

2815 - IV-E FOSTER CARE MEDICAID

POLICY STATEMENT	IV-E Foster Care Medicaid provides coverage to children in placement for whom DFCS has partial or total custody and who are eligible for IV-E Foster Care.
BASIC CONSIDERATIONS IV-E Eligibility Criteria	<p>The following criteria must be met for a child to be IV-E eligible:</p> <ul style="list-style-type: none">• The child entered care as a result of a court order with a judicial determination to the effect that it is <i>contrary to the welfare of the child to remain in the home</i>, or that placement is <i>in the best interest of the child</i>, or by a signed Voluntary Placement Agreement. This is the judicial determination made in the first court ruling sanctioning the removal of the child. The contrary to the welfare determination must be made in the initial order that sanctions the removal of the child. If the judicial determination is not made, the child is not eligible or reimbursable for the duration of that stay in foster care. There must also be a judicial determination within 60 days of removal to the effect that <i>reasonable efforts were made to prevent removal of the child</i> or that <i>reasonable efforts were not required to prevent removal of the child</i>. The child is not IV-E eligible until the reasonable efforts language is obtained. If the judicial determination is not made within 60 days of the child's removal from the home, the child is not IV-E eligible or reimbursable for the entire placement episode. For those children who enter DFCS care and responsibility via a Voluntary Placement Agreement, a judicial determination that reasonable efforts to prevent removal is not required for meeting IV-E eligibility. See Section 2820, Legal Status.• The child must meet the following AFDC relatedness criteria in the eligibility month (Reference Section 2825 – AFDC Relatedness):<ul style="list-style-type: none">- Living with a specified relative- Deprivation- Financial need: income and resources- U.S. citizen/legal alien- Age <p>The eligibility month is the month the Voluntary Placement Agreement was signed by both parties or the month the petition that led to the removal of the child was filed.</p>

**BASIC
CONSIDERATIONS****IV-E Eligibility
Criteria
(cont.)**

A child who meets all eligibility criteria is IV-E eligible. Title IV-E eligibility is determined each time a child first comes into the care and responsibility of DFCS via a court order or VPA. Eligibility does not automatically grant federal benefits for maintenance costs. Once established, a child's eligibility continues as long as the child remains in the same placement episode.

EXCEPTIONS: A child loses IV-E eligibility at age 18; the child is in care under a Voluntary Placement Agreement (VPA) and a custody order with a judicial determination to the effect that *continued placement is in the best interest of the child* statement was not obtained within 180 days of the signed VPA; or the child is on trial home visit or run away status beyond six months, unless a court orders a longer trial home visit.

Note: Any youth who has been IV-E eligible, but reaches the age of 18 and signs Form 7, Voluntary Consent to Remain in Foster Care, is classified as CWFC beginning the first day of the following month after reaching age 18 if per diem payments have been made and all financial and non-financial criteria continue to be met. Refer to [Section 2890](#), Child Welfare Foster Care Medicaid.

A child must be determined IV-E eligible in order to be determined IV-E reimbursable. Initial IV-E eligibility is based on the circumstances in the home from which the child was removed, via a custody order or Voluntary Placement Agreement. If a child is determined not eligible for IV-E, the child is ineligible for the duration of the placement episode for both IV-E eligibility and IV-E reimbursability. A placement episode begins at the same time the child enters foster care to the point DFCS terminates custody. When a child re-enters DFCS custody, a new placement episode begins.

The determination that a child is IV-E reimbursable allows the State to obtain federal IV-E funding for the administrative and training costs associated with the child.

**IV-E Eligibility
Effective Date**

The effective date of IV-E eligibility is the first day of the month in which all of the eligibility criteria are met. A child who is IV-E eligible during any part of the month is eligible for the entire month.

Step 1

Follow the steps below to determine IV-E Foster Care Eligibility.

Obtain a Form 223, Medicaid and IV-E Application for Foster Care and Adoption Assistance, and Form 224, Removal Home Income and Asset Checklist, and copies of all court orders pertaining to the child from the SSCM to verify the following information:

- The date the petition for custody was filed, if obtained
- The date of the court order or Voluntary Placement Agreement.

NOTE: Terminate IV-E Foster Care eligibility for a Voluntary Placement Agreement unless a judicial determination is made within 180 days of the date the agreement was signed.

- Assurance of the required *contrary to the welfare* wording in the court order or validity of the Voluntary Placement Agreement
- The name of the agency or individual to whom the court order gives responsibility for placement of a child
- The date the court order or Voluntary Placement Agreement expires
- The child is in a licensed/approved placement
- The name and address of the placement source.

A telephone interview with the SSCM may be conducted to establish points of eligibility.

Contact the SSCM if a copy of the initial court order has not been received within ten (10) working days of the child's placement.

Step 2

Establish deprivation and financial need by determining the child's eligibility for AFDC (based on 7/96 AFDC policy). Verify that the child meets the AFDC criteria for initial IV-E eligibility in the month that the petition for custody was filed or the Voluntary Placement Agreement was signed.

See [Section 2825](#), AFDC Relatedness.

See [Section 2845](#) if the child receives SSI.

NOTE: If the child did not live with a specified relative in the eligibility month, determine if s/he lived with a specified relative in any one of the six months prior to the month in which the petition for custody was filed or the Voluntary Placement Agreement was signed. Determine if the child could have received AFDC in the home in the removal month if the child had been living with the specified relative from whom custody was removed. **Reference Section 2825 for Living With/Removal Home Rule prior to March 27, 2000.**

**PROCEDURES
(cont.)**

- Step 3** Accept the SSCM's statement of the following circumstances of the family if s/he has knowledge of them and verify through collateral contacts:
- AU composition
 - AU income and resources
 - The child's deprivation in the home.
- Determine financial eligibility using AFDC income and resource limits.
- NOTE:** If the SSCM does not have knowledge of these circumstances, coordinate efforts with the SSCM to obtain this information from the family.
- If AFDC relatedness can be established, proceed to Step 4.
- If AFDC relatedness cannot be established, complete a CMD and notify the SSCM on Form 225, IV-E Eligibility Documentation Sheet
- NOTE:** Do not complete a CMD for a SSI child found ineligible for IV-E Foster Care.
- Step 4** Determine the child's financial eligibility as an AU of one using the IV-E Gross Income Ceiling and the IV-E Standard of Need and the AFDC resource limit. Refer to [Section 2840](#), IV-E Budgeting
- Step 5** Refer the absent parent(s) to OCSS on Form 122, Foster Care Referral Form. Mail or fax the form to the local OCSS office.
- NOTE:** Refer to [Section 2851](#), Child Support Referrals.
- Step 6** If the child is IV-E Foster Care eligible, approve IV-E Foster Care and document on the SUCCESS system. Using Form 225, notify the SSCM of the eligibility, including the beginning date of IV-E eligibility.
- Assign each foster child an individual case number and case record.
- Retain Forms [223](#), [224](#), [225](#) and all documentation in the case record for permanent verification. Retention of all court order(s) is mandatory. The SSCM remains responsible for the interpretation of the actual language that is used in each court order and must provide copies of all court documents to the Revenue Maximization MES. If upon the receipt of the court order(s) the Revenue Maximization MES finds it questionable, it should be discussed with the Revenue Maximization MES's supervisor.

**PROCEDURES
(cont.)**

If all points of eligibility cannot be established or the child is financially ineligible, deny the IV-E application and complete a CMD to the most appropriate Medicaid COA.

NOTE: Do not complete a CMD on a SSI child determined ineligible for IV-E Foster Care.

**AUTHORIZING
MEDICAID FOR OUT-
OF-STATE IV-E
FOSTER CARE CHILD
RESIDING IN GEORGIA**

Refer to [Section 2852](#).