welfare (CTW)/best interest (BI). See Section 1.3.1.2 for VPA types. There are no initial

judicial language requirements for children who enter care through a VPA. Title IV-E eligibility is permitted for the first 180 days of the foster care placement.

1.5.2.1 Contrary to the Welfare / Best Interest (CTW/BI)

To extend title IV-E eligibility beyond 180 days, judicial language shall be obtained to the effect that continued voluntary placement is in the child's best interest. This judicial determination may be made at any time during the 180 days following the final required signature on the agreement. If the CTW/BI judicial language requirement is not made by the 180th day, the case becomes title IV-E ineligible on the 181st day and will remain ineligible for the duration of this foster care episode.

Note: Although custody transfer to the LDSS may occur, it is not requisite to meet title IV-E eligibility requirements.

1.5.2.2 Reasonable Efforts (RE)

Reasonable efforts to prevent a child's removal from the home are not required when the child enters foster care pursuant to a VPA.

1.5.3 Documentation for judicial determinations

- **Affidavits and Nunc Pro Tunc**. Neither affidavits nor nunc pro tunc orders will be accepted as verification documentation in support of "reasonable efforts" and/or "contrary to the welfare" determinations. A nunc pro tunc order is an order in and of itself that provides new information to a previous court order in an effort to include specific information that was inadvertently omitted. Nunc pro tunc is Latin which means "now for then." Nunc Pro Tunc orders verifying the correct date upon which a hearing was conducted and that the original date was an administrative oversight is acceptable.

- **State Law**. Court orders solely referencing Virginia Code or Regulation to substantiate judicial determinations are not acceptable.

- **Court Transcript**. Although federal title IV-E rules allow a transcript of the court proceedings as acceptable documentation that the judicial determinations were made at the initial court hearing, this is not an option in Virginia since Virginia's courts do not make transcripts of these hearings.

- **Effective Date**. For title IV-E, the court order effective date is the date the judge signed the completed court order; it is not necessarily the date of the hearing.

1.5.4 AFDC relatedness

In order to be eligible under title IV-E, a child shall have been eligible for AFDC (as it existed in the State's title IV-A plan on July 16, 1996) in the specified relative's home in the month in which the child was legally or physically removed (whichever is first). The AFDC eligibility criteria cannot be based on the household circumstances that occur after a child's removal. If the child was not eligible in the specified relative's home from whom the child was physically or legally removed, the child will be ineligible for title IV-E for the duration of that episode of foster care.

Example 1: A child was physically removed from the home on December 31st. The LDSS could not get to court until January 2nd when a petition and court hearing were filed and heard. The eligibility month will be January. The AFDC eligibility criteria, including age, deprivation, living with, citizenship, and financial assistance would be based on the month the child was physically removed from the home and in this case the AFDC relatedness criteria month would be December.

Example 2: A child was removed from the home on December 10th. The LDSS obtained an ERO from the court on December 11th. The eligibility month and AFDC relatedness criteria month are the same, December.

1.5.4.1 Verification methods

All AFDC relatedness criteria shall be verified. A copy of each document used for verification shall be maintained in the eligibility case record. In most situations, the Benefit Programs Specialist shall examine other third party sources, such as state and federal information systems, for verification.

- **Written Statement**. The use of a written statement made by the Family Services Specialist, legal guardian, or other relative, may be used as an addendum to the application for AFDC verification purposes. The written statement shall be signed and dated by the person making the statement. The person making the written statement shall have an intimate knowledge of the child's situation and can attest that the information provided on the written statement is accurate.

- **Best Available Evidence**. This is a term that describes the allowable use of documentation that, based upon a preponderance of evidence, can be reasonably viewed to satisfy certain title IV-E eligibility requirements for Deprivation, Financial Need including resources and income, and the Removal Home and Specified Relative. The Benefit Programs Specialist shall always seek the most complete and accurate documentation. The use of best available evidence can only be used to satisfy AFDC

relatedness and not for any other title IV-E criteria. The areas where the "best available evidence" criterion cannot be applied are with respect to initial petitions, court orders, voluntary agreements, proof of citizenship or qualified alien status, establishing paternity, and documentation of mental or physical disability. The federal law requires that these documents be in the case records to support the determination of title IV-E eligibility.

Benefit Programs Specialist should not delay eligibility determinations if the documentation is sufficient to make an informed, reasonable decision. The information reported by the Family Services Specialist is acceptable as the best available information of eligibility factors, unless the Benefit Programs Specialist has conflicting information from another source. Benefit Programs Specialist should use prudent judgment in determining what evidence substantiates title IV - E eligibility. Information obtained from agency records or computer matches is also acceptable, if the agency is satisfied that the information reasonably reflects the assistance unit's situation in the eligibility month. Databases that may be accessed include ADAPT (Application Benefit Delivery Automation Project), APECS (Automated Program to Enforce Child Support), SVES (State Verification Exchange System), DMV (Department of Motor Vehicles), SPIDeR (Systems Partnering in a Demographic Repository) MMIS (Medicaid Management Information System, with the exception of citizenship) and VEC (Virginia Employment Commission) wage records. Self-declared income statements are acceptable under this standard

The Benefit Programs Specialist shall document the case record with respect to the method and source of information used in establishing eligibility.

1.5.4.2 Citizenship/Alien requirement

The Benefit Programs Specialist shall verify United States (U.S.) citizenship or qualified alien status for the foster care child to meet AFDC eligibility requirements. Acceptable forms of verification are public birth record, birth certificate, passport, hospital proof of birth letter on hospital letterhead, attending physician statement showing place of birth, final adoption decree showing child's name and place of birth in U.S., U.S. Citizen Identification Card (I-197 or I-179) and naturalization paperwork. (**Note:** A Social Security Card is not a valid verification of citizenship.) If the child does not meet the AFDC citizenship/ali en requirement, the child cannot be title IV-E eligible during this episode of foster care.

- **U.S. Citizenship**. U.S. citizenship includes individuals who are:
    - Born within the United States, regardless of the citizenship of his parents;

- The Child Citizenship Act (CCA) declares that children who are younger than 18 years of age and have at least one parent who is a US citizen whether by birth or naturalization who immigrate to the United States with a U.S. citizen parent automatically acquire US citizenship upon entry for lawful permanent residence; or

- Born outside the United States of alien parents and has since been naturalized as a U.S. citizen. A child born outside the United States of alien parents automatically becomes a citizen after birth if his parents (the mother, if born out of wedlock) are naturalized before he becomes 16 years of age.

- **Qualified Alien**. As indicated in the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, the term "qualified alien" refers to:

  - An alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);

  - An alien who is granted asylum under section 208 of the INA;

  - A refugee who is admitted to the U.S. under section 207 of the INA;

  - An alien who is paroled into the U.S. under 212(d)(5) of the INA for a period of at least one year;

  - An alien whose deportation is being withheld under section 243(h) the INA as in effect immediately before April 1, 1997, or section 241(b)(3) of the INA;

  - An alien who is a Cuban or Haitian entrant; or

  - An alien (or the child of parent) who has been battered or subjected to extreme cruelty in the U.S.

- **Unqualified Alien**. Unqualified aliens do <u>not</u> meet the citizenship criterion for AFDC and are not title IV-E eligible. Aliens who do <u>not</u> meet the qualified requirements include, but are not limited to:

  - Undocumented aliens;

  - Aliens legally admitted on a temporary basis for work, study, or pleasure; or

  - A child who is in the U.S. under a visitor or tourist's visa or under a student arrangement.

1.5.4.3 Age requirement

To meet the AFDC age requirement, the foster child shall have been under the age of 18 years old at the time of removal via court order or VPA.

1.5.4.4 Eligibility month

The eligibility month is the month a petition was filed or court proceedings were initiated to remove the child or the month a VPA is signed by the last party whose signature is required. An example of the initiation of court proceedings is typically a petition for removal.

Example: LDSS agency files a petition for a child's removal from his/her parent on April 28th. The court order date authorizing his removal was held on May 1st and the child was immediately taken into care. Since the initiation of court proceeding (the petition) was made in April, the eligibility month for AFDC purposes is April.

Note: AFDC relatedness criteria shall be based upon information within the month the child was physically or legally removed (whichever is first).

1.5.4.5 Removal home/living with requirement

"Removal home" for AFDC relatedness purposes means the home of the specified relative (see Section 1.3.2) from whom the child was physically or legally removed (whichever is first). A home exists so long as the relative exercises responsibility for the care and control of the child, even though either the child or the relative is temporarily absent from the customary family setting. A child shall have been living with the specified relative during, or within six months prior to, the eligibility month. There is an exception to the six month look back requirement, when the specified relative maintained care and responsi bility but the child was living outside the home due to residential placement. In this circumstance, as long as the specified relative exercised responsibility for the care and control of the child, the "lived with requirement" will have been met.

- **If the child was not living with the specified relative** but was living with an interim caretaker who was not related at time of removal, federal policy allows for a six month "look-back" period to establish if the child lived with the specified relative who had care and control of the child at any time during the six months prior to the eligibility month. If the child was living with the specified relative who had care and control at the time of removal, there would be no six month look-back policy applied.

Example 1: Child is removed from the home of aunt, contrary to the welfare is against the aunt. No six month look-back would apply as the child lived in the home of a specified relative.

Example 2: Child is removed from the home of an interim caretaker via a court order dated June 23, 2010. The eligibility month is June 2010. The six month look-back period would go back to December 2009. If the child lived with the specified relative who had care and control at any time between December 1, 2009 and May 31, 2010, the living with requirement is met. The child will be considered to have been living with the specified relative during June 2010.

- When counting the six month look-back period, the Benefit Programs Specialist looks at the six months prior to the eligibility month. However, if applying the six month look-back to determine living with requirements, it will not change the eligibility month used for AFDC screening. If the child meets the six month look-back requirement, the Benefit Programs Specialist shall include the child in the specified relative's home during the eligibility month to conduct the AFDC screening even though the child was physically residing elsewhere.

- A child is considered to be living in the home even though the child or specified relative is temporarily absent from the customary family setting for reasons such as hospitalization, education or training, a vacation, or a visit. Additionally, a home may exist in situations where the family lacks a fixed home address or is otherwise considered homeless as long as the specified relative is exercising responsibility for day-to-day care and control of the child.

- If the child does not meet the requirements for living arrangements, the child cannot be title IV-E eligible during this episode of foster care as the child has failed to meet one of the conditions of AFDC relatedness.

- If an adjudicated delinquent is taken directly from detention (not corrections) and placed into foster care, the removal home and living requirement is based on the release date from detention and based on the custodial circumstances at that time. The State shall establish the child's eligibility at removal (which includes meeting the AFDC eligibility requirements and judicial determinations to the effect that the child's removal from the home was contrary to his/her welfare and that reasonable efforts were made to prevent such removal).

Note: If an infant is taken directly from the mother after birth and placed into foster care, and the mother is a hospital patient or a prison inmate, the hospital or prison would be considered the removal home, and therefore also meet the "living with a specified relative" criterion. An otherwise eligible child born to a woman who is a prison inmate or a patient in a hospital, and deprived of the support of an absent father, would be eligible for the title IV-E foster care program if removed from the "home of a relative" and placed in foster care in accordance with section 472 of the Social Security Act (the Act).

Note: Under AFDC policy, the living with standard has been met so long as the relative exercises responsibility for care and control of the child.

1.5.4.6 Assistance Unit (AU)

The AFDC assistance unit is the grouping of persons who were residing in the removal home at the time of the child's physical removal whose income and resources shall be considered during the eligibility month when evaluating AFDC eligibility. The assistance unit is required to include the parent and minor siblings of the child entering foster care. When the household consists of more than one group of children, the determination of which children will comprise the AU is based on the legal responsibility of the parents living in the home during the month of removal. Children who are siblings of the child entering care are required AU members. Other children who are not siblings of the child entering foster care are not required assistance unit members and must be excluded when determining initial eligibility.

Changes which occur in the removal home after the child's physical removal cannot be used to find the child eligible or ineligible.

- **For children legally removed from the parent's home** (biological or adoptive), the AU shall include all of the following individuals who were residing in the removal home at the time of the child's physical removal.
    - The foster child.
    - Birth or adoptive parents.
    - Any minor siblings (birth, adoptive or half) of the child.
    - The legally acknowledged parent (biological/adoptive/step) of any minor sibling (biological/ adoptive/half) who is in the assistance unit.
- **For children who were removed from the home of a specified relative other than a parent,** the AU shall include all of the following individuals

residing in the removal home at the time of the child's physical removal and whose income and resources shall be considered during the eligibility month when evaluating AFDC eligibility.

- The foster child.
- Any minor siblings (birth, adoptive or half) of the child (siblings cannot be separated and parents and children cannot be separated).
- The legally acknowledged parent (biological/adoptive/step) of any minor sibling (biological/ adoptive/half) who is in the assistance unit.

Note: See Section 1.3.2 for paternity establishment clarification.

Example 1: The removal home consists of the foster child, foster child's sibling, parent, and cohabitant who is the parent of the sibling. The AU would be four people. Even though the cohabitant is not related to the foster child (by blood or marriage) they are still included because they are the parent of the sibling to the foster child which draws the cohabitant into the AU. The cohabitant's income and resources would be counted.

Example 2: The removal home consists of the foster child, FC's sibling, parent and stepparent (not a parent to any of the children). The AU would be three people. The stepparent would not be counted in the AU, but their income would be deemed and counted as unearned income to the AU.

Exceptions:

- **Supplemental Security Income (SSI) recipients**: If the child entering foster care receives SSI, the child shall be included as a member of the Assistance Unit. The SSI income and resources of the child are not considered in determining AFDC eligibility but, any other income (such as SSA, Veteran's, and child support) is counted. If there are any other household members who receive SSI, they are not included in the Assistance Unit and as such, the income and resources of those members are not considered in determining AFDC eligibility.

Example – The removal home consists of the foster child (who receives SSI), the foster child's sibling (who receives SSA), and the foster child's parent. This is an AU of 3 people. The foster child's SSI income and any resources will not be counted. All other income and resources in the AU will be counted.

Example – The removal home consists of the foster child, the foster child's parents and two siblings. One sibling receives SSI. This is an AU of four

people. The sibling that receives SSI would not be included in the AU. The income and resources of the SSI sibling will not be counted.

- **Any sibling who is receiving adoption assistance (Title IV-E or State assistance)** shall not be counted toward the total number of AU members, and as such, the income and resources of that household member receiving adoption assistance shall not be considered in determining AFDC eligibility. If the only AU member is the child being removed who is an adoption assistance recipient, the child shall count toward the AU member size, but the income and resources of that child are not considered in determining AFDC eligibility.

- **Any child of the foster child** shall not be counted toward the total number of AU members and as such, any income and resources are not considered in determining AFDC eligibility.

- **Other children who are not siblings** of the child entering foster care are not required unit members and must be excluded when determining initial eligibility.

- **Any parent that is not a U.S. citizen or qualified alien** as described in Section 1.5.4.2, shall not be counted toward the total number of AU members, and the income and resources of that parent shall not be considered in determining AFDC eligibility. However, their income should be deemed using the procedures in Section 1.5.4.11.

- **A foster child, who is a parent of a child entering foster care, should be excluded from the Assistance Unit.**

1.5.4.7 Deprivation requirement

To meet the AFDC relatedness requirement of deprivation, the child shall be deprived of the support or care of at least one biological or adoptive parent in the home during the removal month. Deprivation shall be met in the month of, but prior to, the child's removal from the home. The establishment of the child's deprivation may not be based on household circumstances that occur after a child's removal.

Example: Child removed from the home of Parent #1 on April 8. The household composition on April 8 consisted of the child and Parent #1. Child was deprived based on the absence of a second parent. On April 20 Parent #2 of the child returned to the removal home. For initial screening purposes, the AFDC assistance unit will consist of the child and Parent #1 only. Parent #2 will not be

included in the AFDC assistance unit as Parent #2 was not in the home at the time of removal.

Types of Deprivation. Deprivation shall be established under at least one of the following circumstances:

- Death of a biological or adoptive parent.
- Continued absence of a biological or adoptive parent from the home means that the parent's known or indefinite length of absence interrupts or ends his/her functioning as a provider of maintenance, physical care, or guidance for the child. The following includes, but are not limited to, typical situations of continued absences:
    - Separation or Divorce: One of the parents is no longer living in the same house.
    - Institutionalized/Incarcerated: One of the parents is in an institution or incarcerated.
    - Deportation: One of the parents is deported outside the United States.
    - Paternity not established.

Note: Military service (includes active or reserve/national guard status) does not constitute a continued absence and does not meet the definition of deprivation.

Note: A parent who is a convicted offender but is permitted to live at home while serving a court-imposed sentence is considered absent from the home. Once the sentence is complete, the convicted offender can be included in the AU.

- Physical or mental incapacity of a biological or adoptive parent by having a physical or mental defect, illness, or impairment. Verification of a parent receiving Supplemental Security Income (SSI) or Old Age, Survivors, and Disability Insurance (OASDI), is sufficient as documentation of deprivation. If a parent is not receiving SSI or OASDI, the incapacity shall be a documented mental or physical incapacity to the extent that the parent cannot support or care for the child (exact wording from the Federal Child Welfare Policy Manual (CWPM)). The incapacity shall be supported by competent medical testimony and shall be of such a debilitating nature as to reduce substantially or eliminate the parent's ability to support or care for the child.

- Unemployment or Underemployment of the Parent occurs when the child lives with both parents and is deprived of parental support based on unemployment or underemployment by either parent. Both parents shall live in the home and neither may be disabled. Unemployment or underemployment of a parent is categorized in AFDC policy as:
    - No longer working;
    - Underemployed as evidenced by working less than 100 hours a month; or
    - Working or expected to work 100 hours or more for one month on a temporary basis at the time of removal.

Example 1 – Child was removed from the home of both parents. Parent #1 works 40 hours per week and Parent #2 is unemployed. Deprivation would be met because Parent #2 is unemployed.

Example 2 – Child was removed from the home of both parents. Parent #1 works 15 hours per week and Parent #2 works 40 hours per week. Deprivation would be met because Parent #1 is underemployed as evidenced by working less than 100 hours per month.

1.5.4.8 Treatment of resources

Resources are considered available to those members of the assistance unit during the removal month both when actually available, and when the member has a legal interest in a liquid asset and has the legal ability to make such assets available. Additionally, “life rights” do not meet the definition of ownership. A resource is determined by its equity value, which is the current market value minus any debts.

- **Resource Limit**. The maximum value of resources available to the child’s AFDC assistance unit shall have a combined value of not more than $10,000 for the child to meet the resource limit for the financial need criterion. If the AFDC assistance unit’s resources exceed $10,000, the child will not be title IV-E eligible for the duration of that foster care episode.
- **Countable Resources**. These are resources available to the assistance unit that are to be included (countable) when making a financial need determination. **Countable resources include, but are not limited to:**
    - Checking accounts.
    - Savings accounts.

- Credit union savings.
- Savings bonds.
- Accessible trusts.
- Stocks/Mutual funds.
- 401K accounts.
- Real estate/vacation home/income property.
- Vehicles (If one vehicle is owned, the equity in that vehicle in excess of $1,500 is counted as a resource.) If more than one vehicle is owned, subtract $1,500 from the highest equity value, the equity of all other vehicles is counted as a resource.
- Cash value of insurance policies owned by members of the assistance unit.

- **Exempt Resources**. Resources available to the assistance unit that are to be excluded (non-countable) when making a financial need determination regarding the resource limit. Exempt resources include, but are not limited to:
  - Monetary or in-kind value of benefits received from federal or state assistance programs.
  - Inaccessible trusts.
  - Burial plot (one per assistance unit member).
  - Bona fide funeral arrangements of up to $1,500 equity value (one per assistance unit member).
  - Home of residence, lot and all contiguous property.
  - Household furnishings and clothing.
  - Undergraduate or graduate federal or state school loans or grants.
  - Farm/business inventories used to produce income.

Note: The resource limit prior to November 1, 1997 is $1,000. The resource limit from November 1, 1997 to December 13, 1999 is $5,000 due to the implementation of the Adoption and Safe Families Act of 1997. The resource limit

after December 14, 1999 is $10,000 due to the Chafee Foster Care Independence Act of 1999.

1.5.4.9 Income standard

- **Total Countable Gross Income**. The gross amount of countable income received during the removal month by the AFDC assistance unit is countable earned and unearned income, which includes deemed income, of the assistance unit.
- **Countable Earned Income** refers to earned income of an AU member by receipt of wages, salary, commission, and/or through self-employment prior to any deductions for taxes, and this could include earned wages the AU member has not yet been paid . Countable earned incomes include:
  - Wages, salaries, tips (before taxes).
  - In-kind income for work (e.g., shelter received for work).
  - Jury duty pay.
  - Vacation pay.
  - Worker's Compensation.
  - Self-employment minus business expenses.
  - Severance pay.
  - Bonuses.
- **Countable Unearned Income** is income received by an AU member for which no service is performed, and this could include income the AU member has not yet been paid . Countable unearned incomes include:
  - Armed forces pension or disability allotment.
  - Child support/alimony, minus first $50 received per month by the assistance unit.
  - Disability insurance.
  - Non-recurring lump sum payment received during the removal month (**Examples**: retroactive Social Security benefits, stock dividends, life insurance settlements, etc.).

- Income continuation payments/royalties.
- Inheritance payments.
- Interest, (cash assets, bank account, certificate of deposit).
- Retirement or Pension (union, private or government).
- Social Security benefits (excluding SSI).
- Unemployment compensation.
- Striker's benefits.
- Income deemed from stepparents and ineligible alien parent (see Section 1.5.4.11).
- In-kind cash contributions are counted as unearned income.

- **Exempt Income**. Certain types of earned and unearned income are excluded (non-countable) when determining if the child meets the financial need requirement for AFDC eligibility. Sources of earned and unearned income that are excluded per person include, but are not limited to:

  - Payments from: Supplemental Security Income (SSI); Auxiliary Grant (AG); Temporary Aid for Needy Families (TANF); General Relief; or Virginia Initiative for Employment Not Welfare (VIEW); etc.
  - Food programs, (e.g. Supplemental Nutrition Assistance Program (SNAP), WIC, etc.).
  - Earned income (including financial aid) of a dependent child who is a full-time student.
  - Current monthly support obligation or a voluntary support payment received by the assistance unit not to exceed $50.
  - Undergraduate or graduate federal or state school loans or grants and work study programs.
  - Training allowances from the Virginia Department of Rehabilitative Services.
  - Foster care or adoption assistance payments.

- Veteran benefits for education if VA is the only source of educational assistance. If other educational benefits are available, the entire amount of the VA benefit may be disregarded if VA benefit is used to help purchase tuition, books, fees, school equipment, or transportation to and from school.
- Trust funds not available on demand.
- Loans, including reverse equity loans, endorsed for repayment.
- Income tax refunds (Earned Income Tax Credit).
- Housing and Urban Development (HUD) Section 8 and Section 23 payments.
- Federal major disaster and emergency assistance.
- Small non-recurring gifts not to exceed $30 per calendar quarter (e.g. birthdays, graduation, etc.).

1.5.4.10 Income conversion

When determining the earned and unearned income amount of the child's AFDC assistance unit, when possible use the actual monthly gross income received in the removal month. If actual monthly income is not available and the Benefits Programs Specialist has to convert income payments into an average monthly amount use the following method:

- **Weekly**. Income received weekly is multiplied by 4.3.
- **Biweekly**. Income received every two weeks is multiplied by 2.15.
- **Semimonthly**. Income received twice per month is multiplied by 2.

1.5.4.11 Deeming income

In certain situations, the income of an individual living in the removal home who is not included in the AFDC assistance unit shall be evaluated to determine if any portion of that individual's income is considered available to the AFDC assistance unit. This process is called "deeming." All deemed income is considered as unearned income to the AFDC assistance unit.

- **Deeming Groups**. The person(s) whose income is deemed toward the child's assistance unit are:

- Stepparent. The stepparent was living in the removal home but is not included in the AFDC assistance unit. Income of a stepparent will be deemed available regardless of whether the legal parent of the child is also living in the removal home. Divorce terminates the stepparent's financial responsibility.

- Alien parent. The parent was living in the removal home but is ineligible for AFDC due to his alien status.

- Deeming Procedures. The following steps are to be used in deeming the income of individuals whose income is deemed toward the child's assistance unit but is not a member of the assistance unit. The Deeming Worksheet is found on FUSION within the title IV-E Evaluation form and should be completed using the following steps:

  - **Step 1**: Determine the deeming group's countable gross earned income in the eligibility month;

  - **Step 2:** Subtract $90 for each employed stepparent or ineligible alien parent.

  - **Step 3**: Add countable unearned monthly income;

  - **Step 4**: Subtract any court ordered child support and alimony paid by member of the deeming group to support individual who is not in the household;

  - **Step 5**: Subtract any payments made by members of the deeming group to individuals not living in the home but who are or could be claimed by him or her as dependents for purposes of determining their Federal personal income tax liability; and

  - **Step 6**: Subtract the 100% Standard of Need amount for the deeming group's AFDC group size, excluding the members of the assistance unit.

  - **Step 7**: The total remaining is the Total Deemed Income.

- **Total Deemed Income**. This is the portion of the income that shall be included as unearned income to the child when determining if the child meets the financial need criterion.

1.5.4.12 Standard of need

The Benefit Programs Specialist shall determine the number of members in the AFDC assistance unit (see Section 1.5.4.6) to determine the total income that is available to the child. The total countable gross income of the AFDC assistance

unit is then evaluated against a two-part Standards of Need comparison. Localities in the State have been assigned to AFDC Grouping I, II, or III. The Standard of Need is to be applied based on the LDSS groupings as established in 1996. Title IV-E application is based on AFDC regulations at that time and is not affected by changes in TANF program or other Benefit programs requirements.

- **Part One**. The total countable gross income of the child's AFDC assistance unit shall be equal to or less than the amount indicated for the number of members in the AFDC assistance unit on the 185% Standard of Need Income Chart. If the total countable gross income is equal to or less than the indicated amount, proceed to Part Two. If the countable income is above the 185% Standard of Need limit, the child is not title IV - E eligible for the duration of that foster care episode.

- **Part Two**. The allowable deductions are per assistance unit member wi th earnings that include $90 then $30 and ⅓ disregard which must be deducted for 100% Standard of Need. This is done by subtracti ng allowable deductions from the countable earned income, and then adding the adjusted earned income to the countable unearned income. The total countable adjusted income of the child's AFDC assistance unit is then evaluated against the 100% Standard of Need Income Chart. Please refer to the AFDC 100% Standard of Need Worksheet found on FUSION withi n the title IV-E Evaluation form.

1.6 Ongoing requirements

Use of title IV-E funds for the maintenance needs of children who have been screened and found eligible for title IV-E may vary over the course of a foster care episode. A child may lose and regain eligibility for payments on a frequent basis depending on the specific changes which might occur in the child's situation. Ineligibility for payments may not permanently deprive the child of future title IV-E payments during the current foster care episode.

Certain conditions that render a previously title IV-E eligible child as ineligible for payments may be corrected. For example, placement requirements have been met (i.e.: child in Independent Living arrangement returning to a regular approved foster home, child returning to placement after an unsuccessful trial home visit).

The Benefit Programs Specialist shall advise the Family Services Specialist and any required agency fiscal staff of the eligibility for payments status and the duration of any periods for which title IV-E funds cannot be used by completing Title IV-E Foster Care

Notice of Action (Form # 032-04-0079-02). This NOA form should be completed for an increase/decrease in payment, suspension or reinstatement of the maintenance payment, and termination due to the child's ineligibility for title IV-E.

The following items may, under certain circumstances, impact the child's payment eligibility:

- Age.
- Placement.
- Voluntary placement lasting 180 days and the LDSS has not obtained a court order with a judicial determination to the effect that continued voluntary placement is in the child's best interest.
- SSI payments.
- Ongoing annual judicial review.
- Timely VEMAT assessments.

Note: Timely VEMAT assessments include the administration of the VEMAT in accordance with the established guidelines for assessments and reassessments set forth in Section 18.2 of the Foster Care Manual.

1.6.1 Age Requirements

A child is eligible to receive assistance until he/she reaches the age of 18. The child is eligible for the entire month in which their 18th birthday occurs if they have not attained age 18 on the first day of that month.

Eligibility may continue beyond the age of 18 if the child resides in a group home or residential placement and is enrolled in a secondary school or vocational/techni cal school of secondary equivalency and expected to complete the high school or vocational/technical program prior to or in the month of their 19th birthday. The eligible 18 year old child is considered to be enrolled full-time, regardless of the number of courses or length of time in school. The child is eligible for the month in which completion of the school program occurs; however, eligibility cannot be extended past that month. The program is considered completed on the last day of final exams or, if exams are not required, the last day of scheduled classes, or the date the graduation ceremony is scheduled to occur, whichever is most advantageous in providing title IV - E assistance to the child.

Under no circumstances shall eligibility continue beyond the child's 19th birthday. If, at any time during the child's 18th year, it is determined that the child will not complete the program of study by the month of his 19th birthday, the child's title IV-E eligibility ceases effective the last day of the month when it is determined that the otherwise eligible youth, age 18 and older, will not complete the educational program before reaching age 19. The Benefit Programs Specialist shall document when this case is no longer eligible for payment.

Example: Title IV-E child that turns 18 in Dec 2015 has completed GED and received scores but will not receive certificate until graduation in May of 2016. Child enrolled in a program (Great Expectations) that helps ease foster care children into college courses. Child will start taking classes in January. Will a child still be eligible for title IV-E until the child receives the GED certificate in hand?

Answer: No, the child can no longer be title IV-E eligible after 12/31/15 since the child has taken the GED test and has scores in hand. Program is considered completed on the last day of scheduled classes and the child has scores in hand confirming they have finished the class.

Note: Young adults who are full-time students expected to complete secondary schooling or equivalent training before reaching age 19 and who are not placed in a group home or residential placement, or who are not expected to continue in a group home or residential placement after age 18, must be enrolled in Fostering Futures at age 18. See guidance at 1.13.

1.6.2 Placements

The child shall reside in a placement that meets title IV-E eligibility requirements. Placements may be in foster family homes or child care institutions. For title IV-E eligibility, the child's foster family home must comport with the safety requirements under § 471(a)(20) of the Act as applicable, 45 CFR § 1356.30, and ACYF-CB-PI-10-02. The title IV-E agency must document that the foster parents meet the applicable safety requirements for the period for which the title IV-E foster care maintenance payments are made on behalf of the child residing in a foster family home. Federal requirements under 45 CFR § 1356.30(f) mandate the Virginia Department of Social Services Division of Family Services in collaboration with the Virginia Department of Behavioral Health and Developmental Services and Virginia Department of Social Services Licensing Division to document that the background checks with respect to the caregiver staff of the childcare institution are completed in accordance with the licensing agency's requirements where the childcare institution is located. All family foster homes or child care institutions shall be fully approved or licensed by the state in which the home or facility is located. All children in foster care placement are eligible

to receive maintenance payments. Maintenance is defined by federal law as: payments made on behalf of a child to cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, and reasonable travel for the child to visit with family or other caretakers and to remain in the school in which the child was enrolled at the time of placement. Since foster care maintenance payments are not salaries, foster parents shall often work outside the home. Therefore, child care that provides daily supervision during a foster parent's working hours when the child is not in school is an allowable expenditure under title IV-E. Section 12 of the Foster Care Manual provides the details for appropriate daycare costs and use of funds.

Note: Federal requirements to document verification of safety compliance for Children's Residential Facilities as provided on the CRF matrix and/or Foster Homes (LCPA or LDSS Resource Homes) as provided to the VDSS Home Office on the foster home matrix.

Every time a child changes placement, the Family Services Specialist is to report the change **within three (3) calendar days** to the Benefit Programs Specialist and provide the required foster home certificates, checklist, license, verification of criminal records and CPS verifications and financial agreement for the placement. The Benefit Programs Specialist has five (5) calendar days from the receipt of the placement documentation to make changes to placement information and provide Notice of Action to the Family Services Specialist.

Note: Whenever a child is absent from the foster care placement, the Benefit Programs Specialist shall determine if the absence will impact the payment to the foster parents. If the absence is temporary (not to exceed 14 days) and the child returns to the same provider, the provider may be paid for the entire month. Temporary absences from the placement for reasons such as hospitalization, education or training, a vacation or a visit do not affect payment. However, if the absence exceeds 14 days or the child does not return to the same provider, the payment shall be prorated based on the actual number of days the child was in each placement. The last day of the placement is not included in the prorated payment.

1.6.2.1 Kinship foster parent placement

The LDSS must assist relatives and fictive kin with meeting approval requirements by utilizing permanent and temporary waivers, when appropriate.

When kin or fictive kin are identified and assessed to be an appropriate placement for a child in foster care, the LDSS must make a visit to the home prior to or on the day of placement to ensure safety of the home environment and

complete the Physical Home Environment Safety Checklist. All adult household members must submit to a Virginia State Police Name search and a search of the CPS Central Registry, through the child welfare information system, prior to placement of the child. When the presence of barrier crimes or CPS findings are ruled out, the child may be placed immediately and the provider will meet Kinship Preapproval criteria. During this Kinship Preapproval period, title IV-E funds can NOT be utilized.

Within 72 hours of placing a child in the home, the individuals with whom the child has been placed and all other adult household members must present themselves for fingerprinting with the approved vendor. The LDSS must submit the required request for search of the CPS Central Registry and release of information form to the State Office of Background Investigations for processing. *Title IV-E foster care maintenance payments may start on the first day 1) when all background checks have been received for the kinship foster parents and are deemed "eligible" and 2) the date the Certificate of Approval is issued and not before. Please note that until a Certificate of Approval is issued, title IV-E funds cannot be utilized.*

> *Example: The child is placed in a resource home on 3/30/26. The background check results indicating the kinship foster parents are "eligible" are received on 4/04/26. The COA is issued on 4/04/26. If the child meets all other AFDC eligibility requirements, title IV-E funding could begin 4/04/26.*

A Kinship Foster Parent Waiver Request form should be emailed to the Regional Resource Family Consultant within 72 hours of the date of placement. Names of all household members should be indicated in the TB Information table and names of the providers indicated in the Physical Exam Information table.

When all elements of approval have been completed, the form should be maintained in the resource family file and a completed and final copy of this form emailed to the Regional Resource Family Consultant. If the child is title IV-E eligible, a copy of the form will need to be uploaded in the Permanency Case section of the COMPASS|Portal and listed as "other document" with the naming convention {Kinship Waiver Request Form (date of completion)}. All other documentation required for an agency approved family foster home should also be uploaded to the COMPASS|Portal using the appropriate naming convention.

Note: The Emergency Approval Letter and Emergency Approval for Title IV-E Reporting form will no longer be utilized or required in the IV-E file.

Even with a certificate of approval, the temporary waivers are only allowed for six months. The six month approval period begins the date the child is placed in the kinship foster home. If all of the standards of approval that were granted a

temporary waiver are not met within six months, the home will be considered unapproved resulting in the home needing to be suspended immediately.

Once the home approval is suspended, the day after the six month approval period, title IV-E funds must cease until the home has rectified the temporary waiver standards. Once the standards of approval are met, the home will resume their approval criteria until the end of the 36 month certification. Please refer to Resource, Foster, and Adoptive Family Home Approval Guidance 1.12 Suspending or Revoking Provider Approval for further information on suspensions. Also, see title IV-E Manual at 1.7.1.3.1 for an example of this type of placement.

1.6.2.2 Resource family homes

These are private homes that have been dually approved to provide parenting to foster and, if necessary, adopt a child placed in the home. Resource homes shall meet standards established by the State Board of Social Services and be approved by a LDSS or a LCPA. Homes may be providers for more than one agency.

These homes receive a basic maintenance payment based on the age of the child and may also receive enhanced maintenance payments as a result of use of the VEMAT.

1.6.2.3 Treatment foster home

A Treatment Foster Home is an LDSS or LCPA home where the foster parents have received additional training in order to meet the special needs of children who have been identified as having emotional/behavioral, developmental, physical or medical disorders. These foster parents receive the basic maintenance payment based on the child's age and may receive additional payment for added daily supervision and support due to the behavioral, emotional or physical personal care needs of the child as assessed by the VEMAT. The therapeutic needs of a child shall be documented in the child's service record. Many LDSS agencies contract with LCPAs to provide this type of care.

1.6.2.4 Children's residential facilities

Residential placement means placement in a licensed public or privately owned facility, other than a private family home, where 24-hour care is provided to children requiring enhanced supportive services.

1.6.2.5 Independent living arrangements

Independent living arrangements means a placement of a child at least 16 years of age who is in the custody of a CPA and has been placed by the CPA in a living arrangement in which he does not have daily substitute parental supervision. The placements are not eligible for title IV-E payment.

1.6.2.6 Interstate placements

The purpose of the Interstate Compact on the Placement of Children (ICPC) is to ensure that children placed out-of-state are placed in approved settings and receive continuing services and supervision necessary to ensure that their placements are appropriate and safe.

In order to use title IV-E funds for a child placed in a family home or children's facility in another state, the home or facility shall be fully licensed or approved by the state in which it is located. Safety requirements including criminal record and CPS checks, shall be satisfied and documentation of the completion date of such shall be placed in the eligibility file. Documentation to verify the safety requirements are met and the placements are fully licensed shall be obtained and placed in the eligibility file, including ICPC 100 A and B Forms from the Family Services Specialist.

1.6.2.7 Transferring custody to another LDSS

When custody is transferred to another jurisdiction, the LDSS transferring custody will copy the eligibility file in its entirety and forward the original eligibility file to the new LDSS.

1.6.2.8 Placement documentation

The Eligibility file shall contain documentation that supports and validates all title IV-E payments were made to a foster home or children's facility that remained fully approved or licensed during the entire time the child was placed in that home or facility. Every time a child changes placement, the Family Services Specialist shall report the change **within three (3) business days** and provide required documentation for the new placement. All documents shall be current and cover the dates of the child's placement. This will require that the Benefit Programs Specialist monitor and establish follow-up procedures to obtain the current documentation.

The documentation that shall be maintained in the eligibility file includes:

- Agency approved Family Foster Home.

- Checklist Form with documentation of results of National Fingerprint Criminal Record Check, Virginia State Police Check (if applicable), Central Registry Check and Sworn Disclosure Statement requested and received (dates shall be prior to child's placement in home if agency is utilizing title IV-E funds).
- Foster Home Certificate of Approval 032-03-136-1.
- Kinship Waiver Request form
- Financial Agreement.

- Licensed Child Placing Agency Family Foster Home.
  - LCPA license.
  - Foster Home Certificate of Approval 032-02-0140-02.
  - State form letter (032-02-0506-02-eng) Criminal Background Check Letter Verification without Conviction or (032-02-0507-02-eng) Criminal Background Check Letter Verification with Conviction with documentation of results of National Fingerprint Criminal Record Check, Virginia State Police Check (if applicable), Central Registry Check and Sworn Disclosure Statement requested and received (dates shall be prior to child's placement if utilizing title IV-E funds).
  - Financial Agreement.

Note: During the Quality Assurance and Accountability (QAA) review process, QAA will be verifying that the Certificate of Approval that covers the Period Under Review (PUR) is valid by ensuring the LCPA was licensed and background checks were completed for that approval time period and no later than 3 years from the date of the previous check(s).

For example: The PUR is 12/01/18 to 05/31/19. The child was placed in the home 06/03/16. The certificate of approval that covers the PUR is from 10/01/17 to 10/01/20. LCPA licenses and background checks are needed to verify that the certificate of approval was issued correctly. If the non-conviction letter only shows the most recent checks being completed on 02/01/18, the agency will need to get documentation of the checks that were completed prior to that to cover the period of the certificate of approval.

LCPA license(s) must also cover the dates of the home's Certificate of Approval(s) that cover the PUR. Based on the example provided above, LCPA licenses would be needed to cover the Certificate of Approval time period of

10/01/17 – 10/01/20. In the event the LCPA did not hold a valid license on the start date of the Certificate of Approval, the home may not be considered fully licensed.

- Children's Residential Facilities.
    - Children's residential facilities/group homes may be licensed by different state agencies and may have different types of licenses. Only full and conditional licenses are acceptable for title IV-E payments. Provisional licenses are NOT acceptable and do not meet the licensed placement requirements for title IV-E payments. If the license has expired, the children's residential facility shall, at a minimum, provide a letter from the licensing agency that verifies licensure status remains current and for how long. The letters are typically provided to facilities that are licensed by the Department of Behavioral Health and Developmental Service (DBHDS).
    - Section 1.8, Family First Requirements for Congregate Care Placements outlines the required documentation for the eligibility file in order to support placements in those settings allowed by Family First.
    - Licenses status for VDSS approved children's residential facilities may be verified on the VDSS public website however an actual valid license is still required to be in the eligibility file.
    - License status for DBHDS may be verified on the Virginia Department of Behavioral Health and Developmental Services website however an actual valid license is still required to be in the eligibility file.
    - Financial Agreement.

The following situations do not meet placement requirements and are not approved for title IV-E payments unless otherwise indicated:

- Provider has a provisional license.
- Child is placed in a congregate care setting not allowed by Family First (first 14 days can be paid from IV-E as long as the child and placement meet all IV-E requirements).
- Child's whereabouts are unknown-runaway (title IV-E payments can be made if the child returns to the same provider and the absence does not exceed 14 days).
- Child is hospitalized (title IV-E payments can be made if the child returns to the same provider and the absence does not exceed 14 days).

- Child is in an independent living arrangement (living on their own).
- Child is on a trial home visit.
- Child is in detention for more than 14 days (not in custody of DJJ).
- Child is placed in boot camp or forestry camp.
- Child is placed in public group care facilities with more than 25 children.
- Child is placed in a training school.
- Child is placed in a Psychiatric Residential Treatment Facilities (PRTF) placement. For this example, Medicaid funding must be utilized. The Medicaid rate for a PRTF covers room and board and daily supervision; therefore, title IV-E funds cannot be used for these placements.

1.6.3 Financial need requirements

1.6.3.1 Resources

Once a child has been found eligible for title IV-E, resources will not be a condition of eligibility. As of April 1, 2010 a child who has been determined AFDC eligible under title IV-E at removal is considered to meet the AFDC need and deprivation requirements throughout the foster care episode regardless of subsequent changes in income, resources and parental deprivation.

1.6.3.2 Income

Once a child has been found eligible for title IV-E, income will not be a condition of eligibility. As of April 1, 2010 a child who has been determined AFDC eligible under title IV-E at removal is considered to meet the AFDC need and deprivation requirements throughout the foster care episode regardless of subsequent changes in income, resources and parental deprivation.

1.6.3.3 Lump sum payment

A lump sum payment is a nonrecurring payment not earmarked for a specific purpose. Examples of lump sum payments are retroactive Social Security benefits, stock dividends, and life insurance settlements. The receipt of a nonrecurring lump sum payment (excluding retroactive SSI benefits) by or on behalf of a child who has been found title IV-E eligible, should be processed and used as directed (see VDSS Finance Guidelines Manual, Local Finance Guidance, Section 3.50).

1.6.3.4 Receipt of Supplemental Security Income (SSI)

A child's initial title IV-E screening is not affected by receipt of SSI benefits as the SSI payment is not considered in the title IV-E eligibility determination. After title IV-E approval, receipt of SSI should be evaluated by the Family Services Specialist to determine if continuation is in the best interest of the child. Notification to Social Security will be made by the Family Services Specialist. (See section 18.1.7 SSI and maintenance in the Foster Care Manual).

A child may receive title IV-E foster care and SSI benefits concurrently as both are intended to meet the maintenance needs of the child. However, the SSI payment will be reduced dollar for dollar by the amount of any title IV -E maintenance payment that is made. For this reason, the agency should determine which is more advantageous to meeting the child's needs.

In high-cost placements, it is more financially advantageous for the agency to use title IV-E for the child's maintenance needs. This should zero out and result in a suspension of the SSI payment. While this is more financially advantageous to the agency (no local funds required), it may not be more advantageous for the child when:

- The child is near the point of adoption.
- The child is near the age of emancipation and being prepared for independent living.
- The child is near reunification with a low-income family.

If the child is in a family foster home and the monthly maintenance costs are below the monthly SSI payment, the agency could elect not to claim title IV-E for payment and continue to receive the SSI payment to meet the child's maintenance needs. If the agency elects this method, the child will become ineligible for title IV-E payments until SSI is suspended or ends.

If the child is in a family foster home and the monthly maintenance costs are less than the SSI check, the child could receive concurrent benefits (SSI reduced payment and title IV-E). If the agency elects this method, the child will remain title IV-E eligible.

Example: Monthly maintenance costs are $326. The SSI check is $623. The agency issues a title IV-E maintenance payment of $326 which reduces the SSI payment to $297.

1.6.3.5 Recurring monthly benefits

Recurring monthly benefits for the child, including SSI, SSA and Veteran Administration are to be placed in a special welfare account in the name of the child to be used for expenses on behalf of the child. Retroactive SSI payments to foster care children covering more than six (6) months of payments shall be paid directly into a separate dedicated account in a financial institution (see the Foster Care Manual, Section 4.11.3.1). For more information on special welfare account, see the VDSS Finance Guidelines Manual, Section 3.50.

Note: Care should be exercised to assure that the child's SSI benefits are not suspended for more than 12 months, as this would cause the child to lose SSI eligibility and force the child to undergo a full redetermination of SSI eligibility.

1.6.4 Annual Judicial Reviews (AJR)

If the child's entry into foster care was by way of an entrustment agreement, there are no federal annual judicial requirements required to maintain the child's title IV -E eligibility status. Children in foster care due to a non-custodial foster care agreement shall be subject to annual judicial reviews once the court approves the agreement.

After title IV-E eligibility has been established initially, there shall be yearly judicial determinations that reasonable efforts are being made toward reunification or to finalize a permanent placement of the child. The Family Services Specialist should provide the Benefit Programs Specialist with copies of all court orders. If the order is not valid, the Benefit Programs Specialist shall notify the Family Services Specialist immediately. Failure to provide all annual judicial review orders could result in an inaccurate title IV-E payment decision.

The first judicial determination regarding reasonable efforts to finalize the permanency plan shall be made within 12 months of the "date on which the child is considered to have entered foster care" (see Foster Care Manual, Section 3.3.) and at least once every 12 months thereafter while the child is in foster care.

The type of court order that is typically used for this purpose is the Foster Care Review Order or the Permanency Planning Order. The effective date of the court order is the date signed by the judge. The first goal is typically recorded on the Dispositional Order. This hearing occurs within 60 days of the preliminary removal order hearing, the hearing that brought the child into care, or the date the child came into care, if there was no previous hearing.

If the goal is not written on the order, the Benefit Programs Specialist shall request a copy of the first sheet of the current service plan that was submitted to the court for

this hearing and attach it to the current court order. The service plan will identify the permanency goal.

Permanency goals are:

- Return to parent or prior caretaker.
- Placement with relatives.
- Adoption.
- Another Planned Permanent Living Arrangement.
- Permanent Foster Care.

To be considered "valid", the court order shall be signed and dated by the judge and have reasonable efforts language that addresses the current permanency goal (goal written on current order) or any permanency goal that was on any prior court orders within 12 months of the current order. The Benefit Programs Specialist will then determine if the order meets the required time frame.

Initial Judicial Order – Valid order shall be received within 12 months of the date the child is considered to have entered foster care.

Subsequent Orders – Valid order shall be received within 12 months of the last valid order.

If a judicial determination regarding reasonable efforts to finalize a permanency plan is not made within this timeframe, the child is not eligible for title IV -E payment at the end of the 12th month from the date the child is considered to have entered foster care or at the end of the month in which the subsequent judicial determination of reasonable efforts was due, and remains not eligible for title IV-E payment until the beginning of the month in which such a judicial determination is made.

If the court finds that the agency has not made reasonable efforts to finalize the permanency plan, the case is not eligible for title IV-E payment until the court issues a subsequent order that documents such efforts have been made.

Note: Every time a valid order is received, it will reset the due date for the next AJR

1.7 Entitlement to maintenance cost

1.7.1 Initial entitlement

Title IV-E is an entitlement program and, as such, no flexibility exists with respect to satisfying the requisite eligibility criteria. If such eligibility criteria are not satisfied within the time frames prescribed in the regulation, the child is ineligible for title IV -E funds. There are two types of title IV-E claims that the State may make on behalf of a title IV-E eligible foster child, administrative and maintenance. Eligibility for title IV-E maintenance costs are determined by the Benefit Programs Specialist. Administrative costs are processed or reviewed by the Finance Division as a separate process.

1.7.1.1 Maintenance

The Benefit Programs Specialist is responsible for determining eligibility and recommending payment for cases eligible for maintenance payments. Payments are not to be rounded.

A maintenance claim is made to secure federal matching funds to offset the monthly cost of foster care maintenance payments.

Maintenance payments may not begin until an approved placement has occurred and all initial eligibility requirements that shall be met are satisfied. Initial eligibility requirements are: initial judicial language, AFDC relatedness, and placement requirements. The effective date that the state may claim title IV-E federal matching funds to offset the monthly maintenance cost of foster care is the first day of placement in the month in which all federal title IV-E requirements have been met.

The amount of the monthly payment to the foster parent or child caring institution is the total amount of the child's requirements, less any cash income (other than the child's disregarded earnings) directly available to the child or to the foster parents or institution on his behalf.

1.7.1.2 Supplemental clothing allowance

In addition to basic maintenance payments, the supplemental clothing allowance is available for every child, each year they are in foster care.

The clothing allowance should pay for needed clothing at initial placement, placement changes, for back-to-school, as the child grows; and if items are lost or destroyed.

The supplemental clothing allowance shall not exceed the designated rate posted in Section 18.3 of the Foster Care Manual, regardless if the amount was paid by title IV-E, CSA or a combination of the two. It should be used by May 31st each year. Supplemental clothing allowances apply to all children regardless of funding source. The date the bill is paid determines the fiscal year in which the payment is counted. Example: a Foster Parent spent $125 on clothing at Burlington for Child 1 on 09/12/2017. Child 1 began a trial home visit on 10/01/2017. The agency reimbursed the Foster Parent for the clothing on 10/29/2017 in the amount of $125 while the child was on a trial home visit. This would be an allowable clothing expense as the clothing was purchased while the child was residing in an approved title IV-E placement.

Note: Each episode of Foster Care begins a new clothing allowance.

Items allowable for purchase include basic clothing and accessories that any reasonable person would determine necessary and appropriate for any child. The decision as to the appropriateness and reasonableness of the items purchased is the responsibility of the Family Services Specialist. If the Family Services Specialist has questions regarding the appropriate use of the supplemental clothing allowance, the Family Services Specialist should discuss the issue with their supervisor and may consult the regional Foster Care Consultant for technical assistance.

All supplemental clothing allocations shall be verified and tracked by the Benefit Programs Specialist through documentation that the funds were used to purchase clothing for the designated child. This may include a purchase order to the store and receipt or a receipt from store(s) where the foster parents purchased the items. The decision as to the appropriateness and reasonableness of the items purchased is the responsibility of the Family Services Specialist. The Benefit Programs Specialist should track and ensure that annual expenditures for each child do not exceed the age appropriate maximum rates for clothing allowances.

1.7.1.3 Amount of payment

Using information provided by the Family Services Specialist, the amount of the payment is determined as follows:

- **Adoptive Home**. The amount of maintenance paid for a special needs child placed in an adoptive home is determined and authorized by the Adoption Negotiator. The amount of payment may be lower than, but shall not exceed, the established monthly rate for title IV-E foster care

payments. Adoption assistance payments may be made by or through another public or nonprofit agency.

- **Foster Home**. The amount of the monthly foster care payment is the basic maintenance rate. Enhanced maintenance payment may also be paid if a VEMAT was administered. (See VEMAT Guidance in Section 18.2 of the Foster Care Manual).

- **Enhanced Maintenance**. Some children require additional daily supervision and support provided by the foster or adoptive parents. These payments are called "Enhanced Maintenance Payments" established through administration of the VEMAT and are paid from title IV-E funds if the child meets title IV-E requirements. The VEMAT should be assessed and reassessed according to the required guidelines found in Section 18.2 of the Foster Care Manual. Otherwise CSA state pool funds or local only funds shall be used. This enhanced maintenance payment is made in addition to the basic title IV-E payment. The payment amount page from the VEMAT shall be given to the Benefit Programs Specialist for inclusi on in the Eligibility file and to establish the amount of the payment.

- **Children's Residential Facility (CRF)**. Children who are placed in congregate care settings prior to July 1, 2021 fall under the prior title IV-E requirements and can continue to receive IV-E funding regardless of the placement not meeting Family First requirements as long as they remain in that placement setting. If the child is placed in a congregate care placement on or after July 1, 2021, the Family First requirements woul d apply (see section 1.8).

- For a placement in a congregate care setting on or after July 1, 2021, the first 14 days may be paid with IV-E funds, regardless of whether the facility meets the Family First requirements, so long as the child is IV-E eligible and the placement meets the IV-E requirements for an approved placement (Section 1.6.2). After the first 14 days of a placement, an alternative funding source would need to be utilized if the placement does not meet the requirements for a placement setting as outlined in Family First (Section 1.8). This does not apply to QRTP placements.

- Note: Title IV-E funds cannot be used for congregate care settings that are PRTF.

The amount of the monthly foster care payment is the negotiated rate of allowable costs between the provider and the purchaser. The Family Services

Specialist is responsible for providing the Benefit Programs Specialist with a copy of the Financial Agreement or contract, which documents the currently negotiated rate and the allowable costs to be paid by title IV-E funds. Allowable costs include room and board, clothing, personal care, recreation, spending allowance, and the cost of additional daily supervision. The provider shall identify the daily supervision costs as a separate item. The Family Services Specialist will provide the Benefit Programs Specialist with the financial contract and the rate sheet from the residential facility.

If a daily rate is negotiated, the amount of the monthly payment will be determined by multiplying the number of days in care for the month by the daily rate. The monthly payment will change whenever the number of days in a month changes. If a monthly rate is negotiated, the payment for the month will be the monthly rate negotiated, unless the child was not in the facility for the entire month.

If the room and board rate does not include individual requirements items (clothing, personal care, recreation or allowance) the amount for those items as shown under standard rates of payment in the Foster Care Manual, Section 18.1.3 will be made monthly to the facility on behalf of the child. In instances, where the amounts for individual requirement items are billed "as charged," the agency will reimburse the facility according to "as charged" bills. The Family Services Specialist shall assess whether clothing and supplies are needed and shall preauthorize all "as charged" bills.

1.7.1.3.1 Placement

Consistent with section 471(a)(20)(a) and (D) of the Social Security Act (the Act), a title IV-E agency may only claim title IV-E Foster Care Maintenance Payments (FCMP) on behalf of a child placed in a foster family home for the days that the results of the criminal record checks have been received and are deemed "eligible" as described in the Act. A title IV-E agency may claim title IV-E foster care maintenance payments on behalf of a child placed in a child care institution if, during the period the title IV-E agency claims title IV-E foster care maintenance payments, the results of the criminal record checks have been received and are deemed "eligible" for all staff working in the child care institution. The Benefit Programs Specialist shall verify that the foster child's placement is fully approved for title IV-E payments through the documentation outlined in section 1.6.2.8 Placement Documentation.

Title IV-E funds may not be used after the child has left an approved placement or leaves care. For payment purposes, the last date of placement is the day before the date the child is deemed to no longer be in an approved

placement or left agency custody.

> *Example: Child entered foster care and was placed on April 10th in a foster home meeting full approval criterion. The child was returned home via court order May 11th. The last day title IV-E funds may be utilized would be May 10th (the last date of placement before the child is deemed to have left agency custody).*

The child's eligibility record shall show the beginning and end dates for every placement. The foster home certificates will also show the beginning and end dates of the approval period (whether they are LDSS or LCPA homes) and the license approval dates for the LCPA or children's residential facility. All agency-approved provider homes and homes approved through an LCPA are approved for three (3) years. Children's residential facilities approval time span may vary depending on the type of institution and approving State agency.

If a foster family home or child-care institution is licensed for a portion of a month, the State may claim *FCMP on behalf of a child placed in a foster family home or child care institution for the days that the results of the criminal record checks have been received and are deemed "eligible"*. The State shall prorate any claims when the otherwise eligible child has resided in the home or institution for a portion of the month. A new license is required to make any subsequent month's payments. If a foster family home is placed on probation due to lack of compliance with a licensing or approval standard, the State may not claim FFP for foster care maintenance payments during the time that the foster home does not comply with the standards. However, if the home meets all of the licensure or approval standards but is on probation only in the sense that it is a newly licensed home requiring more frequent supervision by the agency, the period of probation would not preclude title IV-E foster care payments being made on behalf of an eligible child in the home.

> Example 1: Child entered foster care through a CHINS Order and was placed on April 10, in a home meeting full approval criteria. The initial court order had the required best interest/contrary to welfare language but lacked reasonable efforts language. The reasonable efforts requirement was met on April 25, (within 60 days of initial order). The child was screened and found to meet all AFDC relatedness criteria. Entitlement for title IV-E maintenance payments may be claimed beginning April 10, since this was the first day of placement in the month in which all requirements were met.

> Example 2: A child entered care and was placed on 1/27/21 in a kinship placement that had been identified. The FSS made a home visit on the same day, and completed the Physical Home Environment Safety Checklist. A

Virginia State Police Name search and a search of the CPS Central Registry through the child welfare information system was completed on the adult household members the same day. No barrier crimes were identified and the placement has Kinship Preapproval status. **During this preapproval period, IV-E funds cannot be utilized, however CSA funds can be used for the preapproval status.**

The National criminal background check (CRC) and the central registry of abuse and neglect (CPS) checks are returned/emailed to the agency on 2/17/21 with an 'eligible' status. A certificate of approval (COA) is issued 2/17/21 – 2/17/24. *Title IV-E funds can begin to be utilized effective 4/17/26.*

The Kinship Foster Parent Waiver Request form was completed and signed by the FSS on 2/17/21 and a copy provided for the eligibility file indicating that the Mutual Family Assessment, TB tests, and physicals were all temporarily waived for 6 months. All of the waiver criteria are due by 7/27/21 (6 months from the date the child entered this placement). On 7/28/21 the BPS does not have a completed copy of the Kinship Foster Parent Waiver Request form; therefore, IV-E funding must stop until all standards of approval are met. In this example, the waiver criteria were met on 10/4/21; therefore, IV-E funds can resume on 10/1/21 and can continue to the end of the 36 month COA. Local-only monies would need to be utilized beginning 7/28/21 through 9/30/21.

Note: A child placed with his parents is not eligible for title IV-E maintenance payments but may be eligible for TANF during a trial visit if the agency retains custody.

1.7.1.4 Child care

Title IV-E funds can be used for child care when the child care is provided in a legally operating facility or home that provides daily supervision. It is the responsibility of t]he Family Services Specialist to provide the Benefit Programs Specialist a statement as to why the foster parent(s) need child care along with a copy of the license of the legally operating facility or provider. The child care statement and licensure should be uploaded to the COMPASS|Portal using the naming convention document. Child care is an allowable title IV-E expenditure when the child care:

- Provides daily supervision during the foster parents working hours when the child is not in school; or
- Facilitates the foster parent's attendance at activities which are beyond the scope of "ordinary parental duties; and

- Is provided in a legally operating day care facility or home.

Note: Title IV-E funds are not allowable for a provisionally licensed child care facility.

As examples, child care is an allowable expenditure under title IV-E for the foster parent to attend:

- Judicial or administrative reviews.
- Mandated team meetings by the court of the LDSS.
- Approved foster parent training.
- College classes when the foster child is not in school.

Child care is unallowable title IV-E expenditure when the child care is provided to facilitate a foster parent's participation in activities that are:

- Within the realm of "ordinary parental duties".
- Deemed a social service (i.e. community volunteerism or personal enrichment activities, etc.).

As examples, the following activities are not allowable expenditures under title IV-E:

- Illness of the foster parent.
- Respite care.
- School conferences.

Note: Child Care centers need to be "legally operating". The agency needs to make sure the Foster Parent is working and they are only paying for the child care and a once a year registration fee for each program (i.e. regular school year registration fee, summer program registration fee, etc.). If there is more than one registration fee of the same type of program during the same year there must be documentation in the record explaining the reason, (i.e. child changed placement, foster home moved across town, child was discharged from daycare). Extra charges such as meals, art fees, mat fees, etc., are not allowed.

Considerations when making decisions about which provider to use include such things as the special needs of the child, travel distance from the foster/adoptive home, availability of the provider, provider costs in relation to other providers in the area, approval status of the provider, and the foster/adoptive parent request

for specific services. Children's special needs include characteristics such as developmental disabilities, intellectual disabilities, emotional disturbance, sensory or motor impairment, or significant chronic illness which require special health surveillance or specialized programs, interventions, technologies, or facilities.

There is a limit on child care Maximum Reimbursement Rate (MRR) as part of subsidized child care payments. The agency should follow Child Care and Early Childhood Development guidance as closely as possible. Child care centers need to be "legally operating". The MRR is the default reimbursement rate and is to be used unless a lower rate is posted in the system. Rate tables can be accessed in the VaCMS. The VaCMS will calculate the rates automatically based on the MRR information stored in the system.

If the LDSS has made a diligent effort to secure child care at or lower than the maximum reimbursable rate and cannot locate a provider willing to accept that rate, the LDSS may choose to pay more if it is determined to be a reasonable cost. Reasonableness is determined based on the considerations used in selecting the provider. Providers whose costs cannot be justified as "reasonable" in comparison to costs charged by similar providers should generally not be used.

1.7.2 Ongoing entitlement

If a child is initially determined title IV-E eligible, the child continues to be title IV-E eligible while under the care and placement responsibility of the agency if placement and licensing requirements are met and annual judicial hearings are completed when due. If these requirements are not met, the child will not be title IV-E eligible until the requirements are met.

As of April 1, 2010 a child who has been determined at removal to be AFDC eligible under title IV-E is considered to meet the AFDC need and deprivation requirements throughout the foster care episode regardless of subsequent changes in income, resources and parental deprivation. No additional eligibility reviews for ongoing entitlement are to be conducted.

A child may lose and regain title IV-E eligibility from one month to the next, depending upon changes in placement or judicial review requirements. The temporary ineligibility does not permanently deprive the child of future payments. If the Family Services Specialist is unable to or does not provide the needed information, to reinstate title IV - E eligibility, the Benefit Programs Specialist shall work with the Family Services Specialist to secure the required information in order to establish continuing eligibility.

1.8 Family First Requirements for Placements

The Family First Prevention Services Act (Family First) impacts the way title IV-E funding

can be used for foster care programs, specifically congregate care placements for children in foster care. Beginning July 1, 2021, when a child needs to be placed in a congregate care placement, the child's placement must be in one of the specified settings, as outlined in Family First, in order to utilize IV-E funding beyond the first 14 days of the placement. Title IV-E funds can be used for the first 14 days of the congregate care placement, regardless of whether the facility meets the Family First requirements, so long as the child is IV-E eligible and the facility meets the IV-E requirements for an approved placement as outlined in Section 1.6.2.

These specified settings include:

- Qualified residential treatment programs (QRTP)
- Family-based substance use disorder treatment facilities
- Placements prenatal, postpartum, or parenting youth
- Placements for youth at risk of sex trafficking

Note: Children who are placed in congregate settings prior to July 1, 2021 fall under the former title IV-E requirements and can continue to receive IV-E funding. If the child is placed in a different congregate care placement on or after July 1, 2021, the new Family First requirements would apply.

1.8.1 Qualified residential treatment programs (QRTP)

A Qualified Residential Treatment Program (QRTP) is a facility that:

- Provides 24-hour residential placement services for children in foster care;
- Utilizes a trauma-informed treatment model that meets the needs of children with severe emotional and/or behavioral disorders;
- Employs nursing and other clinical staff who provide care on site and are available 24 hours a day, 7 days a week;
- Engages the child's family members, including efforts to maintain connections between the child and their siblings and other family members, documents those efforts, and maintains contact information for any known relatives or fictive kin of the child;
- Facilitates family participation in the child's treatment program before and after discharge, whenever it is appropriate and in the best interest of the child;

- Provides discharge planning and family-based aftercare support for at least six months post-discharge;
- Is licensed and accredited; and,
- Requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual as outlined in VDSS Child and Family Services Manual, Chapter E. Foster Care.

1.8.1.1 Assessment

When a child is placed in a QRTP, they must have an assessment completed by a qualified individual as outlined in VDSS Child and Family Services Manual, Chapter E. Foster Care **within 30 days** of the placement. If the assessment is not completed within the first 30 days, then IV-E funding cannot be used for the entirety of the QRTP placement, including the first 14 days.

If the assessment determines that placement in a QRTP is not appropriate, IV-E funding can continue for up to 30 days after the assessment determination for a transitional period.

The signature page of the assessment along with the FPM Court Reporting Form – Family and Permanency Team Meeting for QRTP must be provided to the Benefit Programs Specialist for inclusion in the eligibility file. The Benefit Programs Specialist will ensure the assessment was completed and signed within 30 days of placement in the QRTP.

1.8.1.2 Court requirements

All QRTP placements must be approved by the court **within 60 days** of the child's placement. If the placement is not approved by the court within 60 days, IV-E funding can only be used for the first 60 days of placement. The court hearing must be held after the completion of the 30-day assessment, as the court considers the assessment when making the placement determination.

The court, utilizing either the Foster Care Placement Order (Qualified Residential Treatment Program) or the QRTP Placement Supplemental Sheet, must make the following findings in order to approve the QRTP placement:

- That an assessment of the child's placement was conducted by a qualified individual in conjunction with the child's Family and Permanency Team.
- That the needs of the child cannot be met through placement in a foster home.
- That the placement of the child in the QRTP will provide the most effective

and appropriate level of care for the child in the least restrictive

environment and is consistent with the short-term and long-term goals established for the child.

- That the court approves the placement of the child in the QRTP.

If the court does not approve the placement, the service worker must place the child in another placement within 30 days. During this transition period, IV-E funding can continue to be used for up to 30 days after the court determination. If the court initially does not approve the placement or does not make the necessary findings on the court order but subsequently approves the placement and/or makes the necessary findings on another court order within 60 days of placement in the QRTP, IV-E funding can continue beyond the 60 days. All petitions and court orders relevant to the QRTP placement and court approval must be provided to the Benefits Program Specialist and placed in the IV-E eligibility file. In order to pay IV-E for the QRTP placement, the Benefits Program Specialist will ensure the court order has the appropriate required findings.

1.8.1.3 Commissioner approval for extended placements

Approval by the VDSS Commissioner is required for continued placement in a QRTP for the following events:

- The child has been placed in a QRTP for 12 consecutive months;
- The child has been placed in a QRTP for 18 nonconsecutive months; or,
- The child is under the age of 13 and has been placed in a QRTP for six consecutive or nonconsecutive months.

If approval by the VDSS Commissioner is not obtained, IV-E funding cannot be claimed after the first 12 consecutive months, 18 nonconsecutive months, or six consecutive or nonconsecutive months for a child under the age of 13.

Commissioner approval must be documented using the QRTP Extended Placement Approval Form. The approval must be documented in the child welfare information system and a copy of the approval must be obtained and placed in the eligibility file.

1.8.1.4 Out of state residential facilities

For out-of-state QRTP placements, the Benefits Program Specialist must obtain the facility's license, the ICPC 100A and 100B, and the documentation of the facility's designation of QRTP. This designation may be included in the license

or it may be a separate document. The agency must follow the same QRTP process outlined in Section 1.8.1 for all out-of-state placements in QRTPs, including the assessment, court review, and Commissioner review processes.

1.8.2 Family-Based Residential Treatment Facilities for Substance Use Disorder

Title IV-E funding can be used for placements of children living with their parent in a family-based residential treatment facilities for substance use disorder. These facilities allow children in foster care to reside with their parent while they receive treatment for substance use. For title IV-E foster care maintenance payments to be utilized for these placements, the following child and placement requirements must be met:

1.8.2.1 Child Eligibility

- The child must be in the custody of LDSS.
- The child must be placed in a licensed residential family-based residential treatment facility for substance use disorder with their parent.
- The child must meet all the title IV-E foster care eligibility requirements, except the AFDC eligibility requirements. See Section 1.5 for details on title IV-E foster care eligibility requirements.

Note: A child, who would otherwise be eligible for funding through CSA, may have their maintenance costs paid with title IV-E funds while placed in this setting.

1.8.2.2 Placement Eligibility

While the facility must be licensed, there is no requirement that it meet the title IV-E licensing and background check requirements for a child care institution. The facility must provide services outlined in VDSS Child and Family Services Manual, Chapter E. Foster Care.

Facilities that have been determined by VDSS to meet the criteria of a Family-Based Residential Treatment Facility for Substance Use Disorder will be entered into the child welfare information system as a resource.

1.8.2.3 IV-E Eligibility for Family-Based Residential Treatment Facilities for Substance Use Disorder

Upon placement in a Family-Based Residential Treatment Facility for Substance Use Disorder, the Benefits Program Specialist must determine the IV-E eligibility for the placement by following these steps:

- If this is the child's first placement upon entering foster care, the initial title IV-E evaluation must be completed immediately.
- If the child is found to be title IV-E eligible based on the initial determination made upon entry into foster care, no additional screening/paperwork is necessary and title IV-E funds can be used to fund the maintenance for the child.
- If the child is determined to be CSA eligible upon entry into foster care, the Benefits Program Specialist will need to complete the Title IV-E Family-Based Treatment Facility Evaluation (located under Forms on the Title IV-E page on Fusion) within five days of placement in the facility. The form will assist in determining the use of title IV-E funds for the placement setting. When utilized, the completed form must be placed in the IV-E eligibility file.

When the child's placement changes, the agency must revert back to the original funding source determined by the youth's initial IV-E eligibility determination. If eligible, IV-E maintenance payments can only be utilized for up to 12 months. After the 12 months has expired, an alternative fund source will need to be utilized.

1.8.3 Placements specializing in providing prenatal, postpartum, or parenting supports for youth

Placement programs that specialize in providing prenatal, postpartum, or parenting supports for pregnant and parenting youth are eligible to receive IV-E funding. These settings do not need to meet the criteria of a QRTP but must provide programs that specialize in providing prenatal, postpartum, or parenting supports for the youth. Congregate Care settings meeting this designation by the licensing authority will be entered into the child welfare information system by VDSS home office staff as a resource type of Pregnant/Parenting Youth Program.

Service workers must document in the child welfare information system on the child's general information screen the Pregnant/Parenting Youth in Foster Care Designation.

Benefit Program Specialists will ensure that the youth has this designation in the child welfare information system and is placed in a placement designated as a Pregnant/Parenting Youth prior to utilizing IV-E funds for this placement. A pregnant or parenting youth can stay at this type of facility and continue to receive IV-E funding as long as the facility meets the IV-E requirements set forth in section 1.6.2.

1.8.4 Placements for youth who are victims or at risk of sex trafficking

VDSS has formed partnerships with other state agencies to work towards enhancing capacity in Virginia for high quality residential services targeted at providing services to children who are victims of human trafficking and services to reduce the risk of human trafficking for those children who are at heightened risk. Once high quality residential programs are available with these qualifications, IV-E funding may be used to fund these congregate care placements, even if the facility isn't designated as a qualified residential treatment program.

1.9 Assignments of support rights

Federal and State law and regulations outline the requirements for the State's Child Support Enforcement Program. In accordance with title VI of the Civil Rights Act of 1964, the Virginia Division of Child Support Enforcement (DCSE) prohibits discrimination in all its services on the basis of race, color, national origin, or handicap.

DCSE has the authority to:

- Locate noncustodial parents (NCP).
- Establish paternity.
- Establish and enforce support orders.
- Establish and enforce health care coverage.
- Collect and disburse child support payments and pre-established spousal support.

DCSE is charged with collecting support in accordance with state and federal laws and policies and procedures for foster care children. When the LDSS Family Services Specialist prepares a petition for custody or foster care placement of a child, the petition includes a request that the court enter a child support order at the preliminary removal hearing. The Summons issued by the court notifies the parents that the court will consider child support at the hearing. DCSE's involvement in the initial hearing or a continuati on hearing varies from locality to locality.

The LDSS is responsible for reporting to the DCSE all information necessary to aid in securing support on behalf of a foster care child. The Family Services Specialist will gather information on each absent parent and record this information on the Absent Parent Deprivation/Paternity Information Form (032-03-0501). A separate form is required for each parent. The Family Services Specialist will forward the completed form to the Benefit Programs Specialist for processing and entry into VaCMS.

1.9.1 Referral to Division of Child Support Enforcement (DCSE)

1.9.1.1 Initial application

Payment of title IV-E foster care creates a debt to the State of Virginia that is owed by the absent parent(s). The rights to support monies received on behalf of the foster care child are automatically assigned to the State as a refund toward title IV-E payments paid on behalf of such children.

All title IV-E cases except those in which deprivation is based on the death of both parents shall be referred to the DCSE unless Good Cause is claimed (see Section 1.9.1.2).

The VaCMS system has edits in place that require the Benefit Programs Specialist to transfer the information recorded on the Absent Parent Deprivation/Paternity Information Form. VaCMS electronically transmits to DCSE.

- Case openings.
- Case closings.

1.9.1.2 Initial good cause claims

Good Cause is an exception to the requirement that LDSS cooperate with DCSE to pursue child support on behalf of a foster care child. In cases where the foster care plan has the goal of returning the child to the parent(s) and collection of support will interfere with achieving that goal, the Family Services Specialist may claim Good Cause for the parent or parents to whom the child is to return. Claiming Good Cause will result in the case not being pursued by DCSE for collection of support.

Even if Good Cause is claimed, the Family Services Specialist is still required to complete the Absent Parent Deprivation/Paternity Information Form (032-03-0501-06-eng). They will also complete the Good Cause Communication Form

(032-03-0277-00-eng) on each absent parent and forward to the Benefit Programs Specialist.

When Good Cause is found to exist at the time of application, the Benefit Programs Specialist does not build an APECS (Automated Program to Enforce Child Support) case. The Benefit Programs Specialist will forward a hard copy of the Good Cause Communication Form to the appropriate DCSE office.

1.9.1.3 Ongoing good cause evaluation and status

The Good Cause finding is to be evaluated whenever a change is reported by the Family Services Specialist who will advise the Benefit Programs Specialist whether the Good Cause finding continues to be appropriate. If a change in the foster care plan has occurred, and the plan is no longer to return the child to the parent(s), the Family Services Specialist is to advise Benefit Programs Specialist, in writing, that Good Cause no longer exists for that parent.

The Benefit Programs Specialist will document in the case record whenever there is a change in the Good Cause status and will notify DCSE electronically by submitting the Absent Parent Deprivation/Paternity Information Form (032-03-0501-06-eng) in VaCMS.

If a determination changes from a Non-Good Cause finding to a Good Cause finding on an active title IV-E case, the Family Services Specialist will complete the Good Cause Communication form (032-03-0277-00-eng) and forward to the Benefit Programs Specialist. The Benefit Programs Specialist will notify DCSE of the change in the good cause status. DCSE will close the APECS case.

1.9.2 DCSE requirements for children ineligible for Title IV-E payment

When a title IV-E eligible case is no longer eligible for a title IV-E payment due to a change in status as listed in Section 1.6, DCSE shall be notified manually. The Benefit Programs Specialist will complete the Notification to DCSE of Non-Maintenance title IV-E Case Form (032-03-0356-00-eng) and forward a hard copy to the appropriate DCSE office.

Additionally, if the child subsequently changes back to title IV-E eligible, DCSE shall be notified by using the same process as discussed above.

1.9.3 Changes that affect DCSE

VaCMS electronically transmits case closures to DCSE. Reasons for case closures are listed in Section 1.10.1. Changes in the status of a foster care case or the absent parent's situation are to be reported to DCSE. The worker should use appropriate

forms and procedures approved by DCSE. Changes and actions for notification may include the following:

- The child leaves foster care.
- Good Cause no longer exists because the service plan goal for the child changes from the goal of return to parents to another goal. Form (032-03-0501-06-eng) is updated.
- Parental rights are terminated.
- The parent(s) have signed a permanent entrustment agreement.
- The child is emancipated or becomes age 18. VaCMS case is closed.
- The whereabouts of the child are unknown.
- Death of the child.
- The child is returned to a parent. VaCMS case is closed.

1.9.4 Support collections

If support is collected for a foster care child, The Division of Finance, Child Support State Disbursement Unit, will generate a monthly report entitled “State Foster Care Reimbursement”. This report is sent to the LDSS and will list support collected on behalf of foster care children in the agency’s custody. The local agency should ensure that the Benefit Programs Specialist receives a copy of this report.

Child support for the child of a minor foster care child is addressed in Section 1.12.1 with guidance regarding DCSE requirements for the child of a foster care child.

1.10 Medical care – Medicaid

The Medical Assistance program (Medicaid) was established under title XIX of the Federal Social Security Act to enable states to provide medical and health-related services for certain individuals and families with low incomes. The Foster Care and Adoption Assistance Amendments (P.L. 96-272) passed in 1980 created a separate title, IV-E, in the Social Security Act to specifically fund foster care and adoption assistance services to children who are title IV-E eligible. The 1980 law based eligibility on whether or not a child came from a family receiving AFDC or if that child came from a family eligible for AFDC.

The program is financed jointly by the federal and state governments. VDSS works in partnership with the Department of Medical Assistance Services (DMAS), the state agency responsible for the administration of the Medicaid program in Virginia.

1.10.1 Medicaid entitlement application

1.10.1.1 Method of application

The Family Services Specialist shall complete and forward the Title IV-E Foster Care and IV-E Medicaid Application (Form # 032-03-0636-05-eng) to the Benefit Programs Specialist for all foster care children who entered care through a court ordered removal or entrustment. When received, the Benefit Programs Specialist should complete a Medicaid inquiry and notify the Family Services Specialist of the child's existing coverage. Title IV-E Medicaid eligibility determination is to be completed within ten days after receipt of all required Medicaid verification of the child's entry into foster care.

For children who enter foster care through Non-custodial Agreements or Parental Agreements, the parent or legal guardian shall complete a separate Medicaid application. The application is submitted to the Family Services Specialist who submits the form to the Benefit Programs Specialist. Acceptable application forms are listed in the Virginia Medicaid policy Manual. Although a separate Medicaid application is required, the eligibility determination process is the same.

1.10.1.2 Timely application

Medicaid Entitlement begins the first day of the month of commitment or entrustment **only if** a Medicaid application is filed within four (4) months of the commitment or entrustment (judicial order or VPA).

1.10.1.3 Late application

If the Medicaid application is filed more than four (4) months after judicial order or VPA, Medicaid entitlement begins the first day of the month the application is received if retroactive coverage is NOT requested. If retroactive coverage is requested, Medicaid entitlement can begin up to three (3) months prior to the month in which the Medicaid application is filed with the Medicaid Benefit Programs Specialist.

1.10.1.4 Retroactive entitlement

If the Medicaid application is filed within four (4) months of a judicial order or VPA, retroactive eligibility exists only if the child met a covered group and all other Medicaid eligibility requirements in the retroactive period.

If the Medicaid application is filed more than four (4) months after judicial order or VPA, retroactive entitlement as a foster care child exists in the three (3) months prior to Medicaid application. Entitlement cannot go back more than three (3) months prior to the Medicaid application month, the month in which the Medicaid application is filed with the Medicaid Benefit Programs Specialist.

1.10.2 Medicaid eligibility

Medicaid eligibility is based on the child meeting criteria in at least one covered group, other non-financial requirements, income requirements, and in some cases resource requirements. Children may meet the definitions for more than one Medicaid covered group.

1.10.2.1 Title IV-E eligible AND receiving a Title IV-E maintenance payment

- Child meets the title IV-E foster care covered group.
- Social Security number or proof of SSN application required.
- Enroll child in Medicaid.

1.10.2.2 Title IV-E eligible child is an SSI recipient (receives SSI payment)

- Child meets the definitions of the SSI covered group.
- Medicaid eligibility in the SSI covered group shall be determined.
  - Shall be U.S. citizen or qualified immigrant.
  - Shall be a Virginia resident.
  - SSN shall be provided.
  - Resource requirements shall be met (if SSI recipient owns real property).
  - If the child is not eligible in an SSI covered group, the child could be eligible for Medicaid in title IV-E Foster Care covered group if he or she receives a title IV-E foster care maintenance payment instead of SSI.

1.10.2.3 Changes that affect Medicaid

Medicaid eligibility is based on the current circumstances of the child. If a title IV-E eligible child **is not** receiving a title IV-E maintenance payment, the child does

not meet the title IV-E foster care covered group. If the child no longer meets the title IV-E foster care covered group then a re-evaluation of the child's Medicaid shall be conducted to determine if the child meets another Medicaid covered group. The Benefit Programs Specialist shall conduct the evaluation in accordance with the Virginia Medicaid policy Manual to determine the child's ongoing eligibility for Medicaid.

A Medicaid recipient's eligibility shall be partially reviewed when the agency becomes aware of any change in the child's circumstances that might affect continued Medicaid eligibility such as:

Changes which require a re-evaluation for Medicaid include:

- Child has run away.
- Child is in an unapproved placement.
- Child is on a trial home visit (Medicaid eligibility as title IV-E foster care can continue for up to 6 months of the trial home visit. If a child remains in the home after 6 months, the child's eligibility shall be determined in another covered group and the parent(s)' & siblings' income will be counted or deemed available).
- Noncompliance with annual judicial review.
- Child is in a placement that does not meet title IV-E requirements.
- Child has excess income or resources.
- Child has been placed in a home or facility in another state.
- Child is age 19 and no longer title IV-E eligible but remains in foster care placement.

If the child's title IV-E maintenance payment resumes, the child will again meet the title IV-E covered group.

1.10.3 Annual Medicaid renewals

Annual Medicaid reviews shall be completed at least once every 12 months. The Benefit Programs Specialist shall verify that a child is receiving title IV -E maintenance payments. Medicaid reviews should be completed according to the Virginia Medicaid policy Manual.

1.10.4 Medicaid cancellation

Medicaid entitlement ends when the child fails to meet all of the Medicaid eligibility requirements. Medicaid coverage is canceled on the last day of the month in which the agency determines that the child no longer meets the Medicaid eligibility requirements.

1.10.5 Medicaid Notice of Action

A Notice of Action is required for:

- Making a disposition of initial application.
- Changes in title IV-E eligibility status.
- Determination that the child is no longer eligible for Medicaid, coverage canceled.

If the child entered foster care by way of court order or entrustment, the notice of action is sent to the appropriate Family Services Specialist in the LDSS that has custody of the child.

If the child entered foster care by way of a non-custodial agreement, the notice of action is sent to the parents or legal guardian. If the non-custodial foster care agreement should end because the agency is awarded legal custody, future notice of action would be sent to the agency Family Services Specialist.

1.11 Closure of Title IV-E case

Once initial eligibility is established, the child continues to be eligible while under the care and responsibility of the agency. If the child leaves foster care, the case shall be closed. The Family Services Specialist must notify the Benefit Programs Specialist immediately in writing that the child is no longer in the care of the LDSS and the date of discharge. The following section identifies some of the reasons for case closure.

1.11.1 When to close a Title IV-E case

Close a title IV-E case when:

- The child no longer meets the age requirement.
- The child entered the LDSS care and responsibility as the result of a VPA and the LDSS has not obtained a custody order with a judicial determination before

the 180th day of custody to the effect that continued voluntary placement is in the child's best interest.

- LDSS custody has been terminated.
    - Such as the court releases the LDSS of physical and legal custody of the child; or
    - the date the child's adoption is finalized
- The child is on a Trial Home Visit (THV) for more than six (6) consecutive months. In extenuating circumstances, the THV can be extended beyond six (6) months if there is adequate information in a court order justifying a longer period of time. A court continuance of a hearing regarding the trial home visit does not satisfy this requirement.
- The child is on runaway or absent without leave (AWOL) status for more than six (6) consecutive months.
- A youth committed to DJJ is no longer in the custody of LDSS and shall be discharged from foster care. The date of the court order committing the child to DJJ will be the discharge date as documented in the Child Welfare Informati on System.

In situations in which the child's eligibility for title IV-E ends, the child may continue to receive foster care services as a non-IV-E child and the Benefit Programs Specialist will be responsible for managing the Medicaid for children in these situations.

1.12 Minor child of foster care child

The maintenance payment for a minor child of a foster child who resides with and is in the foster child's custody shall be added to the foster care payment made for the minor child's parent and paid to the foster care provider.

The minor child of a foster child living with their parent in a foster home or residential placement is not eligible for TANF. The foster care provider is responsible for providing room and board and ensuring that the payment is used to meet the child's needs.

This provision applies only when legal custody/care of the minor parent's child remains with the minor parent. If the minor child of a foster care child is placed in the custody of the LDSS, the minor child is removed from the parent and a new determination is required. The minor child would be considered a new case and would be evaluated based on all required title IV-E eligibility requirements.

The Family Services Specialist will notify the Benefit Programs Specialist in writing when a child is born to a foster care child or otherwise commences living with the parent in foster care.

The Family Services Specialist should report the addition of the minor child **within ten (10) days** of child's birth or commencing to live with the foster care child. Within 45 days the child shall be added to the parent's title IV-E case and opened in VaCMS for DCSE purposes using information provided by the Family Services Specialist.

Title IV-E eligibility is to be determined separately for the minor child if they also enter foster care, even if the minor child remains in the same foster care placement.

1.12.1 Referral of the absent parent to DCSE

The LDSS is responsible for providing information to DCSE concerning an absent parent of the minor child of a foster child.

If the foster care child refuses to provide information on the baby's absent parent, no sanction is applied for failure of the parent to cooperate and it will have no impact on the child's eligibility for a maintenance payment or the parent's maintenance payment.

The child of a foster care child shall be reported to DCSE for their financial accounting and reporting.

1.12.2 Amount of payment

The maintenance cost of the child of a foster child is added to the foster care maintenance payment made on behalf of the eligible foster child parent. The payment is prorated based on the day of the month the foster care child's child began living in the foster home or residential facility with the minor parent.

Example: Foster care child has a baby on April 2, 2010 and the baby begins living in the foster home on April 3, 2010 (day released from hospital). On April 3, 2010 is the first day of placement for the foster care child's baby so the payment will be prorated for April beginning April 3, 2010.

For the child residing with their minor parent foster child in a foster family home, the amount of the monthly maintenance payment for the baby/child will be the state's basic maintenance rate for the child. The minor child is also eligible for the supplemental clothing allowance according to their age. See Section 18.3 of the Foster Care Manual.

For the child residing with their minor foster child parent in a children's residential facility, the rate negotiated with the institution is to be allowed as well as the individual

requirement allowances (clothing, personal care, recreation or allowance), if not covered in the negotiated rate.

In determining the amount of the child of the minor parent foster child monthly payment, income and resource policies and procedures applicable to the parent also apply to the child:

- Resource limit is $10,000.
- Income of a foster care child's child cannot exceed 185% of the monthly maintenance payment for the foster care child's minor child.

Note: Income and resources of the parent and child are to be evaluated separately.

1.12.3 Medicaid enrollment

The child born to a foster child who receives a title IV-E payment is deemed to be a recipient of title IV-E. Therefore, no separate Medicaid determination is done.

1.12.4 When not to include the minor child in their parent's (foster care's) case

- If the LDSS obtains custody for both the minor parent and child, the agency shall open separate cases and establish eligibility determination based on their individual comportment with title IV-E requirements.
- Minor Parent In Independent Living - The requirement to include a child's maintenance needs in his/her parent's foster care payment does not apply when the parent is in an independent living arrangement. In such situations, the baby's needs may be met through the Temporary Assistance for Needy Families program, if otherwise eligible.

1.13 Fostering Futures

1.13.1 Purpose of Fostering Futures

The purpose of the Fostering Futures program is to provide services and support to individuals 18 years of age or older but less than 21 years of age who were formerly in foster care as a minor. Such services and support shall be designed to assist the program participant in transitioning to full adulthood, becoming self-sufficient, and creating permanent, positive relationships. The program is voluntary and should at all times recognize and respect the autonomy of the participant. Nothing in this program or the provisions thereof shall be construed to abrogate any other rights that a person who has reached the age of 18 may have as an adult under state law. Provisions

articulated in this section of guidance, Section 1.13 Fostering Futures, supersede any statements or requirements to the contrary which may be found in other sections of VDSS guidance.

1.13.2 Voluntary Continuing Services and Support Agreement

In order to participate in the Fostering Futures program, the program participant must be determined eligible and shall enter into a Voluntary Continuing Services and Support Agreement (VCSSA) with the local department. The LDSS shall use the VCSSA to document all of the following:

- The youth's agreement to voluntarily re-enter foster care through self-entrustment.
- The requirement that the youth must continue to meet one (1) of the five (5) participation conditions (secondary or postsecondary education, vocational training, employment preparation, employment, or medical exception).
- The youth's agreement to participate in specific services and support to be provided (to be documented in a foster care plan and transition plan.)
- The youth's legal status as an adult.
- The youth's agreement to report changes to the worker, be supervised by the LDSS, reside in a qualified setting, and comply with program requirements and eligibility conditions.
- The youth's agreement to provide the LDSS with information and documents which verify compliance with participation conditions or other information which describes the youth's condition, progress or status (e.g. medical, academic, financial or legal records, leases, insurance coverage, etc.), or otherwise provide consent for the LDSS to receive such information directly since the LDSS cannot access personal information because the youth is an adult.
- An explanation of the voluntary nature of program participation and termination.
- The specific conditions that may result in termination by the LDSS.
- The right to appeal program termination or denial or delay of a service required in the service plan.

1.13.3 Eligibility Criteria

Youth who qualify for Fostering Futures are those who reach age 18 on or after July 1, 2016 and:

- Were in foster care in custody of a Virginia LDSS at the time they turned 18 years old but have not yet turned 21, including those who were in care under an entrustment and those who were in non-custodial foster care;

- Were in Permanent Foster Care (PFC) when they turned 18. They will remain in PFC and concurrently qualify for Fostering Futures; or

- Were released from DJJ between ages 18 and 21, and who were in foster care in custody of a Virginia LDSS immediately prior to the commitment to DJJ.

All foster youth who reach age 18 on or after July 1, 2016, while in custody of an LDSS, and all youth upon release from DJJ who turned 18 after July 1, 2016, shall be in the Fostering Futures programs on their 18th birthday (or on release from DJJ) with the following exception:

- Youth who are full-time students expected to complete secondary schooling or equivalent training before reaching age 19 and who are appropriately placed in a group home or residential placement at age 18, and expected to continue in such a placement, will continue in their current foster care status and placement until they complete school or it becomes clear that they will not complete school prior to their 19th birthday, in accordance with Section 406(a) of the Social Security Act. At the time of completion of or withdrawal from secondary schooling, these young adults shall be immediately transitioned into the Fostering Futures program.

Young adults who are full-time students expected to complete secondary schooling or equivalent training before reaching age 19, and who are not placed in a group home or residential placement, or who are not expected to continue in a group home or residential placement after age 18, shall transition into the Fostering Futures program at age 18.

The eligible 18 year-old youth is considered to be enrolled full-time, regardless of the number of courses or length of time in school.

- To meet the requirements for eligibility in Fostering Futures a participant shall meet at least one of the following five criteria either by current participation or by evidence of intent and planning to engage in the activity in the immediate future:

- Completing secondary education or a program leading to an equivalent credential (e.g. General Education Diploma);
- Enrolled at least half-time in an institution that provides post-secondary or vocational education;
- Participating in a program or activity designed to promote employment, or remove barriers to employment;
- Employed at least 80 hours per month; or
- Incapable of engaging in any of the above activities due to a medical condition.

1.13.4 Judicial requirements

When a youth enters Fostering Futures through a VCSSA, there are no initial judicial language requirements. Title IV-E eligibility is permitted for the first 180 days of the Fostering Futures placement without such judicial language.

To extend title IV-E eligibility beyond 180 days, judicial language shall be obtained to the effect that continued voluntary placement is in the youth's best interest. This judicial determination may be made at any time during the 180 days following the final required signature on the agreement. If the CTW/BI judicial language requirement is not made by the 180th day, the case becomes title IV-E ineligible on the 181st day and will remain ineligible for the duration of this foster care episode and an alternati ve funding source must be used for the entire foster care episode.

1.13.5 Application Process

1.13.5.1 Application Referral

A title IV-E eligibility determination process begins the moment the youth signs the VCSSA.

The application date for processing the Fostering Futures application will be the date the Benefit Programs Specialist receives the completed application from the Family Services Specialist. The Family Service Specialist shall refer all youth for whom a VCSSA is executed to the Benefit Programs Specialist within ten (10) calendar days of signing the VCSSA for determination of title IV-E eligibility. The Family Services Specialist shall complete the Title IV-E Application and Evaluation for Fostering Futures with the youth, including information on all of the youth's resources and income.

Each time a youth enters or re-enters Fostering Futures, the LDSS shall conduct a new determination of eligibility for title IV-E based only on the income and

resources of the youth. Income of a spouse, parent or other person is not counted.

1.13.5.2 Initial Evaluation and Disposition

Upon receiving the "Title IV-E Foster Care Application and Evaluation for Fostering Futures," the Benefit Programs Specialist shall make a title IV-E eligibility determination by completing the appropriate section on the Fostering Futures Application and Evaluation.

The Benefit Programs Specialist will have 45 calendar days to complete the title IV-E Foster Care Fostering Futures evaluation and make a determination for title IV-E eligibility. There will be no differences in program services or support based on funding source.

There are two (2) possible determinations related to title IV-E eligibility that may be made:

- **Eligible-** A case is considered eligible if the title IV-E eligibility requirements are met.
- **Ineligible**- The case did not meet title IV-E eligibility requirements.

1.13.5.3 Notice of Action

Upon rendering the disposition of title IV-E eligibility, the Notice of Action (NOA) will be completed and communicated to the Family Services Specialist, fiscal staff, and CSA Coordinator. This communication will help ensure timely and accurate use of title IV-E and/or state funds.

1.13.6 Eligibility Screening Process

1.13.6.1 Judicial Requirements

The program participant youth must sign the Voluntary Continuing Services and Support Agreement (VCSSA). There is no initial judicial language required at the signing of the VCSSA. However, within 180 days of receiving the final required signature on the VCSSA, judicial language to the effect that it is in the youth's best interest to remain in foster care must be obtained. Failure to obtain this language within 180 days will cause the case to become title IV-E ineligible on the 181st day and will remain ineligible for the duration of this episode of foster care, an alternative funding source shall be used.

Note: The signatures required are the Fostering Futures youth and LDSS Director or designee.

Once title IV-E eligibility is determined for a participant it will not be re-determined unless the youth is discharged from foster care and then re-enters foster care through Fostering Futures. A new judicial determination regarding whether foster care is in the youth's best interest is required each time the youth re-enters foster care.

1.13.6.2 Citizenship/Alien Requirement

The Benefit Programs Specialist shall verify United States (U.S.) citizenship or qualified alien status for the youth entering into Fostering Futures. Acceptable forms of verification are public birth record, birth certificate, passport, hospital proof of birth letter on hospital letterhead, attending physician statement showing place of birth, final adoption decree showing child's name and place of birth in U.S., U.S. Citizen Identification Card (I-197 or I-179) and naturalization paperwork. (Note: A Social Security Card is not a valid verification of citizenship.) If the youth does not meet the AFDC citizenship/alien requirement, the youth cannot be title IV-E eligible. Please refer to Section 1.5.4.2 for further clarification.

1.13.6.3 Age Requirement

To meet the Fostering Futures age requirement the youth must be between 18 and 21 years of age as verified by citizenship verification.

1.13.6.4 Eligibility Month

The eligibility month is the month a VCSSA is signed by the last party whose signature is required.

1.13.6.5 Assistance Unit

The assistance unit will always be one (1). Only the youth entering into the Fostering Futures through a VCSSA will be included in the assistance unit.

1.13.6.6 Resources

Resources are considered available to program participant youth during the month in which the date of the last required signature on the VCSSA is obtained. Resources should be considered when actually available, and when the member has a legal interest in a liquid asset, and has the legal ability to make such assets available. Additionally, "life rights" do not meet the definition of ownership. A

resource is determined by its equity value, which is the current market value minus any debts.

- **Resource Limit**. The maximum value of resources available to the youth shall have a combined value of not more than $10,000 for the youth to meet the resource limit for the financial need criteria. If the youth' s resources exceed $10,000, the youth will not be title IV-E eligible. Please refer to Section 1.5.4.8 for further clarification.

1.13.6.7 Income Standard

- **Total Countable Gross Income.** The gross amount of countable income received during the month by the youth is countable earned and unearned income.

- **Countable Earned Income.** Refers to earned income of the youth by receipt of wages, salary, commission, and/or through self-employment prior to any deductions for taxes, and this could include earned wages the youth has not yet been paid.

- **Countable Unearned Income.** Is income received by the youth for which no service is performed, and this could include income the youth has not yet been paid.

- **Exempt Income.** Certain types of earned and unearned income are excluded (non-countable) when determining if the youth meets the financial need requirement for AFDC eligibility. Sources of earned and unearned income that are excluded for the youth, but are not limited to:

    - Payments from: Supplemental Security Income (SSI); Auxiliary Grant (AG); Temporary Aid for Needy Families (TANF); General Relief (GR); or Virginia Initiative for Employment Not Welfare (VIEW).

    - Food programs, (e.g. SNAP, WIC, etc.).

    - Current monthly support obligation or a voluntary support payment received by the assistance unit not to exceed $50.

    - Undergraduate or graduate federal or state school loans or grants and work study programs.

    - Training allowances from the Virginia Department for Aging and Rehabilitative Services.

- Veteran benefits for education if VA is the only source of educational assistance. If other educational benefits are available, the entire amount of the VA benefit may be disregarded if VA benefit is used to help purchase tuition, books, fees, school equipment, or transportation to and from school.
- Trust funds not available on demand.
- Loans, including reverse equity loans, endorsed for repayment.
- Income tax refunds (Earned Income Tax Credit).
- Housing and Urban Development (HUD) Section 8 and Section 23 payments.
- Federal major disaster and emergency assistance.
- Small non-recurring gifts not to exceed $30 per calendar quarter (e.g. birthdays, graduation, etc.).

1.13.6.8 Income Conversion

When possible use the actual monthly gross income received in the month in which the VCSSA is signed by the last required individual. If the worker has to convert income payments into an average monthly amount use the following method:

- Weekly – Income received weekly is multiplied by 4.3.
- Biweekly – Income received every two weeks is multiplied by 2.15.
- Semimonthly – Income received twice per month is multiplied by 2.

1.13.6.9 Standard of need

The Benefit Programs Specialist shall determine the total income that is available to the youth. The total countable gross income is then evaluated against a two-part Standards of Need comparison. Localities in the State have been assigned to AFDC Grouping I, II, or III. The Standard of Need is to be applied based on the LDSS groupings as established in 1996. The title IV-E application is based on AFDC regulations at that time and is not affected by changes in the TANF program or other Benefit programs requirements.

- **Part One**. The total countable gross income of the youth shall be equal to or less than the amount indicated for the assistance unit of one on the 185% Standard of Need Income Chart. If the total countable gross income

is equal to or less than the indicated amount, proceed to Part Two. If the countable income is above the 185% Standard of Need limit, the youth is not title IV-E eligible.

- **Part Two**. This is done by subtracting allowable deductions from the countable earned income, and then adding the adjusted earned income to the countable unearned income. The total countable adjusted income of the youth is then evaluated against the 100% Standard of Need Income Chart.

1.13.7 Ongoing requirements

Use of title IV-E funds for the maintenance needs of the Fostering Futures youth who have been screened and found eligible for title IV-E may vary over the course of a Fostering Futures episode. A youth may lose and regain eligibility for title IV -E payments depending on the specific changes which might occur in the youth' s situation. Ineligibility for payments may not permanently deprive the youth of future title IV-E payments during the current foster care episode.

During the course of a Fostering Futures episode, certain conditions that render a previously title IV-E eligible youth as ineligible for payments may be corrected. For example, placement requirements have been met.

The Benefit Programs Specialist shall advise the Family Services Specialist and any required agency fiscal staff of the eligibility for payments status and the duration of any periods for which title IV-E funds cannot be used by completing the title IV-E Foster Care Notice of Action (NOA). The NOA form should be completed for an increase/decrease in payment, suspension or reinstatement of the maintenance payment, and termination due to title IV-E case closure. .

The following items may, under certain circumstances, impact the youth's payment eligibility:

- Placement.
- SSI payments.
- Timely VEMAT assessments.

1.13.8 Entitlement to Maintenance

Title IV-E is an entitlement program and, as such, no flexibility exists with respect to satisfying the required eligibility criteria. If such eligibility criteria are not satisfied within the time frames prescribed in the regulation, the youth is ineligible for title IV-E funds.

Maintenance payments would begin on the date that the last required signature is obtained on the VCSSA and the IL arrangement agreement/placement agreement is signed. Youth cannot be enrolled in the program without receiving the maintenance payment. If youth are enrolled in Fostering Futures they should be in a supervised independent living setting. Maintenance payments cannot be suspended.

Note: The IL arrangement agreement is required to begin payment, but is not an eligibility requirement and would not impact the payment begin date.

If the VCSSA is not signed within 30 days of the youth's 18th birthday (unless the youth is placed in a group home or residential and on track to graduate before turning 19), neither IV-E nor CSA funding can be utilized to pay maintenance expenses until the VCSSA is fully executed.

1.13.9 Maintenance

Maintenance payments are intended to cover the youth's costs for food, shelter, clothing, supplies and personal incidentals. The youth is eligible to receive up to the total maintenance payment rate and annual supplemental clothing allowance in effect for the age group 13 and over.

The Benefit Programs Specialist is responsible for determining eligibility and notifying the Family Services Specialist for cases eligible for maintenance payments. Payments are not to be rounded. The LDSS shall not initiate maintenance payments until the youth has signed a VCSSA and the IL arrangement agreement or placement agreement.

Maintenance payments may not begin until an approved placement has occurred and all initial eligibility requirements that shall be met are satisfied. Initial eligibi lity requirements are certain AFDC criteria, and placement requirements. The effective date the state may claim title IV-E federal matching funds to offset the monthly maintenance cost is the first day of placement in the month in which all federal title IV-E requirements have been met.

Note: Since the definition of "foster child" includes youth up to the age of 21 that meet certain criteria outlined by Fostering Futures, title IV-E funds can be used for transportation reimbursement. Reasonable travel for visits with siblings and relatives is an allowable separate title IV-E foster care maintenance expenditure. These transportation costs for visitation are only reimbursable for the Fostering Futures youth and not for the costs of a relative visiting with the youth.

1.13.9.1 Supplemental clothing allowance

In addition to basic maintenance payments, the youth is eligible to receive the annual supplemental clothing allowance in effect for the age group 13 and over. The supplemental clothing allowance shall not exceed the designated rate posted in Section 18.3 of the Foster Care Manual, regardless if the amount was paid by title IV-E, CSA or a combination of the two. It should be used by May 31st each year. The date the bill is paid determines the fiscal year in which the payment is counted.

Items allowable for purchase include basic clothing and accessories that any reasonable person would determine necessary and appropriate for any youth.

All supplemental clothing allocations shall be verified and tracked by the Benefit Programs Specialist through documentation that the funds were used to purchase clothing for the designated youth. This may include a purchase order to the store and receipt or a receipt from store(s) where the foster parents or youth purchased the items. The decision as to the appropriateness and reasonableness of the items purchased is the responsibility of the Family Services Specialist. The Benefit Programs Specialist should track and ensure that annual expenditures for each youth do not exceed the age appropriate maximum rates for clothing allowances.

1.13.9.2 Amount of Payment

Using information provided by the Family Services Specialist, the amount of the payment is determined as follows:

- **Foster Home.** The amount of the monthly foster care payment is the basic maintenance rate.
- **Enhanced Maintenance**. Some children require additional daily supervision and support provided by the foster parents.
- **Supervised independent living setting.** The amount of the monthly payment is the basic maintenance rate.
- If the youth receives Supplemental Security Income (SSI) benefits and is IV-E eligible, the Family Services Specialist should assist the youth in notifying the Social Security Administration that the youth receives IV-E benefits. The youth may receive title IV-E foster care and SSI benefits concurrently as both are intended to meet the maintenance needs of the youth. However, the SSI payment will be reduced dollar for dollar by the

amount of any title IV-E maintenance payment that is made. If the youth' s monthly maintenance costs are below the monthly SSI payment, the youth can elect not to claim title IV-E for payment and continue to receive the SSI payment to meet their maintenance needs. If the youth elects this method, the youth will become ineligible for title IV-E payments until SSI is suspended or ends.

- Recurring monthly SSA benefits for the youth are to be used for expenses on behalf of the youth. SSA benefits do not need to be reduced dollar for dollar. Since the youth continues to be in foster care, the benefits will continue to go to the LDSS and be put in a special child welfare account. Information on special welfare accounts can be found in Section 3.50 of the Finance Guidance Manual.

1.13.9.3 Placement

Placements may be in foster family homes, both LDSS approved and LCPA approved foster homes or a Supervised Independent Living setting (SIL). The youth's foster family home must comport with the safety requirements under § 471(a)(20) of the Act as applicable, 45 CFR § 1356.30, and ACYF-CB-PI-10-02. The title IV-E agency must document that the foster parents meet the applicable safety requirements for the period for which the title IV-E foster care maintenance payments are made on behalf of the youth residing in a foster family home. For title IV-E eligibility in the Fostering Futures program, the youth **cannot** be placed into a children's residential facility or group home.

The LDSS shall have placement and care responsibility. Federal Financial participation (FFP) may begin the first day of the month in which a foster home, LCPA, or any allowable placement is in full compliance with the State's licensing standards. Additionally, FFP may begin the first day of the month in which the foster family home satisfies the criminal record and CPS checks. The Benefit Programs Specialist shall verify that the foster youth's placement is approved for title IV-E payments. Below are the approved Supervised Independent Living settings, along with the required documentation to meet placement requirements.

Supervised Independent Living settings (SIL) include, but are not limited to:

- Foster family home placement.
    - A new placement agreement with the foster parents and a new financial agreement should be completed at the time the youth signs the VCSSA.

- The foster home shall meet all requirements for agency approved or licensed child placing agency foster homes.
- A youth may also reside in a foster home as a boarder paying rent if the LDSS agrees and the foster parents choose to accept this arrangement.

- Adult foster home.
  - Requirements of the adult foster home program shall be followed.
- A dormitory such as a college dormitory or lodging provided as part of a place of training or employment.
  - An Independent Living arrangement agreement must be developed, signed and completed.
- A room or apartment rented independently from a landlord or shared with a family member, spouse, friend or other roommate.
  - An Independent Living arrangement agreement must be developed, signed and completed.
- The home of a family member or former caregiver, including the home from which the youth was removed if appropriate and safe.
  - An Independent Living arrangement agreement must be developed, signed and completed.
  - **Note:** If the youth resides in the removal home, maintenance payments shall not be paid directly to the parents or guardians from whom the child was removed.

A participant that is attending a training program that does not charge for room and board (e.g. Job Corps, Woodrow Wilson Rehabilitation Center, Commonwealth ChalleNGe) shall continue to receive the maintenance payment minus the room and board portion of the payment ($448). The youth shall continue to receive the clothing, personal care, recreation, and monthly allowance portions of the maintenance payment ($252). The Family Services Specialist should discuss with the participant the most appropriate use of the money and assist the participant in setting up a saving's account to plan for the future, such as future housing needs.

Certain settings are not allowable for participants in Fostering Futures.

- Youth may not reside in group homes or residential treatment facilities.

- Youth who are on active duty military status; (Youth serving in the National Guard or military reserves and are not deployed may participate if all other eligibility conditions are met.) An eligible youth may participate before and after active duty.

- Youth who are incarcerated on a long-term basis may not participate while incarcerated. (Youth incarcerated on a short-term basis, expected to be less than 30 days, may participate if all other eligibility criteria are met.) An eligible youth may participate before and after incarceration.

1.13.10 Minor child of a Fostering Futures youth

The maintenance payment for a minor child of a Fostering Futures youth who resides with and is in the Fostering Futures youth's custody shall be added to the participant's payment made for the minor child's parent at the appropriate age-group rate. The minor child is not eligible for an enhanced maintenance payment.

The minor child of a Fostering Futures youth living with their parent in a foster home is not eligible for TANF. The foster care provider is responsible for providing room and board and ensuring the payment is used to meet the child's needs.

This provision applies only when legal custody/care of the minor parent's child remains with their parent. If the minor child of a Fostering Futures youth is placed in the custody of the LDSS, the minor child is legally removed from the parent and a determination is required. The minor child would be considered a new case and would be evaluated based on all required title IV-E eligibility requirements, even if the minor child remains in the same foster care placement.

No eligibility determination or application form is required for the minor child who remains in the custody of a Fostering Futures youth. The Family Services Specialist will notify the Benefit Programs Specialist in writing when a child is born to a Fostering Futures youth or otherwise commences living with the parent who is a Fostering Futures program participant.

The Family Services Specialist should report the addition of the minor child within **ten (10) calendar days** of the child's birth or commencing to live with the Fostering Futures youth. Within 45 calendar days the child shall be added to the parent's title IV-E case for DCSE purposes using information provided by the Family Services Specialist.

1.13.10.1 Child care for a minor child of Fostering Futures parent

Title IV-E funds can be used for child care of the minor child when the child care is provided in a legally operating facility or home that provides daily supervision. It is the responsibility of the Family Services Specialist to provide the Benefit Programs Specialist a statement as to why the Fostering Futures youth needs child care along with a copy of the license of the legally operating facility or provider. Child care is an allowable title IV-E expenditure when the child care:

- Provides daily supervision during the Fostering Futures youth's working or school hours when the minor child is not in school; or,
- Facilitates the Fostering Futures youth's attendance at activities which are beyond the scope of "ordinary parental duties; and provided in a legally operating day care facility or home.

Note: Title IV-E funds are not allowable for a provisionally licensed child care facility.

Child care is an unallowable title IV-E expenditure when the child care is provided to facilitate a Fostering Futures youth's participation in activities that are:

- Within the realm of "ordinary parental duties".
- Deemed a social service (i.e. community volunteerism or personal enrichment activities, etc.).

As examples, the following activities are not allowable expenditures under title IV-E:

- Illness of the Fostering Futures youth.
- Respite care.
- School conferences.

1.13.11 Amount of payment

The minor child's maintenance cost of a Fostering Futures youth is added to the foster care maintenance payment made on behalf of the eligible Fostering Futures youth. The payment is prorated based on the day of the month the Fostering Futures youth' s child began living with their parent. The minor child is also eligible for the supplemental clothing allowance (according to their age), child care, and transportation. See Section 18 of the Foster Care Guidance.

In determining the amount of the Fostering Futures youth's child's monthly payment, the income and resource policies and procedures applicable to the parent also apply to the child:

- Resource limit is $10,000.
- Income of the participant's child cannot exceed 185% of the monthly maintenance payment for the foster care child's minor child.

1.13.12 Closing a Fostering Futures Case

The VCSSA and participation in Fostering Futures is voluntary on the youth's part and may be terminated at any time by the youth by verbal or written notification to the Family Services Specialist.

- Upon definitive notification the youth is terminating the agreement, the LDSS shall respond in writing informing the youth of the consequences of terminating the agreement, the final date of services and payments, the right to re-enter the program at any time prior to reaching age 21 if eligibility criteria are met, and the procedures for re-entering the program. The LDSS shall notify the youth in writing using The Notice of Intent to Terminate Fostering Futures that all services and support will be discontinued 30 days from the date of the agency's notice.
- Maintenance payments made directly to the youth will continue during the 30 days prior to closing the case.
- When payments are being made to the foster parent, payment will continue for up to 30 days if the youth remains in the home. If the youth leaves the foster home placement, payment to the foster parent can continue for up to 14 days if the youth returns to the placement. (See Foster Care Manual Section 18.1.4 for additional information and examples regarding temporary absences.) Otherwise, payment to the foster parent will be prorated based on the number of days the youth was placed and the remainder of the 30 days will be issued to the youth directly. The participant's case will close after 30 days unless the youth decides not to terminate participation in the program.

The VCSSA shall be terminated by the LDSS if it is determined the youth no longer meets the eligibility criteria and conditions.

- The LDSS shall notify the youth in writing using The Notice of Intent to Terminate Fostering Futures that all services and support will be discontinued in 30 calendar days from the date of the agency's notice. The basis for the

termination and procedures for appealing the termination shall be included. Information about criteria and procedures for reentering the program shall be included.

- At least 30 calendar days before the youth will turn 21, the LDSS shall notify the youth in writing that all services and support will be terminated at age 21.

The Family Services Specialist must notify the Benefit Programs Specialist within 10 calendar days in writing that the youth's Fostering Futures episode has terminated and include the date of termination.

1.13.13 Reentry into Fostering Futures

The procedures for re-entry apply both to youth who turn 18 in foster care (or turn 18 in DJJ and were in foster care upon DJJ commitment) and are discharged without entering Fostering Futures as well as youth whose previous participation in Fostering Futures was terminated by either the LDSS or the youth.

The former Fostering Futures participant/former foster youth who is interested in participation in Fostering Futures will apply directly to the LDSS that held custody of the youth prior to his 18th birthday. The new foster care episode begins the day that the last required signature is obtained on the VCSSA. Since this is a new episode of foster care within 180 days of receiving the final required signature on the VCSSA, a court order must state that it is in the youth's best interest to remain in foster care.

- There is no limit on the number of times a youth may re-enter the program between the ages of 18-21.

- There is no limit on time elapsed between exit and re-entry.

1.13.14 Medicaid Coverage

Upon entry into Fostering Futures, the youth should be moved to the Medicaid coverage group for former foster youth. Young adults who were in Virginia foster care and receiving Medicaid when they turned 18 may receive Medicaid up to age 26. Youth who have been determined to meet the requirements for continued eligibility in Fostering Futures may access Children's Services Act (CSA) funding for medical costs not covered by Medicaid. If it is assessed that these funds are needed, the Family Services Specialist shall refer the youth to the Family Assessment and Planning team (FAPT), in accordance with local Community Policy and Management team (CPMT) procedures, in order to request funding for services. The Family Services Specialist should assist the youth in promptly notifying Medicaid of any address changes.