

Eligibility Documentation Desk Aid
 Re-determination of Title IV-E Eligibility (Foster Care)

Criteria	Requirement	Acceptable Documentation
<p>Legal Authority/ Judicial Review</p>	<p>A court order provides care and custody or custody and guardianship to the Commissioner remains in effect <i>or</i> in the case of voluntary placement, the court reviewed the child's placement within 180 days of removal (and the 358-a order must address the best interests finding), or the placement and continued to award care and custody or custody and guardianship to the Commissioner in a current court order.</p>	<p>All Cases (One of the following) Court Placements – Court remand order or court disposition order under Article 10, or court dispositions under Articles 3 or 7 of the Family Court Act which covers the foster care authorization period. -or- Voluntary Placements – Voluntary Placement Agreement up to the 180th day of placement; SSL 358-a disposition order if issued prior to the 180th day of placement; SSL 392 disposition/permanency review order authorizing continued care by 12 months after initial placement and at least every 12 months thereafter. -or- Extension of placement/permanency review order that covers the foster care authorization period. -or- FCA 1055-a extension of placement order for Article 10 children or voluntarily placed children freed for adoption which covers the foster care authorization period. -or - If the social services district has a reliable process in place in which the court orders and determinations in those orders are summarized on a separate document for the purpose of informing casework staff of court events, you may use the information in the summary in completing the Checklist. This summary material should be completed only by trained individuals who understand the contents of the court order and have reviewed it and also understand the requirements of Title IV-E eligibility. <u>In no event can the summary material be used to document eligibility for audit purposes.</u></p>
<p>Reasonable Efforts to Finalize Permanency</p>	<p>For children in care for 12 months or more since the child is considered to have entered foster care and every 12 months thereafter, there is an explicit determination made on a case-specific basis by the court, and stated in a court order within the past 12 months, that the agency made reasonable efforts to finalize the permanency plan that is in effect (whether the plan is safe reunification, adoption, legal guardianship, placement with a fit and willing relative, or placement in another planned permanent living arrangement).</p>	<p>Extension of placement/permanency hearing order that covers the foster care authorization period. A court order which contains a brief statement of the facts upon which the court based its “reasonable efforts were made to finalize the child’s permanency plan” were made is acceptable. Also acceptable is where the court makes a reasonable efforts finding and cross-references documentation, such as a petition or report (UCR) or testimony upon which the court based its finding. If the child’s permanency goal is discharge to the child’s parent, a finding of reasonable efforts to enable the child to return to his or her home safely supported by a statement of fact or comparable cross-reference to facts, documentation, testimony, etc. is also acceptable. A finding by the court of reasonable efforts to finalize the child’s permanency plan (or return home safely), without a reference to facts, documentation, testimony or other specific support, was accepted by the federal government at the initial federal IV-E review. Accordingly, such a finding remains acceptable unless and until the State is advised otherwise.</p> <p>When determining the date of the court order, use the hearing date located in the upper right hand corner of the first page of the order, or if that is not available, the date the court order was signed by the judge.</p>

Criteria	Requirement	Acceptable Documentation
Age	<p>Child is under the age of 18.</p> <p style="text-align: center;">-or-</p> <p>Child is under the age of 19 and a full-time student expected to complete a program of secondary school or equivalent level of vocational/technical training before age 19.</p>	<ul style="list-style-type: none"> • Birth certificate, baptismal certificate, non-services WMS screen print that reflect the child's date of birth, or progress note that substantiates that a certificate was seen by the caseworker and the note contains the child's name, date of birth, parents' names, certificate number, and school records. Case record information must be consistent with these data. • "Application for Services" (LDSS-2921), child abuse/neglect printouts from CONNECTIONS, court documents, Voluntary Placement Agreement, and other documents showing consistency in birth date (i.e., documents that provide reasonable evidence that the age criterion has been met) <i>and</i> if the youth is between the age of 18 and 19, school verification that he/she will graduate or complete vocational/ technical education before his/her 19th birthday.
Parental Deprivation	<p>If the child lived in the same household from which he/she was removed, child would be deprived of parental support and care for one or more of the following reasons:</p> <ol style="list-style-type: none"> (1) absence of parent from home (2) incapacity of parent (3) unemployed/ underemployed parent (4) death of parent (5) surrender or termination of parental rights <p>Note: If a case is ineligible for Title IV-E at the time of initial determination, it can never be eligible for Title IV-E for the duration of the child's foster care placement. If a Title IV-E case loses its eligibility due to the lack of a parental deprivation factor at re-determination, the case may regain eligibility if a deprivation factor recurs in the future.</p>	<p>All Cases</p> <ol style="list-style-type: none"> (1) absence of parent from home – case record progress notes/service plans, "Application for Services" (LDSS-2921) indicating that a parent is absent from the home. (2) incapacity of parent – copy of a medical/treatment report referring to at least one parent, containing diagnosis/treatment; or progress note entry indicating telephone verification of above; or progress note entry of observation of obvious physical handicap, e.g., loss of an arm. (3) unemployed/underemployed parent – Family is recorded on WMS as an active Medical Assistance (Medically Needy) case, or an active FA or SN case which has income standards below the Medical Assistance standard or need. Unemployed/underemployed parent exists when the case is at or below the Medical Assistance (Medically Needy) level of need. (4) death of parent – death certificate or other legal document indicating death of parent, court papers, progress notes. (5) surrender or termination of parental rights – copy of court order indicating termination of parental rights or voluntary surrender for adoption agreement signed by parent.
Financial Eligibility	<p><i>Child's</i> income and resources including parental support are insufficient to meet the monthly cost of foster care.</p>	<p>Case record documentation indicating that the <i>child's</i> monthly income does not exceed 185% of the foster care need standard and that resources do not exceed \$10,000.</p>