

Title IV-E Foster Care

Eligibility Determination Procedures

SECTION 1. Authority/Overview

1-1 Authority

Title IV-E of the Social Security Act provides Federal funding for foster care maintenance for children who meet eligibility and reimbursability criteria. Title IV-E also provides funding for administration and training for the foster care program. [U.S. Code Title 42, Chapter 7, Subchapter 4, Part E, “Federal Payments for Foster Care and Adoption Assistance.”]

1-2 Overview of Title IV-E for Foster Care

A. Covered Expenses

Title IV-E benefits are individual entitlements for a qualified child in out of home care. The Federal government shares in the cost of:

1. Maintaining the child in out of home care (includes the room, board, and other maintenance and supervision costs for licensed foster parents, child care institutions, shelter care providers, and group homes).
2. Administering the foster care program, including staff and administrative costs incurred when working with the child, the child’s family, and the care provider.
3. Training staff that work with the child, including foster parents or those who administer the foster care system for the child.

B. Title IV-E Eligibility and Reimbursability for Foster Care

A qualified child enables the State to collect Title IV-E funds in two ways:

1. **IV-E Eligibility:** The determination of Title IV-E eligibility qualifies the State to obtain IV-E reimbursement for administrative and training costs associated with the child.
2. **IV-E Reimbursability:** The determination of IV-E reimbursability qualifies the State to also obtain IV-E reimbursement for foster care maintenance costs (such as room, board, and clothing) associated with the child. A child is also categorically eligible for Medicaid when IV-E eligible and reimbursable.

SECTION 2. Determining Initial Title IV-E Eligibility

2-1 IV-E Eligibility—General Information

A. Eligibility Criteria

A child who meets **all** of the eligibility criteria in Section 2 meets initial IV-E eligibility requirements. In addition, for implementing IV-E eligibility, the child must also meet the criteria in Section 3 pertaining to eligibility factors for placement.

B. Eligibility Period

Title IV-E eligibility is initially determined each time a child enters State custody by court order, voluntary placement agreement, or up-front voluntary relinquishment. If custody of a child is transferred from one State agency to another, a new initial eligibility determination is not required. For eligibility purposes, this is continuation of the custody episode.

If a child re-enters foster care from a trial home placement lasting longer than six months, eligibility must be determined again as if it were a new custody episode, except if the court ordered the trial home placement to exceed six months in duration.

If a child is initially IV-E eligible, the child may lose and regain IV-E eligibility during the custody episode, depending upon changes in deprivation in the removal home, the child's income and assets, qualification and licensure of the placement, and court order requirements.

The loss of IV-E eligibility, for a child who was initially determined IV-E eligible during the current custody episode, does not permanently deprive the child of future IV-E eligibility during the same custody episode.

However, if an initial eligibility determination results in a child **not** being IV-E eligible, the child **cannot** become IV-E eligible at any time within the same custody episode.

C. Eligibility Effective Date

The eligibility effective date 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 a month is eligible for the entire month.

2-2 Initial IV-E Eligibility—Removal and Removal Home

Except as noted in B. below, Title IV-E requires that a child be physically removed from the home in order to be determined IV-E eligible.

A. Physical Removal

Physical removal only occurs when the child is physically removed by the State from the child's current living arrangement and placed into another living arrangement under State control. For IV-E eligibility, a child must be physically removed from the removal home once a court order is issued with a judicial determination that remaining in the home is contrary to the child's welfare or not in the child's best interest. The removal must occur when the order is issued, unless the court order specifies an alternative timeframe for removal or there are extenuating circumstances as to the reason the removal did not occur.

B. Constructive Removal

Physical removal of the child is not required when a constructive removal takes place. A child is considered constructively removed on the date of the first judicial order removing custody, even temporarily, from the appropriate specified relative or the date that the voluntary placement agreement is signed by all relevant parties. Constructive removal occurs when all of the following apply:

1. A child is living with a non-parent caretaker relative when the child is voluntarily or judicially placed in State custody.
2. The child is placed with this non-parent caretaker relative.
3. The child lived with his/her parent(s) or other guardian relative(s) from whom custody was voluntarily or judicially taken within the six months prior to the eligibility month.

C. Determining Removal Home

1. The home from which the child was physically removed is not always considered the removal home for IV-E eligibility determination.
2. The removal home for IV-E eligibility determination is the household of the person(s) from whom custody of the child was judicially taken or voluntarily given to the State.
3. In order for the removal home to meet IV-E requirements, custody must have been judicially taken or voluntarily given from the child's parent(s) or caretaker relative(s) responsible for the ongoing care of the child. In addition, the child must have lived in the removal home within any of the six months prior to the eligibility month.

2-3 Initial IV-E Eligibility—Legal Requirements for Court Ordered Removal

A. Custody

A court order must remove the child from the home and place custody with the State IV-E agency or an agency with whom a formal agreement exists (such as an Indian tribe or the Division of Juvenile Justice Services).

B. Contrary to the Welfare/Best Interest Language

1. The initial court order that sanctions, even temporarily, the removal of the child from home must include language to the effect that continuation in the home would be “contrary to the welfare” of the child or that placement is in the “best interest” of the child. This requirement may be met by language that indicates that the child is being placed in State custody due to the child’s need for treatment, rehabilitation, and supervision. A warrant for removal is considered an initial court order.
2. A child adjudicated as delinquent and placed in an out of home facility by a court order can be determined IV-E eligible if the initial court order that sanctions, even temporarily, the removal of the child from home includes the “contrary to the welfare” or “best interest” language.
3. Examples of court order language that satisfies the “contrary to the welfare” or “best interest” requirements include:
 - a. The child is without proper care, custody, or support, and immediate protective custody is necessary to prevent personal harm to the child.
 - b. Removal from the home is/was necessary to protect the child.
 - c. The child is without proper care and supervision.
 - d. The parents or other person exercising custodial control are unable or unwilling to protect the child.
 - e. There are reasonable grounds to believe that the child’s condition (or the circumstances surrounding the child’s care) requires that custody be immediately assumed to safeguard the child’s welfare.
 - f. The child is in immediate danger of imminent serious physical injury or sexual abuse.

C. Reasonable Efforts to Prevent Removal Language

If the child was removed by court order, within 60 days of removal there must be a court order with language to the effect that the State made reasonable efforts to prevent placement outside of the home or that, due to aggravated circumstances, the lack of preventative efforts was reasonable. Examples of appropriate court order language include:

1. Reasonable efforts were made to prevent removal from the home or to prevent placement.
2. Due to an emergency situation that amounts to aggravated circumstances, the lack of preventative efforts was reasonable.

3. Reasonable efforts to prevent removal from home are not required because:

- a. The parent has subjected the child to aggravated circumstances as defined in State law, such as abandonment, torture, chronic abuse, and sexual abuse; or
- b. The parent has committed murder or voluntary manslaughter of another child of the parent, or has aided or abetted, conspired, or solicited to commit such a murder or voluntary manslaughter; or
- c. The parent has committed a felony assault that results in serious bodily injury to the child or another child of the parent; or
- d. Parental rights of the parent to a sibling have been terminated involuntarily.

D. Nunc Pro Tunc Court Orders

Nunc pro tunc court orders are not allowed for determining Title IV-E eligibility or reimbursability.

E. Alternate Documentation

If the “contrary to the welfare” and/or “reasonable efforts to prevent removal” language is not included in the signed court order, a transcript of court proceedings is the only other acceptable documentation for verifying that these required court determinations were made.

F. Court-Related IV-E Effective Date

For IV-E purposes, the effective date for a court order is the date of the signed court order. If the date of the hearing is referenced in the order, the hearing date is used. If the date of the hearing is not indicated, the date the order is signed by the judge must be used. The IV-E eligibility effective date begins on the first day of the month in which all eligibility criteria are met, including the court order.

2-4 Initial IV-E Eligibility—Legal Requirements for Voluntary Placement

A voluntary placement agreement is a signed written agreement between the State and the parent(s) or the legal guardian(s) of the child that is binding on the parties. It gives the State temporary care and placement responsibility for the child. It also specifies the legal status of the child and the rights and obligations of the parents or legal guardians and the State while the child is placed in foster care. (DJJS does not use voluntary placement agreements.)

A child may be IV-E eligible for up to 180 days under a voluntary placement agreement. In order for a child’s IV-E eligibility to continue beyond 180 days, the court must issue a judicial determination (court order) placing the child in State custody and including language to the effect that continuation of care and placement with the State is in the “best interest” of the child.

A child may be determined IV-E eligible (and reimbursable) for the first 180 days of the signed voluntary placement agreement, if all other IV-E criteria are met. The child may remain IV-E eligible only if there is a judicial determination with the required “best interest” language by the 181st day. If the child entered State custody through a voluntary placement agreement, a “reasonable efforts to prevent removal” statement is not required in a court order for IV-E eligibility.

If a voluntary placement agreement is terminated or revoked prior to obtaining the judicial determination regarding the child’s best interest as required, Title IV-E eligibility ends on the day the agreement is terminated or revoked and the child becomes ineligible for the remainder of the foster care episode.

2-5 Initial IV-E Eligibility—Legal Requirements for Voluntary Relinquishment

A. Relinquishment Prior to Entry into Care

A child entering foster care due to a parent voluntarily relinquishing parental rights may only be IV-E eligible if a court judicially removes the child from home by issuing a court order within six months of entry into care that includes the “contrary to the welfare” or “best interest” language. The court order cannot merely validate the voluntary relinquishment of parental rights.

IV-E eligibility becomes effective the first day of the month the court makes the judicial “contrary to the welfare” or “best interest” finding, if all other IV-E criteria are met.

B. Voluntary Relinquishment or Terminated Parental Rights While in Care

Voluntary relinquishment or court-ordered termination of parental rights after the State has received court ordered custody is applicable only for determining deprivation applicable to continuing eligibility of a child who was initially determined IV-E eligible. After parental rights are terminated, deprivation is permanently present for a IV-E eligible child while continuing in State custody.

2-6 Initial IV-E Eligibility—AFDC Criteria, General Information

- A. To be initially IV-E eligible, a child must meet the Aid to Families with Dependent Children Program (AFDC) criteria during the eligibility month. In all references to AFDC, the eligibility of the child is based on Title IV-A, Part A, of the Social Security Act as the program was in effect in Utah on July 16, 1996.
- B. AFDC criteria must be assessed based upon information applicable within the eligibility month for the initial eligibility determination.
- C. The eligibility month for the initial eligibility determination is the month in which the legal process that led to the removal of the child was initiated. Examples include the initiation of court proceedings, typically a petition, warrant for removal, shelter order, or temporary physical custody request, or a signed voluntary placement agreement.

The date the child enters foster care does not necessarily define the eligibility month. In instances of court ordered removal, the date a child was removed or was placed in foster care as a result of a court order may be different than the date of the actual petition or temporary physical custody

request. The date of the petition or temporary physical custody request, not the date of removal or placement, defines the eligibility month.

A petition resulting in court ordered in-home services is not applicable for IV-E eligibility. If, at a later time, the child enters State custody through a court order or voluntary placement agreement, IV-E court order requirements must be met.

- D. AFDC criteria applicable for initial Title IV-E purposes include age, citizenship, living with a caretaker relative, deprivation, and financial need (income and assets).

2-7 Initial IV-E Eligibility—AFDC Criteria, Dependent Child/Age

To be IV-E eligible, a foster child must be a dependent child, defined as a minor under age 18; or, a child between the ages of 18 and 19 in secondary school or training full time, and expected to graduate or complete training before turning age 19. IV-E eligibility discontinues when an 18-year old child graduates or ceases full time school or training.

2-8 Initial IV-E Eligibility—AFDC Criteria, Citizenship

To be IV-E eligible, a child must be either a United States citizen by birth or naturalization, or must be a qualified alien. U.S. citizenship of a child follows that of the child's U.S. citizen parent(s) or is established by being born in this country. Children who are in the U.S. under a visitor or tourist visa or under a student arrangement are not IV-E eligible.

Citizenship or qualified alien status must be verified for any child in foster care regardless of whether foster care maintenance payments are being made on behalf of the child.

Citizenship status may be verified with an original or copy of any document listed in Table IV of the Utah Department of Health Medicaid Manual. In addition to the documents listed there, an original or copy of an official church record (blessing or infant baptism) or hospital birth record may be used for citizenship verification.

Qualified alien status must be verified through the Immigration and Naturalization Services verification process utilizing the information on the Alien Registration Card designated as I-94.

If a qualified alien foster child does not meet IV-E eligibility requirements, the child is not eligible for Medicaid for five years unless the child entered the United States before August 22, 1996, if the child qualifies for one of the protected classes of persons, or if the child becomes a naturalized citizen.

If a qualified alien foster child is IV-E eligible, no waiting period applies.

(Contact the Title IV-E/Medicaid Trainer when additional information pertaining to qualified alien status is needed.)

2-9 Initial IV-E Eligibility—AFDC Criteria, Caretaker Relative

A. The child must have lived with the caretaker relative from whom custody was judicially taken or voluntarily given to the State during the eligibility month or within any of the six months prior to the eligibility month.

B. Caretaker Relative Definition

A caretaker relative is a relative with whom the child lives and who has ongoing responsibility for the care of the child. A caretaker relative includes any of the following:

1. Biological parent, adoptive parent, or stepparent.
2. Brother or sister, including step-brother/sister, half-brother/sister, and adoptive brother/sister.
3. Aunt or uncle.
4. Nephew or niece.
5. First cousin or first cousin once removed.
6. Any of the above by half-blood, marriage (even if the marriage has ended as a result of death or divorce), or by preceding generations as denoted by the prefixes grand, great, or in combinations of these two prefixes.

C. The requirement for living with a caretaker relative is met if a newborn child is placed into foster care directly from birth in a hospital or after birth to a prisoner.

2-10 Initial IV-E Eligibility—AFDC Criteria, AFDC Group

The AFDC group (filing unit/household composition) for initial IV-E eligibility determination is the grouping of persons from the removal home whose income and resources are considered in determining financial need.

A. If the child's parent was the caretaker relative from whom custody was judicially taken or voluntarily given to the State, the AFDC group includes:

1. The child;
2. Biological or adoptive parents; and
3. Biological, adoptive, and half-siblings of the foster child who meet the definition of dependent child and who live in the same household.

B. If the caretaker relative from whom custody was judicially taken or voluntarily given to the State was **not** the child's parent, the AFDC group includes:

1. The child; and
 2. Any biological, adoptive, and half-siblings of the foster child who meet the definition of dependent child, and who live in the same household.
- C. Any household member receiving SSI benefits is not counted as a member of the AFDC group, unless the household member is the foster child. In addition, the SSI benefits and any other income or assets of the SSI recipient are not counted in determining financial need. (The foster child is counted as a member of the AFDC group, even if the child has SSI. The child's income and assets are excluded.)
- D. A stepparent is not counted as a member of the child's AFDC group, but is a member of the stepparent's AFDC group. The stepparent's AFDC group is utilized in deeming the stepparent's income.
- E. A child receiving adoption assistance, other than the foster child, may be excluded from the AFDC group. (The child's income and assets are not counted if excluded from the AFDC group.) If the adoption assistance recipient is the foster child, do not count the child's income and assets when determining eligibility; however, count the child as a member of the AFDC group.

2-11 Initial IV-E Eligibility—AFDC Criteria, Deprivation

- A. Deprivation must exist in the removal home in order for the child to be IV-E eligible.
- B. Initially, deprivation must be determined for the eligibility month, whether or not the foster child lived in the removal home during that month. Deprivation must be met for the eligibility month, but prior to the child's removal from the home. Deprivation may not be established based on household circumstances that occur after a child's removal. Deprivation must be present while the child is living in the home.
- C. Deprivation means that the child is deprived of the support of one or both parents (married, or unmarried if paternity has been established). Deprivation is met if one of the following exists:
1. Continued Absence of the Parent from the Home

Absence from the home exists if the absence interrupts or terminates the absent parent's functions as provider of maintenance, physical care, or guidance for the child and the anticipated duration of the absence prevents planning for the present support or care of the child. Continued absence may include:

 - a. Death of parent (unless surviving parent remarries, and parent and spouse both live in the home);
 - b. Separation or divorce, and not living in same house (unless custodial parent remarries and parent and spouse live in the home);
 - c. Institutionalization or incarceration;

d. Abandonment.

Absence due solely to active duty in the armed forces, employment, school, or training is not deprivation. Also, if a parent is expected to return home within 30 days, deprivation is not present.

2. Incapacitation

If one of the parents is mentally or physically incapacitated, deprivation is met. The incapacity may be physical or mental illness or impairment. The incapacity must last for at least 30 days and must reduce the person's ability to work or provide care for the child and must be documented in the case record.

Incapacitation may be demonstrated by any one of the following:

- a. A visually observable incapacity documented by the caseworker.
- b. A medical report from a physician indicating that the incapacity will exist for at least 30 days and impairs ability to work or care for the child.
- c. A parent receives SSI for disability or blindness, or has been determined to be blind or disabled by the Veteran's Administration, Medicaid Disability Office, or Social Security Administration.

Employment of 100 hours or more per month nullifies a parent's claim to incapacity unless the parent is an SSI recipient or has been determined to be disabled by the Social Security Administration, Medicaid Disability Office, or Veteran's Administration.

3. Unemployment and Underemployment of the Principal Wage Earner

A child who lives in a two-parent household is deprived of parental support if the parent who is the primary wage earner is unemployed or employed less than 100 hours a month and has not refused work in the last 30 days.

The parent who earned the greater amount in the 24-month period prior to the eligibility month is the primary wage earner. This parent remains the primary wage earner for as long as the child is in custody during the current custody episode, with one exception. If the household composition changes (mother/father remarried or parent death), then the primary wage earner is re-determined.

If the parent is on paid leave from an employer (such as sick or vacation leave), the parent is not considered to be unemployed or working less than 100 hours. Any paid hours count as employed hours

If employed more than 100 hours during the calendar month, the work must have been intermittent. Intermittent is defined as having worked less than 100 hours during the two calendar months immediately prior to the eligibility month and expected to work less than 100 hours the month following the eligibility month

2-12 Initial IV-E Eligibility—AFDC Criteria, Financial Need, Income Standards

Income available to a child during the eligibility month, but prior to the physical or constructive removal of the child from the home, must meet AFDC income standards. This income is calculated utilizing countable income of the AFDC group for the initial eligibility determination.

The countable earned and unearned income available to the child prior to the removal must not exceed specified income limits, based upon two tests. The first income test is based upon 185% of the Utah AFDC Need Standard, effective July 1996. The second test is based upon 100% of the AFDC Need Standard. The following table specifies the applicable standards with the AFDC group size.

Income Tables

AFDC Group Size	185% Need Standard	100% Need Standard
1	608	329
2	843	456
3	1050	568
4	1230	665
5	1400	757
6	1542	834
7	1615	873
8	1690	914
9	1770	957
10	1884	997
11	1930	1038
12	1996	1079
13	2072	1120
14	2147	1161
15	2225	1203
16	2301	1244

2-13 Initial IV-E Eligibility—AFDC Criteria, Financial Need, Income Determination and Income Tests

A. Income Determination

Income eligibility determination is based upon the best estimate of income, AFDC group size, and child care costs during the eligibility month, but prior to removal of the child, based upon available information. Past income and consideration of changes during the eligibility month should be taken into account when determining AFDC group income. Information needs to be verified. A parent’s signed statement of income meets the verification requirement. In order to determine the amount of income available to the child prior to the removal, the income should be calculated based on a weekly amount as outlined.

1. Removal on days 1-7 times the monthly income by 25%.
 2. Removal on days 8-15 times the monthly income by 50%.
 3. Removal on days 16-22 times the monthly income by 75%.
 4. Removal on days 23 through the end of the month use 100% of the monthly income amount.
- B. Use the household and worker's reasonable expectations and knowledge of the circumstances during the eligibility month when determining income. If hard copy documentation of the exact amount of income paid to the home prior to the removal is available, those amounts should be used. Document the AFDC group's earned and unearned income clearly in the case record.
- C. Income Tests

The AFDC group must pass two income tests for the eligibility month for the initial IV-E eligibility determination.

1. *First Test = 185% Income Test*

The AFDC group's countable gross income must not exceed 185% of the AFDC Need Standard. Gross countable income is total income, earned and unearned, the AFDC group received during the eligibility month plus any deemed stepparent income. Do not count excluded earned and unearned income. If the gross income is less than or equal to 185% of the AFDC Need Standard, proceed to the second income test. **If the gross income is more than 185% of the AFDC Need Standard, the foster child is not IV-E eligible.**

2. *Second Test = 100% Income Test*

The AFDC group's countable gross income minus allowable deductions must not exceed 100% of the AFDC Need Standard. This is determined by subtracting allowable deductions from countable earned income (not less than zero), and adding this adjusted earned income to the countable unearned income and any deemed stepparent income. Allowable deductions from earned income include:

a. Work Allowance

Subtract \$90.00 work expense allowance from each employed person's earnings in the household.

b. Day Care

Subtract the amount of costs incurred for day care prior to the removal of the child from the home from the earned income of the member of the AFDC group paying the expense if: (1) the day care expense is for a child or an adult member of the AFDC group, and (2) the day care expense is paid to a person not included

in the AFDC group. The day care expense may be deducted up to the limits specified below:

(1) *Working an average of 100 hours or more per month or 23 hours or more per week:*

<i>Child Under Age 2</i>	<i>\$200 per person</i>
<i>Age 2 or Over</i>	<i>\$175 per person</i>

(2) *Working an average of less than 100 hours per month or 23 hours or less per week:*

<i>Child Under Age 2</i>	<i>\$160 per person</i>
<i>Age 2 or Over</i>	<i>\$140 per person</i>

If the net income is less than the AFDC Need Standard, the household meets the income criteria for AFDC eligibility. If the net income is EQUAL to OR GREATER than the AFDC Need Standard, the household does not meet the income criteria for AFDC eligibility and the foster child is not IV-E eligible.

2-14 Initial IV-E Eligibility—AFDC Criteria, Financial Need, Deeming Stepparent Income

If a stepparent lives in the household, the stepparent's gross income available prior to the child's removal from the home must be "deemed" to the foster child. Deeming means determining the amount of the stepparent's income to be included in the total gross income available to the foster child prior to removal. To determine the deemed amount:

- A. Determine the stepparent's gross income. Include any earned or unearned income of the step parent and the step parent's children who are living in the home or living outside of the home and not receiving support. These are children who do not have a parent in common with the foster child.
- B. Determine the AFDC group size for the stepparent. The AFDC group size consists of the stepparent and any of the stepparent's biological or adoptive children who meet the dependent child criteria (living in the home, or out of the home and not receiving child support) who are not a child in common with the other spouse in the household. (The stepparent and any step children will not be counted in the AFDC group for the foster child, but will be counted as part of the step parent AFDC group)
- C. Subtract \$90 earned income work deduction if the stepparent is working.
- D. Subtract the 100% AFDC Need Standard amount for the stepparent's AFDC group size.
- E. Subtract any child support/alimony the stepparent is paying.
- F. The remaining income is the income to be deemed (added) to the child's available income. (For the 100% income test, do not deduct the \$90 earned income work deduction again.)

2-15 Initial IV-E Eligibility—AFDC Criteria, Financial Need, Lump Sum Payments as Income

A. Lump sum payments, such as Social Security lump sums and severance pay, are income and can be earned or unearned. Costs of legal fees expended to make the lump sum available, payments for past medical bills, and funeral or burial expenses (if the lump sum was intended to cover funeral or burial expenses) are subtracted from the lump sum before determining income eligibility.

B. Counting Lump Sum Payments for Initial Eligibility

A lump sum received during the eligibility month is counted as income in the month received. If the lump sum belongs to the foster child and has not been fully spent during the eligibility month, any remaining portion is an asset.

A lump sum received prior to the eligibility month is not countable as income. Any remaining portion of the lump sum left during the eligibility month is an asset.

Do not count **any** lump sum payments received by an SSI recipient as either income or assets when determining if a household meets AFDC criteria.

2-16 Initial IV-E Eligibility—AFDC Criteria, Financial Need, Unearned Income

A. Countable Unearned Income

Unearned income is income received by an individual for which no service is performed. Unearned income may be received either in the form of a cash payment or an in-kind benefit such as food, shelter, or clothing. Countable unearned income includes, but is not limited to, the following:

1. Pensions and annuities such as Railroad Retirement, Social Security, Veterans Administration, and Civil Service payments.
2. Disability benefits such as industrial compensation, sick pay or worker's compensation, mortgage insurance, and paycheck insurance.
3. Unemployment compensation.

4. Strike or union benefits.
5. VA allotments and GI Bill.
6. Child support (after \$50 deduction per household) and alimony.
7. Money from churches, charitable organizations, lodges, unions, friends, or relatives (except as noted under exemptions for gifts, below).
8. Interest and dividend payments from stocks, bonds, savings, and insurance.
9. Trusts, inheritances, personal injury settlements, and life insurance benefits.
10. Tribal fund gratuities.
11. JTPA needs based payments and supported service payments that are not reimbursements.
12. Money from sales contracts and mortgages.
13. Rental income, if another individual or company manages the rental property for the owner. (In these cases, the owner collects money from the manager.)

B. Unearned Income Exclusions

The following types of unearned income are not counted for AFDC purposes:

1. Foster care payments, adoption assistance payments, or cost of care payments for a child in State custody.
2. All unearned in-kind income.
3. Income of an SSI recipient. (Do not count SSI income or any other income received by an SSI recipient.)
4. Current Child Support.

Child support and alimony payments belong to the person for whom they are intended, not the person who may be receiving payments on behalf of the individual.

If the family is receiving assistance from the Family Employment Program (FEP), do not exclude the first \$50 of current support payments received for the household during the eligibility month.

5. FEP income from DWS or JTPA unearned income of a dependent child.
6. Travel and training allowances and reimbursement.
7. Educational assistance and college work-study, with the exception of Veterans Educational Assistance intended for family members of the student.

8. Loans, including reverse equity loans, endorsed in writing for payment.
9. Cash gifts of up to \$30 per household member received in any one quarter. (Count the amount exceeding the \$30 limit.)
10. Cash to pay for shared living expenses received from a person living in the removal home who is not a member of the AFDC group.
11. Income tax refunds and Earned Income Tax Credit (EITC) payments.
12. Trust funds not available on demand.
13. Payments for home energy assistance, rental subsidies, and relocation assistance.
14. Food programs such as Food Stamps, WIC, USDA surplus food, home delivered meals, or school lunch.
15. Y or Z funds paid by Department of Workforce Services.
16. Special payments made by law, including:
 - a. Payments or reimbursements made to volunteers under the Retired Senior Volunteers Program, Green Thumb, Foster Grandparent Program, VISTA volunteers, Senior Health Aides, SCORE, Senior Companion Program, and ACE.
 - b. Payments to Japanese and Aleut people who were relocated during wartime.
 - c. Payments made from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation.
 - d. Payments made from the Radiation Exposure Compensation Act.
 - e. Payments under the Disaster Relief and Emergency Assistance Amendments of 1988.
 - f. Payments to children of Vietnam veterans born with congenital defect spina bifida or certain other disabilities per Public Law 106-419.

17. Certain Native American payments, including:

- a. Tribal benefits received by the following Indian tribes under Section 5 of Public Law 94-114:

Tribe	Reservation
Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin	Bad River
Blackfeet Tribe	Blackfeet
Cherokee Nation of Oklahoma	
Cheyenne River Sioux Tribe	Cheyenne River

Tribe	Reservation
Crow Creek Sioux Tribe	Crow Creek
Lower Brule Sioux Tribe	Lower Brule
Spirit Lake Sioux Tribe (formerly Devils Lake Sioux Tribe)	Fort Totten
Fort Belknap Indian Community	Fort Belknap
Lac Courte Oreilles Band of Lake Superior Chippewa Indians	Lac Courte Oreilles
Keweenaw Bay Indian Community	L'Anse
Minnesota Chippewa Tribe	White Earth
Assiniboine and Sioux Tribes	Fort Peek
Navajo Tribe	Navajo
Oglala Sioux Tribe	Pine Ridge
Rosebud Sioux Tribe	Rosebud
Shoshone Bannock Tribes	Fort Hall
Standing Rock Sioux Tribe	Standing Rock

- a. Any per capita payments made to tribal members by either the Secretary of Interior or the tribe such as money from judgments, trust lands, lease income from tribal funds, and tribal businesses. Income derived from privately owned land is countable income.

Payments made under the Alaska Native Claims Settlement Act or under the Maine Implementing Act and the Maine Indian Claims Settlement Fund.

2-17 Initial IV-E Eligibility—AFDC Criteria, Financial Need, Earned Income

A. Countable Earned Income

Earned income is income in cash or in-kind for which a person performs a service. Sources of earned income include, but are not limited to:

1. Wages, salaries, bonuses, commissions, and tips, including JTPA wages of a child other than the foster child, Job Corps payments, Americorps living allowances and deemed income of a stepparent.
2. Sick pay and temporary disability insurance or temporary workers compensation payments, which are employer funded.
3. Severance pay, including the cash-out of vacation pay and sick pay.
4. Rental income, only if the owner to receive the income performs managerial duties.
5. Monies from self-employment, including earnings over a period of time for which settlement is made at one given time, such as farm crops, livestock, and poultry.
6. Training incentive payments and work allowances.

7. Benefits received by a household member as a reward for service, such as free shelter, vendor payments, or any additional allowances given for shelter to a member of the armed forces.
8. Certain aliens who have been legally admitted in the United States for permanent residence must have income of their sponsors counted when determining eligibility for AFDC. Contact the Title IV-E/Medicaid Trainer for more details when a sponsor is involved.

B. Earned Income Exclusions

1. Incentive and training expenses paid under a client's plan with the Department of Workforce Services.
2. Reimbursements from an employer for any work expense or allowances from an employer for travel and training.
3. Earned Income Tax Credit (EITC) payments received as part of the regular paycheck or received as a lump sum along with the household's income tax refund.
4. Income paid by the U.S. Census Bureau to temporary census takers.
5. JTPA earned income of a dependent child.
6. Earned income of a child who is a full-time student.
7. Making Work Pay (MWP) tax credit. The American Recovery and Reinvestment Act (ARRA) created a temporary refundable tax credit called Making Work Pay. For people who receive a paycheck and are subject to income tax withholding, this credit was designed to reduce tax withholding and give workers higher take-home pay. Taxpayers who did not have income taxes withheld by an employer during the year can receive the credit as a lump sum refundable credit when they file their 2009 income tax return in 2010.

2-18 Initial IV-E Eligibility—AFDC Criteria, Financial Need, Assets

A. Asset Limit and Definition

Countable assets available to the AFDC group prior to the physical or constructive removal of the child from the home may not exceed \$10,000 during the eligibility month. Assets are defined as a "resource that a person possesses or owns." Assets must be available prior to the removal, which means that a member of the AFDC group owns it or has the legal right to sell it or dispose of it for the individual's own benefit. An asset is determined by its equity value, which is the current market value minus any debts still owing on the asset. Since most asset values don't fluctuate considerably during the month the total asset value for the month will be considered the amount available at the time the child was removed.

B. Countable Assets

Countable assets may include:

1. Real property including land, houses, buildings, and trailer homes.
2. Liquid assets, such as savings and checking accounts, stocks, bonds, mutual fund shares, promissory notes, mortgages, cash value of insurance policies, trust funds, and agreements in escrow.
3. All motor vehicles, such as cars, trucks, motorbikes, motorcycles, snowmobiles, boats, campers, and trailers.
4. Instruments and tools.
5. Livestock.
6. Merchandise and inventory.
7. Time-shares and time-share agreements.
8. Certain aliens who have been legally admitted in the United States for permanent residence must have assets of their sponsors counted when determining eligibility for AFDC. Contact the Title IV-E/Medicaid Trainer for more details when a sponsor is involved.
9. Step parent group assets are countable at the full amount. An asset in common with a person in the foster child's AFDC group would have 50% ownership to the person in the step parent's group and 50% ownership to the person in the foster child's AFDC group.

C. Asset Exclusions

Exclude the following from countable assets:

1. Home, its contents and surrounding property.
2. Equity value of up to \$1,500 of one car or other motor vehicle. Count any value in excess of this amount towards the AFDC group's asset limitations.

The equity value of a vehicle is its fair market value minus the amount owed on it. The fair market value is the average trade-in value listed in the most current Used Car Guide Book put out by the National Automobile Dealers Association (NADA). Do not add or deduct values for optional equipment or mileage. If the vehicle is not listed in the Used Care Guide Book, contact a dealer for an estimate of value.

3. Per capita payments or any asset purchased with per capita payments made to tribal members by the Secretary of the Interior or the tribe.
4. Irrevocable burial trusts. Exempt the value of an irrevocable burial trust fund such as a pre-arranged funeral plan. Exempt one burial space and any item related to repositories used for the remains of the deceased for any member of the household. This includes caskets, concrete vaults, crypts, urns, and grave markers. In addition, if a recipient owns a gravesite, the value of which includes the opening and closing, the value of these services is also excluded.
5. Allow a \$1,500 burial/funeral fund exemption for each eligible AFDC group member, subtracting the value of any irrevocable burial trust from the \$1,500 burial/funeral fund exemption.
6. Real property, if a household is making a bona fide effort to sell real property during the month of removal.
7. Income producing personal property necessary for employment.
8. Educational assistance.
9. Loans, including reverse equity loans endorsed in writing for repayment.
10. Lump sum insurance payments for lost, stolen, or damaged property if the available money is used to replace the lost, stolen, or damaged property, and the property was exempt at the time of loss.
11. Making Work Pay (MWP) tax credit is disregarded as an asset for the month received and the following two months.

D. Availability of Assets

Count only assets that are available to the AFDC and Step parent AFDC group. Assets are available when an individual legally owns the asset and has possession of the asset.

1. Joint Accounts

When a person in the AFDC group and someone who is not in the AFDC group jointly owns a bank account, count all of the funds as an asset for the person in the AFDC group if the AFDC group member can legally withdraw the fund from the account. If the person who jointly holds ownership of the account is a member of the step parent AFDC group count half of the account value to the step parent group and half of the account value to the AFDC group.

If one account holder is in the AFDC group and another account holder is not in the AFDC group or the step parent AFDC group but is in a FEP assistance household, divide the fund equally between the two households.

If the person claims that the asset does not belong to him/her, allow the individual to refute ownership. Document why the joint account was set up and who made the deposits and withdrawals from the account.

2. Joint Ownership of Assets

If more than one person owns property, determine the share that belongs to the person(s) in the AFDC group and if applicable the share that belongs to the step parent AFDC group. Unless there is a condition of ownership specifically prohibiting the sale of any part of the asset without permission of all owners, the share that belongs to the person in the AFDC group and the share that belongs to the step parent AFDC group is counted as an available asset.

3. When Legal Factors Hinder the Availability of an Asset

When determining if an AFDC group meets the asset limit during the eligibility month, if legal factors hinder making the asset available, the asset is exempt. For example, a condition of ownership may prohibit selling the asset without the consent of both parties. In this case, the asset is exempt because legal factors hinder making the asset available.

If the asset belongs to the foster child, the asset is exempt as long as steps are being made to make the asset available, if the asset can be made available. Two exceptions apply and must be documented in writing. They are:

- a. If it is doubtful that reasonable actions will succeed, efforts do not have to be made to make the asset available. This should be confirmed by a knowledgeable source such as a lawyer or financial institution.
- b. If the cost of making the asset available exceeds its value, efforts do not have to be made to make the asset available.

SECTION 3. Placement Requirements for Title IV-E Eligibility

3-1 IV-E Eligibility Placement Requirements—General Information

A. Eligibility Placement Requirements

Once a child has met the initial IV-E eligibility requirements, it is necessary to also determine if all IV-E eligibility placement requirements have been met. If the eligibility placement requirements are met then the child is IV-E eligible for the purpose of claiming IV-E administrative funds. IV-E reimbursability can be determined if the child meets both the initial IV-E eligibility requirements and also meets the eligibility placement requirements.

If a child who is initially determined IV-E eligible fails to meet eligibility placement requirements, even for the initial placement, the child is not prevented from being IV-E eligible in the future when those placement requirements are met.

B. Eligibility Placement Requirements Effective Period

Title IV-E eligibility may fluctuate from month to month due to eligibility placement requirements. A child may lose and regain eligibility, depending upon whether or not the placement requirements are met (as well as other eligibility factors after the initial determination has been positive). The loss of IV-E eligibility due to eligibility placement requirements not being met does not permanently deprive the child of future eligibility.

C. Eligibility Effective Date

Eligibility placement requirements pertain to ongoing eligibility. If placement requirements are not met after initial eligibility has been determined, eligibility will be discontinued the first of the following month. A child who is IV-E eligible during any part of the month is eligible for the entire month.

D. Tracking Eligibility

If a child loses IV-E eligibility, MIS system coding must immediately be adjusted to prevent IV-E funds from being incorrectly claimed for administrative costs. (For DCFS, this adjustment is recorded in SAFE. For DJJS, this adjustment is made in the DJJS eligibility system. *Note:* Adjustments in the Medicaid eligibility category may also be required in e-Rep.)

If payments were made before the child's eligibility/reimbursability coding was corrected, fiscal and payment history adjustments must be made for ineligible months. This includes adjusting costs in FINET and correcting the child's payment history in USSDS. For DCFS, the Finance Revenue Team at the State Office using regional data coordinates this change process.

3-2 IV-E Eligibility Placement Requirements — Qualified Placement

A child must be placed in a qualified placement to be IV-E eligible on an ongoing basis. Qualified IV-E placements include foster homes, private non-secure group homes, and residential care facilities of any size. Qualified placements also include public childcare institutions accommodating 25 or fewer children.

Placements that do not meet IV-E eligibility placement requirements include such entities as:

- A. Detention facilities, forestry camps, training schools, and facilities operated primarily for the detention of children.
- B. The State Hospital, Developmental Center, or any placements other than foster family homes, group homes, or residential care facilities.
- C. A foster family home that does not meet the criminal background clearance requirements outlined in 3-3.

A facility that is physically restrictive for the benefit or safety of the child, such as a secure mental health facility, can be a qualified placement as long as the facility is not used primarily to detain children who require secure custody.

3-3 IV-E Eligibility Placement Requirements —Criminal Background Screening

A child who is in the legal custody of the state may only be placed with foster parents who have passed criminal background screening requirements specified in Federal and state law and licensing rules. This includes placements such as foster family homes licensed by the Office of Licensing, foster family or proctor homes certified by a licensed child placing agency, and kin or child-specific foster homes with probationary or full license from the Office of Licensing as a foster family home.

A. Prior to April 1, 2007, background screening for foster parents and any other adults in the foster home:

1. Bureau of Criminal Identification report for Utah;
2. Utah child and adult abuse and neglect registry checks;
3. If the foster parent or any adults in the home lived outside of Utah for at least 28 consecutive days within the previous 5 years, a fingerprint based FBI national criminal history records check. The FBI check is also completed if individuals self-disclose a crime outside of the State of Utah, the Utah BCI shows a multi-state offense, or if the individual has an out of state driver license.
4. The above background screening requirements continue to be required for renewal of all foster family homes.

B. Criminal background screening for foster parents and any adults living in the home was modified effective April 1, 2007 to include:

1. Fingerprint based FBI national criminal history records check for each foster parent:
2. Bureau of Criminal Identification report for Utah;
3. Utah child and adult abuse and neglect registry checks;
4. If the foster or adoptive parents resided outside of Utah in the five years prior to the date of application as a foster parent, a child abuse and neglect registry check for the applicable states must be completed.

C. Other adults living in the foster home must pass the Utah criminal, child abuse and adult abuse background screenings. If the other adult has lived out of state for at least 28 consecutive days within the previous 5 years, a fingerprint based FBI national criminal records check must also be completed and approved.

In addition to verifying licensure, as outlined below, criminal background screening clearance for applicable persons in the home must also be verified by reviewing either the hard copy of the cleared background screening application or the electronic background screening record. If a foster child is placed in a home that was initially licensed or certified on or after April 1, 2007 and the criminal background screening requirements were not met prior to the child's placement in the home the child cannot be IV-E eligible until the criminal background screening requirements are met for that home. Once documentation is obtained that these requirements have been met, the foster child can regain their IV-E eligibility.

3-4 IV-E Eligibility Placement Requirements —Licensed Placement

Qualified providers must also be fully licensed to meet IV-E eligibility placement requirements, except as noted in E. below.

- A. A foster home or private non-secure group home or residential care facility must be licensed by the Department of Human Services Office of Licensing, or certified by the Department of Human Services Division of Services for People with Disabilities or a Child Placing Agency licensed by DHS OL. If the foster home or facility is located on reservation/tribal lands, the home or facility may be approved by a tribal Social Service agency if specified in an agreement between the State and the tribe. Proctor homes must meet all criteria for certification by the licensed child placing agency, including training and background clearance.
- B. A public child care institution accommodating 25 or fewer children must be licensed by the Department of Human Services Office of Licensing.
- C. If out of State, any facility listed in A. or B. above must be licensed or approved by that State. (For out of State providers, a copy of the provider's current license, background clearance, and a copy of the approved ICPC form should be in the child's eligibility record.)
- D. Pending, probationary, or lapsed licenses do not meet the licensure requirement for IV-E eligibility. Children placed in a foster family home that is not fully licensed cannot be IV-E eligible while in that placement, except as noted in E. below.
- E. Children placed with relatives who are in the process of becoming licensed as foster parents through the State meet the IV-E eligibility placement requirements, as long as the relatives complete licensure requirements within the average time frame for licensing foster family homes. The average time frame is five months. "In the process of becoming licensed," means that the Office of Licensing has issued a probationary license to the kin family.

3-5 IV-E Eligibility Placement Requirements —Legal Requirements, Responsibility for Care and Placement of the Child

The State agency or tribe that has been awarded custody of the child must be responsible for care and placement in order for IV-E eligibility placement requirements to be met. This means that the agency must be able to determine the placement for the child.

If the court orders the child into a specific placement and the State cannot change the child's placement without court approval, the child cannot be IV-E eligible while in that placement. Eligibility may resume if a new court order is issued, giving the agency care and placement responsibility. If a court order indicates that a child will remain in a placement that was made by the State and the State has the ability to change the placement without prior court approval, then this is not considered a court-ordered placement.

If a child runs away from foster care, the child is still considered to be under the care and placement responsibility of the State as long as court-ordered custody continues. The child on runaway status remains IV-E eligible, if all other criteria continue to be met, including deprivation in removal home and twelve-month permanency requirements.

SECTION 4. Determining Initial Title IV-E Reimbursability

4-1 IV-E Reimbursability—General Information

A. Reimbursability Criteria

A child who has been initially determined IV-E eligible AND who meets IV-E eligibility placement requirements IS IV-E REIMBURSABLE except when criteria in Sections 4.2, 4.3 and/or 4.4 apply. **A child must be IV-E eligible in order to be IV-E reimbursable.** Foster care maintenance costs for a child who is IV-E reimbursable are covered through IV-E funds.

In addition, a child who is IV-E reimbursable is categorically eligible for Medicaid. (A child who is not IV-E reimbursable, even if IV-E eligible, is not automatically eligible for Medicaid. A separate Medicaid eligibility determination must be made for the child.)

B. Reimbursability Period

Title IV-E reimbursability may fluctuate from month to month. A child may lose and regain reimbursability, depending upon SSI status, placement in a foster or kin home that does not meet full licensure requirements, or runaway status. The loss of IV-E reimbursability does not permanently deprive the child of future reimbursability nor does it affect IV-E eligibility.

C. Reimbursability Effective Date

The reimbursability effective date is the first day of the month in which all of the reimbursability criteria are met, including having been determined IV-E eligible. A child who is IV-E reimbursable during any part of the month is reimbursable for the entire month, except for days placed in a non-reimbursable placement.

IV-E maintenance payments begin from the first day of placement in the month in which all eligibility and reimbursability criteria are met.

D. Tracking Reimbursability and Payments

If a child loses reimbursability, MIS system coding must immediately be adjusted to prevent IV-E funds from being incorrectly claimed for payments. (For DCFS, this adjustment is made in SAFE. For DJJS, this adjustment is made in CARE. . Note: Adjustments in the

Medicaid eligibility category may also be required in e-Rep.)

If payments were made before the child's eligibility/reimbursability coding was corrected, fiscal and payment history adjustments must be made for ineligible months. This includes adjusting costs in FINET and correcting the child's payment history in CAPS.. For DCFS, the Finance Revenue Team at the State Office coordinates this change process.

4-2 IV-E Reimbursability—Supplemental Security Income (SSI) Recipient

Generally, if a child is receiving SSI, the State will not make a child IV-E reimbursable because the SSI income is applied to costs for room and board (and it is in the child's best interest to have SSI available upon returning home).

A child may receive concurrent Supplement Security Income (SSI) and IV-E foster care payments; however, the SSI payment is reduced dollar for dollar by the amount of the IV-E foster care payment.

However, if a child's foster care costs are very high, the State may analyze the financial benefit and impact to the child of having the SSI terminated and utilizing IV-E funds for the foster care costs.

A child's IV-E eligibility is not affected by receipt of SSI payments.

4-3 IV-E Reimbursability— Kin Home Placement Pending Licensure

A child is not IV-E reimbursable while placed with relatives who are in the process of becoming licensed as foster parents (but can be IV-E eligible if all other criteria are met). This means that foster care payments for room and board cannot be made with IV-E funds but IV-E administrative costs can be claimed.

The normal time allotted for licensure for foster parents is five months. When licensure is completed, the child can become IV-E reimbursable. If licensure is not completed within five months, the child's IV-E eligibility discontinues until the home is fully licensed (at which time the child can be both IV-E eligible and reimbursable).

A child's IV-E eligibility is not affected by placement with kin who are in the process of being licensed unless the timeframe for licensure exceeds the normal length of time allotted for licensure.

4-4 IV-E Reimbursability—Runaway Foster Child

A child who runs away from foster care is not IV-E reimbursable during the runaway period. IV-E eligibility may continue as long as the Division continues to have court-ordered custody of the child and eligibility criteria continues to be met, including the twelve-month permanency requirements.

IV-E reimbursability can be reinstated when the child returns to care, as long as the child remains under continuous custody of the State and other eligibility and reimbursability factors continue to be met.

Foster Care Medicaid is terminated when a child runs away. (Foster Care Medicaid is based upon the child being in a placement in which foster care payments are being made.) Foster Care

Medicaid is terminated when the current month closes, after providing 10-day written notice to the caseworker.

SECTION 5. Reviewing IV-E Eligibility

5-1 Frequency of Review for IV-E Eligibility

The foster care worker must advise the eligibility worker of relevant changes for the child pertaining to qualification and licensure of placements, court order language, or trial home placement. The eligibility worker will take the appropriate action in the eligibility systems when notified of these changes.

A child who is initially IV-E eligible may lose and regain IV-E eligibility during the custody episode. The loss of IV-E eligibility does not permanently deprive the child of future IV-E eligibility during the same custody episode.

A child must continue to be IV-E eligible in order to be IV-E reimbursable.

5-2 Reviewing IV-E Eligibility—Continued Custody

A child must remain in State custody to be IV-E eligible. If the court terminates the State's custody of the child, anew eligibility determination must be made upon re-entry into foster care as a new custody episode.

5-3 Reviewing IV-E Eligibility—Dependent Child/Age

Dependent child/age requirements continue to apply for ongoing IV-E eligibility.

5-4 Reviewing IV-E Eligibility—Voluntary Placement Agreement

If a child entered care as a result of a voluntary placement agreement, initial IV-E eligibility can be in effect for the period of the voluntary placement agreement (up to 180 days).

IV-E eligibility may only continue if a judicial determination (court order) is obtained by the 181st day, placing the child in State custody and including language to the effect that the placement is in the “best interest” of the child or “continuation in the home would be contrary to the welfare of the child.” Without the required court order by the 181st day, the child cannot be IV-E eligible for the remainder of the custody episode.

If a voluntary placement agreement is terminated or revoked prior to obtaining the judicial determination regarding the child's best interest as required, Title IV-E eligibility ends on the day the agreement is terminated or revoked and the child becomes ineligible for the remainder of the foster care episode.

5-5 Reviewing IV-E Eligibility—Trial Home Placement/Return Home

A child's IV-E eligibility is discontinued if a child returns home for a trial home placement. (End IV-E eligibility using the same time period that applies in the 10-day Medicaid closure rule.)

If the child returns to foster care after a trial home placement of six months or less and the child remained under the continuous custody of the State during the trial home placement, a new initial IV-E eligibility determination is not necessary. Eligibility and reimbursability factors must be reviewed based on criteria for an ongoing custody episode.

If the child's trial home placement exceeds six months, IV-E eligibility must be determined as if it were a new custody episode if the child returns to care, unless the court ordered the trial home placement for a longer period. If the court ordered the trial home placement for a period exceeding six months, use the criteria for trial home placements of six months or less to determine IV-E eligibility.

When a child returns home and custody is returned to the parents, IV-E eligibility ends for that custody episode.

The child no longer qualifies for Foster Care Medicaid when returning home, whether custody is returned to the parents or not. (Foster Care Medicaid is based upon the child being in a placement in which foster care payments are being made.) Before closing the Foster Care Medicaid case, the eligibility worker should first determine if the child can be added to an existing family Medicaid case, and if applicable, notify the relevant worker in BES or DWS. Or if no family case is open, the eligibility worker should work with the caseworker to obtain an application or information required for review so that BES or DWS can determine if it is possible for the child to be covered by Medicaid under another program or under CHIP without interruption. Foster Care Medicaid is terminated when the current month closes, after providing a 10-day written notice to the caseworker.

5-6 Reviewing IV-E Eligibility—Qualified Placement

The IV-E eligibility placement requirements for qualified placement apply for continuing IV-E eligibility.

If a child is not eligible due to placement in a facility that does not qualify for IV-E purposes, eligibility may be reinstated the first day of the month in which the placement requirement has been met.

5-7 Reviewing IV-E Eligibility—Licensed Placement

The IV-E eligibility placement requirements for licensed providers apply for continuing IV-E eligibility.

If a child is not eligible due to placement in a facility in which licensure requirements are not met, eligibility may be reinstated the first day of the month in which the placement requirement has been met.

5-8 Reviewing IV-E Eligibility—Court Order Requirements

The State must obtain a judicial determination that reasonable efforts were made to finalize the permanency plan (permanency goal) that is in effect for the child (whether the plan is reunification, adoption, legal guardianship, placement with a fit and willing relative, or placement in another planned living arrangement) within 12 months of the removal date, and at least once every 12 months thereafter while the child is in foster care.

If this judicial determination is not made, the child is not eligible from the end of the twelfth month following the removal date (or 12 months from the date of the last judicial review with this finding) until the required judicial determination has been made.

IV-E eligibility may be reinstated on the first day of the month in which the required judicial determination is made.

Reasonable efforts language is not required for a child who entered care by a voluntary placement agreement.

5-9 Reviewing IV-E Eligibility—Care and Placement Responsibility

The care and placement responsibility requirements specified for initial IV-E eligibility placement requirements apply for continuing IV-E eligibility.

If a child is not eligible due to court-ordered placement, eligibility may be reinstated the first day of the month in which the court changes the order, returning care and placement authority to the agency.

SECTION 6. Reviewing IV-E Reimbursability

6-1 Frequency of Review for IV-E Reimbursability

The foster care worker must advise the eligibility worker of relevant changes for the child pertaining to the ongoing reimbursability factors of SSI status, placement with non-licensed relatives, or runaway status. The eligibility worker will take the appropriate action in the eligibility systems when notification of any change impacting reimbursability is received.

6-2 Reviewing IV-E Reimbursability—Supplemental Security Income (SSI) Recipient

The SSI criteria specified for initial reimbursability continues to apply for ongoing reimbursability.

A child's IV-E eligibility is not affected by receipt of SSI payments.

6-3 Reviewing IV-E Reimbursability—Kin Home Placement Pending Licensure

The criteria pertaining to placement in a kin home pending licensure, specified for initial reimbursability, continues to apply for ongoing reimbursability.

A child's IV-E eligibility is not affected by placement with kin who are in the process of being licensed unless the timeframe for licensure exceeds the normal length of time allotted for licensure. If licensure is not completed within five months, the child's IV-E eligibility discontinues until the home is fully licensed (at which time the child can be both IV-E eligible and reimbursable).

6-4 *Reviewing IV-E Reimbursability—Runaway Foster Child*

The criteria for initial reimbursability pertaining to a child who runs away while in foster care continues to apply for ongoing reimbursability.

SECTION 7. Miscellaneous Eligibility Issues

7-1 *Children of IV-E Eligible Foster Children*

A baby born to a IV-E eligible and reimbursable foster child (mother) qualifies for Title IV-E maintenance payments if the baby is not in State custody but resides with the mother. Payments may be made as an add-on to the foster child (mother)'s payment to the foster care provider using the foster child's eligibility. The Medicaid eligibility for the baby will be determined by the Department of Workforce Services. If the baby enters State custody, a separate eligibility determination must be made for the baby utilizing all eligibility requirements.

7-2 *Social Security Number*

A Social Security Number is not required in order for a foster child to be IV-E eligible or reimbursable. However, a Social Security Number is required for Medicaid eligibility, so eligibility workers are encouraged to obtain a correct Social Security Number for each child in foster care.

7-3 *Confidentiality*

All information utilized for eligibility purposes must be kept confidential in accordance with Division confidentiality policy and Federal and State laws and regulations. Information may be shared with other agencies **only** when needed to obtain services for children in foster care.

7-4 *Interstate Foster Care Placements*

Eligibility for Title IV-E for foster children is determined in the State having custody of the child. The State having custody of the child is responsible to pay for foster care costs even if the child is placed out of State. If a child is IV-E eligible and reimbursable, the child qualifies to receive Medicaid from the State in which the child resides and the Utah Medicaid must be closed. If a child is not IV-E eligible and reimbursable, a Medicaid eligibility determination must be made in the State having custody of the child. If the child is Medicaid eligible, the State having custody of the child continues to be responsible to provide Medicaid for the child when placed in another State.

7-5 Medical and Social Services

For purposes of Titles XIX and XX, any child with respect to whom foster care maintenance payments are made under this section will be deemed a dependent child as defined in section 406 of the Act (as so in effect 7/16/1996) and shall be deemed to be a recipient of aid to families with dependent children under Part A of this Title (as so in effect 7/16/1996). Titles XIX and XX services will be available to such child in the State in which the child resides