

**2014-2015-3rd-Quarter-Report-Data-Analysis-9-11-14**

**IV-E Eligibility**

**IV-E Reimbursability**

**Medicaid**



**AFDC Group**

**Age**

**Court Order Requirements**

**Citizenship**

**Deprivation**

**Removal**

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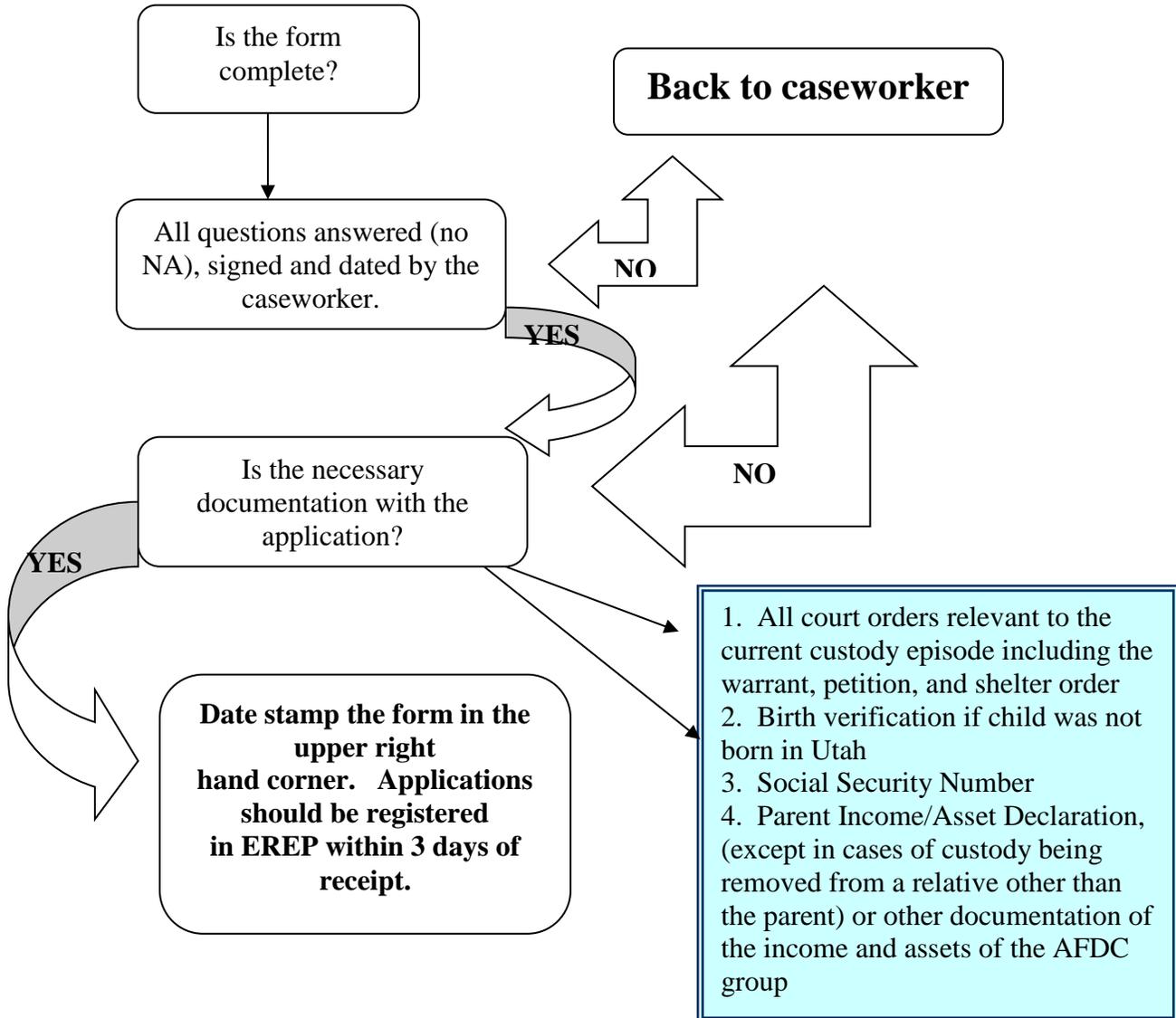
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## Information Form Received

### Purpose:

The information form for IV-E/Medicaid must be date stamped by the eligibility worker at the time it is received.

### Process:



## Reviewing the Information on the Form

**Purpose:** The information provided on the application should be reviewed for accuracy.

**Process:**

### Child in Custody Information

Name of Child (last, first, middle)	Social Security Number	Date of Birth	ID#
Current Placement Address: (street, city, state, zip)		County	Telephone #

The information provided should match the SAFE and eRep information for the foster child.

- ❖ **Child's name:** Compare SAFE, eRep and birth verification record for variations in spelling, first and last names.
- ❖ **Social Security Number:** Copy of the child's card or verification through eRep or eFind. The interface match will provide verification after the SSN has been entered on a FC Medicaid case in received status. . ERep person home screen, alternate ID selection on side menu, will indicate how the SSN has been verified. Content manager may have copies of imaged social security cards ERep will set a task for a case with a Social Security Number that does not match the name provided.
- ❖ **Date of Birth:** Copy of eFind birth verification or birth certificate. Other documents may also be used to verify the child's date of birth. EFind also provides verification of birth for children who were born in Utah. Content manager may have copies of imaged birth certificates under a DWS case number. ERep and SAFE information should be identical. If not, determine the accurate information and make corrections as necessary.
- ❖ **PID-** ERep and SAFE should have identical PID's for the child. If duplicate PID's are identified, take steps to have the numbers merged prior to entering case information in eRep.
- ❖ **Placement:** SAFE and CARE can be used to verify that this is the current placement information. Print out of SAFE and CARE placement history is needed for eligibility file. A physical and mailing address for the child will be needed for the address information in eRep. The physical address is used to determine the county of residence. Medicaid policy requires that the Medicaid card be mailed to the place where the child is residing. Cards may not be mailed to provider offices.

### Caseworker Information

Worker Name	Office
Mailing Address (street, city, state, zip)	Telephone #

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- ❖ **Worker Name and Address:** The address of the foster care worker for the contact in eRep. This office address is also used on the foster child's person home.

**1. Custody**

The child entered State/Tribal custody by:

\_\_\_\_\_ Court Order/Warrant. **Petition date:** \_\_\_\_\_  
(Attach copy of petition, warrant, and all court orders relevant to current custody episode.)

**\*Petition or warrant date will most often determine the eligibility month**

\_\_\_\_\_ Voluntary Placement Agreement. **Date agreement signed** \_\_\_\_\_  
(Attach copy of agreement and all court orders relevant to voluntary placement.)

**\*Must be DCFS01 form, available in SAFE, and must be signed by the parent/guardian who is placing custody with the state and a representative of the agency.**

\_\_\_\_\_ Up-Front Voluntary Relinquishment. **Date relinquished** \_\_\_\_\_  
(Attach copy of all court orders subsequent to child entering care by voluntary relinquishment.)

**\*Rights relinquished prior to entry into care**

- ❖ Copies of warrant, petition, shelter order, voluntary agreement, and/or review orders are needed to verify the eligibility month, care and placement responsibility and IV-E wording. Rap sheets are used by DJJS to verify the eligibility month. Review court documents and voluntary agreements for signatures.

**2. Citizenship**

Is the child a U.S. citizen? Federal law now requires verification of the child's citizenship through documentary evidence.

\_\_\_\_\_ Yes (Attach copy of birth verification if born outside of Utah.)

- ❖ U.S citizen by birth or naturalization. Birth certificate or eFind birth verification. Citizenship must be verified for IV-E and Medicaid eligibility for a foster child. If you are unable to verify the citizenship of the child in a conventional way, contact the IV-E policy specialist.

\_\_\_\_\_ No If no, has child been permanently admitted to the U.S.?  
\_\_\_\_\_ Yes Date of entry into U.S. \_\_\_\_\_  
(Attach copy of immigration card or citizenship declaration.)

\_\_\_\_\_ No

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- ❖ Must be a Qualified Alien. Qualified Alien status must be verified through the Immigration and Naturalization Service verification process in eFind. You must have the information on the Alien Registration Card or I-94, to enter into case evidence in eRep. Once the information is entered into eRep case evidence, eFind will complete the SAVE search. If the information has been previously entered into eRep on another case, the SAVE search information will already exist in eFind under the previous case number.

**3. Student**

Is the child a full-time student?

Yes      Name of School \_\_\_\_\_ District: \_\_\_\_\_

No      Explain  
\_\_\_\_\_

- ❖ Caseworker statement, eRep or SAFE case information.

**4. Ethnic Background**

What is the child's ethnic background? (Check One)

- |   |   |
|---|---|
| <input type="checkbox"/> WH –White                          | <input type="checkbox"/> KO-Korean                  |
| <input type="checkbox"/> BL-Black/African American          | <input type="checkbox"/> VI-Vietnamese              |
| <input type="checkbox"/> AI - American Indian/Alaska Native | <input type="checkbox"/> OA-Other Asian             |
| <input type="checkbox"/> ASI- Asian Indian                  | <input type="checkbox"/> NH-Native Hawaiian         |
| <input type="checkbox"/> CH-Chinese                         | <input type="checkbox"/> SA-Samoan                  |
| <input type="checkbox"/> FI – Filipino                      | <input type="checkbox"/> GC-Guamanian/Chamorro      |
| <input type="checkbox"/> JA-Japanese                        | <input type="checkbox"/> OPI-Other Pacific Islander |
| <input type="checkbox"/> OT-Other _____                     |   |

- ❖ Caseworker statement, eRep person screen, SAFE person screen, eFind, I-94, or birth record.

**5. Hispanic**

- Yes  
 No  
 Unknown

- ❖ Caseworker statement, eRep person screen, SAFE person screen, eFind, I-94, or birth record.

**6. Removal Home**

Who lost custody of the child by court order or who voluntarily placed the child into care (i.e., who was responsible for the child’s ongoing care upon entry into foster care)?

**This is the removal home for eligibility purposes.**

Name(s) \_\_\_\_\_ Phone #: \_\_\_\_\_

Relationship to Child \_\_\_\_\_

Last Date Child Lived With \_\_\_\_\_

- ❖ **For removal home-**Petition, eRep case home page, case notes, SAFE case logs, CARE Rap Sheet or Case Summary.
- ❖ **Date last lived with-** SAFE or CARE placement history. SAFE case logs, CARE Case Summary, court orders, petitions, eRep notes (See Caretaker Relative Section for more information).

**7. Removal Home Household Members**

List household members in the removal home.

*If removal home in #5 above was the home of **parents**, include the foster child, parents (including stepparent), and the child's siblings under age 18. If removal home was the home of a **relative other than parents**, include only the foster child and the child's siblings under age 18 living in the home. If removal home was the home of a **non-relative**, include the foster child only.*

Name	Relationship to Child	Date of Birth	Social Security Number
(Foster Child)	Self		

- ❖ Caseworker, parent income/asset declaration, SAFE, eRep and CARE. This information is needed to establish your AFDC group size.

**8. Stepparents Children**

If a stepparent is a member of the removal household, indicate the number of the stepparent's children who are under age 18 and not siblings of the foster child:

\_\_\_\_\_ Number stepparent children living in the removal home **plus** number of stepparent children living outside of the removal home for whom **no** child support is being paid.

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\_\_\_\_\_ Number stepparent children living outside of the removal home for whom child support **is** being paid.

**Amount of child support paid monthly** \_\_\_\_\_

- ❖ Caseworker, parent income/asset declaration, SAFE, eRep, and CARE. This information is needed to establish the stepparent AFDC group size and necessary for deeming the stepparent income.

**9. Deprivation**

At the time of the petition, was one (or both) of the child's parents/stepparents:

A. Deceased?

\_\_\_\_\_ Yes Parent Name \_\_\_\_\_

Is surviving parent remarried? \_\_\_\_\_

\_\_\_\_\_ No

- ❖ Caseworker statement, Parent Income/Asset Declaration, death records, SAFE, CARE, eRep, eFind, Petition.

B. Continually absent from the **removal home** (listed in #5 above)?

\_\_\_\_\_ Yes Parent Name \_\_\_\_\_

Explain absence \_\_\_\_\_

If divorced, is custodial parent remarried? \_\_\_\_\_

\_\_\_\_\_ No

- ❖ Caseworker statement, Parent Income/Asset Declaration, eRep, eFind, SAFE, CARE, Petition.

C. Disabled?

\_\_\_\_\_ Yes Parent Name \_\_\_\_\_

Describe disability \_\_\_\_\_

How disability verified:  SSI  Other \_\_\_\_\_

Observed and documented by caseworker (*attach documentation*)

\_\_\_\_\_ No

- ❖ Caseworker statement, Parent Income/Asset Declaration, eRep, eFind, SAFE, CARE, petition, doctor or other health professional's statement.

D. Employed less than 100 hours per month (parent earning most in last 24 months)?

\_\_\_\_\_ Yes Parent Name \_\_\_\_\_

Explain \_\_\_\_\_

\_\_\_\_\_ No



**13. Additional Assistance**

Is anyone in the removal home receiving any non-cash support that the individual worked to earn (such as food, shelter, rent or utility payments, or clothing) from community organizations, churches, friends or relatives?

Yes \_\_\_\_\_ No \_\_\_\_\_

*If yes, list the kind of support, source of support, and value below:*

Kind of Support	Source of Support	Monthly Amount/Value

❖ Parent Income/Asset Declaration, eRep, Petition

**14. Dependent Care Expenses**

List costs of day care required due to employment of any household members of the removal home (and not paid to a household member).

Number of children under age 2		Total monthly cost	\$
Number of children age 2 or over		Total monthly cost	\$

❖ Parent Income/Asset Declaration, caseworker statement or eRep. Consider the age of the children and the parent's work schedule.

**15. Assets/Accounts**

Check account type and list information in the spaces below for household members from the removal home, **including the foster child**. *If none, specify NONE.*

- Savings Account                       IRA/Keogh/401K     Trust Fund  
 Checking Account                       Stocks/Bonds        Money Market Cert.

Name of Owner(s)	Joint Acct Yes/No	Financial Institution	Type of Account	Account Number	Account Balance

❖ Parent Income/Asset Declaration, eRep, Caseworker statement.

**16. Assets/Motor Vehicles**

Check type and list information in the spaces below for vehicles owned by household members from the removal home, **including the foster child**. *If none, specify NONE.*

- Car     Boat     Motorcycle  
 Snowmobile  
 Truck/Van                                       Motor Home                                       ATV  
 Other \_\_\_\_\_

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Name of Owner(s)	Vehicle Type	Make/Model	Licensed Yes/No	Current Value	Amount Owed

❖ Parent Income/Asset Declaration, Caseworker Statement, eRep, eFind, Kelly Blue Book.

**17. Assets/Personal Property**

Check type and list information in the spaces below for personal property owned by household members from the removal home, **including the foster child**.

*If none, specify NONE.*

- Home (not living in)
- Whole Life Insurance
- Time Share Condo
- Mineral Rights/Land
- Livestock
- Funeral Plans (not plots)
- Other

Name of Owner(s)	Type of Property	Market Value	Amount Owed	Equity/Cash Value

❖ Parent Income/Asset Declaration, Caseworker statement, eRep.

**18. Placement History:**

List information in spaces below regarding all placements for the foster child since entering this episode of custody or attach copy of placement history for current custody episode.

Placement and Removal Dates (if applicable)	Placement Type (foster, group, residential, etc.)	Is this a kinship placement? Yes/No How related?	Provider Name	Provider Address	*Fully Licensed Yes/No

❖ SAFE, CARE, SAFE licensing information, Caseworker Statement.



**19. Health Insurance, Dental Insurance, Major Medical Needs, and Accident:**

Is the child covered by any health insurance through the child's parents or stepparents?

❖ Parent Income/Asset Declaration, ORS, Caseworker Statement, eFind.

**Make sure the application is signed and dated by the caseworker**

**\*\*If there is inaccurate information on the application you may add the correct information in red and initial the correction. Please make sure any corrections are clear and professional.**

## Identifying the Type of Removal

### Voluntary Placement Agreement



Utah's Division of Child and Family Services Practice Guidelines

#### 206.3 Voluntary Custody

Major Objectives:

The parent or guardian of a child may request that Child and Family Services place their child in a voluntary and temporary out-of-home placement, or a CPS worker may offer a voluntary and temporary out-of-home placement. A voluntary out-of-home placement shall only be used when the parent(s) or guardian(s) can have unrestricted access to the child without presenting a risk to the health, safety or well-being of the child.

**Procedure:**

A voluntary placement agreement is a signed written agreement between the State and the parent(s) or the legal guardian(s) of the child. The voluntary placement may not exceed 45 calendar days. When additional voluntary care is needed, the worker may request an extension prior to the expiration of the 45-day time frame. The agreement must be completed on form DCFS01, available in SAFE forms, General Section. 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.

When determining the Foster Care Medicaid eligibility of children in care through a Voluntary Placement Agreement, the income and assets of the family must be considered if the parent is the person losing custody and the child is not IV-E eligible.

Appropriate copies of the applicable DCFS01 form should be provided with the application.

## Court Ordered Removal



### **Procedure:**

A court must remove the child from the home and place custody with a State agency such as DCFS or DJJS.

Utah's Division of Child and Family Services Practice Guidelines

#### **205.1 Grounds for Removal/Placement of a child into Protective Custody**

##### Major Objectives:

The Child and Family Services caseworker shall obtain a warrant from the court of competent jurisdiction to facilitate the removal and subsequent placement of a child into protective custody, unless there are circumstances that demonstrate a substantial, immediate threat to the health or safety of a child. ....

Before taking a child into protective custody the Child and Family Services CPS worker shall determine whether there are services reasonably available that would eliminate the need to remove the child from the custody of his or her parent.

The following have authority to place a child into protective custody:

- A. A court of competent jurisdiction issuing a warrant.
- B. A Child and Family Services worker without a warrant, in accordance with the requirements of Utah Code.
- C. A law enforcement/peace officer.
- D. A physician or person in charge of a medical facility may place the child on a medical hold for up to 72 hours.

### **Warrant Removal/Protective Custody:**

Child and Family Services workers request a warrant from the court through the Assistant Attorney General's office. A warrant may be requested in circumstances outlined in Utah Code and Utah's Division of Child and Family Services Practice Guidelines.

**Request to the Assistant Attorney General will be made in the form of an Affidavit for a Warrant.**

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**IN THE FOURTH DISTRICT JUVENILE COURT  
WASATCH COUNTY, STATE OF UTAH**

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STATE OF UTAH, in the interest of : **AFFIDAVIT OF**  
**Duck, Donald DOB 12/25/2001** : **DCFS CASEWORKER**  
A person under 18 years of age : **Judge Judy**

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**STATE OF UTAH :**  
**WASATCH COUNTY:**

Allegations and reason for request as listed  
Signed and dated by the DCFS case worker requesting the warrant

**Warrant Issued by the Judge**

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**IN THE FOURTH DISTRICT JUVENILE COURT  
WASATCH COUNTY, STATE OF UTAH**

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STATE OF UTAH, in the interest of : **SEARCH WARRANT &  
ORDER FOR  
IMMEDIATE SHELTER**  
**Duck, Donald DOB 12/25/2001** :  
A person under 18 years of age : **Judge Judy**

---

**SEARCH WARRANT AND ORDER FOR IMMEDIATE SHELTER TO  
ANY PEACE OFFICER OR DIVISION OF CHILD AND FAMILY SERVICES  
WORKER:**

Warrant will be signed and dated by the Judge.

Warrants will sometimes come in two parts. An order issuing the warrant and the actual warrant. If the warrant does not have best interest language in it, make sure to ask for the "Order Issuing the Warrant".

**Emergency Removal/Protective Custody:**

A child may be removed from home without a court order in circumstances where the child is living in a home where methamphetamine or other illicit drugs are being manufactured.

**Utah's Division of Child and Family Services Practice Guidelines**  
**205.3 Removal of a Child from a Home Where Methamphetamine or Other Illicit Drugs are Manufactured**

Major Objectives:

Children located where there is manufacturing of methamphetamines and/or other illicit drugs shall be taken into protective custody where law enforcement determines the child is present and is at risk due to exposure or access to chemicals or other substances used in the production, manufacture, or distribution of the drugs. This may include situations in which the child has been exposed to a contaminated environment.

In both circumstances of a child being in the protective custody of Child and Family Services, a petition shall be filed with the juvenile court and a shelter hearing held.  
Utah's Division of Child and Family Services Practice Guidelines

**205.6 Shelter Hearing**

Major Objectives:

A juvenile court shelter hearing shall be held within 72 hours after removal of the child from his or her home, excluding weekends and holidays.

**Petition to the Court will be filed with the juvenile court**

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**IN THE FOURTH DISTRICT JUVENILE COURT  
IN AND FOR WASATCH COUNTY, STATE OF UTAH**

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STATE OF UTAH, in the interest of : VERIFIED PETITION

DUCK, DONALD DOB 12/25/2011 : Case No. 00000

A child under 18 years of age : Judge Judy

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The petition shall include the following:

1. The reasons why the child was removed from the custody of the parents or guardian.
2. Reasonable efforts provided to the child and his or her family to prevent removal.
3. The need, if any, for continued custody.
4. The available services that could facilitate the return of the child to the custody of his or her parent(s) or guardian(s).
5. Whether the child has any relatives who may be able and willing to take temporary custody.

Petitions will be signed and dated by the DCFS Caseworker and/or the Assistant Attorney General.

**Shelter Hearing/Temporary Custody Order**

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**FOURTH DISTRICT JUVENILE COURT  
FOR WASATCH COUNTY, STATE OF UTAH**

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STATE OF UTAH, in the interest of

FINDINGS OF FACT, ORDER  
AND DECREE

DUCK, DONALD DOB 12/25/2001

Case No. 00000

A child Under 18 years of age

This matter came before the Court on the date stated below for a hearing on the petition which was filed on \_\_\_\_\_. The Court, having heard and examined all of the evidence adduced and good cause appearing, the Court makes the following initial findings and order:

**FINDINGS AND ORDER**

Findings of the court listed.

**THEREFORE IT IS ORDERED**

Dated \_\_\_\_\_

**BY THE COURT:**

\_\_\_\_\_  
Judges signature

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**IN THE FOURTH DISTRICT JUVENILE COURT  
FOR WASATCH COUNTY, STATE OF UTAH**

---

STATE OF UTAH, in the interest of

MINUTES FINDINGS AND ORDER

(name hand written)

Case No:

A person under eighteen years old

---

**FINDINGS AND CONCLUSIONS**

**ORDER**

Dated this day \_\_\_\_\_

BY THE COURT

\_\_\_\_\_  
Judge's signature



**Removal of a Child from home when home-based services are being received**  
**106.4 Removal of a Child from the Home**

Major Objectives:

[Refer to removal major objectives in CPS Section 200.]

If there are two Child and Family Services workers assigned to the case, the workers shall collaborate prior to making a decision to remove the child from the home, unless the removal is due to an emergency.

If a child needs to be removed from the home in which the child's family is receiving home-based services, the home-based worker shall follow the requirement specified in CPS major objectives.

**Custody ordered during a home-based services review hearing**

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**SEVENTH DISTRICT JUVENILE COURT  
FOR CARBON COUNTY, STATE OF UTAH**

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STATE OF UTAH, in the interest of

Review Order

Duck, Donald 12/25/2001

Case No. 00000

Duck, Daisy 01/27/1999

Case No. 11111

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A person under the age of 18 years

This matter came before the court

**MINUTES:**

**FINDINGS AND CONCLUSIONS:**

**IT IS ORDERED:**

BY THE COURT

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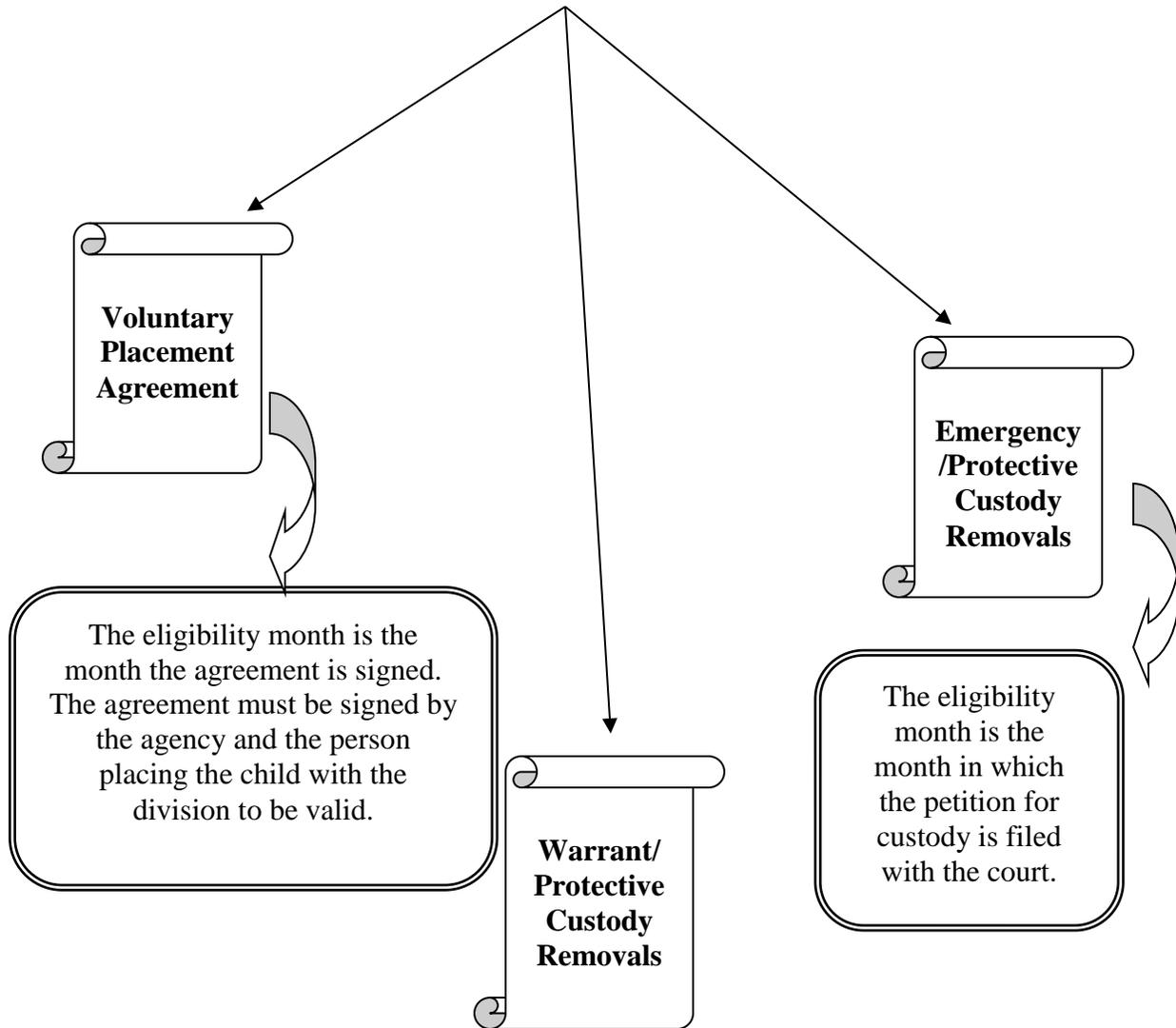
Judge's Signature

## Determining the Eligibility Month

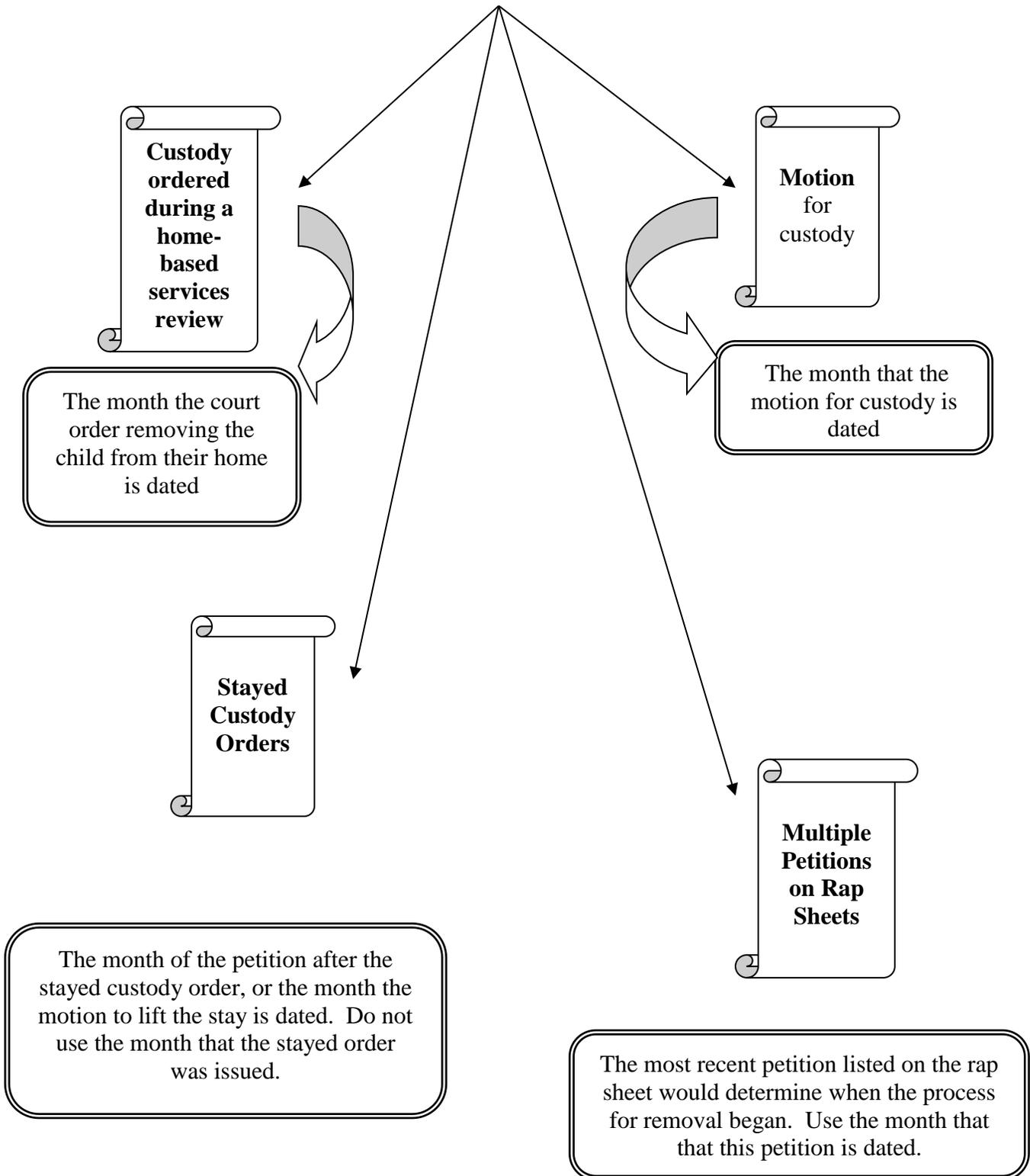
### Title IV-E Foster Care Eligibility Determination Procedures 2-6.C

*The eligibility month is the month in which the legal process that led to the removal of the child was initiated.*

## How did the process for removal begin?



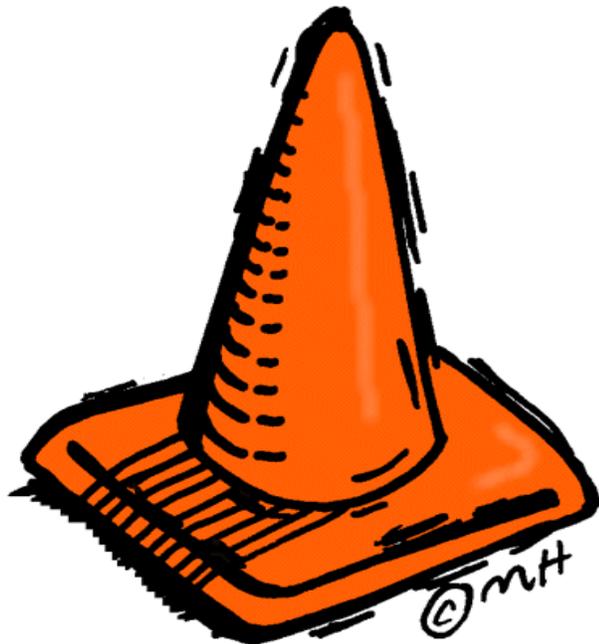
## How did the process for removal begin?



## Voluntary Relinquishment

● **At the point of removal of a child from his or her home, a termination of parental rights (TPR) alone is not proof that deprivation exists. IV-E AFDC factors must be established based on the circumstances in that home.**

- ✓ Deprivation (other than TPR)
- ✓ Income
- ✓ Assets
- ✓ AFDC group size





# COURT ORDERS

## DISTRICT COURT

It is in the "Best Interest" that said  
child be removed from the custody  
of the parent or guardian

"Reasonable Efforts" that were  
made to prevent the removal of  
said child:

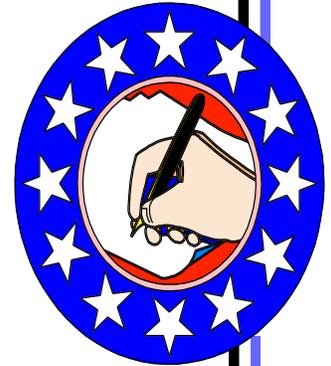
- (A) \_\_\_\_\_  
(B) \_\_\_\_\_

"OR"

An emergency existed so that  
Reasonable Efforts were not necessary  
or not required.

The court orders custody to the State  
Agency (DCFS or DJJS)

Judge: *John Hancock*





# Custody & Legal Language



## “Custody”

**Requirement:**

The state agency must have custody of the child before a determination of IV-E eligibility can be made.

**Court Order Custody**

The state agency must have care and placement responsibility for the child. The court must have removed the child from their home and placed custody with the State IV-E agency.

- a. This may be initiated with a warrant or the filing of a petition or motion requesting custody of the child.

**or**

**Voluntary Placement Agreement**

DCFS01 form (available in SAFE) signed by both the parent(s) or the legal guardian(s), AND the caseworker, giving Child and Family Services temporary custody, care and placement responsibility for the child.

- a. DJJS does not use Voluntary Placement agreements.

## “Best Interest Language”

**Requirement:**

The **initial (very first) court order** that removes the child from the home, even temporarily, **must** include “best interest” or “contrary to the welfare of the child” language. **A warrant for custody is considered the initial court order.**

- a. A transcript of court proceedings is the only acceptable alternative documentation.

**Examples:**

1. The child is without proper care, custody, or support, and immediate protective custody is necessary to prevent personal harm to the child.
2. The child is being placed in State custody due to the child’s need for treatment, rehabilitation, and supervision.
3. Removal from the home is/was necessary to protect the child.
4. The child is without proper care and supervision.
5. Parents are unwilling or unable to protect the child.
6. There are reasonable grounds to believe that the child’s condition requires that custody be immediately assumed to safeguard the child’s welfare.

**What doesn't work:** Language indicating that the child is a danger to the safety of the community or that it is in the best interest of the community for the child to be placed in custody does not meet the best interest of the child requirement?

### **“Reasonable Efforts Language”**

**Requirements:** If a child was removed by court order, the court must make a finding of reasonable efforts **within 60 days of removal** in order for the case to be IV-E eligible.

- a. A transcript of court proceedings is the only acceptable alternative documentation.

#### **Hearings that must take place within 60 days of removal**

- a. Shelter hearing within 3 working days
- b. Pre-trial hearing within 15 calendar days
- c. Adjudicatory Hearing within 60 calendar days (if a decision is not reached prior to that time)

#### **Reasonable efforts language needs to be child specific:**

The federal requirement is that the steps to procure reasonable efforts be documented and specific to the child. This can be accomplished in either the court order or the petition. If the court order does not contain a description of the reasonable efforts made, the eligibility worker can use the petition or rap sheet, together with the court order, for determining eligibility. The “reasonable efforts to prevent removal” language must still be in the court order.

**In cases where the court order does not contain child specific reasonable efforts language, the eligibility workers will need to obtain a copy of the petition or rap sheet to ensure that the reasonable efforts language requirement has been met.**

- Examples:**
1. Reasonable efforts were made to prevent removal from the home or to prevent placement and these efforts include (Court order must specify what the reasonable efforts were) \_\_\_\_\_  
**or**
  2. Reasonable efforts have been made by the agency to prevent removal from the home.  
**or**
  3. Due to an emergency situation that amounts to aggravated circumstances, the lack of preventative efforts was reasonable.  
**or**
  4. 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 a sibling have been involuntarily terminated.

**What doesn't work:** "Reasonable efforts have been made to prevent removal and these efforts include \_\_\_\_\_ (left blank) \_\_\_\_\_"

### **Amended Court Orders**

A court order may be amended to contain the reasonable efforts finding. When using an amended order, use the date the judge signed the amended order as the effective date. The judge must sign an amended order within 60 days of removal to meet the initial IV-E reasonable efforts language requirement.

### **"Nunc Pro Tunc Court Orders"**

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

### **"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.

### **"Legal Requirements for Voluntary Placement"**

**Requirement:** A child may be IV-E eligible for up to 180 days under a voluntary placement agreement. The child may only remain IV-E eligible if a judicial determination is made with the required "best interest" language by the 181<sup>st</sup> day. The initial court order that gives custody to the State must include "best interest" language. Reasonable efforts language is not required. The voluntary placement agreement is considered to be reasonable efforts.

**Examples:** See page 23

**What about gaps:** If there is a gap of a few days in the expiration date of the voluntary agreement and the start of another voluntary agreement or a court order giving custody to the Division, it would not affect the IV-E eligibility of the child as long as the Division retains care and placement responsibility during that time. Placement and care responsibility means that the Division is legally accountable for the day-to-day care and protection of the child in foster care.

### **“Legal Requirements for Voluntary Relinquishment”**

Voluntary Relinquishment means the voluntary relinquishing by parent(s) of their parental rights to the state without court involvement.

**Requirement:** **Prior to Entry into Care-** A child entering foster care due to a parent(s) 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 best interest and reasonable efforts language. The removal from the home would be considered a “judicial removal” and the reasonable efforts determination must be made in relation to removal of the child from the home.

**While in Care-** Parental Rights termination after entry into care is only applicable in determining ongoing deprivation of parental support and ongoing IV-E eligibility. After parental rights are terminated, a child is permanently deprived of parental support.

**The eligibility file must contain a copy of the SIGNED court orders. Digital signatures on court orders are acceptable for IV-E and Medicaid purposes**



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8. Reasonable efforts have been made by the family, Juvenile Court, Central Utah Counseling Center and DCFS to prevent removal of Jared from the home, including mental health services, youth services, and family preservation services.

Yes No

9. Due to the existing aggravated circumstances, further pre-placement preventative efforts are not reasonable or necessary and/or would be futile. The court finds the following aggravating factors:  
Undue depreciation of offense, lack of remorse, lack of amenability with lesser sanctions, lack of attendance or participation in educational programs.

Yes No

10. The court finds that the service plan is reasonable.

Yes No

11. An emergency situation existed at the time of removal such that the child could not safely remain at home, which situation justified removal without the provision of pre-placement reasonable preventative efforts.

Yes No

12. The Division's removal and placement of the children were necessary and in the children's best interest, and the Division made reasonable efforts to prevent removal of the children, as is described above; however, due to the existing aggravated circumstances, as described above, that existed at the time of the removal, further pre-placement preventive efforts were not reasonable or necessary and/or would be futile.

Yes No

13. The parents are hereby ordered to contact the Office of Recovery Services to determine reasonable contribution for the support of the children.

Yes No

14. Reasonable and persistent efforts have been made to prevent out of home placement, however, such efforts have been unsuccessful.

Yes No

15. Reasonable efforts have been made by DCFS/Other Agency to prevent placement outside of the home, including \_\_\_\_\_(left blank)\_\_\_\_\_

---

Yes No

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16. The court finds that it is in need of additional information and assessments. Further, reasonable efforts to maintain the minor in his home have failed. The efforts include non-judicial handling of infractions committed by the minor.

Yes

No

17. A child was removed from their home on March 29, 2004. Petition and shelter orders are dated April 3, 2004. There is no reasonable efforts language in the shelter order. Court order dated May 31, 2004, contains the following wording; Reasonable efforts were made to prevent removal from the home and these efforts include voluntary services provided to the family from January 2004 through March 2004.

Yes

No

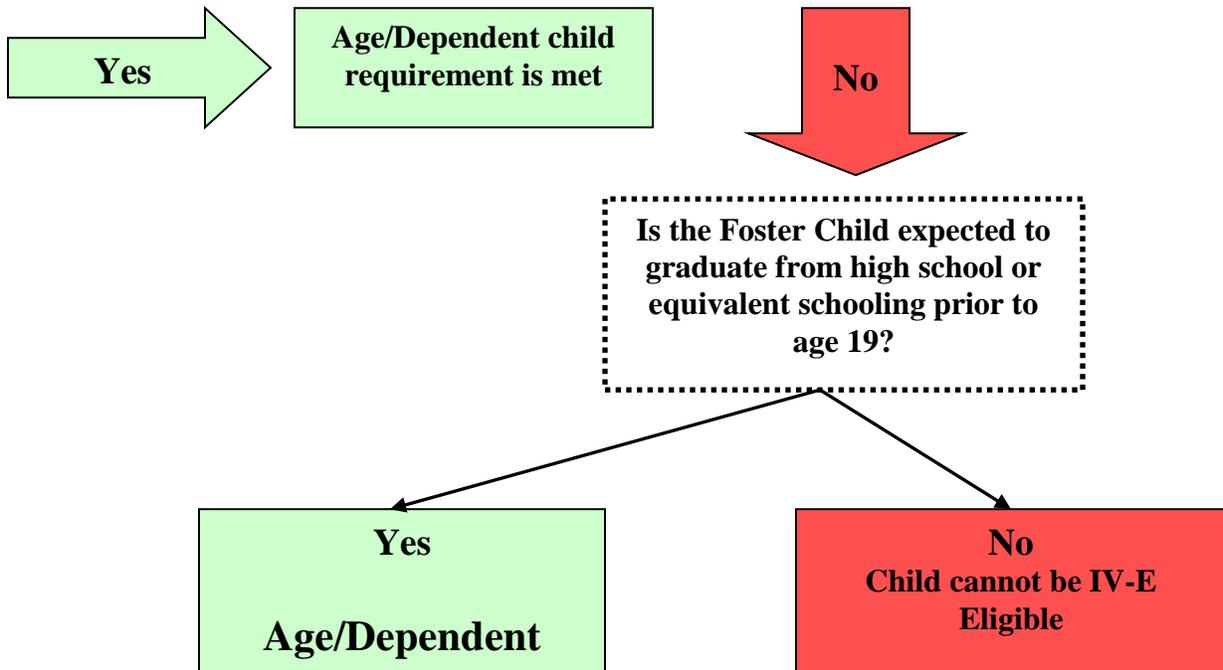
**AGE????**  
**Dependent Child??**



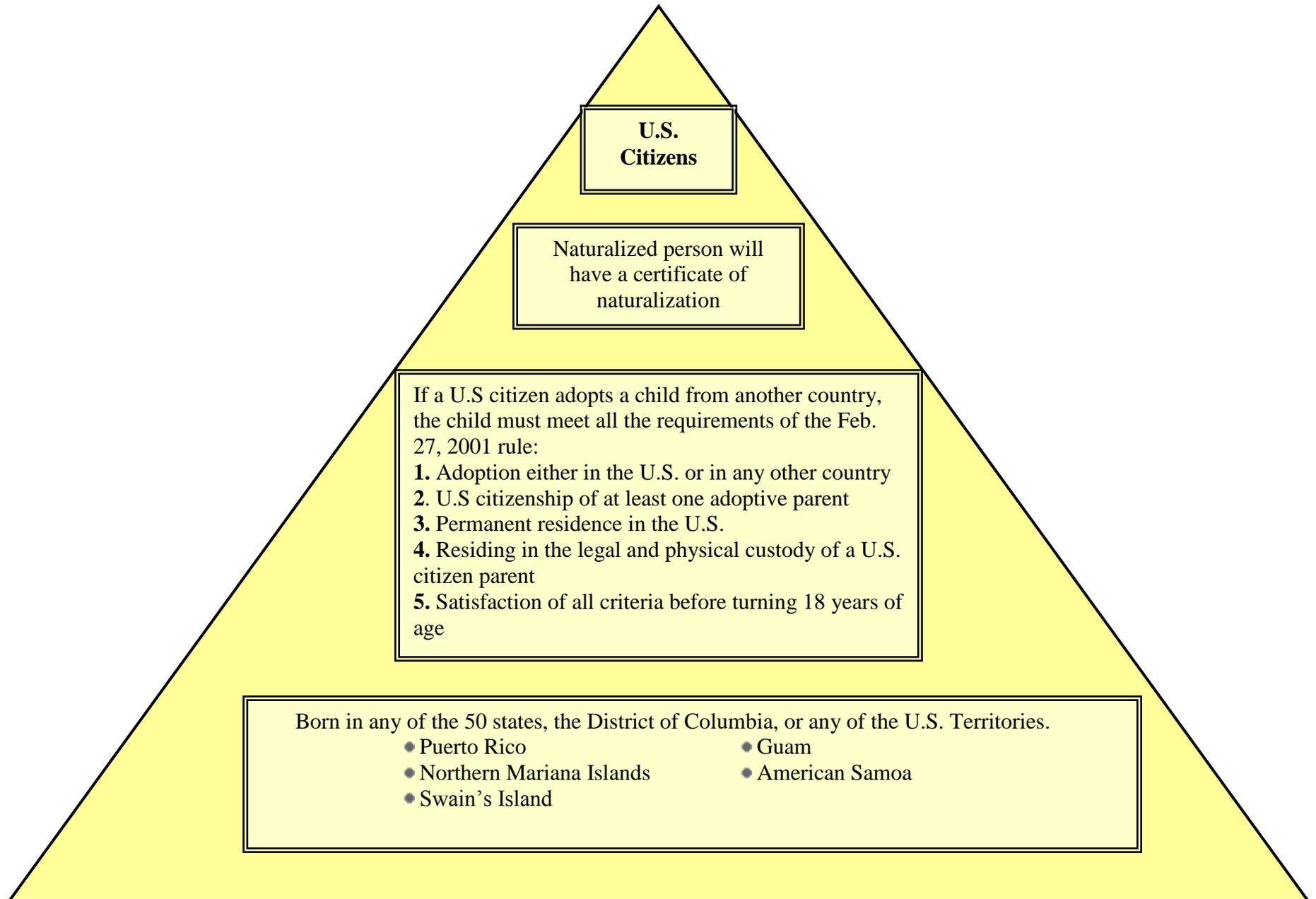
**IV-E Eligibility—AFDC Criteria, Dependent Child/Age**

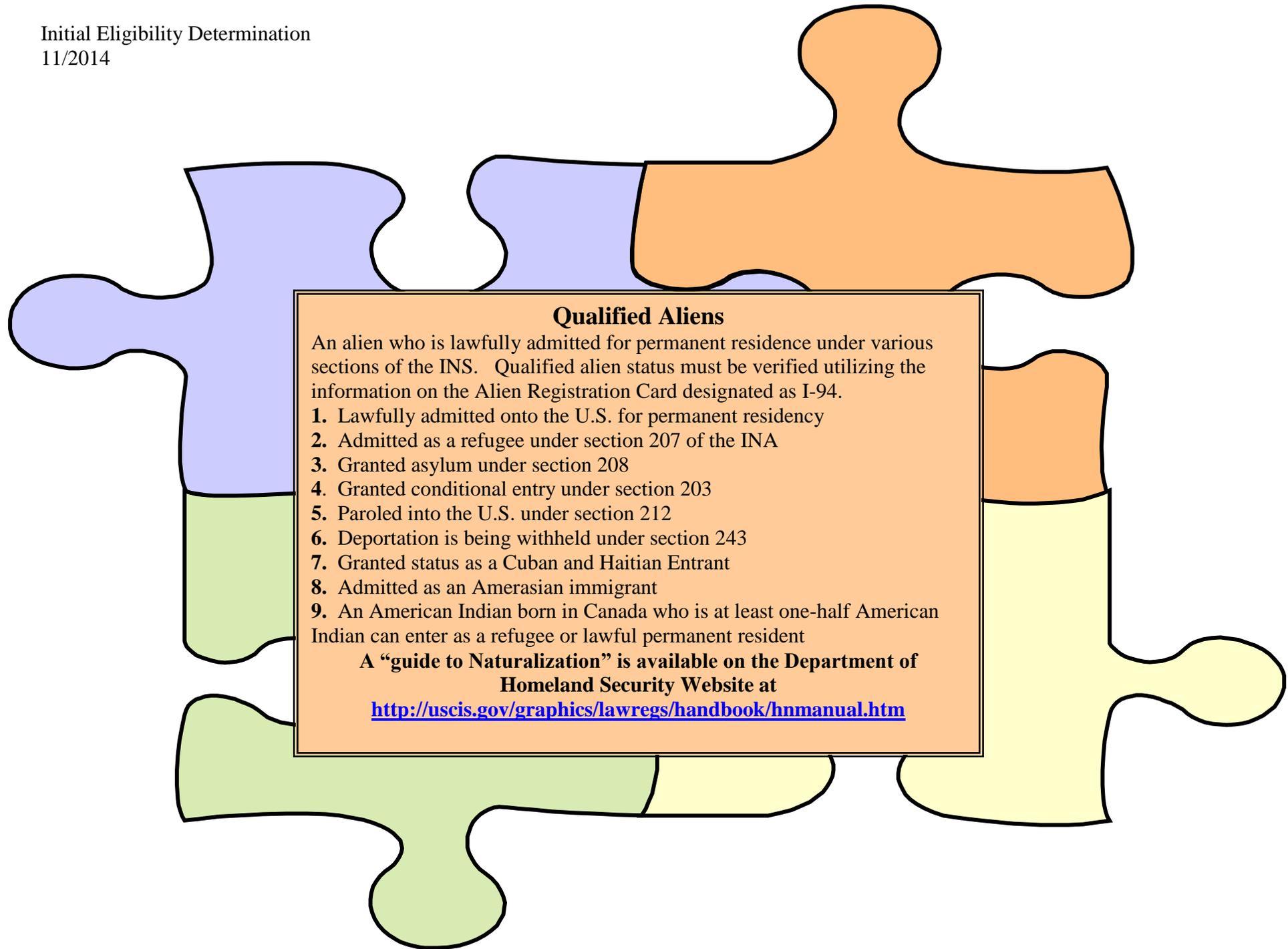
To be IV-E eligible, a foster child must be a dependent child, defined as a minor under age 18; or, a child between the ages of 18 and 19 in secondary school or training full time, and expected to graduate or complete training before turning age 19. IV-E eligibility discontinues at the end of the month when an 18 year old child. If it is determined that an 18 year old foster child will not graduate prior to age 19 the IV-E eligibility ends at the end of the month when the child turns 18.

**Is the Foster Child under age 18?**



# Citizenship Requirements





### **Qualified Aliens**

An alien who is lawfully admitted for permanent residence under various sections of the INS. Qualified alien status must be verified utilizing the information on the Alien Registration Card designated as I-94.

1. Lawfully admitted onto the U.S. for permanent residency
2. Admitted as a refugee under section 207 of the INA
3. Granted asylum under section 208
4. Granted conditional entry under section 203
5. Paroled into the U.S. under section 212
6. Deportation is being withheld under section 243
7. Granted status as a Cuban and Haitian Entrant
8. Admitted as an Amerasian immigrant
9. An American Indian born in Canada who is at least one-half American Indian can enter as a refugee or lawful permanent resident

A “guide to Naturalization” is available on the Department of Homeland Security Website at

<http://uscis.gov/graphics/lawregs/handbook/hnmanual.htm>

## Ethnicity and Tribal Information

**Purpose:** Children and families have the right to be understood within the context of their own family rules, traditions, history and culture.

### Ethnicity



**DCFS has the responsibility to record as accurately as possible the ethnicity of each foster child.**

- EREP
- Court Order
- Application
- Caseworker
- SAFE

Use the information provided to you on the application unless you have reason to question the accuracy of that information.

### Eligibility and Indian Tribes

- To know if a child belongs to a tribe, use the ethnicity identified on the application unless information exists in another agency's system that leads you to believe the application's information is inaccurate. ERep information regarding the ethnicity of a client is located on the ETRC screen.
- Tribe information should be indicated by the caseworker in SAFE on the person record. The tribe information must be entered in SAFE before ongoing data can be entered and saved. The eligibility worker cannot enter the IV-E data until the tribe information, for a designated tribal child, has been entered.
- The tribe information may be in the court order or petition.
- ICWA requires that the tribe be notified of placement of Indian children. The caseworker is required to provide this notification to the tribe. The eligibility worker must know where the child is placed. Accurate placement information must be entered in SAFE by the caseworker.
- In some cases, the tribe licenses the tribal placements. The eligibility worker will need a copy of the tribal license for children placed in tribal placements. If a licensed tribal placement moves from the reservation, the placement must then

apply to for a foster care provider license through the Utah State Office of Licensing. Check with the State Office if you have questions about the IV-E agreement with the tribe.

- If the State is not paying a cost of care payment to the placement, Foster Care IV-E and Medicaid eligibility must be ended.
- Most tribal funds are exempt income. See income section of the IV-E policy manual for a complete list. Tribal TANF is a countable source of unearned income.
- Tribal courts can order custody to a State agency.

**How can I find out if the child belongs to a tribe?**

- ERep
- Caseworker
- Court Order
- SAFE

---

**IN THE UTE INDIAN JUVENILE COURT  
OF THE UINTAH AND OURAY  
FORT DUCHESNE, UTAH**

---

<b>IN THE INTEREST OF:</b>	}	CASE NO: _____
A minor child                      DOB	}	DATE: _____
	}	JUDGE: _____

---

**COURT MINUTES**

**TYPE OF HEARING**

**APPEARANCES**

**FINDINGS AND ORDERS OF THE COURT**

Best Interest language  
Reasonable Efforts language

**CUSTODY COMMITTED TO**

- THE STATE OF UTAH SOCIAL SERVICES.
- UTE INDIAN TRIBE SOCIAL SERVICES
- YOUTH CORRECTIONS
- OTHER \_\_\_\_\_

DATE: \_\_\_\_\_

BY THE COURT \_\_\_\_\_

Judge's signature

---

# "Tahwe Tawuhchew"

*Ute Tribe Family Center  
Certifies*

---

*As a foster home  
For the Ute Tribe*

*From* \_\_\_\_\_

*To* \_\_\_\_\_

---

*Foster Care Certifier*

---

*Director*

## **Indian Child Welfare Act**

### **Native Elders pass their teachings, values, languages, unique practices and traditions on to the children.**

The Indian Child Welfare Act helps to preserve these traditions.

Indian children have a unique political status not afforded other children as members of sovereign tribal governments. This political status, as well as the history of biased treatment of Indian children and families under public and private child welfare systems, is the basis for the enactment of the **Indian Child Welfare Act of 1978**.

### **Purpose of the Indian Child Welfare Act**

The purpose of the law, commonly known as ICWA, is to preserve and strengthen Indian families and Indian culture. ICWA establishes “minimum federal standards for the removal of Indian children from their families and placement in foster or adoptive homes which will reflect the unique values of Indian culture.”

It is through the children that the elders’ teachings, values, languages, unique practices, and traditions are passed on and preserved. ICWA is a federal law; it supersedes state law.

ICWA applies to “child custody proceedings” in state courts. A “child custody proceeding” is defined as to include foster care placements, termination of parental rights, pre-adoptive placements, and adoptive placements.

State agencies should make a diligent effort to identify every child who is subject to ICWA. An “Indian child” is defined as:

- Any child unmarried and who is under 18 and is either a member of an Indian tribe or is eligible for membership in an Indian tribe and is the biological child of a member of Indian tribe.

Congress, in enacting ICWA, recognized that the tribe has a direct interest in its children. The tribe is entitled to NOTICE as a party, because from an Indian perspective, a child is a sacred and precious resource that belongs to the entire tribe.

- Formal notice is required to tribe(s), the parents, and Indian custodian whenever a child custody proceeding is initiated, §1912 (a) of ICWA.

Exclusive jurisdiction is vested with the tribal court over any child custody proceeding involving an Indian child who:

- Resides or is domiciled within the reservation or is a ward of the tribal court regardless of the child’s domicile, 25 U.S.C. §1911 (a).
- Concurrent jurisdiction lies with the tribal and state court when a child resides or is domiciled off the reservation and the child is not a ward of the tribal court.

For those cases in which the state courts do have jurisdiction, there are important qualifications put upon that jurisdiction:

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- In matters of adoption or termination of parental rights, the state must transfer the proceedings to tribal court upon petition by the parent, custodian, or tribe.
- The state must follow priorities in the placement of Indian children, with the first preference given to extended family members, then to members of his or her tribe, and then to Indian families generally.
- Child-placing agencies must provide remedial, culturally appropriate services for Indian families before a placement occurs.
- Tribes must be notified regarding the placement of Indian children.

The Urban Indian Center of Salt Lake has been serving American Indian and low-income populations along the Wasatch Front since 1984. They provide services to clients from numerous ethnic backgrounds and more than 50 separate tribes. All services are provided in a culturally appropriate manner.

The Indian Child Welfare Law Center & Information website offers various flow charts for assistance in determining if the ICWA will apply in a state proceeding.

Related links to websites

<http://dcfs.utah.gov/indian-children/>

<http://www.icwlc.org/>

Division of Child and Family Services

**Rodger Williams**

**Indian Child Welfare Program Manager**

195 N 1950 W

Salt Lake City, UT 84116

(801) 696-4866

E-Mail: [rodgerwilliams@utah.gov](mailto:rodgerwilliams@utah.gov)

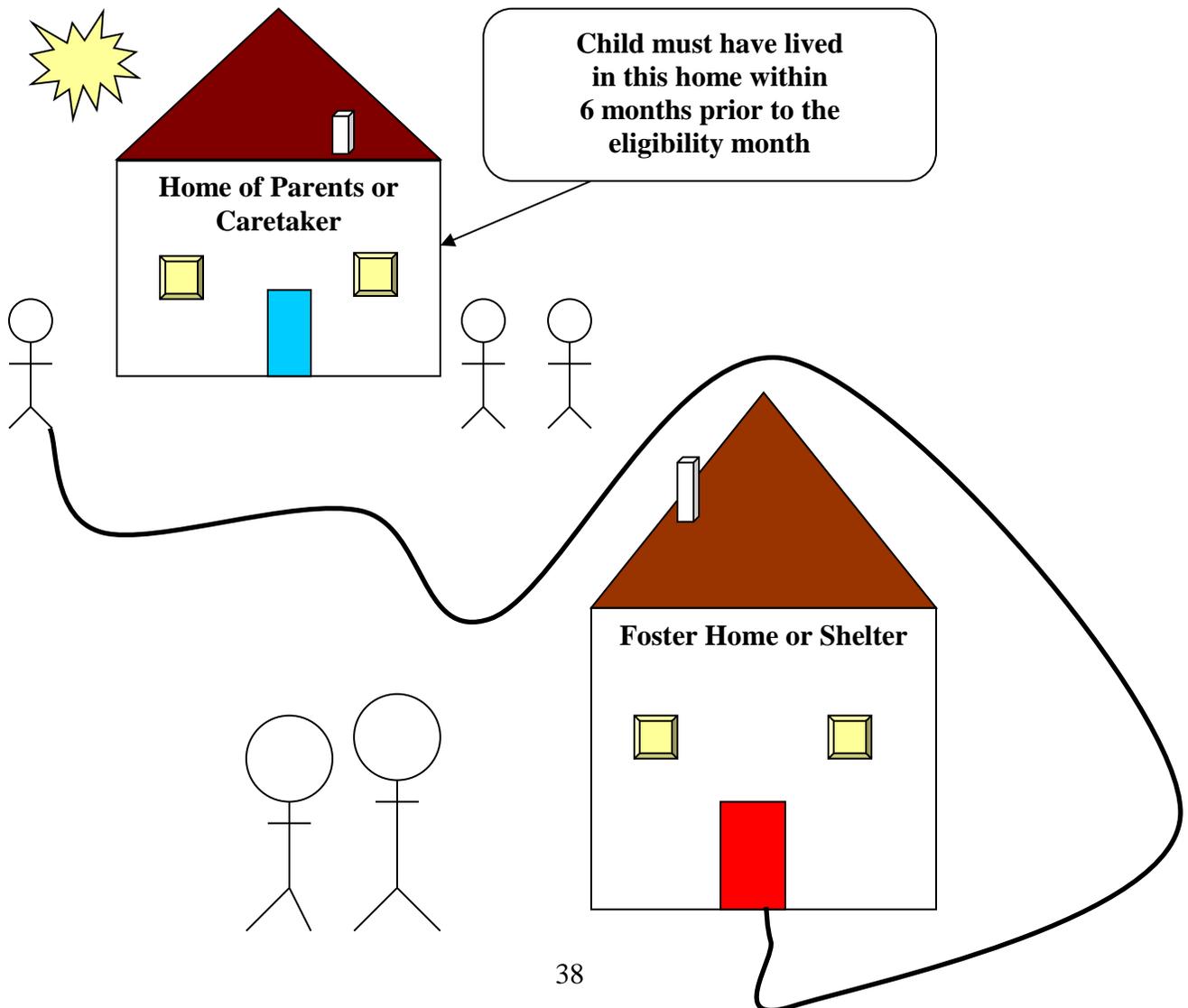
Fax: (801) 538-3993

# Removal Requirements

Except in cases of a “Constructive Removal,” Title IV-E requires that a child be physically removed from the home within six months prior to or after the eligibility month.

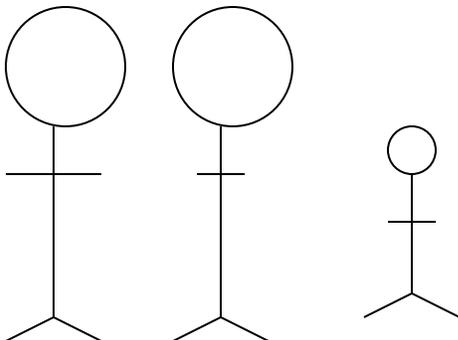
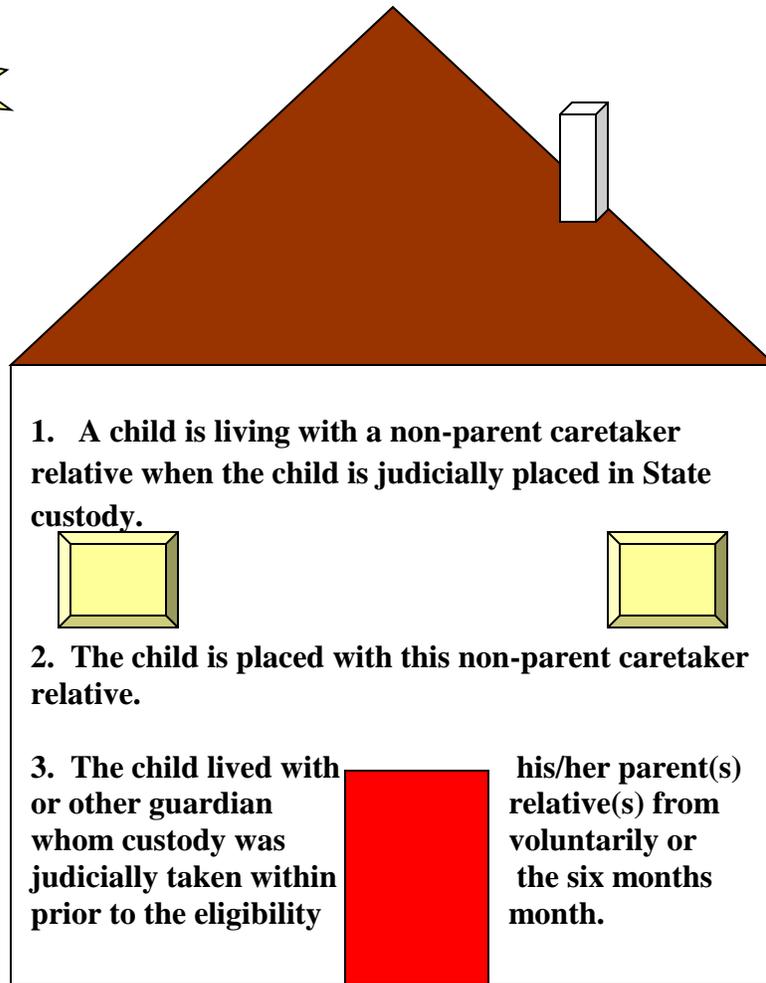
## Physical Removal

Physical removal means that the child is physically removed by the State from the child’s current living arrangement and placed into another living arrangement under State control. The child must be removed from the home within 24 hours of the court finding of “contrary to the welfare” in order to meet the removal requirements. If the child is not removed within that time frame, DCFS must document the extenuating circumstances that delayed the removal. These circumstances could include a child or family who has run away or is in hiding, but would not include the lack of a placement for the child unless the court had made a finding that the child could stay in the home until a placement was found.



# Constructive Removal

Physical removal of the child is not required when a constructive removal takes place. Constructive removal occurs when **ALL** of the following apply:



# Verification of Removal Home

## Who lost custody of the child?

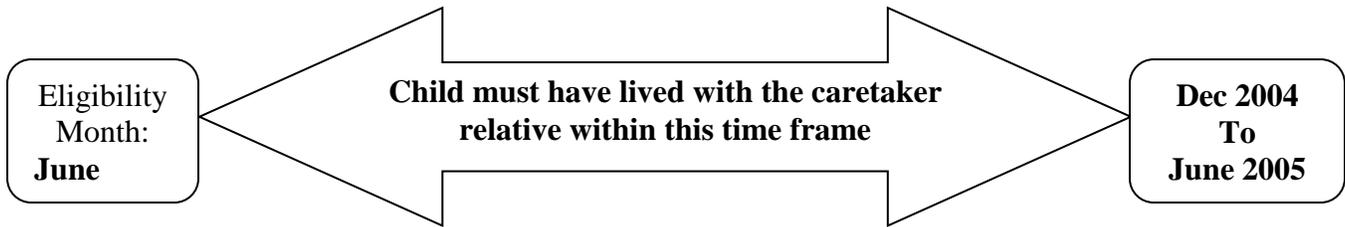


- ✚ The home from which the child was physically removed is not always considered the removal home for IV-E purposes. Look for the person from whom custody was judicially or voluntarily given to the state.
  - ❖ Assume that this is the child's parent unless there a court order giving custody to another person, or another person was providing ongoing care and support over an extended period of time. Consult the State Office in cases where a person (other than the legal guardian) has been providing ongoing care and support without legal custody of the child.
  - ❖ Documentation of custody should be provided to or found by the eligibility worker if the person losing custody is not the parent. Copies of court orders or petitions containing custody information are the best way to support this.
- ✚ It is very important to insure that the removal home information used for the IV-E determination is accurate. Use the following to assist you in identifying the correct removal home.
  - ❖ Application
  - ❖ SAFE Activity Logs
  - ❖ 24 hour meeting information
  - ❖ ERer notes
  - ❖ ERep case member information
  - ❖ Court orders or petitions
  - ❖ O&A reports

# Caretaker Relative



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 the 6 months prior to the eligibility month. If a newborn baby is placed into foster care directly from the hospital or after birth to a prisoner, the requirement for living with a caretaker relative is met. If the child has not lived with the caretaker relative within the 6 month requirement, the child cannot be IV-E eligible.



Eligibility Month	1 month prior	2 months prior	3 months prior	4 months prior	5 months prior	6 months prior
June 2005	May 2005	April 2005	March 2005	February 2005	January 2005	December 2004

**\*Note: Count in whole months**

**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:**

- Biological parent, adoptive parent, or stepparent
- Brother or sister, including step-brother/sister, half-brother/sister, and adoptive brother/sister
- Aunt or uncle
- Nephew or niece
- First cousin or first cousin once removed.
  - a. A first cousin once removed is a first cousins' child
- 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.

- **A natural parent whose parental rights have been terminated by the court or voluntarily relinquished has no legal standing to the child and does not meet the caretaker relative requirement.**

### **Removal from a Non-Caretaker Relative**

A non-caretaker relative is a person that does not have a familial relationship to the child that meets the caretaker relative definition. If the person losing custody of the child is a non-caretaker relative the child cannot be IV-E eligible.

Examples of non-caretaker relative include any of the following:

- Neighbor
- Friend
- Teacher
- Religious leader
- Second cousin

### **Reminder:**

**Don't just pull the caretaker relative information "out of the hat"! Make sure you have documentation that the caretaker relative had *legal custody* of the child. If not consult the State Office!**



## Constructive Removal Determination Worksheet

Eligibility Month \_\_\_\_\_

Physical removal of the child is not required when a constructive removal takes place. Constructive removal occurs when "ALL" of the following apply:

1. Was the child living with a non-parent caretaker relative when they were ordered into State custody?

\_\_\_\_\_ YES go to question #2

\_\_\_\_\_ NO  This is not a Constructive Removal

2. Is the child placed with this non-parent caretaker relative?

\_\_\_\_\_ YES go to question #4

\_\_\_\_\_ NO  This is not a Constructive Removal

3. Did the child live with his/her parent or "other" legal guardian relative from whom custody was voluntarily or judicially taken within the six months prior to the eligibility month?

("Other"= A non-parent caretaker relative other than the relative licensed as a foster parent)

\*Date last lived with Parent or "Other" Relative: \_\_\_\_\_

\*Was last lived date, within six months prior to the Eligibility Month?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

Did you answer "YES" to all of the above questions?

\_\_\_\_\_ YES- Constructive Removal requirements are met for the purposes of IV-E Eligibility

\_\_\_\_\_ NO  Constructive Removal requirements are not met.  
**Constructive Removal does not apply.**



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a heart attack and dies. A friend of the family takes the children and cares for them, but after a few months she realizes that she cannot provide for them any longer. When the friend cannot locate anyone willing to take the children, she contacts the police who refer her to family services. The children are ordered into DCFS custody on Jan 3, 2004.

Type of removal \_\_\_\_\_ Physical  
\_\_\_\_\_ Constructive

Removal home \_\_\_\_\_

Date last lived with caretaker relative \_\_\_\_\_

Within 6 months of the eligibility month? Yes \_\_\_\_\_ No \_\_\_\_\_

AFDC group \_\_\_\_\_

**Case #4**

On July 5, 2004, Mickey, and Minnie were removed from the custody of their parents pursuant to a warrant issued by the 3<sup>rd</sup> District Court. They were taken to the Christmas Box House where they stayed until the shelter hearing 3 days later. At the shelter hearing the judge awarded custody of Mickey and Minnie to an aunt and uncle who live in West Valley. The judge also orders that protective service supervision be provided. The parents agree to a service plan, but are often uncooperative and fail to follow through with court ordered recommendations. The aunt and uncle are caring for the children while also providing supervision for the parents' visits. On Nov 29, 2004, the aunt contacts her DCFS caseworker and indicates that she needs additional support to provide the care that Mickey and Minnie need. The caseworker refers her to the Foster Care Foundation and the aunt and uncle decide to become licensed foster parents. The necessary paperwork for licensure is completed and a probationary license is issued to the aunt and uncle on Dec. 10, 2004. On Dec. 3, 2004, the AG files a "Motion for Change of Custody" with the court. At the review hearing on Dec. 14, 2004, the court orders that it is in the children's best interest to be placed in state custody. Mickey and Minnie are placed in the home of their aunt and uncle.

Type of removal \_\_\_\_\_ Physical  
\_\_\_\_\_ Constructive

Removal home \_\_\_\_\_

Date last lived with caretaker relative \_\_\_\_\_

Within 6 months of the eligibility month? Yes \_\_\_\_\_ No \_\_\_\_\_

AFDC group \_\_\_\_\_

**Case #5**

Tony H was picked up and placed in detention after vandalizing the facilities in the local park on January 13, 2005. Prior to being arrested, Tony was living with his girlfriend in the home of her mother. He moved there after a fight with his mother and father in Nov. 2004. Tony has two sisters who still reside with his parents. The County attorney reviews the charges and Tony's criminal history and then files a petition with the juvenile court on Jan 29, 2005. Tony is held in detention awaiting a court hearing on the petition and criminal charges. A hearing is scheduled for Feb. 17, 2005. At this hearing the judge determines that Tony is a danger to himself and the community and orders custody

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to the Division of Juvenile Justice Services. The judge also orders that an O&A evaluation be completed.

Type of removal                     Physical  
    Constructive

Removal home \_\_\_\_\_

Date last lived with caretaker relative \_\_\_\_\_

    Within 6 months of the eligibility month? Yes \_\_\_\_\_ No \_\_\_\_\_

AFDC group \_\_\_\_\_

**Case #6**

On Sept 14, 2004, Karen A walks into her local DCFS office with her 2 children. She tells the staff there that she can no longer provide for her children and wants to place give them to someone who can care for them. She signs a DCFS Voluntary Placement Agreement and the CPS worker accompanies her to the foster home with the children. She tells the caseworker that her husband left her 3 weeks earlier and she has no money, no job and has been evicted from the apartment she was living in. She does not know where her husband is, but suspects that he may have gone to Las Vegas with a friend.

Type of removal                     Physical  
    Constructive

Removal home \_\_\_\_\_

Date children last lived with caretaker relative \_\_\_\_\_

    Within 6 months of the eligibility month? Yes \_\_\_\_\_ No \_\_\_\_\_

AFDC group \_\_\_\_\_

*\*Answers on pages 141*

# What is the Eligibility Month?

The eligibility month is defined as the **month the legal process to remove the child from the home began**. Examples include the initiation of court proceedings, typically a petition, warrant for removal, shelter order, or temporary physical custody request, or a voluntary placement agreement. When using rap sheets to identify the eligibility month, use the most recent petition or court action. When a previous order for custody has been stayed, use the motion, petition or court action just prior to the stay being lifted to determine the eligibility month. Do not use the month that the stayed order was issued.

The date the child enters foster care **does not** always determine the eligibility month.

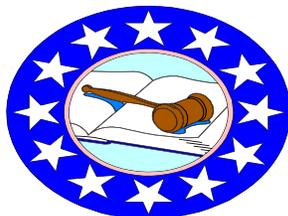
- ◆ A child may be removed and placed in protective custody on May 31, the petition for custody is dated June 2 and the shelter order giving custody to the division is dated June 2. The eligibility month would be June. The petition date is when the legal process to remove the child began.
- ◆ In some DJJS cases the petition date can be months prior to the child's physical removal from the home. When a youth has numerous referrals for criminal activity, the County Attorney's office may file a petition. The petition (listed on the rap sheet) would determine the eligibility month, but the custody order and removal from the home would not occur until the court took action on the petition, which may be months later.

## Why do I need to know the Eligibility month?

1. The child must meet the AFDC criteria during the eligibility month.
2. The child must have lived with the caretaker relative who lost custody within the 6 months prior to the eligibility month.
3. The child must be physically removed from their home within six months prior to or after the eligibility month, (except in the case of a constructive removal).

## Where can I find information to determine the eligibility month?

1. Court documents (petitions, motions, temporary custody orders and warrants)
2. Rap sheets (obtained in CARE)
3. SAFE case information and activity logs



## Examples

### Case 1

On Jan. 31, 2005, the police summoned a CPS worker to the scene of a drug bust. All of the adults at the home were being detained and transported to the county jail facility. An infant was also in the home, but police had not been able to determine who the parents of the child were. After consulting the AG, the CPS worker placed the child in protective custody and transported her to a foster home. A 24 hour meeting was held and the shelter hearing was scheduled for Feb. 3, 2005. The AG prepared a petition requesting that the court rule that it was in the best interest of the child to be placed in DCFS custody. The CPS worker and the AG signed and dated the petition on Feb. 2, 2005.

What is the eligibility month? \_\_\_\_\_

### Case 2

The court ordered that temporary custody of Alice and Snow be given to a maternal aunt on July 5, 2004. The division has been providing PSS services while working to reunify the girls with their mother. The aunt has developed some serious health problems and will not be able to care for the girls much longer. The mother was recently arrested and will most likely be spending 3-6 months in the county jail.

The aunt has discussed the situation with the caseworker and AG assigned to the case. A decision was made to take the girls into DCFS custody and find a foster home for them. The aunt is willing to keep the girls until a placement can be found. The AG prepares a motion requesting that the court grant custody to the Division. The motion is signed and dated by the AG on March 15, 2005. A review hearing for the PSS case is scheduled for April 21, 2005. On April 21, 2005, the court finds that it is in the best interest of Alice and Snow to be placed in DCFS custody.

What is the eligibility month? \_\_\_\_\_

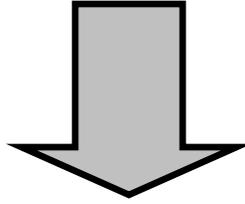
### Case 3

On April 22, 2005, the Orem City Police arrested Donald after he vandalized the picnic facility at a local park. At the time of his arrest Donald was on probation for similar offenses. His probation officer transported Donald to Slate Canyon Detention center. On April 26, 2005, a judge ordered Donald to serve 30 days for probation violation and scheduled another hearing for May 20, 2005. When the eligibility worker reviews the rap sheet she finds that Donald has a history with DCFS including one prior custody episode in May 2004. The probation officer filed a petition on May 10, 2005. On May 20, 2005, the court orders that Donald be placed in DJJS custody for placement at O&A.

What is the eligibility month? \_\_\_\_\_

*\*Answers on Page 140*

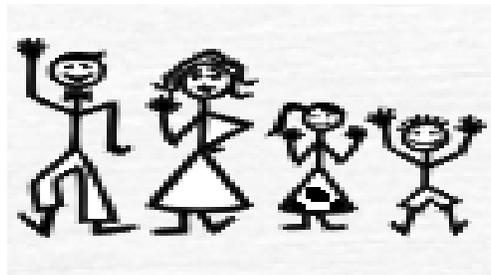
# What is an AFDC Group?



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.

*When removed from parent  
AFDC group includes...*

*Includes adoptive and half  
siblings of the foster child who  
meet the dependent child  
requirement and live in the  
same household.*

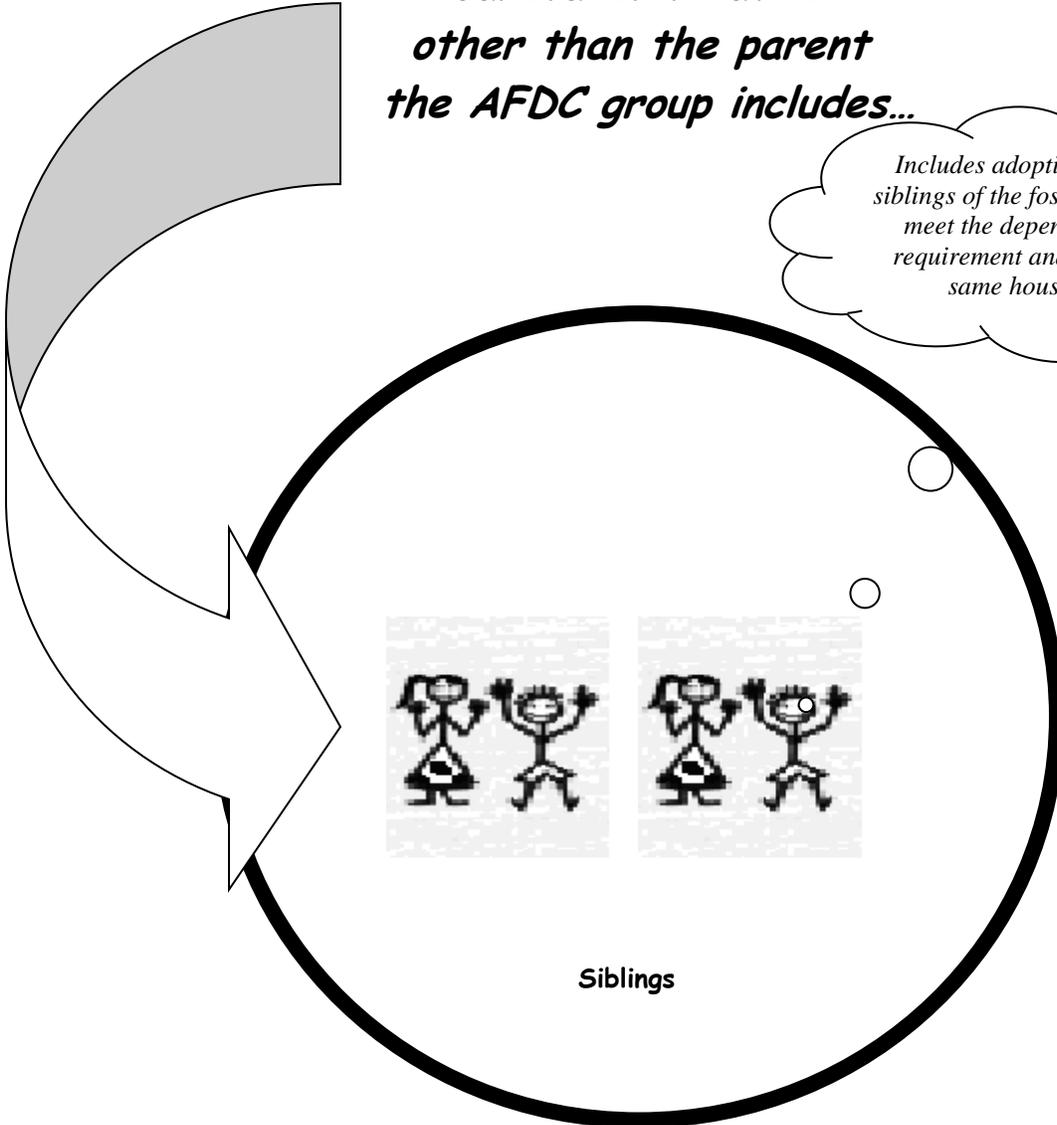


Father      Mother      Siblings

**\*\*Any household member receiving SSI is excluded from the AFDC group, unless that person is the foster child**

***When removed from a  
caretaker relative  
other than the parent  
the AFDC group includes...***

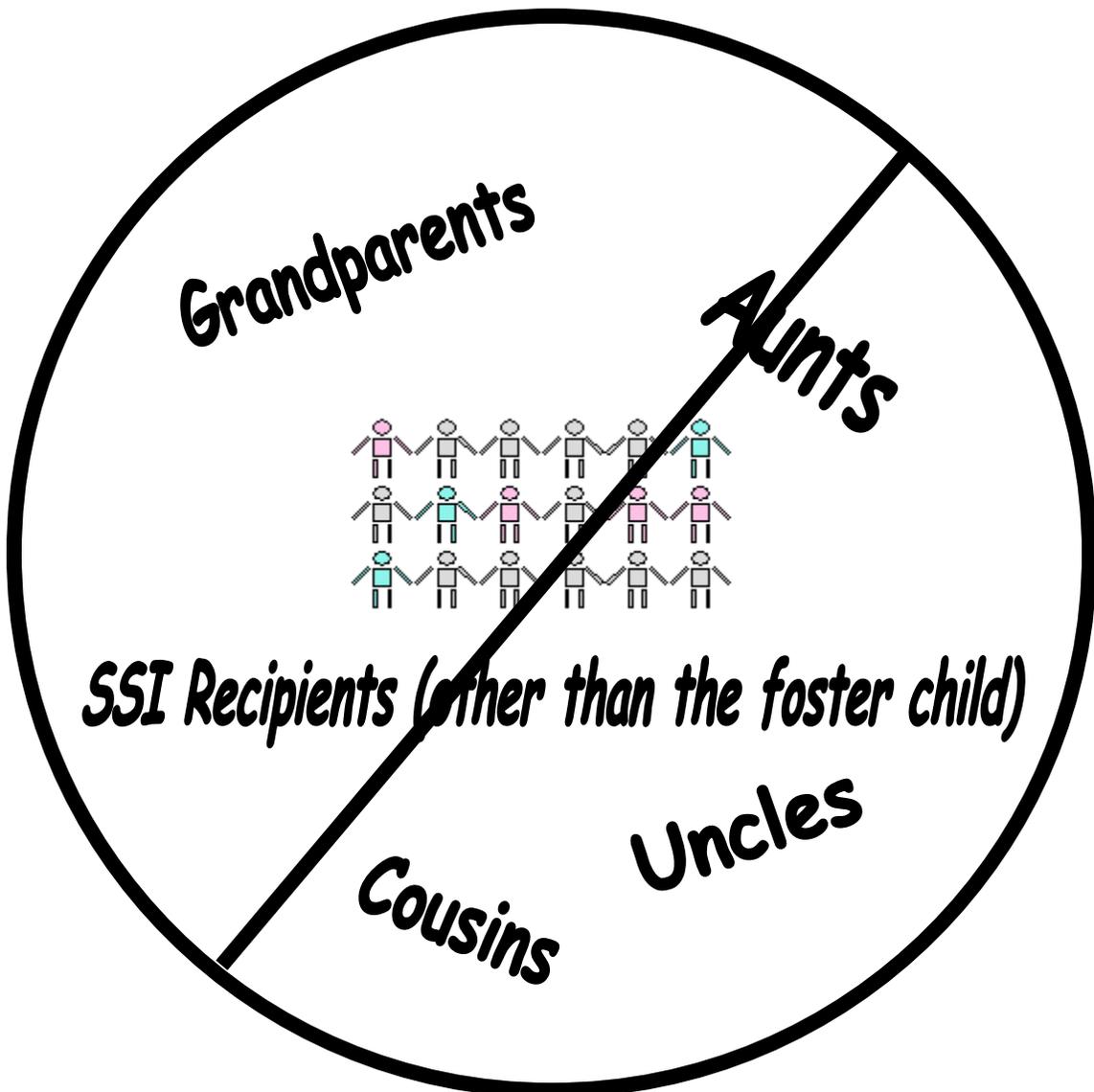
*Includes adoptive and half  
siblings of the foster child who  
meet the dependent child  
requirement and live in the  
same household.*



A child receiving adoption assistance, other than the foster child, **may** be excluded from the AFDC group. If the adoptive sibling is excluded from the AFDC group, their income and assets are not countable. If the adoptive sibling is included in the AFDC group, their countable income and assets would be included.  
If the child receiving adoption assistance is the foster child, their income and assets are not countable.

**Title IV-E Foster Care Eligibility Determination 2-10 E**

**The Foster Child's AFDC  
Group NEVER  
includes...**



A stepparent is not counted as a member of the foster child's AFDC group, but is a member of the stepparent AFDC group.



# Deprivation



Deprivation means that the child is deprived of the support of one or both parents. Deprivation must exist in the removal home at the time of removal for a child to be determined IV-E eligible. There are four different forms of deprivation. It is only necessary to have one form for deprivation present in the removal home to meet the IV-E requirement for deprivation.

## Continued Absence

Absence from the home exists if the absence interrupts or terminates the absent parent's function as the provider of maintenance, physical care, or guidance for the child and the anticipated duration of the absence will prevent planning for the present support or care of the child.

1. Death of a parent
2. Separation or divorce, not living in the same house
3. Institutionalization or incarceration
4. Abandonment

Absence for military duty, employment, school or training is not deprivation. Also, if the parent is expected to return home with 30 days, deprivation is not present.

## Unemployment

A child living with both parents is deprived of parental support if the primary wage earner is unemployed and has not quit a job or refused a bona fide offer of employment within 30 days prior to the eligibility month.

A “**primary wage earner**” must be established for the custody episode before determining if unemployment or underemployment can be used as forms of deprivation.

## 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. The incapacity must be documented in the eligibility case record.

1. A visually observable incapacity documented by the caseworker
2. A medical report from a physician
3. Recognition of disability by the Social Security Administration (SSI or SSDI)
4. Veterans disability benefits
5. Workers compensation disability benefits
6. A person working more than 100 hours per month would not be considered incapacitated, unless an SSI or SSA disability has been established.

## Underemployment

If a child lives with both parents, the child is deprived of parental support if the principal wage earner worked less than 100 hours during the eligibility month. If employed more than 100 hours during the eligibility month, the primary wage earner must have had less than 100 hours of employment in the thirty days prior to the eligibility month.

## How can I verify deprivation?

### ☀ Continued Absence

- ✓ ERep Case Member information and notes
- ✓ SAFE CPS, PSS and SCF case logs. Family Structure selection in SAFE case, TPR date on adoption tab
- ✓ Petitions for Custody
- ✓ Rap Sheets
- ✓ CARE case information
- ✓ EFind or eRep unemployment information
- ✓ Court orders
- ✓ Interface screens in eRep or eFind
- ✓ Medical reports from doctors, therapist or other professionals
- ✓ Application
- ✓ Parent Income/Asset Declaration

## Frequently asked questions?

- ✚ How long must a parent be in jail before it counts as deprivation?
  - A parent must be absent for at least 30 days
- ✚ What if there is a stepparent in the removal home?
  - If there were two parents in the home, even if one is a stepparent, deprivation for reason of absent parent would not be present.
- ✚ What if the person losing custody is a caretaker relative other than the parent?
  - Deprivation for the reason of absent parent would be present.
- ✚ In a two-parent household, can a stay at home mom be considered as the unemployed parent?
  - Only the primary wage earner can be considered for unemployment and underemployment forms of deprivation.

### **Reminder**

**Low income is not a form of deprivation. Even though the income of the AFDC group may meet the IV-E need standards, a form of deprivation needs to be present.**

**Deprivation must exist in the removal home in order for the child to be IV-E eligible.**

- Initially, deprivation must be determined at the time of removal.
- Deprivation must be during 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.

**Example**

A child was removed from the home of her parents during a police drug bust. Both parents were living in the home at the time of the police raid. The parents are arrested and booked into jail. They cannot meet bail and remain in jail for the next 6 weeks. Initial deprivation cannot be established for reason of absent parent because both parents were in the home at the time the child was removed.

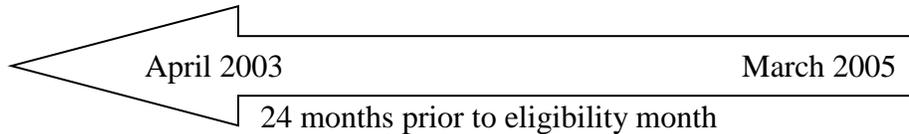


# Deprivation

## Who is the “Primary Wage Earner”?

The primary wage earner is the parent who had the most earnings in the 24 months prior to the eligibility month. Use the best available evidence to make this determination. The principal wage earner must be re-determined if there is a change in the household composition. For example if a parent remarries the primary wage earner would be re-determined at that point in time.

Eligibility month is April 2005



### Father's Earnings

2/2003 = \$5,600  
3/2003 = \$6,322  
4/2003 = no earnings  
1/2004 = \$1,387  
2/2004 = \$5,900  
3/2004 = \$7,322  
4/2004 = no earnings  
1/2005 = \$ 567

Total Earnings  
**\$27,098**

### Mother's Earnings

2/2003 = no earnings  
3/2003 = \$2,333  
4/2003 = \$6,998  
1/2004 = \$8,350  
2/2004 = \$ 898  
3/2004 = no earnings  
4/2004 = \$3,575  
1/2005 = \$1,344

Total Earnings  
**\$23,498**



Father is the “Primary Wage Earner”.

Wage information is available through eFind and through WWEU. The parents' SSN will be needed to access the wage history information.

## Who is Primarily Responsible for “Keeping the Wolf from the Door”?

### AKA – Who is the Primary Wage Earner?

- Parent who earns the greater amount during the 24 months prior to the eligibility month is the PWE
- A PWE must be established in order for deprivation to exist by reason of unemployment/underemployment
- Self-employment is considered when determining the PWE



#### Scenario

Father and mother are in the U.S. illegally. They refuse to complete the parent income/asset declaration and no information is available to document who the PWE for the household would be. Caseworker reports that he has contacted both parents are work. Both parents were in the removal household and neither parent is disabled. Deprivation does not exist because there is not a way to document who the PWE is.

#### Scenario

Child is removed from a two parent household where both parents are 17 years old. They are currently living with their parents while they finish high school. Neither parent has ever held a job or had earned income of any kind. There is no PWE in this case. Neither parent has been responsible for “keeping the wolf from the door”. The parents have been relying on family members for support. Deprivation cannot exist due to unemployment/underemployment because no PWE exists.

#### Scenario

Children are removed due to the ongoing drug use of the parents. Both parents are in the removal home. The father has had no wages or earned income since the first quarter of 2005. The eligibility month is Aug 2011. The mother has no wage or earned income history. They have been living with family, friends, in shelters and on the street. Deprivation cannot be established for reason of unemployment/underemployment because the only wage earner has not had earnings within the 24 months prior to the eligibility month.

Initial Eligibility Determination

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**Case #1**

Molly M., DOB 2/3/1994, was placed in DCFS custody by court order on March 25, 2005. At the time the court ordered custody to DCFS, Molly had been living in the home of her Aunt Susan. Molly has been living there with her aunt since she was released from the hospital in July 1994. Molly's mother was a prisoner at the time of her premature birth. Her mother was transported back to prison shortly after the birth. The mother will be released on parole in Aug 2005. Aunt Susan had petitioned the court to terminate the mother's rights so that she could adopt Molly, but the petition was denied because the mother pled for time to "get her act together" after being released from prison. The court awarded temporary custody of Molly to Aunt Susan on July 13, 1999. The identity of Molly's father is unknown.

Does deprivation exist? \_\_\_\_\_ Yes \_\_\_\_\_ No

What type of deprivation, if any, exists? \_\_\_\_\_

Who is the caretaker relative that is losing custody? \_\_\_\_\_

**Case #2**

Ann, DOB 4/1/2005, and Andy, DOB 8/25/2003, were placed in DCFS custody on May 13, 2005, when the police discovered a meth lab in the basement of the home they were living in. Their mother and her boyfriend were arrested during the "bust" and transported to the Salt Lake County jail. The mother and boyfriend were both bailed out of jail and attended the shelter hearing that was held on May 16, 2005. In the petition for custody the AG has indicated that the father of Andy is Mr. Raggedy who is currently incarcerated on forgery charges at the Utah State Prison. He is serving 5-10 years and his earliest release would be sometime in 2008. The petition indicates the mother has stated that her current boyfriend is Ann's father. On May 18, the boyfriend was arrested by the Orem City Police while attempting to steal a car. The boyfriend is being held without bail in the Utah County Jail until a hearing that is scheduled for July 1.

Does deprivation exist for Ann? \_\_\_\_\_ Yes \_\_\_\_\_ No

What form of deprivation, if any, exists for Ann? \_\_\_\_\_

Does deprivation exist for Andy? \_\_\_\_\_ Yes \_\_\_\_\_ No

What form of deprivation, if any, exists for Andy? \_\_\_\_\_

Who is the caretaker relative losing custody? \_\_\_\_\_

**Case #3**

Wiley C., DOB 10/31/2003, was placed in DCFS custody on Dec 10, 2004, when his grandmother called DCFS to report that his mother and father had left him at her home on Oct. 31, 2004, and never returned. The parents had planned to vacation for 1 week and return to pick up Wiley. The grandmother has not heard from the parents since they dropped Wiley off. She has no way to contact them. The grandmother is no longer able to care for Wiley because her husband has suffered a stroke and will need extensive medical care and treatment. The parents are located in Sun Valley, Idaho, and served with the notice of removal. The CPS worker discovers that the parents have been living and working in Sun Valley, Idaho, since they left in Oct 2004. They report that they do not wish to have custody of their son returned to them because they are enjoying their newfound freedom. Neither parent is present at the shelter hearing that is held on Dec 13, 2004.

Initial Eligibility Determination

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Does deprivation exist? \_\_\_\_\_ Yes \_\_\_\_\_ No

What form of deprivation, if any, exists? \_\_\_\_\_

Who is the caretaker relative losing custody? \_\_\_\_\_

**Case #4**

Dora E., DOB 11/15/1999, was placed in temporary custody on June 3, 2005, during a PSS review hearing. DCFS became involved with the family in Dec. 2003, after the mother was killed in a car accident. The family was returning to their home after the Christmas holidays when their car was hit by another vehicle from behind and pushed into oncoming traffic. The father was seriously injured in the crash and has been unable to work since that time. He remarried in Jan. 2005. He is currently receiving a monthly SSA disability payment and has filed a lawsuit against the person responsible for the accident. He is also working with Voc. Rehab in a job-training program. The stepmother works full-time as a paralegal.

Does deprivation exist? \_\_\_\_\_ Yes \_\_\_\_\_ No

What form of deprivation, if any exists? \_\_\_\_\_

Who is the caretaker relative losing custody? \_\_\_\_\_

**Case #5**

Jordan, DOB 9/13/1989, was ordered into DJJS custody for O&A on May 13, 2005. His father and mother were present at the hearing. The father and mother are very concerned over Jordan's behaviors and relieved that the court has intervened. A local landscaping company currently employs the father. The mother has been employed full-time as a dental hygienist, but took an unpaid leave of absence in Jan. 2005, because of the problems they were having at home with Jordan. She has not worked since that time. The father work is seasonal and he has worked 18 of the past 24 months earning \$23,790. The mother is currently not employed. She is not receiving unemployment or actively seeking work. She has not quit a job or refused a bonafide offer of employment within the past 30 days. Prior to quitting her job she was earning \$10 an hour. In the past 24 months she has earned \$32,680.

Does deprivation exist? \_\_\_\_\_ Yes \_\_\_\_\_ No

What form of deprivation, if any exists? \_\_\_\_\_

Who is the caretaker relative losing custody? \_\_\_\_\_

**Case #6**

On Feb 10, 2005, the police summoned a CPS worker to the scene of a drug bust. All of the adults at the home were being detained and transported to the county jail facility. An infant was also in the home, but police had not been able to determine who the parents of the child were. After consulting the AG, the CPS worker placed the child in protective custody and transported her to a foster home. The police later identified the father and mother of the baby girl as the people who owned the home where the raid had occurred. Both parents were charged with possession and distribution. Bail was set at a hearing on Feb 13, 2005. A 24 hour meeting was held and the shelter hearing was scheduled for Feb 14, 2005. The father and mother were transported to the shelter hearing from the jail. The court ordered custody to DCFS. The maternal grandfather paid the mother's bail and she was released from jail on Feb 22, 2005. The mother paid the father's bail on March

Initial Eligibility Determination

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2, 2005. They are currently living in a local motel. The worker reports that the mother is not currently and to his knowledge has never been employed. Prior to his arrest, the father was working for a snow removal company. He returned to that company after his release. February was a really snowy month and he reports that he does not know how many hours he worked, but being arrested robbed him of all his overtime.

Does deprivation exist? \_\_\_\_\_ Yes      \_\_\_\_\_ No

What form of deprivation, if any exists? \_\_\_\_\_

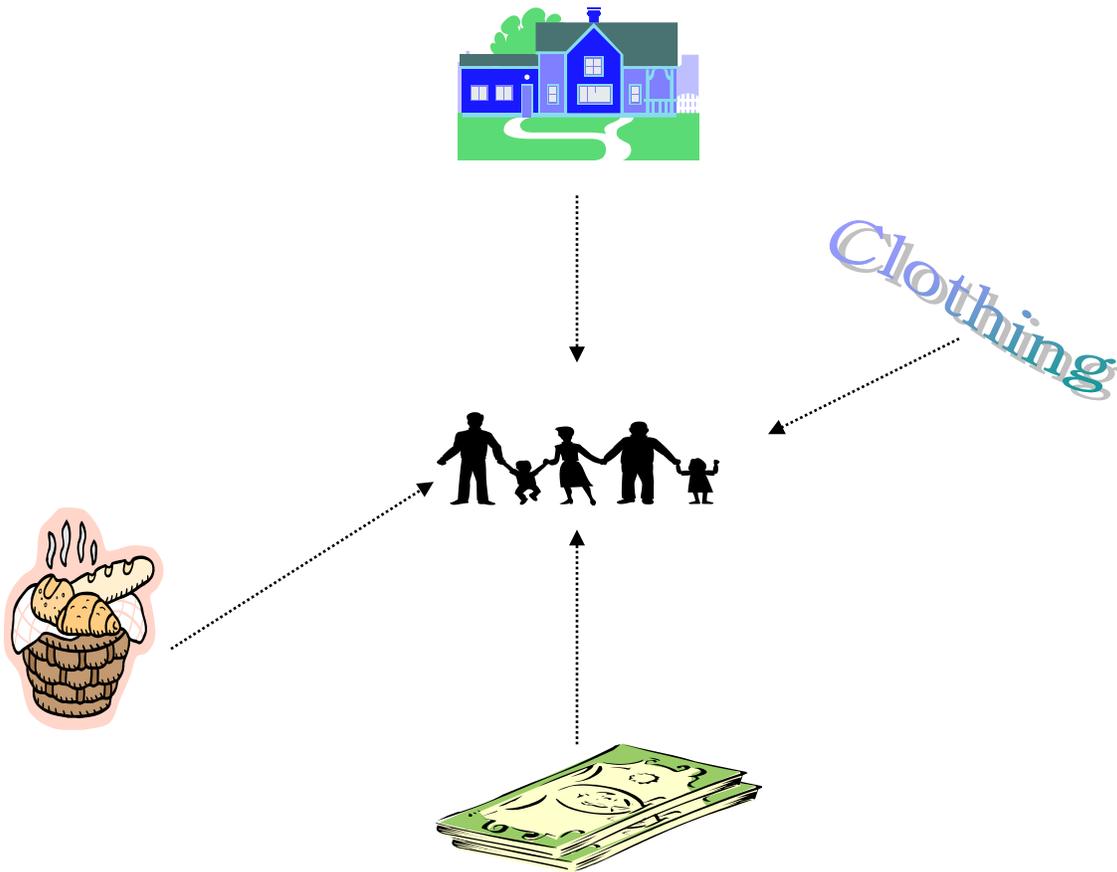
Who is the caretaker relative losing custody? \_\_\_\_\_

*\*Answers on Page 144*

# *What is Income?*



**Income is cash or in-kind benefits a person receives.**



**Income includes earned income and unearned income**

-  Earned income is income for which a person performs a service.
-  Unearned income is income for which a person performs no service.

**Count cash or in-kind benefits as income in the month they are received.**



## Earned Income

<u>Countable Earned</u>	<u>Earned Income Exclusions</u>
Wages, tips, salaries, bonuses and commissions	Incentive and training expense paid under a client's plan with DWS
Monies from self-employment	Reimbursements from an employer for any work expense or allowance from an employer for travel and training
Severance pay (vacation and sick)	Earned Income Tax Credit
Training incentives and work allowances	Income paid by the U.S Census Bureau to temporary census takers
Sick pay and temporary disability insurance or temporary worker's compensation which are employer funded	JTPA <u>earned</u> income of a dependent child
Rental income, only if the owner to receive the income performs the managerial duties	Earned income of a dependent child who is a full-time student
Benefits received by a household member as a reward for service, such as free shelter, vendor payments, food, or any additional allowance given for shelter to a member of the armed forces	
Certain aliens must have sponsor income counted	





## Unearned Income



<b>Countable Unearned Income</b>	<b>Unearned Income Exclusions</b>
Pensions and annuities such as Railroad Retirement, Social Security, Veterans Administration, and Civil Service Payments	Foster Care payments, adoption assistance payments, or cost of care payments for a child in State custody
Disability benefits such as Industrial Compensation, sick pay or Worker's Compensation, mortgage insurance and paycheck insurance	All unearned in-kind income
Unemployment Compensation	Income of an SSI recipient
Strike or Union benefits	Current child Support (see IV-E policy 2-16.B.4)
VA allotments, GI Bill	FEP income from DWS or JTPA unearned income of a dependent child
Child Support (after \$50 deduction) and Alimony	Cash gifts up to \$30 per household member in any one quarter
Money from churches, charitable organizations, unions, friends or relatives (except as noted as a gift)	Travel or training allowances and reimbursements
Trusts, inheritances, personal injury settlements & life insurance benefits	Educational assistance and college work-study with the exception of Veterans Educational Assistance intended for family members of the student
Tribal fund gratuities	Loans, including reverse equity loans, endorsed in writing for payment
JTPA needs based payments	Cash to pay for shared living expenses
Money from sales contracts/mortgages	Income tax refunds and Earned Income Tax Credit payments
Rental income if the rental property is managed by another individual or company for the owner	Trust funds not available on demand
	Food programs, such as Food Stamps, WIC, USDA surplus food, home delivered meals, or school lunch
	Y or Z funds paid by DWS
	Special payments (see complete list in IV-E policy 2-16.B.16)
	Certain Native American payments (see complete list in IV-E policy 2-16.B.17)

# 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 the removal of the child from the home. This determination is based upon the 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.

Use the parent and caseworker's reasonable expectations and knowledge of the circumstances during the eligibility month and prior to remove of the child when determining income. The income information provided should be verified through a search of the available electronic resources. Document the AFDC group's earned and unearned income clearly in the case record.

## Income Tests

### First test=185%

The countable gross income for the AFDC group during the eligibility month 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, prior to the removal of the child, plus any deemed stepparent income. Do not count excluded earned and unearned income.

The gross income must be less than or equal to the 185% AFDC Need Standard. If the gross income passes the first income test, proceed to the second test. **If the gross income is more than 185% of the AFDC Need Standard, the foster child is not IV-E eligible for this custody episode.**

### Second Test=100%

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 (can't be less than zero), and adding the adjusted earned income to the countable unearned income and any deemed stepparent income. Allowable deductions are:

1. **Work Allowance**-subtract \$90 from each employed person's earnings
2. **Day Care**-subtract allowable monthly costs from the earned income of the member of the AFDC group paying the expense

If the net income is less than the AFDC Need Standard, the household meets the income criteria for IV-E 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.**

DOH Medicaid Income policy and standards (Section 400) are located on the website <http://utahcares.utah.gov/infosourcemedicaid/>  
Table VII Income Limits for Medical Assistance and Medicare Cost Sharing is located on the website in the Tables Section.

Income limits for Foster Care Medicaid are only applicable to the child's income **unless** the foster child is in custody through a DCFS Voluntary Placement Agreement. If the child is in custody through a voluntary agreement, the income and assets and household size of the parent(s) must be taken into consideration when making a FC Medicaid determination.

185% and 100% AFDC Need Standards are located in the IV-E Foster Care Eligibility Determination Procedures Manual on page 12 or on the Eligibility Worker Quick Reference.

For an Initial IV-E eligibility determination, the income of the AFDC group is considered. For Ongoing IV-E eligibility only, the income of the foster child is considered. For review, the child's' income must not be greater than 185% of the Foster Care Needs Standard, which is \$1489 per month

### **Factoring Income**

To calculate the gross earned income, use the following calculations when provided with a hourly or weekly or bi-weekly wage amount.

- Weekly amount X 4.3 = Monthly amount
- Bi-weekly amount X 2.15 = Monthly amount
- # hrs worked each week X rate of pay X 4.3 = Monthly amount

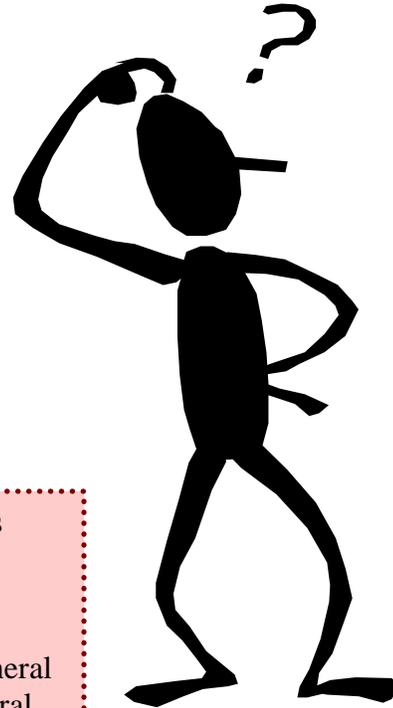
Independent Living Payments made directly to the foster child are countable unearned income and must be considered in determining the child's Medicaid Eligibility. The monthly IL payments to the foster child should be added to eRep case evidence in the income section. Use "Foster Care payments" as the income type.

Sources to obtain income information for the AFDC group and the foster child.

- ✓ EFind
- ✓ ERep
- ✓ Parent Income/Asset Declaration
- ✓ Application
- ✓ SAFE activity logs

# Lump Sum Payments For Initial Title IV-E Eligibility

Title IV-E Foster Care Eligibility  
Determination Procedures 2-15



☀ Lump sum payments such as Social Security lump sums and severance pay, are income and can be earned or unearned.

- Costs of legal fees paid to make the lump sum available as well as payments for medical or funeral expenses (if lump sum is intended to cover funeral and burial) are subtracted from the lump sum before determining income eligibility



## Counting Lump Sums for Initial IV-E Eligibility

- ☀ Lump sums of countable earned or unearned income received by a member of the AFDC group during the eligibility month must be 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 for the child.
- ☀ A lump sum received prior to the eligibility month is not countable as income. The remainder of the lump sum is considered as an asset during the eligibility month.
- ☀ Do not count any lump sum payments received by an SSI recipient as either income or an asset for the AFDC group.



## Lump Sum Payments For Medicaid Eligibility

Medicaid policy 407

Lump sum payments are windfalls or retroactive payments of earned or unearned income. Lump sums include inheritances, settlements from personal injury suits, insurance settlements, awards, winnings, and gifts. They also include lump sums consisting of Social Security and Railroad Retirement benefits, VA lump sums, unemployment compensation lump sums, and other one-time payments. Earned Income Tax Credit (EITC) and Child Tax Credit payments are NOT lump sum payments.

### Exempt Lump Sum Payment 407-2

Some kinds of lump sum payments are exempt as income. Exempt lump sum payment include:

1. Any kind of lump sum payment of excluded earned or unearned income.
2. Insurance settlements for destroyed exempt property.
3. SSI payments for prior months.
4. For MAGI based groups, Vetrean's benefits and child support payments.
5. Reimbursements of Medicaid premiums the client has paid.
6. Death benefits used for expenses of the deceased burial
7. Money received from a TPL source.
8. Count as income all lump sum payments that are not listed.

### How to Count Lump Sums 407-3

**Count the net lump sum payment as income for the month it is received, if it is not excluded.** Any amount remaining after the end of that month is considered an asset. For MAGI programs count the net lump sum as income only for the month it is received.



# Deeming Stepparent Income

## Deeming a Stepparent's Income

Determining the amount of the Stepparent's income that is to be included as available income to the child. A stepparent (and stepchildren) living in the same household as the child, are **not counted** in the child's AFDC group.

## Stepparent's AFDC Group

The children of the stepparent **living in the home or living out of the home and not receiving child support** that are not biological (not children in common) or adoptive children to the other spouse and who meet the dependent child criteria.

## How to Deem the Stepparent's Income

1. Determine the stepparent's gross income (earned and unearned).
2. Determine the AFDC group size for the stepparent.
3. Subtract \$90 earned income work deduction if the stepparent is working.
4. Subtract the 100% AFDC Need Standard amount for the stepparent's AFDC group size.
5. Subtract any child support/alimony the stepparent is paying.

**Deeming stepparent's Income:** Complete the following calculation utilizing the stepparent's countable gross earned and unearned income. (Do not count stepparent in the child's AFDC group size.) Stepparent's AFDC group size: \_\_\_\_\_

Gross Monthly Countable Earned Income	\$ _____
Minus \$90 Work Allowance (if applicable)	\$ - _____
Subtotal	\$ _____
Add Countable Unearned Income	\$ + _____
Subtotal	\$ _____
Subtract 100% Need Standard (For stepparent's AFDC group)	\$ - _____
Subtract any child support/alimony being paid	\$ - _____
<b>Total Deemed Income</b>	<b>\$ _____</b>

## Sources of Information

- ERep
- EFind
- Parent Income/Asset Declaration
- Caseworker statement

Initial Eligibility Determination

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If either parent or stepparent (living in the same household as the child) was employed in the month, fill out the information listed below. If not employed, please enter "none."

Parent Name	Where Employed	Employment Start Date	Average hours per week	Hourly Wage	Other

If either parent or stepparent (living in the same household as the child) is unemployed, was unemployment compensation received for the month? Yes No

Name \_\_\_\_\_ Amount \_\_\_\_\_

**Application**

Caseworker statement

**Stepparent's Children:** If a stepparent is a member of the removal household, indicate the number of the stepparent's children who are under age 18 and not siblings of the foster child:

\_\_\_\_\_ Number stepparent children living in the removal home **plus** number of stepparent children living outside of the removal home for whom **no** child support is being paid.

\_\_\_\_\_ Number stepparent children living outside of the removal home for whom child support is being paid.

**Amount of child support paid monthly** \_\_\_\_\_

**Earned Income:** List income from working or self-employment for each member of the removal home **including the foster child.** *If none, specify NONE.*

Full Name	Employer Name and Address	Weekly Hours	Hourly Rate of Pay	Gross Monthly Income

**Unearned Income:** Check type and list unearned income in the spaces below for each member of the removal home **including the foster child.** *If none, specify NONE.*

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Social Security (SSA)              | <input type="checkbox"/> Pension/Retirement | <input type="checkbox"/> Property Rental          |
| <input type="checkbox"/> Supplemental Security Income (SSI) | <input type="checkbox"/> Veteran's Benefits | <input type="checkbox"/> Alimony (Stock)          |
| <input type="checkbox"/> Tribal Funds                       |   | <input type="checkbox"/> Dividends (Stocks/Bonds) |
| <input type="checkbox"/> Other (specify) _____              |   | <input type="checkbox"/> Unemployment Benefits    |
| <input type="checkbox"/> Child Support                      |   |   |

Full Name	Type of Income	How Often Received	Amount

## Deeming Stepparent Income

Daisy was removed from the home of her mother by court order on Nov 13, 2004. Daisy's father was killed in a car accident 3 years ago and her mother recently remarried. Daisy has two sisters who were also removed and then placed with a maternal aunt. The mother is employed part-time as a meter-maid. Daisy and her sisters each receive a monthly SSA benefit of \$230. The mother owns the home where the family is living. The stepfather does cement work and is employed by Rock Products, Inc. The parent income asset declaration reports the mother earns \$10 an hour and works an average of 15 hours per week. The stepfather reports his income at \$18 per hour and he says that he works an average of 45 hours per week in the summer, but work in the late fall and winter slows down and he is currently working about 32 hours per week. He has two children who live with his ex-wife. ORS collects child support from the father in the amount of \$300 each month. He reports that he also pays \$200 a month in alimony. Calculate the amount of the stepparent's income that should be included in the gross income calculation.

**.Deeming Stepparent's Income:** Complete the following calculation utilizing the stepparent's countable gross earned and unearned income. (Do not count stepparent in the child's AFDC group size.)  
Stepparent's AFDC group size: \_\_\_\_\_

Gross Monthly Countable Earned Income	\$ _____
Minus \$90 Work Allowance (if applicable)	\$ - _____
Subtotal	\$ _____
Add Countable Unearned Income	\$ + _____
Subtotal	\$ _____
Subtract 100% Need Standard (For stepparent's AFDC group)	\$ - _____
Subtract any child support/alimony being paid	- \$ _____
<b>Total Deemed Income</b>	<b>\$ _____</b>

Peter was removed from the home of his father by court order on Dec. 26, 2004. At the time of custody, the father, stepmother and her three children were living in the home. The father was recently hurt on the job and has been unable to work for the past 6 weeks. Workers Compensation is investigating the accident and a disability decision is pending. The father has \$5,000 in a savings account. He recently sold his truck and a motorcycle to help meet the family expenses. The stepmother started working on Dec. 4, 2004. She is working at Maverick Country Stores, 25 hours per week. She received her first paycheck on Dec. 20, 2004. The gross pay is \$318.75. She expects to receive another check on Jan. 1, 2005. Calculate the amount of the stepparent's income that should be included in the gross income calculation.

## Initial Eligibility Determination

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**Deeming Stepparent's Income:** Complete the following calculation utilizing the stepparent's countable gross earned and unearned income. (Do not count stepparent in the child's AFDC group size.) Stepparent's AFDC group size:\_\_\_\_\_

Gross Monthly Countable Earned Income	\$ _____
Minus \$90 Work Allowance (if applicable)	\$ _____
Subtotal	\$ _____
Add Countable Unearned Income	\$ + _____
Subtotal	\$ _____
Subtract 100% Need Standard	
<i>(For stepparent's AFDC group)</i>	\$ - _____
Subtract any child support/alimony being paid	\$ - _____
<b>Total Deemed Income</b>	<b>\$ _____</b>

*\*Answers on Page 147*



# Dependent Care Costs

## Income Tests 2-13 B.b

### Day Care

Subtract the monthly cost of day care from the earned income of the member of the AFDC group paying the expense if the parent states they have dependent care costs and: (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:

Child Under Age 2	\$200 per person
Age 2 or Over	\$175 per person

2. Working an average of less than 100 hours per month or 23 hours or less per week:

Child Under Age 2	\$160 per person
Age 2 or Over	\$140 per person

Do not deduct dependent childcare costs being paid by the Department of Workforce Services.

### Source of Information

**ERep**

**EFind**

### Parent Income/Asset Declaration

Did you have monthly dependent child care expenses? Yes No

Monthly Amount? \_\_\_\_\_

### Application

Caseworker Statement

**Dependent Care Expenses:** List costs of day care required due to employment of any household members of the removal home (and not paid to a household member).

Number of children under age 2		Total monthly cost	\$
Number of children age 2 or over		Total monthly cost	\$

### Income and Asset Computation Sheet

**100% Income Test:** If the AFDC group's gross monthly income is less than the 100% Need Standard for the AFDC group size, the child meets the income criteria. 100% Need Standard for group size \_\_\_\_\_

Gross Monthly Countable Earned Income	\$ _____
Subtract \$90 Work Disregard	\$ _____
(for each working person)	\$ - _____
Subtotal	\$ _____

**Subtract Dependent Care Cost**

Subtotal	\$ _____
Add Total Countable Unearned Income	\$ + _____
Subtotal	\$ _____
Add Deemed Stepparent Income	\$ + _____

**Total Adjusted Income** \$ \_\_\_\_\_

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.**

## Dependent Care Cost Scenarios

1. Mickey, age 2, and Minnie, age 5, were removed from the custody of their mother. The mother reports that she is working 35 hours per week earning \$8.50 per hour. The mother reports that she pays \$550.00 per month in child care costs. What is the allowed dependent care cost deduction?
2. Daisy, age 4, was removed from the custody of her father. The father reports that he is self-employed working 15 to 20 hours per week. The father states he is paid a salary of \$1,500.00 each month. He reports day care cost of \$90.00 per month. What is the allowed dependent care cost deduction?
3. Heaven, age 10, Steven, age 8, Jody, age 6, and Hannah, age 3, were removed from the custody of their mother. The father is deceased and the mother is receiving SSA benefits that total \$1650.00 each month. The mother is not currently working. She reports childcare costs of \$350.00 each month. What is the allowed dependent care cost deduction?

*\*Answers on Page 151*



# Assets

- ✿ **\$10,000 asset Limit to be initially eligible for Title IV-E.**
- ✿ **\$2,000 Asset Limit for Blind and Disabled Medicaid Programs (HH size 1). Below \$2,000 on the first moment of the month.**
- ✿ **\$2,000 Asset Limit for Medically Needy Program (spenddown).**
- ✿ **No asset limit for MAGI Medicaid programs.**

IV-E asset policy is located in the IV-E Foster Care Eligibility Determination Procedures Manual, Section 2-18.

Medicaid policy is located in policy #500 on-line at <http://utahcares.utah.gov/infosourcemedicaid/>

- Initial IV-E Eligibility - Asset limit applies to the AFDC group. No asset limit for ongoing IV-E eligibility.
- Foster Care Medicaid eligibility is determined by the assets of only the foster child unless the child is in custody through a voluntary placement agreement. If the child is in custody through a voluntary placement, the parent income and assets must be considered for Foster Care Medicaid eligibility.

Count only assets that are available to the AFDC group. Assets are available when an individual legally owns the asset and has possession of the assets. If legal factors hinder making the asset available, the asset is exempt.

When a person in the AFDC group and someone who is not in the AFDC group jointly own 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 use the funds in the account. If one account holder is in the AFDC group and another account holder is not, but is receiving FEP assistance, divide the funds equally.

If more than one person owns property, determine the share that belongs to the person in the AFDC group.

Initial Eligibility Determination  
11/2014

<b><u>Countable</u></b>	<b><u>Exempt</u></b>
Liquid assets-Checking accounts Savings accounts Stocks Bonds Trust Accounts	One home and it's contents that are essential to daily living and the surrounding property
Motor Vehicles-Cars Trucks Snowmobiles Motorcycles	\$1500 equity value for one car or motor vehicle
Boats, Campers, Trailers	Beneficial Interest for land or accounts held in trust by the United States
Instruments & Tools	Payments made under Public Law
Livestock	Earned Income Tax Credit (EITC)
Merchandise, Inventory	Burial Trusts or funeral fund exemption for up to \$1500.00 per AFDC group member
Time Shares/Time Share Agreements	Education Assistance
Certain aliens who have been legally admitted in the U.S must have assets of their sponsors counted	Income Producing Property
Real property including land, houses, buildings and trailer homes	Bona fide loans

<b>AFDC Group Asset Determination</b>	
Accounts (savings, checking, stocks, etc.)	\$ _____
Countable Vehicles (from table below)	\$ _____
Personal Property (life insurance, funeral plans, etc.)	\$ _____
<b>Total</b>	<b>\$ _____</b>

*Note: Include stepparent assets in determining countable assets.*

List any of the AFDC group assets in the applicable place

**Vehicles:**

	Vehicle #	Vehicle #2	Vehicle #3
Trade-In Value	\$ _____	\$ _____	\$ _____
Minus Amount Owed	- _____	- _____	- _____
Value	\$ _____	\$ _____	\$ _____

Exclude up to \$1,500 for one vehicle and add together all remaining values.

**Total Countable Vehicles \$ \_\_\_\_\_**



To calculate the value of a vehicle find the trade-in value and subtract any amount owed. The result will be the equity value of that vehicle.

Example:  
Car is worth \$7700.00  
Family owes \$6300.00  
Total equity value is \$1400.

After calculating the equity value of the vehicles you may deduct up to \$1500 of the value for one vehicle for the IV-E calculation

Example:  
Two cars valued at \$980.00 and \$300.00 each. You may deduct \$980.00 from the total to arrive at the total countable

### **Sources of Asset Information**

- ✓ **ERep**
- ✓ **EFind**
- ✓ **Parent Income/Asset Declaration**
- ✓ **Application**
- ✓ **Caseworker**
- ✓ **Kelly Blue Book**

### Asset Worksheet

**Scenario #1**

Mork and Mindy were removed from the home of their mother and father by court order on Feb 27, 2005. At the time of removal, the father was working for the traveling carnival and the mother was arrested and released from jail 3 days later. The family had been living with the paternal grandparents. The paternal grandparents own their own home. The grandmother has stated that the mother is not welcome in her home. The grandmother completed the Parent Income Asset Declaration. She reports that the mother does not work. The father owns a truck, which the grandmother says she has been making the payments on. The truck is a 2003 Ford F-150, worth about \$8,000 according to the GM. She states that the father still owes \$3,500. The father also purchased a piece of property about 3 years ago. They plan to build a home on the property in the future, but currently they are using it to board the neighbors' horses. The property was purchased for \$12,000 with an insurance settlement. Calculate the assets of the AFDC group.

<b>AFDC Group Asset Determination</b>	
Accounts (savings, checking, stocks, etc.)	\$ _____
Countable Vehicles (from table below)	\$ + _____
Personal Property (life insurance, funeral plans, etc.)	\$ + _____
<b>Total</b>	<b>\$ _____</b>

*Note: Include stepparent assets in determining countable assets.*

**Vehicles:**

	Vehicle #	Vehicle #2	Vehicle #3
Trade-In Value	\$ _____	\$ _____	\$ _____
Minus Amount Owed	- _____	- _____	- _____
Value	\$ _____	\$ _____	\$ _____

Exclude up to \$1,500 for one vehicle and add together all remaining values.

**Total Countable Vehicles \$ \_\_\_\_\_**

**Scenario #2**

Flopsy was removed from the home of her mother and placed in DCFS custody by court order on Jan 3, 2005. Flopsy may have pinkeye and needs to see a doctor as soon as possible. The mother is currently unemployed and reports owning a 1999 car. She doesn't know the make or model of the car, but she did report that she recently got a "title loan" of \$1500 to cover her rent and other "stuff." There is \$535.00 in her checking account. The mother has an open ERrp case, which indicates that the car is a 2000 Toyota Corolla. The car registration is listed in the mother and her ex-husband's name. The value of the car is currently \$4,500. The mother is living in a trailer home that she owns. She pays \$300 each month for space rental. The mother is holding her ex-husband's tools "hostage" for child support she claims he owes. The ex-husband reports the tools are worth \$2,500 and has filed suit to have them returned to him. Calculate the assets of the AFDC group.

<b>AFDC Group Asset Determination</b>	
Accounts (savings, checking, stocks, etc.)	\$ _____
Countable Vehicles (from table below)	\$+ _____
Personal Property (life insurance, funeral plans, etc.)	\$+ _____
<b>Total</b>	\$ _____

*Note: Include stepparent assets in determining countable assets.*

**Vehicles:**

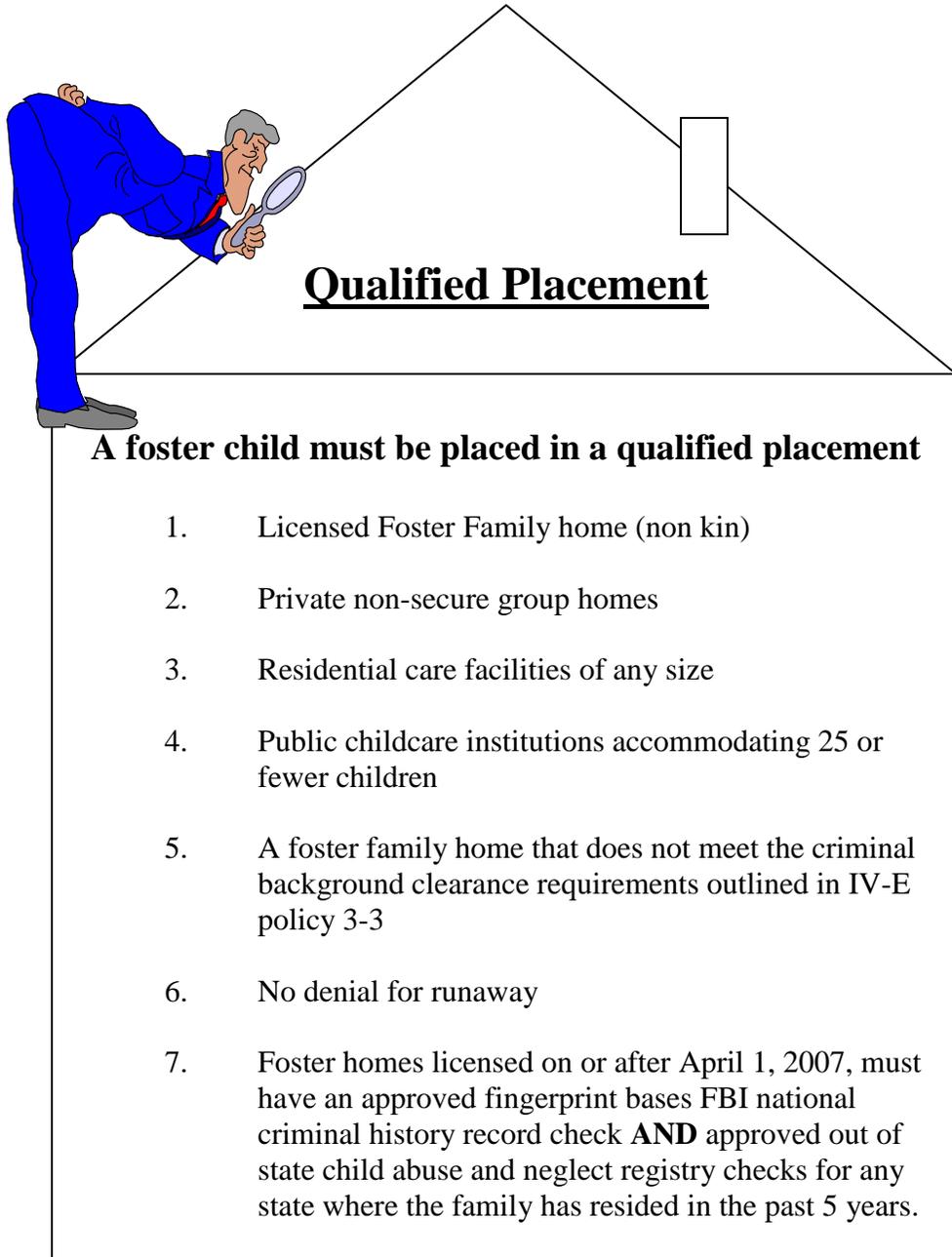
	Vehicle #	Vehicle #2	Vehicle #3
Trade-In Value	\$ _____	\$ _____	\$ _____
Minus Amount Owed	- _____	- _____	- _____
Value	\$ _____	\$ _____	\$ _____

Exclude up to \$1,500 for one vehicle and add together all remaining values.

**Total Countable Vehicles \$ \_\_\_\_\_**

*\*Answers on Page 149*

## IV-E Placement Requirements



**Qualified Placement**

**A foster child must be placed in a qualified placement**

1. Licensed Foster Family home (non kin)
2. Private non-secure group homes
3. Residential care facilities of any size
4. Public childcare institutions accommodating 25 or fewer children
5. A foster family home that does not meet the criminal background clearance requirements outlined in IV-E policy 3-3
6. No denial for runaway
7. Foster homes licensed on or after April 1, 2007, must have an approved fingerprint bases FBI national criminal history record check **AND** approved out of state child abuse and neglect registry checks for any state where the family has resided in the past 5 years.



## Placements that do not meet Qualified Placement Requirements

1. Detention Facilities
2. Forestry Camps
3. Training Schools
4. Facilities operated primarily for the detention of children
5. Independent Living Apartments
6. State Hospital
7. Developmental Center
8. Wilderness Programs
9. Psychiatric Residential Treatment Facility - PRTF

**NO!**

10. Unlicensed kinship placements
11. Any other placements other than licensed foster family homes, group homes, or residential care facilities
12. Any foster home licensed on or after April 1, 2007, that does not have an approved fingerprint based FBI national criminal history record check **AND** an approved out of state child abuse and neglect registry checks for any state where the family has resided during the past five years.



# Criminal Background Screening

**A child who is in the legal custody of the state may only be placed with prospective foster parents who have passed criminal background screening requirements as defined in state law and licensing rules.**

**Prior to April 1, 2007**, background screening for foster or adoptive parents and any adults living in the home consisted of:

1. Bureau of Criminal Investigation Report for Utah;
2. Utah child abuse and neglect registry check;
3. Utah adult abuse and neglect registry check; and
4. If the foster or adoptive parents 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.

*Note: The above background screening requirements continue to be required for renewal of foster family homes licensed prior to April 1, 2007.*



**Beginning April 1, 2007**, initial background screening for prospective foster or adoptive parents of a child in state custody and any adults living in the home consists of:

1. A fingerprint based FBI national criminal history records check for each foster or adoptive parent and each adult living in the home;
2. Bureau of Criminal Investigation Report for Utah;
3. Utah child abused and neglect registry check;
4. Utah adult abuse and neglect registry check; AND
5. If the foster or adoptive parents or any adult living in the home 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 each adult living in the prospective foster home for each state in which they resided.

## Licensed Placement

**Qualified providers must also be fully licensed to meet the IV-E placement requirements except as noted below in #6.**

1. 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 Department of Health Facilities Licensure.**
2. 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. If the foster home that is licensed by a tribal agency moves from the reservation/tribal lands, the home would then have to be licensed by the **Department of Human Services Office of Licensing or Department of Health Facilities Licensure.**
3. A public childcare institution accommodating 25 or fewer children must be licensed by the **Department of Health Facilities Licensure.**
4. Out of State providers must be licensed or approved by that State. A copy of the out of state providers licensure must be included in the IV-E case record. A copy of the approved ICPC form should also be included in the eligibility record.
5. Pending, probationary, or lapsed licenses for foster family homes do not meet the licensure requirement for IV-E eligibility. A foster family home must be fully licensed to meet this requirement. Foster family home licenses with a current variance or sanction may not be considered fully licensed. **Please check with the State Office in these circumstances.**
6. Children placed with qualifying kinship who are in the process of becoming licensed as foster parents through the State meet the IV-E eligibility placement requirement, as long as they complete licensure requirements within the normal time frame for licensing foster family homes. **“In the process of becoming licensed”** means that the Office of Licensing has issued a probationary license to the kin family. Currently the recommended time frame for licensure is 6 months.
7. A copy of the appropriate provider license must be included in the IV-E eligibility case file.

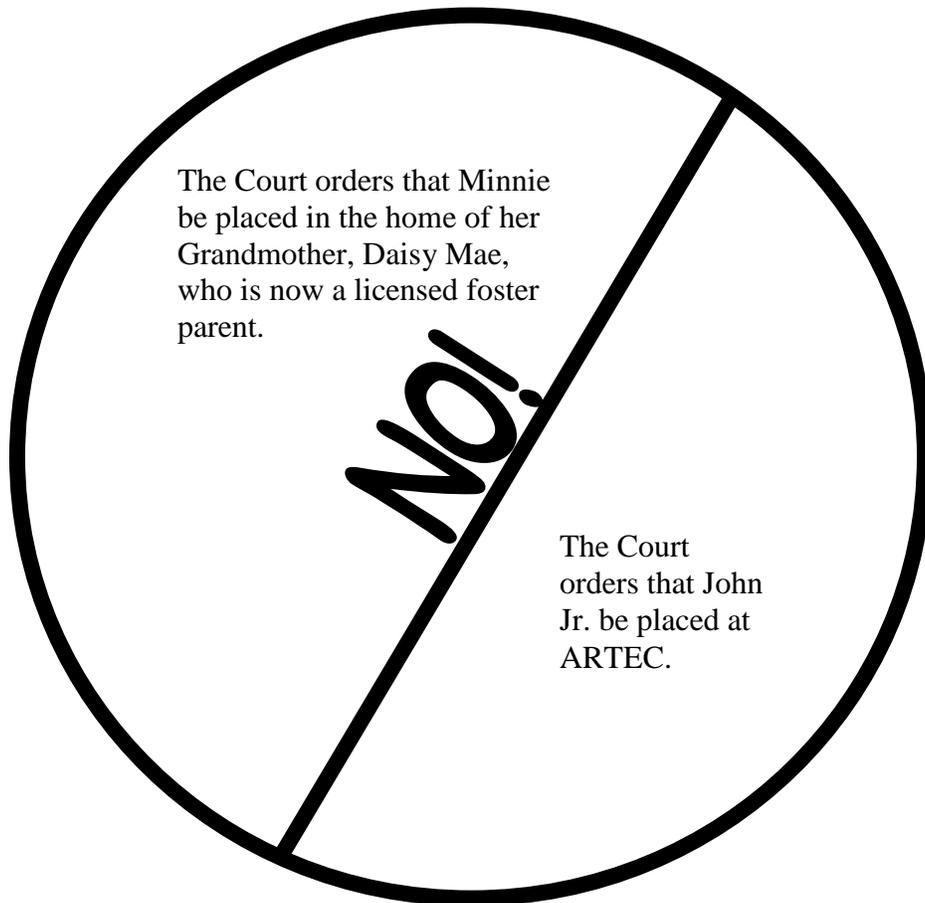
## **Legal Requirements** **Care and Placement Responsibility**



The State agency or Tribe that has been awarded custody of the foster child must be responsible for the care and placement. This means that the agency must be able to determine the placement for the child. If the court orders the foster child into a placement or orders a foster child to not be removed from a placement without court approval, the court has taken care and placement responsibility from the agency and the foster child cannot be IV-E eligible during the time that the court has care and placement responsibility.



## **Court Order Language that takes Care and Placement Responsibility from the Custodial Agency**



The Court orders that Minnie be placed in the home of her Grandmother, Daisy Mae, who is now a licensed foster parent.

The Court orders that John Jr. be placed at ARTEC.



## **Preliminary Placements**

### **Overview**

- ✦ Child and Family Services may place a child in custody into a preliminary placement with a kinship caregiver (non-custodial parent, relative, or licensed foster parent who is a friend or extended relative of the custodial parent or guardian).
- ✦ A preliminary placement is used to keep a child in Child and Family Services custody safe while the Child and Family Team makes decisions regarding the child's ongoing care and determines what steps are necessary to promote the safety, well-being, stability, and permanency of the child.
- ✦ A preliminary placement may be made while a child is in protective custody prior to a shelter hearing or after a court has ordered a child into the custody of Child and Family Services. A preliminary placement may continue while an evaluation is conducted and a plan is formed for ongoing care of the child.
- ✦ Criteria for approving a kinship caregiver for preliminary placement include background screening, assessment of safety, limited home inspection, general qualifying criteria, and may include a reference check.
- ✦ The kinship caregiver is responsible to meet the basic needs of the child while in their care. The caseworker will educate and assist the kinship caregiver on possible financial and medical resources to support the child's needs.

### **Placement Coding in SAFE**

- ✦ When the court orders a child into Child and Family Services custody, an SCF case will be opened in SAFE.
- ✦ The caseworker will open a preliminary placement with a non-custodial parent or relative in SAFE using the BHR code. The caseworker will open a preliminary placement with a friend who is a licensed foster parent under the foster care placement code appropriate for the child's level of need and the provider's level of training.

### **Financial Support**

- ✦ **Child Support – Office of Recovery Services (ORS)**
  - ✓ If a child is placed with a non-custodial parent, that parent may contact ORS to have an existing child support case reviewed to determine if child support payments may be discontinued or reduced or may apply to establish a child support case.

- ✓ If the child is placed with a relative, the caseworker should inform the relative that when a child is ordered into Child and Family Services custody, the court also orders the parent from whom the child is removed to contact ORS to establish a child support case to reimburse the state for cost of care. Some relatives are hesitant to apply for public assistance and to sign the required Duty of Support form when applying for financial or medical benefits because of fear it will result in the person from whom the child was removed having an obligation for child support. The relative needs to understand that the court already ordered this financial obligation when the child was taken into custody, and the relative receiving a specified relative grant does not add to that financial obligation.

☀ **Public Assistance – DWS**

- ✓ A non-custodial parent may apply for financial assistance, food stamps, or childcare through DWS. Income and assets of all members of the household will be considered for determining eligibility.
- ✓ A relative may apply for specified relative financial assistance to care for a related child through DWS. Eligibility for specified relative assistance is based only on the income and assets of the child. The relative needs to understand that when completing the application, they should indicate on the form that assistance is only being requested for the relative child so that the income and assets of all members of the household are not considered for determining eligibility.

☀ **Child's Unearned Income – Social Security or Supplemental Security Income**

- ✓ When a child in Child and Family Services custody receives unearned income, such as SSA or SSI, Child and Family Services will become the representative payee for the child's income as specified in practice guidelines. If the child is placed with a non-custodial parent or relative in a preliminary placement, the caseworker will authorize payment of the child's monthly income from the representative payee account, minus \$35 for special needs, to the non-custodial parent or relative to pay for the child's care. The kinship caregiver will keep a record of the use of the funds. The caseworker will authorize use of the special needs funds according to the needs of the child.

☀ **Foster Care Payment**

- ✓ A friend or relative who is licensed as a foster parent and selected for placement of the child will receive a foster care payment appropriate for the child's level of need and the provider's level of training.

☀ **Special Needs Payment**

- ✓ Special needs payments may be made for children who are in a preliminary placement with a kinship caregiver, according to limits for children in out of home care, if other resources are not available to meet those needs.

## **Medical Support**

- ☀ **Health Care Resources:** A kinship caregiver that is not a licensed foster parent is responsible to seek resources to pay for health care for the child while in a preliminary placement.

☀ **Medicaid and Children's Health Insurance Program (CHIP)**

- ✓ Child and Family Services eligibility workers cannot issue Medicaid for a child who is in a preliminary placement with a non-custodial parent or relative who is not a licensed foster parent; however, the caseworker is still responsible to submit the DCFS Title IV-E and Medicaid Application within 30 days after the child is placed in Child and Family Services custody so an initial Title IV-E/Medicaid eligibility determination can be completed. A child who is placed in a preliminary placement or ongoing placement who is a licensed foster parent is eligible for foster care Medicaid.
- ✓ A non-custodial parent or relative may apply for Medicaid or CHIP for the child through DWS. Income and assets of all persons in the household will be considered for determining eligibility for the child who is placed with a non-custodial parent. Income and assets of the child only will be considered for determining eligibility for a child who is placed with a relative. Medicaid may be requested on the same application submitted for financial assistance.
- ✓ When submitting an application for Medicaid, a non-custodial parent or relative should request that the application for Medicaid be retroactive to the date the child was placed in the home. This is allowable for up to 90 days.

☀ **Private Medical Insurance**

- ✓ A non-custodial parent or relative may be able to provide for the child's health care needs by adding the child to their own private medical insurance, when allowed by their insurance company.

☀ **MI706**

- ✓ The DCFS eligibility worker may issue an MI706 to the end of the month following the month a child is ordered into Child and Family Services custody, if the child is not enrolled in Medicaid when removed from the home. After that time and only as a last resort, the caseworker may request an MI706 from the fostering Health Children nurse for specific health care needs of the child and for medical, dental, or mental health examinations required by Child and Family Services that the non-custodial parent or relative cannot pay for through other available resources. The non-custodial parent or relative should have applied for Medicaid, including requesting retroactive coverage, before an MI706 is requested or issued by a nurse.



## Eligibility Worker Preliminary Placement Process

- ✦ Every child in Child and Family Services custody should be issued a 695 P or MI706, depending on the child's Medicaid status, at the time the eligibility worker is first notified that the child is in custody.
  - ✓ Copies of 695P or MI706 should be provided to the caseworker and fostering healthy children nurse.
  - ✓ 695P or MI706 information should be entered in SAFE on the person screen, health tab.
  - ✓ An MI706 for a child in a unlicensed preliminary placement should be issued with an end date of the last day of the month following the month the child enters Child and Family Services custody, up to 60 days.
  - ✓ If a child is Medicaid eligible at the time they are placed in Child and Family Services custody, the eligibility worker will issue a 695 P to the end of the current month. At the end of the month, the eligibility worker will review the Medicaid eligibility of the child and issue another 695 P if Medicaid eligibility continues. If the Medicaid eligibility had ended a MI706 should be issued for the next month if the child is in a preliminary placement.
- ✦ An initial IV-E and Medicaid determination must be completed for every child in Child and Family Services custody. SAFE and eRep entry of the initial determination information is required.
  - ✓ For a child who is in an unlicensed preliminary placement and not eligible for Foster Care Medicaid the Medicaid application will be registered in eRep and the Medicaid eligibility denied.
  - ✓ If the child meets the initial IV-E requirements, the initial IV-E eligibility in SAFE will be “Yes”. If the child has been in an unlicensed preliminary placement since entering DCFS custody, the IV-E eligibility will end at the end of the first month using the reason “**Placement Probationary or Non-Licensed Placement**”. Initial IV-E reimbursability will be “No”, using the ineligible reason of “**Eligibility Placement Criteria Not Met**”.

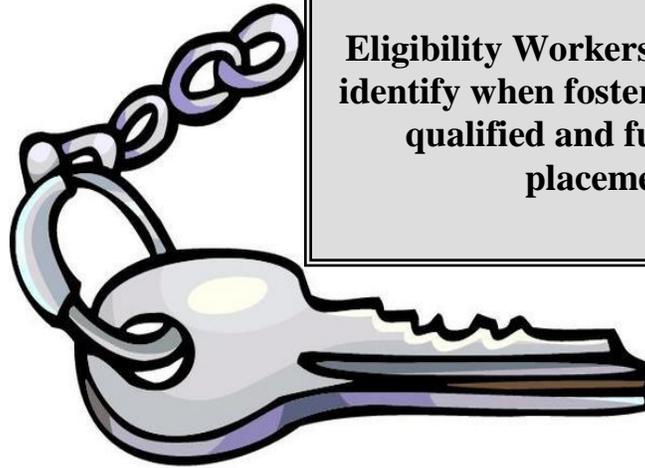
## Initial Eligibility Determination

11/2014

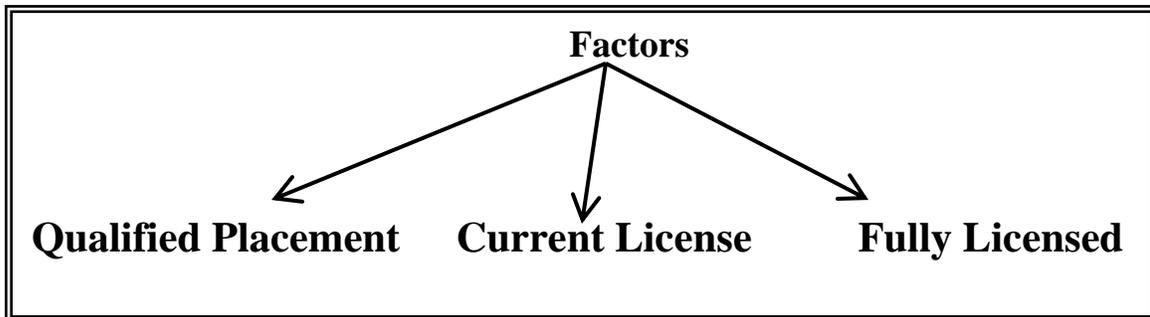
General	Ref/Case	Eligibility - Entry	Documents	Health	Psychosocial	Education	Purch Svc	Court	Family	History	Worker	Rep Payee	ICPC								
View																					
<input checked="" type="radio"/> IV-E Eligibility (Non - eRep) <input type="radio"/> IV-E Court-Ordered Language <input type="radio"/> IV-E Removal Requirement / DSPD Wavier																					
Current IV-E: XX																					
Case ID	IV-E Type	Application Date	Effective Date	Determination Date	Determination Result	Termination Date	Termination Reason														
1606787	Initial Reimburse		01Nov08	09Dec08	No																
1606787	Initial Eligibility	01Dec01	01Nov08	09Dec08	Yes	30Nov08	Placement-Conditional or non-licensed to														
<table border="1"> <thead> <tr> <th>Ineligible Reasons</th> <th>Date</th> <th>Worker</th> <th>Note</th> </tr> </thead> <tbody> <tr> <td>Eligibility Placement Criteria Not Met</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>														Ineligible Reasons	Date	Worker	Note	Eligibility Placement Criteria Not Met			
Ineligible Reasons	Date	Worker	Note																		
Eligibility Placement Criteria Not Met																					

- ✱ Ongoing IV-E and Medicaid eligibility for children in preliminary placements will be determined month-to-month depending on placement status.
- ✱ Once the child is moved to a licensed placement or the kinship placement is licensed (probationary or full) the eligibility worker will take the appropriate action regarding the IV-E and Medicaid status.
  - ✓ If the Medicaid has been closed or was denied more than 30 days ago due to a preliminary placement, a new Medicaid application will not be required unless the closure or denial was several months in the past.
    - In eRep, update the necessary foster care evidence, usually changing the foster care maintenance payment indicator to a “yes”. The Non-AFDC indicator should also be updated as necessary. The SAFE to eRep interface will update this evidence monthly one day prior to 10 day notice.
    - Set an alert on the DWS case to notify that worker that the placement is now licensed and receiving a foster care maintenance payment. DWS will take the appropriate action for that case.
      - ✓ If the child met the initial IV-E requirements, take the appropriate action on the IV-E screens in SAFE based on placement licensing status.

## Title IV-E Eligibility and Licensure



**Eligibility Workers must correctly identify when foster children are in qualified and fully licensed placements.**



### How to track placement and licensure

**SAFE Placement records**  
**SAFE Provider records**  
**SAFE Licensing Records**  
**Notices from caseworkers**  
**Foster Care Licensing Database**  
**CARE**  
**Licensing Website:**  
<https://dhslic.utah.gov/dhsLicensing/home/index.action>

**Placement Form Service Contract**  
**Court Screens**  
**Hard copy of tribal or out of state provider licenses**  
**Hard copy of licenses for Proctor Homes**

### **What types of errors have been found?**

- 1. Placement was never licensed.**
- 2. Placement is not fully licensed.**
- 3. Placement has an expired license.**
- 4. Placement has a sanction, which would make the placement conditionally licensed.**
- 5. Has more children placed in the home than the placement is licensed for.**
- 6. Variance expired.**
- 7. Placement has not met the criminal background screening requirements.**



### **Why have the errors happen?**

- 1. Not thoroughly checking relevant information sources.**
- 2. Not understanding Foster Care Licensing Database information.**
- 3. Office of Licensing case file information does not match the information entered in the Foster Care Licensing Database.**
- 4. Office of Licensing extending end dates for licensure entry.**
- 5. Changes in licensure occurred prior to eligibility review.**
- 6. No documentation of justification for level of care.**

# Licensing Basics

## Group Homes or Residential Facilities



Group homes or Residential Facilities must be licensed in order for the IV-E eligibility placement requirement to be met.

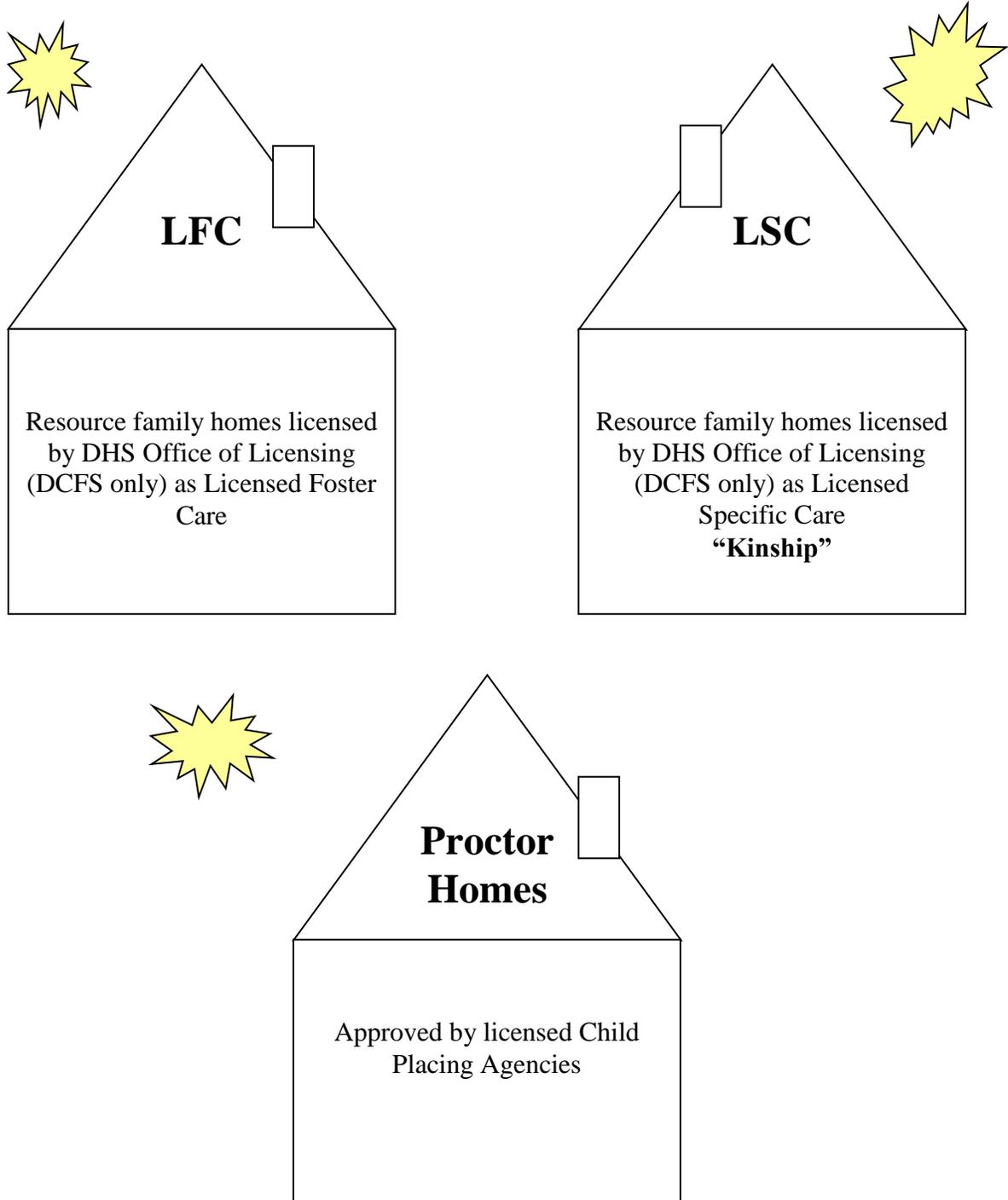
These placements are licensed by DHS Office of Licensing or DOH Facilities Licensure.

### Verify Licensing

DHS Licensing Website:  
<https://dhslic.utah.gov/dhsLicensing/home/index.action>

Generally you can be confident that the residential facility placements that DHS contracts with meet licensing and background requirements. Normally licensing will notify Division Administration if there is a problem with a licensed facility.

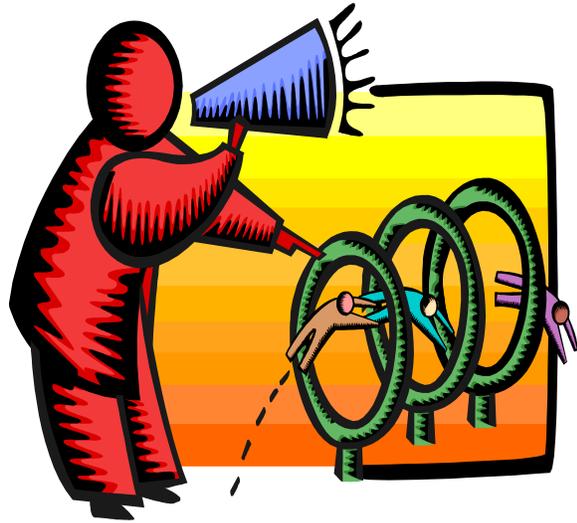
## Foster Family Homes



## Licensing Overview

### What is required for licensure?

- Application
- Home Study
- Background Screening Clearances
- Medical review
- Training
- Code of Conduct
- Income
- Confidentiality
- Rules
- Letters of reference



### Types of Licenses

- ✚ Probationary- up to 5 months (LSC only)
- ✚ Initial – for the remainder of 12 months period (LSC only)
- ✚ Initial 12 month License (for LFC)
- ✚ Annual License
- ✚ Renewal



### Other Licensing Actions

- ✘ **Extensions**-Extra time to complete licensing requirements. Should be used when the agency responsible for the delay. Consider a placement fully licensed except if the extension is on 5 month Probationary License or in unusual circumstances.
- ✘ **Variances**- used to alter the license for a specific reason
- ✘ **Sanctions**- Issued when a home is out of compliance. NAA is issued. Placement is “**conditionally licensed**” when a sanction is in place.

## Eligibility for Placements

### **Foster Homes**

IV-E and Medicaid eligibility for a child or youth placed in a foster home is based upon the license and background screening information obtained by the eligibility worker. Placement licensing and background screening information must be monitored on a continuing basis until state custody ends.

A kin placement with a probationary license would meet the requirements for IV-E eligibility, but the child would not be IV-E reimbursable during the period of the probationary license.

An unlicensed relative home is considered the foster placement for the child. These placements should be coded BHR in SAFE.

### **Residential Facilities – Group Homes**

IV-E and Medicaid eligibility for a child or youth placed in a residential facility is based on the licensing information obtained from the Utah Department of Licensing website. Placement licensing information must be monitored on a continuing basis until state custody ends.

A residential facility with a probationary license is not considered a IV-E eligible or IV-E reimbursable facility. The facility would receive a maintenance payment so the child or youth would be foster care Medicaid eligible during the period of the probationary license.

### **Detention Facilities**

A secure facility operated for the detention of children or youth is not a IV-E qualified placement.

#### **Medicaid Policy applicable to youth placed in detention facilities**

<http://utahcares.utah.gov/infosourcemedicaid/>

### **215-3 Who is a "Resident" of an Institution?**

In general, a person living in an institution is a resident of that institution. The exceptions to this rule are::

1. A child in the custody of the state is not a resident of an institution if he is:
  - a. under age 18, AND
  - b. in the custody of a State agency, AND
  - c. living temporarily in an institution while arrangements are being made for an appropriate placement.

For example, children may be put in a detention center while authorities decide where they should be placed. These children are not residents of the detention center. They remain residents of the dwelling in which they lived before being placed in the detention center.

## **Psychiatric Residential Treatment Programs (PRTF)**

### Background

Medicaid has a classification of Institution for Mental Disease known as PRTF. This is a level of care similar to the State Hospital and is considered a type of in-patient care. When a child is placed in a PRTF, the child cannot receive any Medicaid reimbursed services other than a PRTF payment. The facility has to provide for that basic care within their Medicaid payment. Title IV-E is not allowable for a PRTF. In order for a state to have PRTF services funded, the state must include this category of service in their Medicaid State Plan. PRTF is not an approved service in Utah's Medicaid State Plan.

However, many other states do include this service in their Medicaid State Plan and to meet the needs of their state's population, they often place children out of state in other certified PRTF's in other states.

As we have progressed towards our corrective action for residential care, we learned that several facilities that DCFS and DJJS contract with have had children from other states placed in them as if they are a certified PRTF. However, Utah had not previously certified PRTF facilities and CMS (Federal Medicaid agency) was directing other states to remove their children from these Utah programs that were not actually certified as PRTF's.

When we recently held Medicaid transition information meetings throughout the State, this issue was brought up as a concern for these JCAHO accredited programs that rely so heavily on out of state placements. When we explained what was happening, they asked if there was any way Utah could certify these programs as PRTF's for the purpose of receiving Medicaid funds from other states. DOH survey and certification staff worked with CMS to establish a process for Utah JCAHO accredited facilities to complete the process for certification as PRTF's for the purpose of having children from other states placed here and funded with that state's Medicaid funds.

An unanticipated consequence of this process is that this means that once a Utah facility is certified as a PRTF for placement of children from out of state, the facility no longer qualifies to receive Medicaid funding from Utah and the children placed in those facilities cannot receive any Medicaid funded services while placed there. They also cannot qualify for Title IV-E funds.

### What This Means

DCFS contracts with these providers are still in place so technically we can continue to place children in these facilities. However, we will receive no Medicaid or Title IV-E reimbursement for these children. These facilities provide services with the DPR service code which is a rate of \$248.04 per day. This will have to be paid with all state general funds. In addition, these children cannot qualify for any Medicaid services outside of the facility (e.g., doctor visits, dental visits, etc.). DCFS will have to cover these services through an MI706 with state general funds.

## Licensing Do's and Don'ts

### Do



#### **Check the Foster Care Licensing Database to see**

1. Background screening clearance completion dates for the provider, spouse and any other over 18 individuals living in the foster home.
2. License Type (LSC LFC).
3. License Action (Initial, Annual, Renewal or Extension).
4. License Period (Start and end dates).
5. License is current and open.
6. Check for sanctions and variance.
7. Obtain copies of licensure verifications for Proctor Homes. This includes the background screenings (for all over 18) and the license certificate.
8. Obtain copies of license and background screenings for all out of state providers.
9. Count extensions on Initial (12 month), Annual and Renewal Licenses as fully licensed.
10. Check license capacity, cannot be zero. Remember "sibling exception" rule.
11. Call the licensor if you have questions.

### Don't

1. Forget to get copies of Out of State provider licenses and BCI's.
2. Forget to get copies of Proctor home licenses and BCI's.
3. Forget to check the license status of each new placement for a IV-E foster child.
4. Forget to update the eligibility in SAFE if a placement is not fully licensed.
5. Forget to check for sanctions or variances.
6. Forget to check for "gaps" in the license dates.
7. Count an extension on a 90-day Initial License as fully licensed.
8. Forget to call the State Office if you have questions.



## Initial Eligibility Determination

11/2014

- ☀ Eligibility and Reimbursability requirements are met the first day of the month in which licensing criteria are met. Also, if a license lapses prior to the end of the month, for eligibility purposes, the home is considered licensed to the last day of the month.
- ☀ Annual and Renewal licenses generally constitute full licensure unless a sanction has occurred.
- ☀ If any licensing information in the DHS/OL database looks questionable, talk to the licensor to ensure that you are interpreting the information correctly.
- ☀ **In cases where a child changes placements mid-month and one of the placements for that month is fully licensed but the other placement is not fully licensed, the IV-E reimbursability for the child should be terminated on the last of the month that the child was in the fully licensed placement for the entire month. This will prevent a IV-E payment being made to an ineligible provider.**

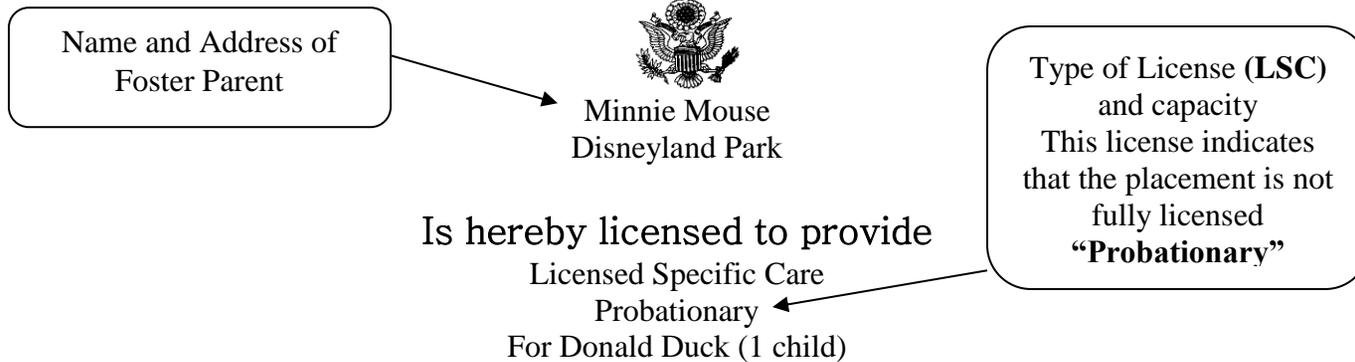
### Example

Buffy was court ordered into DCFS custody. On Jan 12, 2005, she was placed in a fully licensed foster home. Buffy remained in this home until Feb 23, 2005. On Feb 23, 2005, Buffy was moved to the home of an aunt. The aunt is in the the process of becoming licensed as a foster parent and currently has a 90-day Initial License beginning Feb 23, 2005 to May 31, 2005.

#### **Action to be taken by the eligibility worker**

Close the IV-E Reimbursability on **Jan 31, 2005**. The placement with the aunt is not fully licensed and is not eligible to receive a IV-E maintenance payment. The IV-E Reimbursability needs to be terminated the end of the month prior to the placement beginning to prevent that from occurring.

State of Utah  
Department of Human Services  
**Office of Licensing**



In accordance with the laws of the State of Utah and the rules and regulations prescribed by the State Office of Licensing.

License period is 5 months

This license is issued for the period:

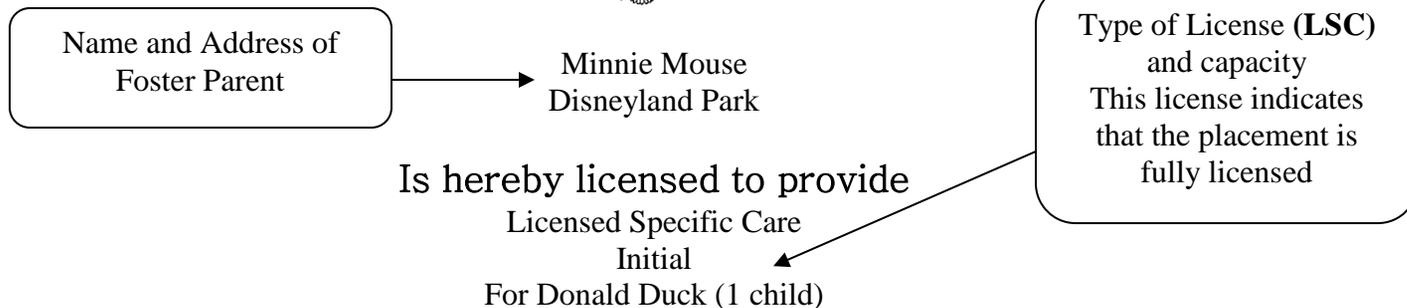
July 1, 2005 to November 30, 2005

This license is not transferable and is subject to revocation for cause.

Number \_\_\_\_\_

\_\_\_\_\_  
Director

State of Utah  
Department of Human Services  
**Office of Licensing**



In accordance with the laws of the State of Utah and the rules and regulations prescribed by the State Office of Licensing.

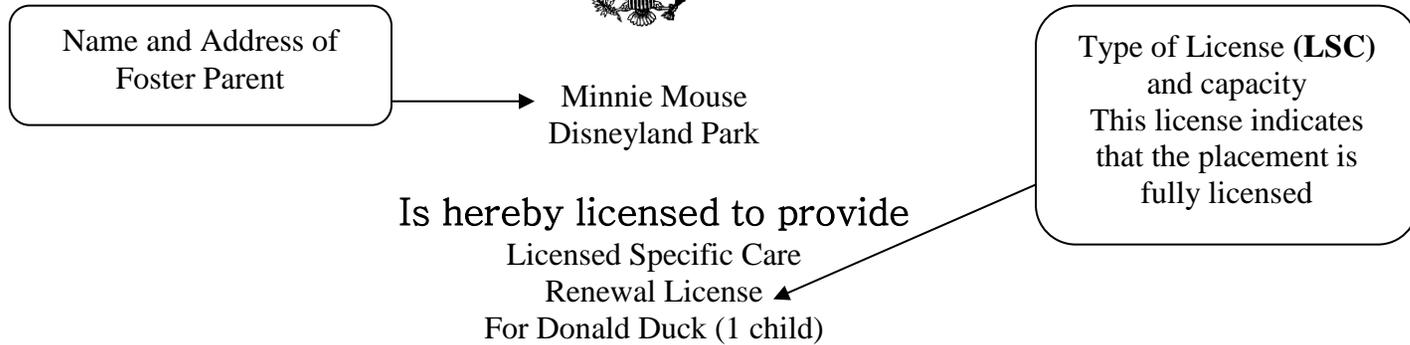
License period is 7 months → This license is issued for the period:  
November 1, 2005 – June 30, 2006

This license is not transferable and is subject to revocation for cause.

Number \_\_\_\_\_

\_\_\_\_\_  
Director

State of Utah  
Department of Human Services  
**Office of Licensing**



In accordance with the laws of the State of Utah and the rules and regulations prescribed by the State Office of Licensing.

License period → This license is issued for the period:  
July 1, 2006 to June 30, 2007

This license is not transferable and is subject to revocation for cause.

Number \_\_\_\_\_

\_\_\_\_\_  
Director

State of Utah  
Department of Human Services  
**Office of Licensing**



Name and Address of  
Foster Parent

→ Minnie Mouse  
Disneyland Park

Type of License (**LFC**)  
and capacity  
This license indicates  
that the placement is  
fully licensed

Is hereby licensed to provide  
Licensed Foster Care  
Initial License  
For 2 children

In accordance with the laws of the State of Utah and the rules and  
regulations prescribed by the State Office of Licensing.

License period

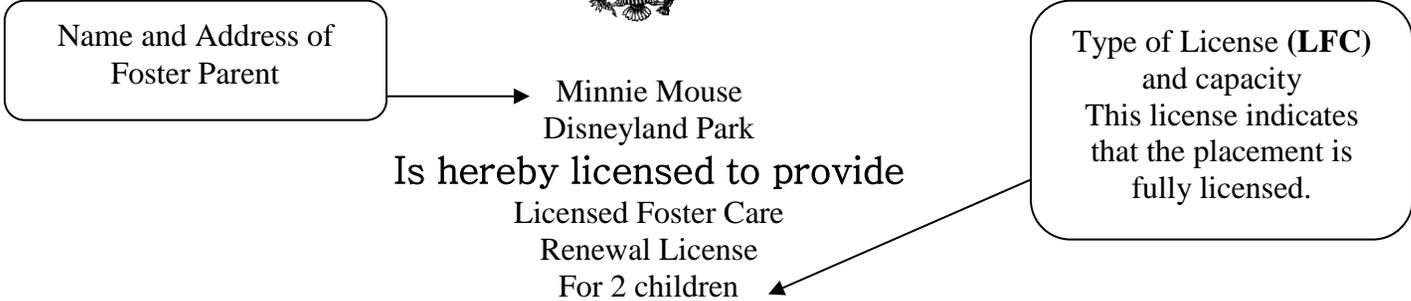
This license is issued for the period:  
July 1, 2006 to June 30, 2007

This license is not transferable and is subject to revocation for cause.

Number \_\_\_\_\_

Director \_\_\_\_\_

State of Utah  
Department of Human Services  
**Office of Licensing**



In accordance with the laws of the State of Utah and the rules and regulations prescribed by the State Office of Licensing.

License period → This license is issued for the period:  
July 1, 2006 to June 30, 2007

This license is not transferable and is subject to revocation for cause.

Number \_\_\_\_\_

Director \_\_\_\_\_

State of Utah  
Department of Human Services  
**Office of Licensing**



Name and Address of  
Residential facility

Springville Observation and Assessment  
205 West 900 North  
Springville, Utah 84663

Type of License  
**(Residential)** and  
capacity  
This license indicates  
that the placement is  
fully licensed

Is hereby licensed to provide  
To provide Residential Support  
For 16 Youth Consumers

In accordance with the laws of the State of Utah and the rules and  
regulations prescribed by the State Office of Licensing.

License period

This license is issued for the period:  
July 1, 2006 to June 30, 2007

This license is not transferable and is subject to revocation for cause.

Number \_\_\_\_\_

Director \_\_\_\_\_

State of Utah  
Department of Human Services  
**Office of Licensing**



Name and Address of  
Residential facility

Cinnamon Hills Youth Crisis Center  
770 E St. George Boulevard  
St. George, Ut 84770

Type of License  
**(Residential)** and  
capacity  
This license indicates  
that the placement is  
fully licensed

Is hereby licensed to provide

To provide Residential Treatment  
For 84 male youth consumers ages 12 through 17 years  
And 52 female youth consumers ages 12 through 17 years

In accordance with the laws of the State of Utah and the rules and  
regulations prescribed by the State Office of Licensing.

License period

This license is issued for the period:  
July 1, 2006 to June 30, 2007

This license is not transferable and is subject to revocation for cause.

Number \_\_\_\_\_

Director \_\_\_\_\_

# Certificate of Completion

This Certificate is issued to

Minnie Mouse  
Disneyland Park

Name and address of  
proctor parent

In accordance with the Child Placing Agency authority of

Licensed Child Placing  
Agency

Rocky Mountain Youth Services  
133 E 800 N

The above individual has completed the requirements for  
Proctor Foster Home Licensing with the above named agency.

License period  
July 1, 2005 to June 30, 2006

License Period

Date \_\_\_\_\_

Director \_\_\_\_\_

# "Tahwe Tawuhchew"

## *Ute Tribe Family Center Certifies*

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*As a foster home  
For the Ute Tribe*

*From* \_\_\_\_\_ *To* \_\_\_\_\_

---

*Foster Care Certifier*

---

*Director*

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**Title IV-E  
Reimbursability  
\$\$\$\$\$\$\$\$\$\$\$\$**

**A child who has been determined Title IV-E Eligible and who meets the IV-E placement requirements must also meet the requirements for Title IV-E Reimbursability to be determined IV-E Reimbursable.**



- ✚ The determination of IV-E Reimbursability qualifies the State to obtain IV-E reimbursement for **foster care maintenance costs** associated with the child. This includes room, board and clothing expenses.
- ✚ A child who is IV-E Eligible and IV-E Reimbursable is also categorically eligible for Foster Care Medicaid.
- ✚ IV-E Reimbursability may change from month to month.
- ✚ Loss of IV-E Reimbursability during a custody episode does not prevent the child from regaining IV-E Reimbursability during that custody episode.
- ✚ The IV-E Reimbursability effective date is the first day of the month during which all the requirements are met. A child who meets the requirements for any part of the month is reimbursable for the entire month.

**A child must be IV-E Eligible  
to be IV-E Reimbursable.**

# Factors to Consider for IV-E Reimbursability

## SSI

A child who is receiving SSI will not be made IV-E Reimbursable because the SSI income is applied to the costs for room and board. It is also in the child's best interest to have SSI upon returning home. In some instances the Social Security Administration will reduce the SSI based on the federal living arrangement. If this occurs then then a child can be IV-E reimbursable and also receive an SSI benefit.

## Placement Licensure

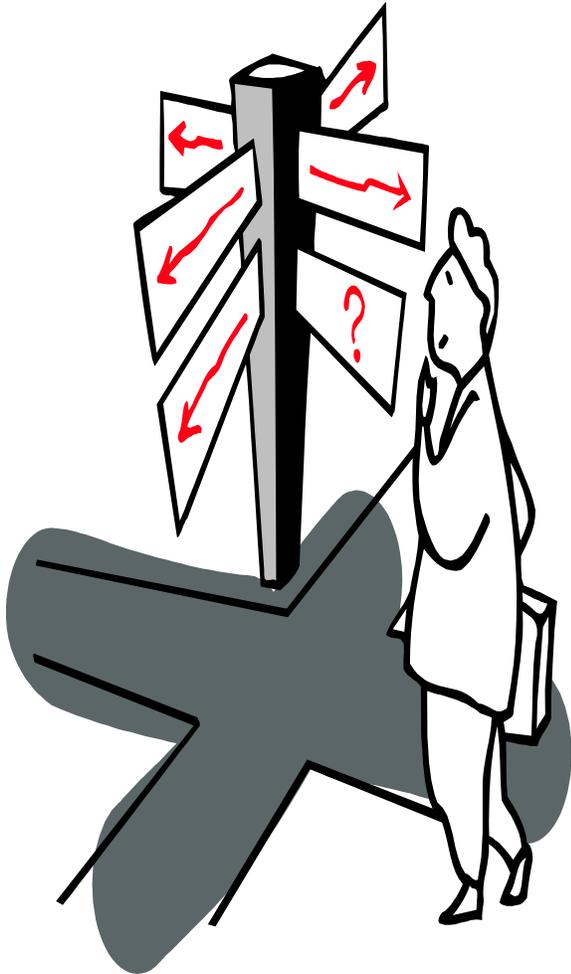
A child is not IV-E Reimbursable while placed in a foster or kin home when licensure is in probationary status.

## Runaway

A child who runs away from the placement is not IV-E Reimbursable during the runaway period.

- In cases where a child changes placements mid-month and one of the placements for that month is fully licensed but the other placement is not fully licensed, the IV-E reimbursability for the child should be terminated on the last day of the month that the child was in the fully licensed placement for the entire month. This will prevent a IV-E payment being made to an ineligible provider.
  - See Licensing Section for example

# Runaway



A child who runs away from a foster placement is still considered to be under the care and placement responsibility of the State as long as court-ordered custody continues.

**The child may remain IV-E eligible during the runaway period as long as they continue to meet the other requirements of reasonable efforts to finalize permanency and placement**

A child who runs away from foster care is not IV-E Reimbursable. **Close the IV-E Reimbursability in SAFE at the end of the month that the child ran away.**

A foster child who is on the run is not eligible for Foster Care Medicaid. **The foster care maintenance indicator in eRep will be “no” and no FC Medicaid benefit will issue.**

## DJJS INITIAL DETERMINATION Title IV-E and Medicaid Benefits for Foster Child

Enter the Foster Child's identifying information from the application here. If any inaccuracies appear on the application, enter the correct information.

**Child in Custody Information**

Name of Child (last, first, middle)	Social Security #	Date of Birth	Client #
Current Placement Address (street, city, state, zip)		County	Telephone #

**Section I: NON-AFDC Requirements**

**Part A: Initial IV-E Non AFDC Requirements**

- Custody:** Has the child been removed from home and placed in the custody of the State or a tribal organization by a court order, voluntary placement agreement, or voluntary relinquishment?

IV-E Policy Manual  
Section 2-3.A  
Medicaid Policy 311  
<http://utahcares.utah.gov/infosourcemedicaid/>

Does the court order give custody to a State agency?  
Has the parent or guardian and a representative of the agency signed the DCFS01 form for a voluntary placement?  
Question #1 on the Application  
**You need copies for your file!**

Yes    Go to section I, part A, question 2 .

No    STOP Child cannot be eligible for IV-E or FC Medicaid until the State obtains custody of the child and removal from the home has occurred. Go to section I, part D

## 2. Court Order Requirements

IV-E Policy Manual  
Section 2-3.B

IV-E Policy Manual  
Section 2-6.C  
When did the legal process that removed the child from the home begin?  
You need to know this to determine what month to look at AFDC group information!

Date of Petition (eligibility month)

Question #1 on the application addresses how the child entered custody

**VERY FIRST ORDER**

- a. If the child was removed from home by a court order, did the initial court order or warrant that sanctions (even temporarily) the removal of the child from home contain the required contrary to welfare/best interest language?

Did the court make a best interest finding?  
When?  
Highlight **Best Interest** wording  
Flag order

Yes Date of court order or warrant \_\_\_\_\_ Go to question 2d.

No **STOP.** Child is not eligible for IV-E. Go to **section I, part D.**

- b. If the child entered care by a court order, did the initial court order, or a subsequent court order within 60 days of removal, meet the reasonable efforts requirement?

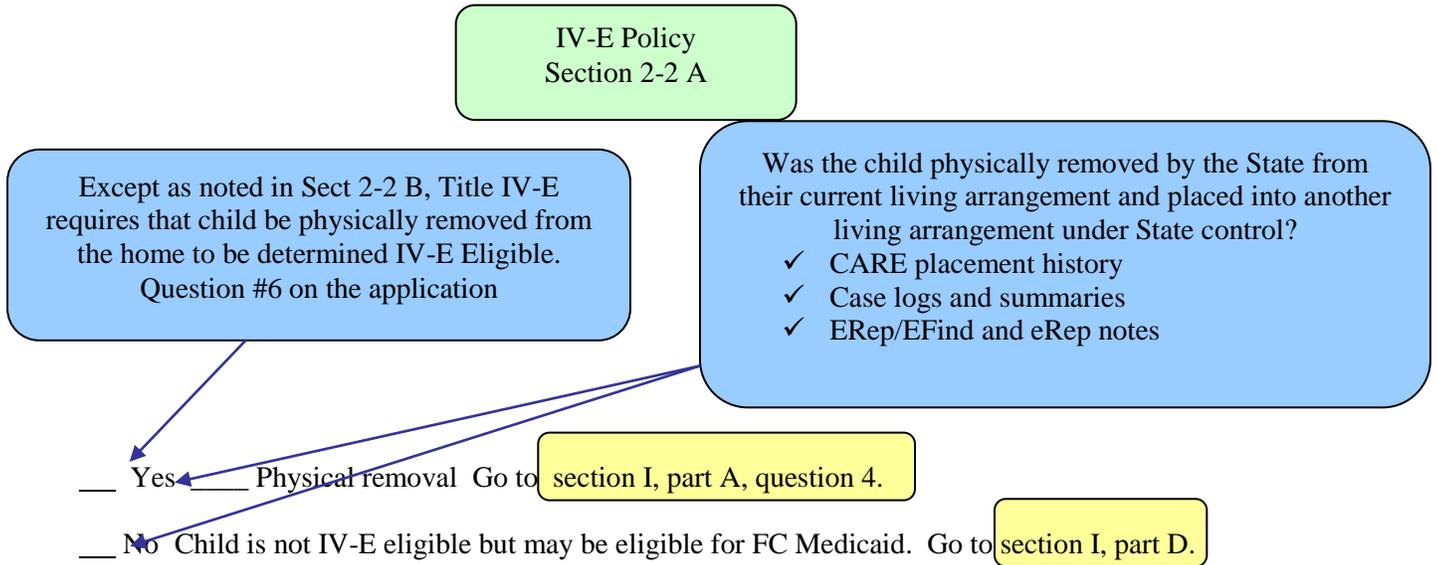
Yes Provide Court Order Date **Enter date of order containing RE** Go to **section I, part A,** question 3.

No Child cannot be IV-E eligible for this custody episode. Go **section I, part D.**

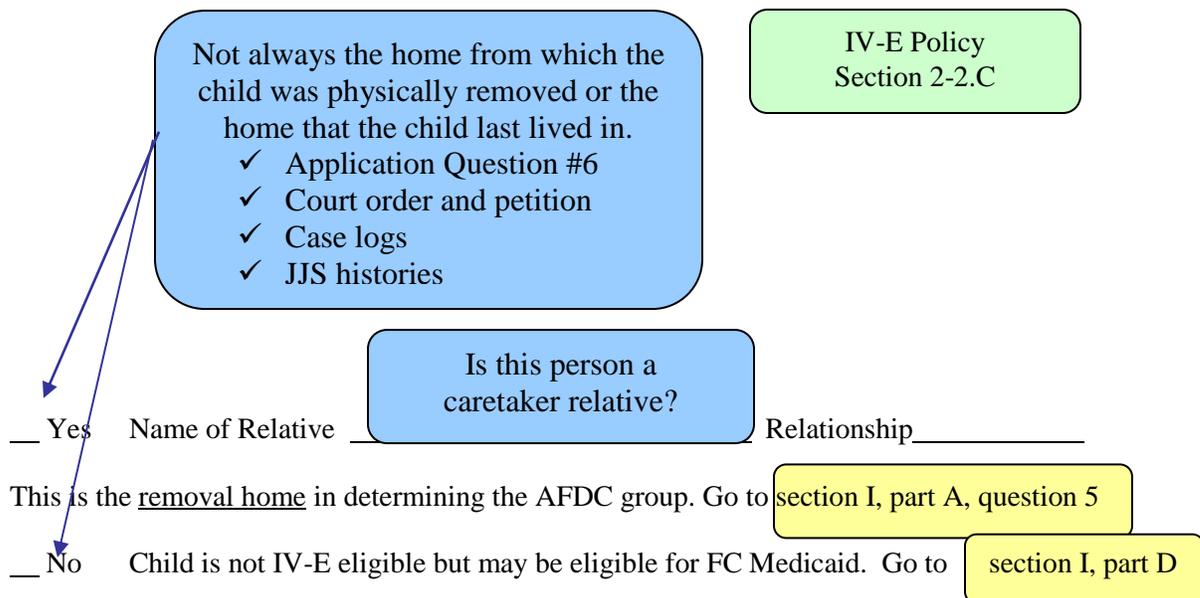
IV-E Policy  
Section 2-3.C

- ✓ Review all court orders within the 60 day time frame for the necessary wording
- ✓ Contact Court and caseworker prior to 60 days having expired if an order with RE language is needed
- ✓ Request CD of court hearing.
- ✓ Highlight RE wording and flag the order

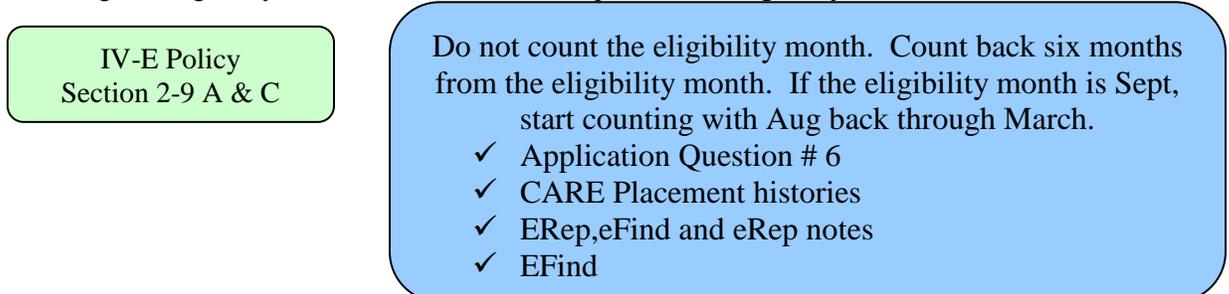
**3. Removal:** Was the removal requirement met?



**4. Removal Home:** Was the person from whom the court took custody, who voluntarily placed the child, or who relinquished parental rights a caretaker relative?



**5. Living With Caretaker Relative:** Did the child live with the caretaker relative listed in question 4 above during the eligibility month or within 6 months prior to the eligibility month?



Yes Date last lived with \_\_\_\_\_  
**If all the above requirements are met, the child meets the Initial IV-E requirements for this custody episode.** Go to **section I, part B.**

No Child is not IV-E eligible but may be eligible for FC Medicaid. Go to **section I, part D.**

**Part B: IV-E Eligibility Placement Requirements**

**1. Runaway:** Is the child a runaway from foster care (and still in State custody)?

Application Question 18  
CARE Placement History

Yes Provide runaway date: \_\_\_\_\_  
Go to **section I, part B, question 2.**

No Go to **section I, part B, question 2.**

**2. Background Screening Requirement:** Was the current foster home or any other foster home since entering agency care licensed on or after April 1, 2007?

**Adam Walsh Act Requirements**  
IV-E Policy Manual  
Section 3-3

Yes Has a fingerprint based FBI national criminal history record check been completed for any foster home licensed after April 1, 2007 **AND** If any foster parent or adult in the home has lived outside of Utah in the five years prior to the date of application to become a foster parent, has a child abuse and neglect registry check been completed for each state in which they resided?

✓ Foster Care Licensing Database  
✓ Copies of background screening information

Yes Go to **section I, part B, question 3**

No Any foster home for which these requirements have not been met does not meet the eligibility placement requirements. Child is not IV-E Eligible while in this placement. Go to **section I, part B, question 3**

No Go to **section I, part B, question 3**

Foster homes licensed continuously since prior to April 1, 2007, and residential facilities are exempt from this requirement.

\_\_ NA Placement is a residential facility. Go to **section I, part B, question 3**

**3. Foster Care Placement:** Is the child's current placement or any other placement since entering agency care a non-kin foster home, a group home or residential facility, including a public facility with 25 beds or less?

IV-E Policy Manual  
Section 3-2

- ✓ Application Question #18
- ✓ CARE Placement History
- ✓ PSA

**Yes or No**

\_\_ Yes Provide date(s) child placed in a group home or residential facility:

Begin date through end date

Is the group home or residential facility fully licensed?

IV-E Policy Manual  
Section 3-4

Group homes and residential facilities are licensed through the Department of Human Services Office of Licensing. Licensing information available at the website <http://dhslic.utah.gov/dhsLicensing/home/index.action>

\_\_ Yes Go to **section I, part B, question 4**

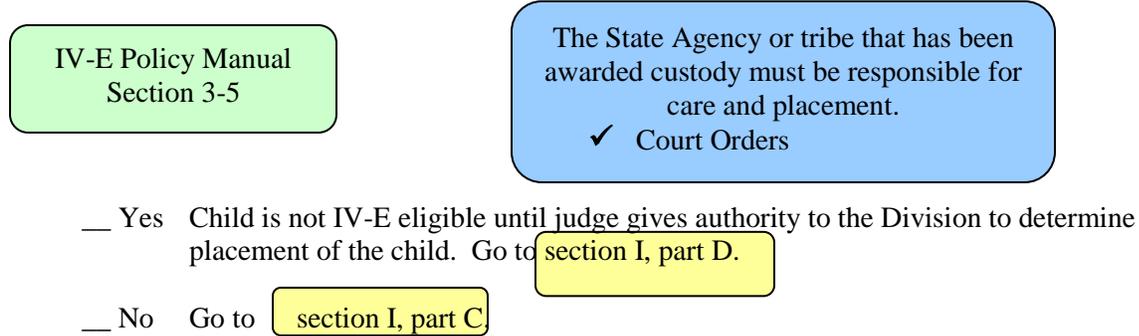
\_\_ No Child's IV-E eligibility cannot continue until child is placed in a licensed, qualified placement. Go to **section I, part D**

- ✓ Application Question #18
- ✓ CARE Placement History
- ✓ PSA

**Yes or No**

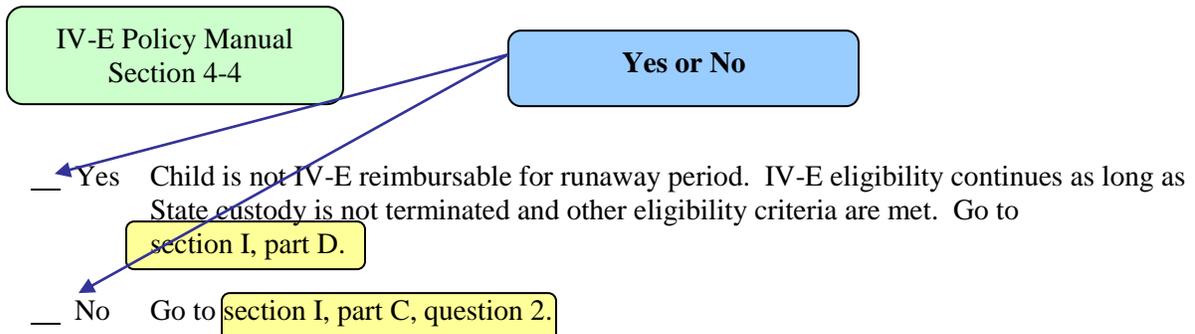
\_\_ No Go to question **section I, part B, question 4**

**4. Court Ordered Placement:** If the child entered care by a court order, was the child ordered into a specific placement?

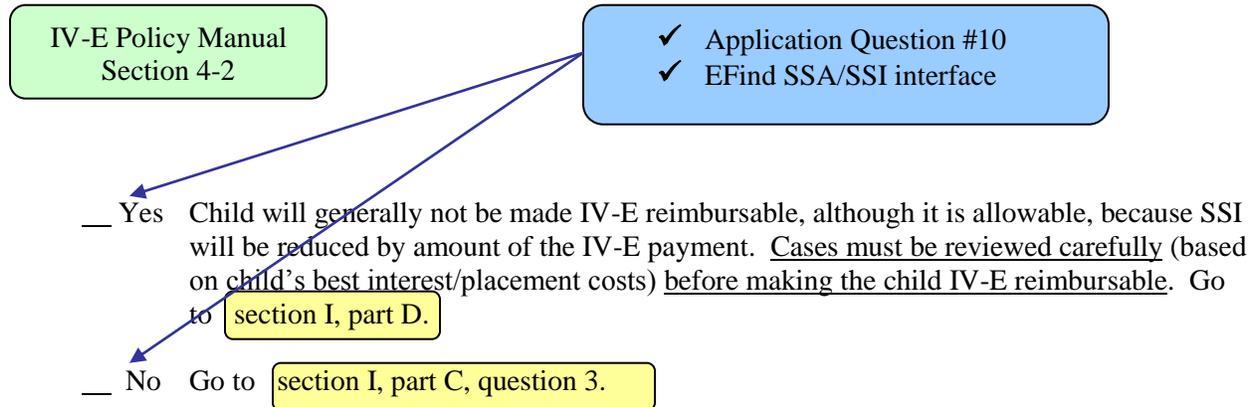


**Part C: IV-E Reimbursability Determination**

**1. Runaway:** Is the child a runaway from foster care (and still in State custody)?

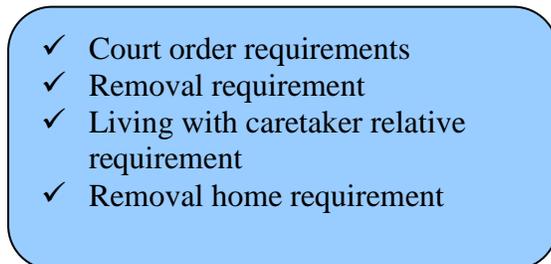


**2. SSI Eligibility:** Is the child receiving SSI while in custody?



**Part D: Non-AFDC Result Determination**

**1. Initial IV-E Non-AFDC requirements are met for this custody episode. (section I, part A, questions 1-5)**



Yes Go to **section I, part D, question 2.**

No Initial Non AFDC result is “No” Go to **section I, part D, question 4.**

2. IV-E Placement Requirements are met. (*section I, part B, questions 1-5*)

- ✓ Runaway
- ✓ Background Screening Requirements
- ✓ Foster Care Placement
- ✓ Court Ordered Placement

Yes

All months       Specific months (list) \_\_\_\_\_

No Placement requirements have not been met at this time

Go to **section I, part D, question 3.**

3. IV-E Reimbursability Requirements are met. (*section I, part C, questions 1-3*)

- ✓ Runaway
- ✓ SSI Eligibility

Yes

All months       Specific months (list) \_\_\_\_\_

No Child is not currently reimbursable. Reason \_\_\_\_\_

Go to **section I, part D, question 4.**

4. eRep Non AFDC IV-E factors are “Yes” for all month when 1,2 and 3 are “Yes”

**Manual eRep entry with dates of change in eRep on the program evidence.**

Yes

All months       Specific months (list) \_\_\_\_\_

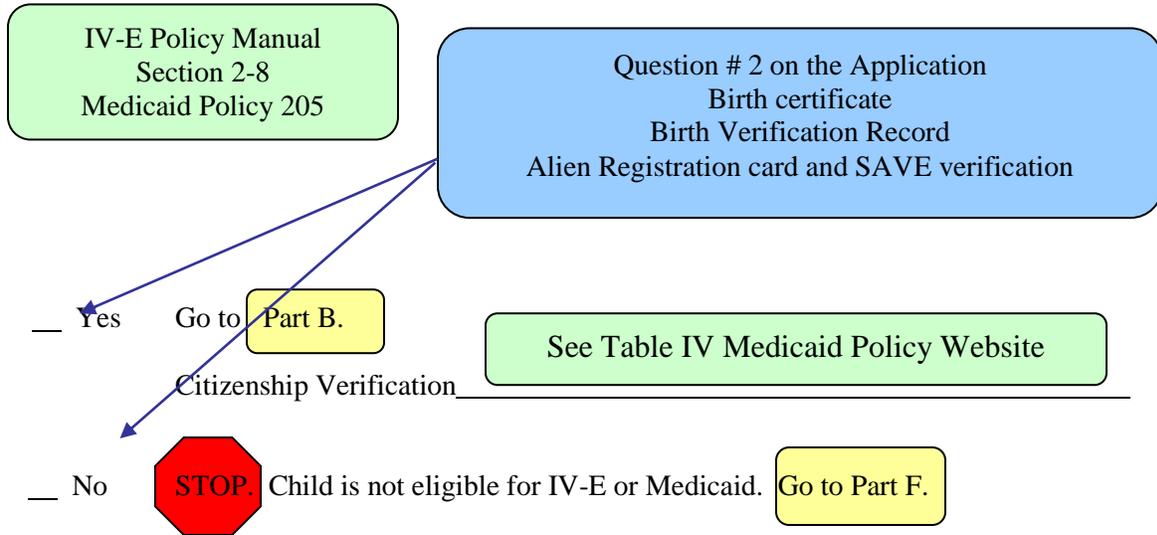
No Non AFDC IV-E factors are not met for any months

**\*\* eRep “Non AFDC IV-E factors met” result is “Yes” for months where requirements 1, 2 and 3 are “Yes”.**

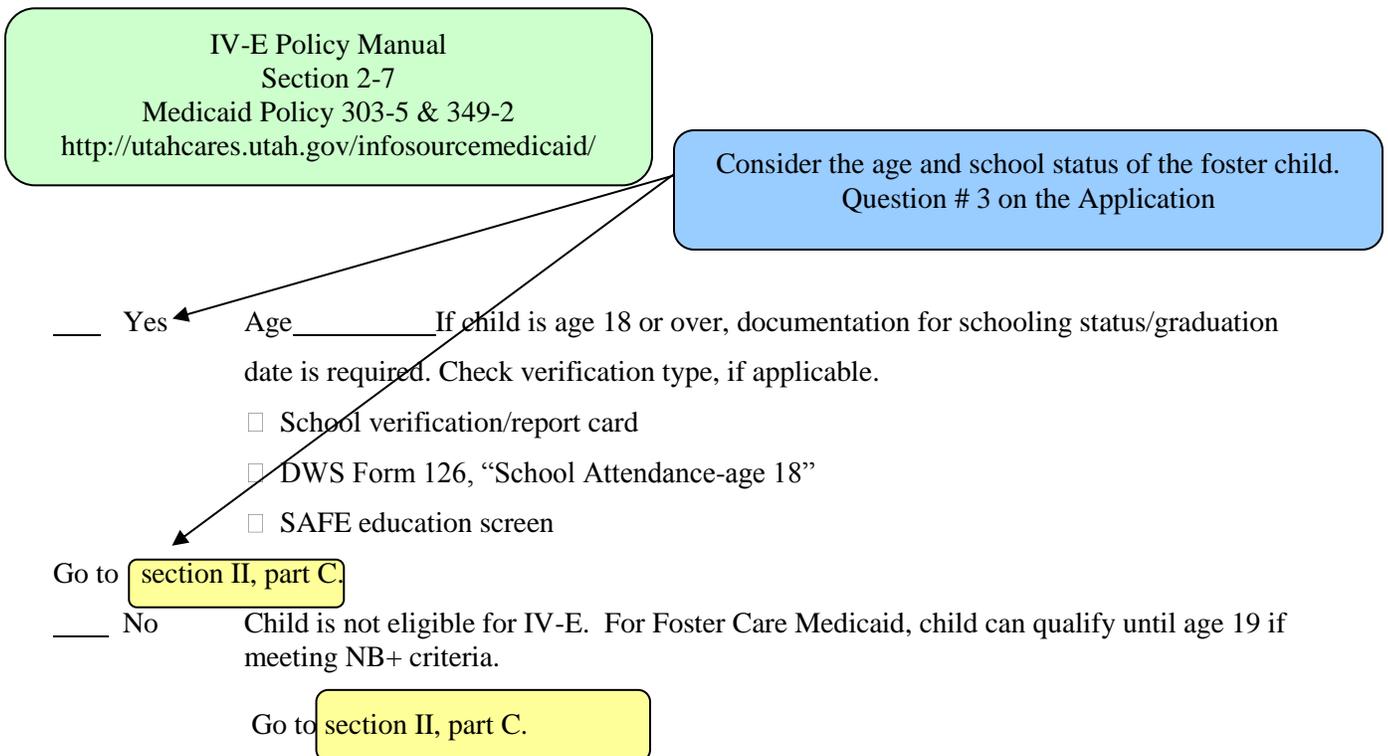
Go to **Section II**

**Section II: AFDC Requirement – eRep Entry**

**Part A: Citizenship:** Is the child a U.S. citizen or a qualified alien admitted for permanent residence?  
Has the identity of the child been established?



**Part B: Age** Is the child under age 18, or age 18 and expected to complete high school or technical training before the age of 19? *NOTE: If age 18, eligibility ends at graduation or when full-time schooling is discontinued for Title IV-E. Eligibility for FC Medicaid NB+ ends at age 19.*



**Part C: Caretaker Relative** Is the person listed in section I, part A, question 4 a caretaker relative?

IV-E Policy  
Section 2-9 B

Not always the home from which the child was physically removed or the home that the child last lived in.

- ✓ Application Question #5
- ✓ Court order and petition
- ✓ Case logs
- ✓ CARE histories

\_\_\_ Yes List relationship \_\_\_\_\_ Go to section II, part D.

\_\_\_ No Go to section II, part G.

**Part D: Deprivation:** Is the child deprived of support of one or both parents due to continued absence from the removal home, incapacitation, or unemployment/underemployment of the principal wage earner?

IV-E Policy Manual  
Section 2-11.A-C

- ✓ Application Question #8
- ✓ ERep/EFind
- ✓ Death Records
- ✓ EFind SSA/SSI interface
- ✓ Doctor Statement

- ✓ Continued Absence
- ✓ Incapacitation
- ✓ Unemployment of the Primary Wage Earner
- ✓ Underemployment of the Primary Wage Earner

\_\_\_ Yes Provide explanation

- Absent Parent
- Incapacitation
- Unemployment/Underemployment Primary Wage Earner \_\_\_\_\_

Go to section II, part E.

\_\_\_ No Child is not IV-E eligible but may be eligible for FC Medicaid. Go to section II, part G.

**Part E: Assets:** Complete the Income and Asset Worksheet and answer the following questions.

IV-E Policy  
Section 2-18

- ✓ Application Questions 15,16 & 17
- ✓ EFind
- ✓ Parent Income/Asset Declaration
- ✓ Bank Statements
- ✓ Kelly Blue Book

**Yes or No**

Total from the Income Asset  
Computation Worksheet

What are the countable assets of the AFDC group? \$

Are the assets of the AFDC group less than \$10,000?

Yes Go to **section II, part F**

No Child is not IV-E eligible but may be eligible for FC Medicaid.

Go to **section II, part g.**

**Part F: Earned and Unearned Income:** Complete the Income and Asset Worksheet and answer the following questions.

IV-E Policy  
Section 2-12,13,14,15,16 & 17

**What is the total countable monthly earned and unearned income of the AFDC group (including**

Total from Income and Asset Computation  
Worksheet Question #5

**deemed stepparent income)? \$**

- ✓ Application Questions 9, 10, 11 & 12
- ✓ EFind
- ✓ Parent Income/Asset Declaration

**Yes or No**

Is the total countable income less than the 185% Need Standard for the AFDC group size?

Yes If yes, is the adjusted income less than the 100% Need Standard for the AFDC group size?

Yes Child meets initial IV-E eligibility requirements. Go to **section II, part G**

No Child is not IV-E eligible but may be eligible for FC Medicaid.

Go to **section II, part G**

No Child is not IV-E eligible but may be eligible for FC Medicaid. Go to

**section II. Part G**

**G: AFDC Determination Result – Result is displayed in the decision on eRep program home**

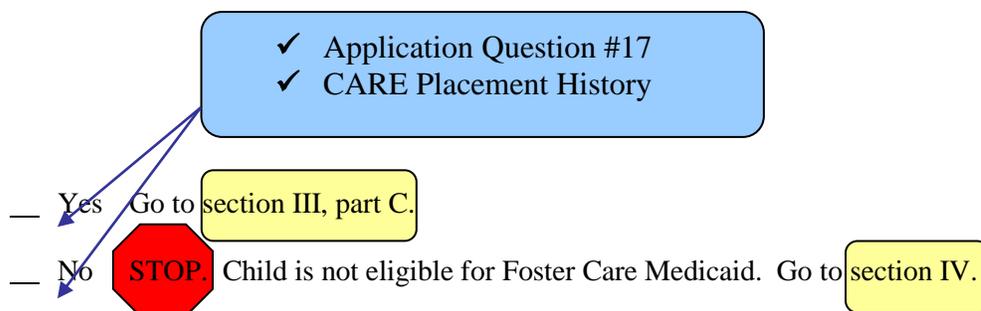
**A. All requirements in questions A-F are met.**

Yes Child meets the AFDC requirements for IV-E eligibility for this custody episode.  
AFDC result in eRep is “Yes”. Go to section III

No Child does not meet the AFDC requirements and is not IV-E eligible but  
may be eligible for FC Medicaid. Go to section III

**Section III: Foster Care Medicaid Eligibility – eRep entry**

**Part A: Foster Care Maintenance Payment** Is the child in a placement in which a foster care or independent living maintenance payment is being made for the child? (*Manual Entry in ERep DJJS*)



**Section IV: Summary of Title IV-E And Medicaid Foster Child Determination– SAFE (DCFS) – CARE (DJJS) and eRep entry**

**1. Title IV-E Initial Eligibility Determination**

Yes or No

DJJS Workers will enter the IV-E Eligibility information in the CARE system

Yes Child met initial IV-E eligibility requirements.  
Initial eligibility beginning date: First Day of the Month

No Child did **not** meet initial IV-E eligibility requirements and **cannot** become IV-E eligible  
for this custody episode. Reason child is not IV-E eligible: Why?

**2. Title IV-E Eligibility Placement Requirements – SAFE (DCFS) – CARE (DJJS)**

Yes, No or NA

Yes Child met IV-E placement requirements.

No Child did **not** meet IV-E placement requirements. Child can regain IV-E eligibility when  
all eligibility requirements are met. Reason IV-E eligibility placement requirements  
were not met: Why?

NA Child did not meet initial IV-E eligibility requirements.

### 3. Title IV-E Foster Care Reimbursability Determination

**Yes, No or NA**

**Yes** Child is IV-E reimbursable. (Child also met initial IV-E eligibility requirements and IV-E eligibility placement requirements.)  
Reimbursable beginning date \_\_\_\_\_ **First day of the month**

**No** Child is **not** IV-E reimbursable. Reason child is not IV-E reimbursable:

**Check Reason**

Reimbursability couldn't be determined because child who met initial IV-E eligibility requirements didn't meet eligibility placement requirements

Child ran away from foster care

SSI recipient

Placed in foster family or kin home not meeting full licensure requirements

**NA**

### 4. Is a Foster Care maintenance payment being made?

**Yes or No**

**Yes** Mark the foster care maintenance box in eRep. ERep will determine the correct Medicaid program eligibility for the child.

**No** The child is not currently eligible for foster care Medicaid. Re-determine Medicaid eligibility if the placement situation changes.

DJJS: Enter appropriate eligibility number selection in CARE after a IV-E eligibility and reimbursability decision is made.

#### CARE Eligibility Entry

**1 = IV-E Eligible, IV-E Reimbursable and Medicaid Eligible**

**2 = IV-E Eligible and Medicaid Eligible**

**3 = IV-E Eligible**

**4 = Medicaid Eligible**

**5 = No Eligibility**

Explanation as necessary  
**Be Professional!**

Notes:

Eligibility Worker Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Make sure to sign and date the determination!

## Completing the Income & Asset Computation Worksheet

Enter the Foster Child's Name and the AFDC Group Size. Refer to the application Question #6 for the AFDC group size.

Child's Name \_\_\_\_\_ Case Number \_\_\_\_\_  
AFDC Group Size \_\_\_\_\_

PID

### Include

- Biological or Adoptive Parents
- Biological or Adoptive Siblings and half siblings who meet the dependent child criteria

### Do Not Include

- SSI recipient (other than the foster child)
- Stepparent
- Grandparents, aunts, cousins or any caretaker relative other than the parents

### Income Computation

1. **Earned Income:** Provide all AFDC group members' gross monthly-earned income in the table below. Do not include stepparent's earned income in the table below or the stepparent in the AFDC group size.

List each member of the AFDC Group  
If no earned income, indicate NONE or ZERO.  
  
Refer to the Application Question # 9 for earned  
income information

Name of Person Employed	Employer	Countable		Gross Amount	Total Countable
		Yes	No		
Child:					
<b>Total Monthly Countable Income</b>					
<b>Total Monthly Countable Income</b>	<b>Removal Date</b>	<b>X Removal Month %</b>	<b>=</b>	<b>Total Income Available to Child</b>	

In order to determine the amount of income available to the child prior to the removal, the income should be calculated based on an 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.

2. **Unearned Income:** Provide the AFDC group's gross monthly unearned income. Do not include stepparent's unearned income in the table below or the stepparent in the AFDC group size.

List each member of the AFDC Group  
If no unearned income indicate NONE or ZERO  
Refer to Application Question #10 for unearned income information.

Name	Type of Income	Countable		Gross Amount	Total Countable
		Yes	No		
<b>Child:</b>					
<b>Total Countable Monthly Income</b>					
<b>Total Countable Monthly Income</b>	<b>Removal Date</b>	<b>X Removal Month %</b>	<b>=</b>	<b>Total Income Available to Child</b>	
<i>See % calculation on page 126</i>					

**Note:** Subtract \$50 child support deduction for the household, if applicable, in the total countable column.

3. **Deeming Stepparent's Income:** Complete the following calculation utilizing the stepparent's countable gross earned and unearned income. (Do not count stepparent in the child's AFDC group size.) Stepparent's AFDC group size: \_\_\_\_\_

See instructions for deeming stepparent income.  
Refer to the Application Questions # 9&10 for income information

**Include**

- Stepparent
- Biological or adoptive children who meet the dependent child criteria and are not a child in common with the spouse. Living in or out of the home and not receiving child support

Refer to Eligibility Quick Reference for Need Standard figures

Gross Monthly Countable Earned Income \$ \_\_\_\_\_  
 Minus \$90 Work Allowance (if applicable) \$ \_\_\_\_\_  
 Subtotal \$ \_\_\_\_\_  
 Add Countable Unearned Income \$ + \_\_\_\_\_  
 Subtotal \$ \_\_\_\_\_  
 Subtract 100% Need Standard  
*(For stepparent's AFDC group)*  
 Subtract any child support/alimony being paid \$ - \_\_\_\_\_  
**Total Deemed Income** \$ \_\_\_\_\_

\$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ + \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ - \_\_\_\_\_  
 \$ - \_\_\_\_\_  
**TOTAL** \$ \_\_\_\_\_

Cannot be less than ZERO!

Initial Eligibility Determination

11/2014

4. **185% Income Test:** If the AFDC group's gross monthly income is less than the 185% Need Standard for the AFDC group size, continue with the 100% Income Test. 185% Need Standard for group size \_\_\_\_\_

Enter the 185% Need Standard from the Eligibility Quick Reference or IV-E Policy Manual

# 1	Total Countable Earned Income	\$ _____	<div style="border: 1px solid black; border-radius: 15px; padding: 10px; width: fit-content; margin: auto;"> <p style="text-align: center;">Total must not exceed 185% Need Standard</p> </div>
# 2	Total Countable Unearned Income	\$ _____	
# 3	Deemed Stepparent Income	\$ _____	
<b>Total</b>		\$ _____	

5. **100% Income Test:** If the AFDC group's gross monthly income is less than the 100% Need Standard for the AFDC group size, the child meets the income criteria. 100% Need Standard for group size \_\_\_\_\_

Enter the 100% Need Standard from the Eligibility Quick Reference or IV-E Policy Manual

Gross Monthly Countable Earned Income	\$ _____	<div style="border: 1px solid black; border-radius: 15px; padding: 10px; width: fit-content; margin: auto;"> <p style="text-align: center;">Total must not exceed 100% Need Standard</p> </div>
Subtract \$90 Work Disregard (for each working person)	\$ - _____	
Subtotal	\$ _____	
Subtract Dependent Care Cost	\$ - _____	
Subtotal	\$ _____	
Add Total Countable Unearned Income	\$ + _____	
Subtotal	\$ _____	
Add Deemed Stepparent Income	\$ + _____	
<b>Total Adjusted Income</b>	<b>\$ _____</b>	

If the **Total Adjusted Income** does not exceed the 100% Need Standard the case has met the income requirements for IV-E Eligibility

**Factoring Income**

To calculate the gross earned income use the following calculations when provided with a hourly or weekly or bi-weekly wage amount.

- Weekly amount X 4.3 = Monthly amount
- Bi-weekly amount X 2.15 = Monthly amount
- # hrs worked each week X rate of pay X 4.3 = Monthly amount

**Asset Computation**

Refer to the Application Questions 14, 15 & 16 for asset information.  
Include the stepparent's assets in this calculation.

Assets must not exceed \$10,000 for IV-E Eligibility.

**AFDC Group Asset Determination**

Accounts (savings, checking, stocks, etc.)	\$ _____
Countable Vehicles (from table below)	\$ _____
Personal Property (life insurance, funeral plans, etc.)	\$ _____
<b>Total</b>	<b>\$ _____</b>

*Note: Include stepparent assets in determining countable assets.*

**Vehicles:**

	Vehicle #	Vehicle #2	Vehicle #3
Trade-In Value	\$ _____	\$ _____	\$ _____
Minus Amount Owed	- _____	- _____	- _____
Value	\$ _____	\$ _____	\$ _____

Determine total countable vehicle value

Exclude up to \$1,500 for one vehicle and add together all remaining values.

**Total Countable Vehicles \$** **TOTAL**

If the **Total Countable Assets** do not exceed \$10,000 the case has met the asset requirement for IV-E Eligibility

## DCFS INITIAL AFDC DETERMINATION Title IV-E Benefits for Foster Child

Enter the Foster Child's identifying information from the application here. If any inaccuracies appear on the application, enter the correct information

**Child in Custody Information**

Name of Child (last, first, middle)	Social Security #	Date of Birth	PID
Current Placement Name and Address:		County	Telephone #

**Section I: AFDC Requirements – e-Rep Entry**

**Part A: Date of Petition** (Eligibility Month) \_\_\_\_\_ Go to section I, part B

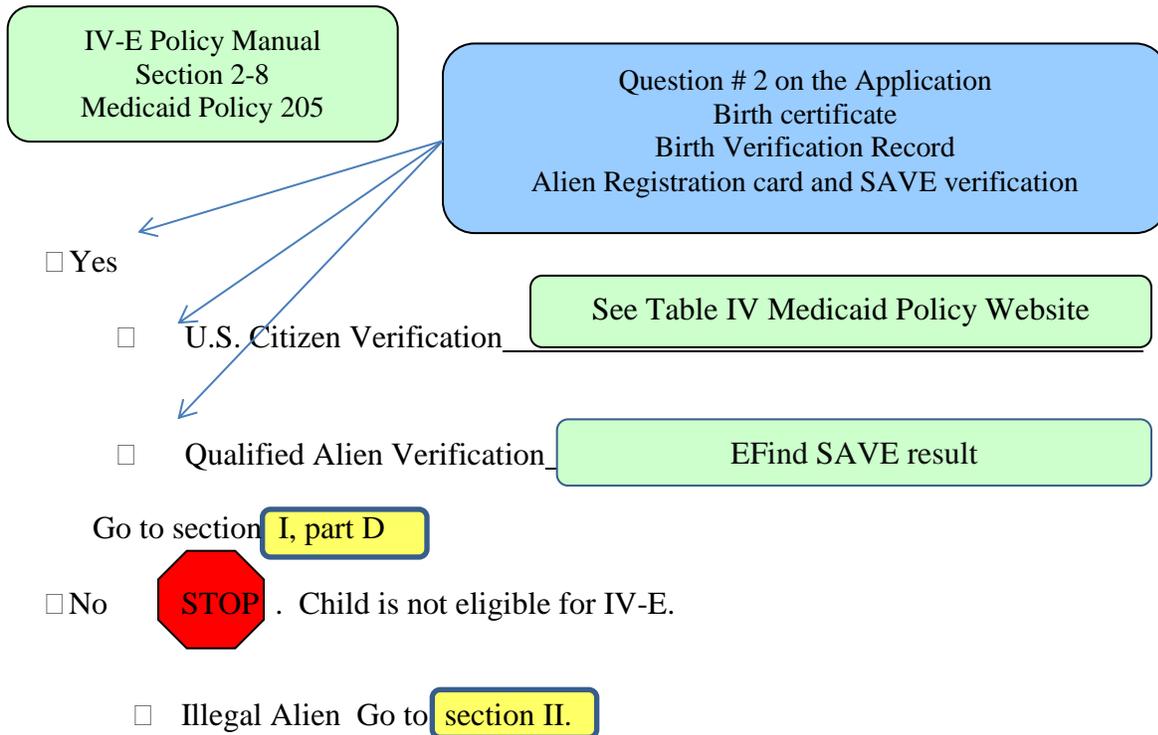
**Part B: Removal Household Members** List all members of the removal household, including siblings who may also be in State custody.

Name	Relationship	Excluded	Reason for Exclusion
<b>Foster Child:</b>	<div style="border: 1px solid black; border-radius: 15px; background-color: #ADD8E6; padding: 10px; margin-bottom: 10px;"> <p>List each person living in the removal home and the relationship to the foster child. Determine if the person is an AFDC member and mark the excluded members with the reason for the exclusion (SSI, relationships, etc).</p> </div> <div style="border: 1px solid black; border-radius: 15px; background-color: #ADD8E6; padding: 10px;"> <p style="text-align: center;"><b>Include</b></p> <ul style="list-style-type: none"> <li>➤ Biological or Adoptive Parents</li> <li>➤ Biological or Adoptive Siblings and half siblings who meet the dependent child criteria</li> </ul> <p style="text-align: center;"><b>Do Not Include</b></p> <ul style="list-style-type: none"> <li>➤ SSI recipient (other than the foster child)</li> <li>➤ Stepparent</li> <li>➤ Grandparents, aunts, cousins or any caretaker relative other than the parents</li> </ul> </div>		
<b>AFDC Group Size</b> _____		Go to <span style="background-color: yellow; border: 1px solid black; padding: 2px;">section I, part C</span>	

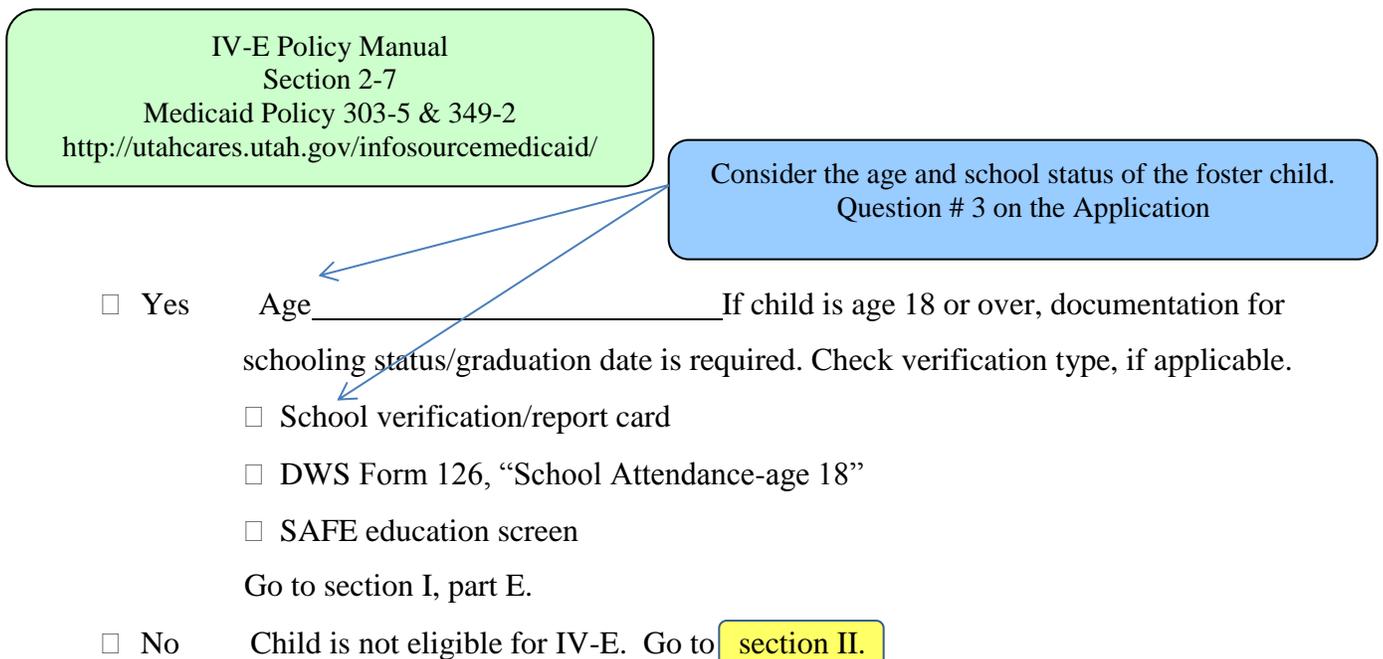
Initial Eligibility Determination

11/2014

**Part C: Citizenship** Is the child a U.S. citizen or a qualified alien admitted for permanent residence?



**Part D: Age** Is the child under age 18, or age 18 and expected to complete high school or technical training before the age of 19? *NOTE: If age 18, eligibility ends at graduation or when full-time schooling is discontinued for Title IV-E.*



**Part E: Caretaker Relative** Is the person from whom the court took custody or who signed the voluntary placement agreement a caretaker relative? *(This is the caretaker relative whom the court found it was in the best interest of the child to be removed from or it was contrary to the welfare of the child to remain with or who signed the voluntary placement agreement.)*

IV-E Policy  
Section 2-9 B

Not always the home from which the child was physically removed or the home that the child last lived in.

- ✓ Application Question #5
- ✓ Court order and petition
- ✓ Case logs
- ✓ CARE histories

Yes List relationship \_\_\_\_\_ Go to **section I, part F.**

No Child is not eligible for IV-E. Go to **section II.**

**Part F: Deprivation** Is the child deprived of support of one or both parents due to continued absence from the removal home, incapacitation, or unemployment/underemployment of the principal wage earner?

IV-E Policy Manual  
Section 2-11.A-C

- ✓ Application Question #8
- ✓ ERep/EFind
- ✓ Death Records
- ✓ EFind SSA/SSI interface
- ✓ Doctor Statement

- ✓ Continued Absence
- ✓ Incapacitation
- ✓ Unemployment of the Primary Wage Earner
- ✓ Underemployment of the Primary Wage Earner

Yes

- Absent Parent
- Incapacitation
- Unemployment/Underemployment Primary Wage Earner

Go to **section I, part G**

No Child is not IV-E eligible. Go to **section I, part G.**

Initial Eligibility Determination

11/2014

**Part G: Assets** Complete the asset tables and answer the asset questions for members of the AFDC group.

- ✓ Application Questions 15,16 & 17
- ✓ EFind
- ✓ Parent Income/Asset Declaration
- ✓ Bank Statements
- ✓ Kelly Blue Book

**Asset Computation**

<b>AFDC Group Asset Determination</b>	
Accounts (savings, checking, stocks, etc.)	_____ \$ _____
Countable Vehicles (from table below)	_____ \$ _____
Personal Property (life insurance, funeral plans, etc.)	_____ \$ _____
<b>Total</b>	<b>\$ _____</b>

**Note: Include stepparent assets in determining countable assets.**

**Vehicles:** Exclude up to \$1,500 for one vehicle and add together all remaining values.

Determine total countable vehicle value

	Vehicle #1	Vehicle #2	Vehicle #3
Trade in Value	\$ _____	\$ _____	\$ _____
Minus Amount Owed	- _____	- _____	- _____
Minus Excluded Amount	\$ _____		
<b>Value</b>	<b>\$ _____</b>	<b>\$ _____</b>	<b>\$ _____</b>

**Note: Exclude up to \$1500.00 for one vehicle and add together all remaining values.**

**Total Countable Vehicles \$ \_\_\_\_\_**

Assets must not exceed \$10,000 for IV-F Eligibility.

What are the countable assets of the AFDC group? \$ **TOTAL**

Are the assets of the AFDC group less than \$10,000?

- Yes Go to section I part H.
- No Child is not IV-E eligible. Go to section II

**Part H: Earned and Unearned Income** Complete the income tables and answer the income questions for members of the AFDC group.

**Income Computation**

**Earned Income:** Provide all AFDC group members' gross monthly earned income in the table below. Do not include stepparent's earned income in the table below or the stepparent in the AFDC group size. Gross income amounts prior to any deductions should be entered into eRep. ERep will take all appropriate deductions from the gross income to calculate the net income. Any income type that is not countable would also be entered into eRep. ERep calculates the net unearned income based on income type and any allowable deductions.

List each member of the AFDC Group  
If no earned income, indicate NONE or ZERO.  
  
Refer to the Application Question # 9 for earned  
income information

Name of Person Employed	Employer	Countable		Gross Amount	Total Countable
		Yes	No		
<b>Child:</b>					
<b>Total Gross Earned Income</b>	<i>(Add all countable income for total gross income. Do not exclude any deductions.)</i>				
<b>Total Gross Earned Income</b>	<b>Removal Date</b>	<b>X Removal Month %</b>	=	<b>Total Gross Earned Income -eRep Entry</b>	
			=		
<b>Total Gross Earned Income for eRep Entry</b>	<b>Minus \$90 work allowance for each employed AFDC group member</b>			<b>Total Countable Earned Income</b>	

Initial Eligibility Determination

11/2014

In order to determine the amount of income available to the child prior to the removal, the income should be calculated based on an 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.

**Unearned Income:** Provide the AFDC group's gross monthly unearned income. Do not include stepparent's unearned income in the table below or the stepparent in the AFDC group size. Gross income amounts prior to any allowable deductions should be entered into eRep. ERep will take all appropriate deductions from the gross income to calculate the net income. Any income type that is not countable would also be entered into eRep. ERep calculates the net unearned income based on income type and any allowable deductions.

**Note:** Subtract \$50 child support deduction for the household after calculating the "Total Income Available to Child" amount. ERep takes the \$50 deduction after the "Total Income Available".

Name	Type of Income		Countable		Gross Amount	Total Countable
			Yes	No		
<b>Child:</b>	List each member of the AFDC Group If no unearned income indicate NONE or ZERO  Refer to Application Question #10 for unearned income information.					
<b>Total Monthly Countable Unearned Income</b>	<i>(Add only countable types for total)</i>					
<b>Total Monthly Countable Unearned Income</b>	<b>Removal Date</b>	<b>X Removal Month %</b>	<b>=</b>	<b>Total Income Available to Child</b>	<b>Minus allowable child support deduction (this will be the total countable unearned income)</b>	
			<b>=</b>			
<b>Total Countable Unearned Income</b>						

**Deeming Stepparent's Income:** Complete the following calculation utilizing the stepparent's countable gross earned and unearned income. Gross income amounts prior to any allowable deductions should be entered into eRep. ERep will take all appropriate deductions from the gross income to calculate the net income. Any income type that is not countable would also be entered into eRep. ERep calculates the net unearned income based on income type and any allowable deductions.

**Include**

- Stepparent
- Biological or adoptive children who meet the dependent child criteria and are not a child in common with the spouse. Living in or out of the home and not receiving child support

Stepparent's AFDC group size: \_\_\_\_\_ (Do not count stepparent in the child's AFDC group size.)

Name	Type of Income		Countable		Total Gross Income
			Yes	No	
<b>Step parent:</b>	<b>Earned:</b>	<b>Unearned:</b>	<b>Earned</b>	<b>Unearned</b>	
<b>Step Siblings:</b>	<b>Earned:</b>	<b>Unearned:</b>	<b>Earned</b>	<b>Unearned</b>	
			<b>Earned</b>	<b>Unearned</b>	
			<b>Earned</b>	<b>Unearned</b>	
<b>Total Gross Monthly Income</b>					
<b>Total Gross Monthly Income</b>	<b>Removal Date</b>	<b>X Removal Month %</b>	<b>=</b>	<b>Total Gross Income Available to Child</b> <i>(enter these amounts in eRep)</i>	
			<b>=</b>	<b>Earned</b>	<b>Unearned</b>

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Refer to Eligibility Quick Reference for Need Standard figures

See instructions for deeming stepparent income. Refer to the Application Questions # 9&10 for income information

Gross Monthly Countable Earned Income	\$ _____
Add Countable Unearned Income	\$ + _____
Subtotal	\$ _____
Times Removal Month % _____	= _____
Minus \$90 Work Allowance (if applicable)	\$ - _____
Subtotal	\$ _____
Subtract 100% Need Standard ( <i>For stepparent's AFDC group</i> )	\$ - _____
Subtotal	\$ _____
Subtract any child support/alimony being paid	\$ - _____
<b>Total Deemed Income</b>	

**TOTAL**

Cannot be less than ZERO!

Enter the 185% Need Standard from the Eligibility Quick Reference or IV-E Policy Manual

**185% Income Test:** If the AFDC group's gross monthly income available to the child is less than the 185% Need Standard for the AFDC group size, continue with the 100% Income Test.  
185% Need Standard for group size \_\_\_\_\_

# 1 Total Countable Earned Income Available to Child	\$ _____
# 2 Total Countable Unearned Income Available to Child	\$ _____
# 3 Deemed Stepparent Income	\$ _____
<b>Total</b>	

Total must not exceed 185% Need Standard

**TOTAL**

Enter the 100% Need Standard from the Eligibility Quick Reference or IV-E Policy Manual

**100% Income Test:** If the AFDC group's gross monthly income available to the child is less than the 100% Need Standard for the AFDC group size, the child meets the income criteria.  
100% Need Standard for group size \_\_\_\_\_

Gross Monthly Countable Earned Income Available to child	\$ _____
Subtract \$90 Work Disregard (for each working person)	\$ - _____
Subtotal	\$ _____
Subtract Dependent Care Cost	\$ - _____
Subtotal	\$ _____
Add Total Countable Unearned Income Available to Child	\$ + _____
Subtotal	\$ _____
Add Deemed Stepparent Income	\$ + _____
<b>Total Adjusted Income Available to Child</b>	<b>TOTAL</b>

Total must not exceed 100% Need Standard

**Factoring Income**  
To calculate the gross earned income use the following calculations when provided with a hourly or weekly or bi-weekly wage amount.

- Weekly amount X 4.3 = Monthly amount
- Bi-weekly amount X 2.15 = Monthly amount
- # hrs worked each week X rate of pay X 4.3 = Monthly amount

What is the total countable monthly earned and unearned income of the AFDC group (including deemed stepparent income)? \$ **TOTAL** \_\_\_\_\_

If the **Total Adjusted Income** does not exceed the 100% Need Standard the case has met the income requirements for IV-E Eligibility

Is the total countable income less than the 185% Need Standard for the AFDC group size?

Yes If yes, is the adjusted income less than the 100% Need Standard for the AFDC group size?

Yes Child meets initial IV-E eligibility requirements. Go to section, part I.

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No Child is not IV-E eligible. Go to section II.

No Child is not IV-E eligible. Go to section II.

**Part I: AFDC Determination Result – Result is displayed in the initial month decision on e-Rep program home**

**B. All requirements in questions B-F are met.**

Yes Child meets the AFDC requirements for IV-E eligibility for this custody episode. AFDC result in eRep is “Yes”. Go to section II.

No Child does not meet the AFDC requirements and is not IV-E eligible. AFDC result in eRep is “No”. Go to section II.

**Section II: Summary of AFDC Foster Child Determination**

**2. Title IV-E Initial Eligibility Determination**

Yes Child met initial AFDC requirements.  
Eligibility Month: \_\_\_\_\_

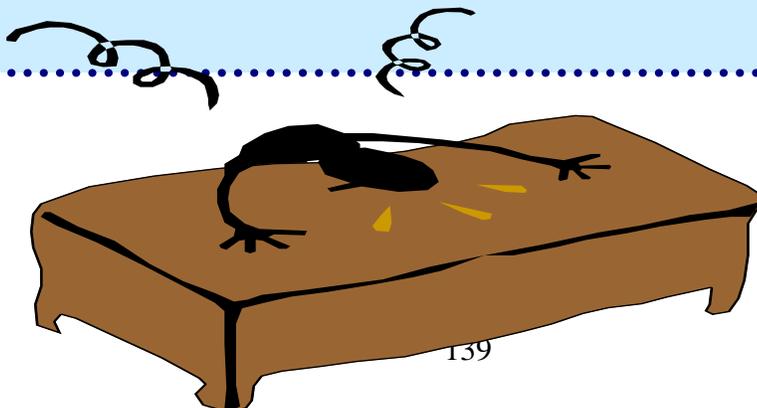
No Child did **not** meet initial AFDC eligibility requirements and **cannot** become IV-E eligible for this custody episode.  
Reason child did not meet AFDC requirements: \_\_\_\_\_

Notes:

Eligibility Worker Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The reward of a thing well done is to  
have done it.

***RALPH WALDO EMERSON***



## Example Answers

### Case 1

On Jan. 31, 2005, the police summoned a CPS worker to the scene of a drug bust. All of the adults at the home were being detained and transported to the county jail facility. An infant was also in the home, but police had not been able to determine who the parents of the child were. After consulting the AG, the CPS worker placed the child in protective custody and transported her to a foster home. A 24 hour meeting was held and the shelter hearing was scheduled for Feb. 3, 2005. The AG prepared a petition requesting that the court rule that it was in the best interest of the child to be placed in DCFS custody. The CPS worker and the AG signed and dated the petition on Feb. 2, 2005.

What is the eligibility month? February 2005

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### Case 2

The court ordered that temporary custody of Alice and Snow be given to a maternal aunt on July 5, 2004. The division has been providing PSS services while working to reunify the girls with their mother. The aunt has developed some serious health problems and will not be able to care for the girls much longer. The mother was recently arrested and will most likely be spending 3-6 months in the county jail.

The aunt has discussed the situation with the caseworker and AG assigned to the case. A decision was made to take the girls into DCFS custody and find a foster home for them. The aunt is willing to keep the girls until a placement can be found. The AG prepares a motion requesting that the court grant custody to the Division. The motion is signed and dated by the AG on March 15, 2005. A review hearing for the PSS case is scheduled for April 21, 2005. On April 21, 2005, the court finds that it is in the best interest of Alice and Snow to be placed in DCFS custody.

What is the eligibility month? March 2005

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### Case 3

On April 22, 2005, the Orem City Police arrested Donald after he vandalized the picnic facility at a local park. At the time of his arrest Donald was on probation for similar offenses. His probation officer transported Donald to Slate Canyon Detention center. On April 26, 2005, a judge ordered Donald to serve 30 days for probation violation and scheduled another hearing for May 20, 2005. When the eligibility worker reviews the rap sheet she finds that Donald has a history with DCFS including one prior custody episode in May 2004. The probation officer filed a petition on May 10, 2005. On May 20, 2005, the court orders that Donald be placed in DJJS custody for placement at O&A.

What is the eligibility month? May 2005

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## Deprivation Case Scenarios Answers

### Case #1

Molly M., DOB 2/3/1994, was placed in DCFS custody by court order on March 25, 2005. At the time the court ordered custody to DCFS, Molly had been living in the home of her Aunt Susan. Molly has been living there with her aunt since she was released from the hospital in July 1994. Molly's mother was a prisoner at the time of her premature birth. Her mother was transported back to prison shortly after the birth. The mother will be released on parole in Aug 2005. Aunt Susan had petitioned the court to terminate the mother's rights so that she could adopt Molly, but the petition was denied because the mother pled for time to "get her act together" after being released from prison. The court awarded temporary custody of Molly to Aunt Susan on July 13, 1999. The identity of Molly's father is unknown.

Does deprivation exist?  Yes  No

What type of deprivation, if any, exists? Both parent absent

Who is the caretaker relative that is losing custody? Aunt Susan

### Case #2

Ann, DOB 4/1/2005, and Andy, DOB 8/25/2003, were placed in DCFS custody on May 13, 2005, when the police discovered a meth lab in the basement of the home they were living in. Their mother and her boyfriend were arrested during the "bust" and transported to the Salt Lake County jail. The mother and boyfriend were both bailed out of jail and attended the shelter hearing that was held on May 16, 2005. In the petition for custody the AG has indicated that the father of Andy is Mr. Raggedy who is currently incarcerated on forgery charges at the Utah State Prison. He is serving 5-10 years and his earliest release would be sometime in 2008. The petition indicates the mother has stated that her current boyfriend is Ann's father. On May 18, the boyfriend was arrested by the Orem City Police while attempting to steal a car. The boyfriend is being held without bail in the Utah County Jail until a hearing that is scheduled for July 1.

Does deprivation exist for Ann?  Yes  No

What form of deprivation, if any, exists for Ann? Father absent (in jail for more than 30 days)

Does deprivation exist for Andy?  Yes  No

What form of deprivation, if any, exists for Andy? Father absent (in prison)

Who is the caretaker relative losing custody? Mother

### Case #3

Wiley C., DOB 10/31/2003, was placed in DCFS custody on Dec 10, 2004, when his grandmother called the DCFS to report that his mother and father had left him at her home on Oct 31, 2004, and never returned. The parents had planned to vacation for 1 week and return to pick up Wiley. The grandmother has not heard from the parents since they dropped Wiley off. She has no way to contact them. The grandmother is no longer able to care for Wiley because her husband has suffered a stroke and will need extensive medical care and treatment. The parents are located in Sun Valley, Idaho, and were served with the notice of removal. The CPS worker discovered that the parents have been living and working in Sun Valley, Idaho, since they left in Oct 2004. They report that they do not wish to have custody of their son returned to them because they are

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enjoying their newfound freedom. Neither parent is present at the shelter hearing that is held on Dec 13, 2004.

Does deprivation exist? \_\_\_\_\_ Yes  X  No

What form of deprivation, if any, exists?  none

Who is the caretaker relative losing custody?  parents

**Case #4**

Dora E., DOB 11/15/1999, was placed in temporary custody on June 3, 2005, during a PSS review hearing. DCFS became involved with the family in Dec. 2003, after the mother was killed in a car accident. The family was returning to their home after the Christmas holidays when their car was hit by another vehicle from behind and pushed into oncoming traffic. The father was seriously injured in the crash and has been unable to work since that time. He remarried in Jan. 2005. He is currently receiving a monthly SSA disability payment and has filed a lawsuit against the person responsible for the accident. He is also working with Voc. Rehab in a job-training program. The stepmother works full-time as a paralegal.

Does deprivation exist?  X  Yes \_\_\_\_\_ No

What form of deprivation, if any exists?  Father's disability

Who is the caretaker relative losing custody?  father

**Case #5**

Jordan, DOB 9/13/1989, was ordered into DJJS custody for O&A on May 13, 2005. His father and mother were present at the hearing. The father and mother are very concerned over Jordan's behaviors and relieved that the court has intervened. A local landscaping company currently employs the father. The mother has been employed full-time as a dental hygienist, but took an unpaid leave of absence in Jan 2005, because of the problems they were having at home with Jordan. She has not worked since that time. The father work is seasonal and he has worked 18 of the past 24 months earning \$23,790. The mother is currently not employed. She is not receiving unemployment or actively seeking work. She has not quit a job or refused a bonafide offer of employment within the past 30 days. Prior to taking a leave of absence from her job she was earning \$10 an hour. In the past 24 months she has earned \$32,680.

Does deprivation exist?  X  Yes \_\_\_\_\_ No

What form of deprivation, if any exists?  Unemployment of the mother

Who is the caretaker relative losing custody?  parents

**Case #6**

On Feb 10, 2005, the police summoned a CPS worker to the scene of a drug bust. All of the adults at the home were being detained and transported to the county jail facility. An infant was also in the home, but police had not been able to determine who the parents of the child were. After consulting the AG, the CPS worker placed the child in protective custody and transported her to a foster home. The police later identified the father and mother of the baby girl as the people who owned the home where the raid had occurred. Both parents were charged with possession and distribution. Bail was set at a hearing on Feb. 13, 2005. A 24 hour meeting was held and the shelter hearing was scheduled for Feb 14, 2005. The father and mother were transported to the shelter hearing from the jail.

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The court ordered custody to DCFS. The maternal grandfather paid the mother's bail and she was released from jail on Feb .22, 2005. The mother paid the father's bail on March 2, 2005. They are currently living in a local motel. The worker reports that the mother is not currently and to his knowledge has never been employed. Prior to his arrest, the father was working for a snow removal company. He returned to that company after his release. February was a really snowy month and he reports that he does not know how many hours he worked, but being arrested robbed him of all his overtime.

Does deprivation exist? \_\_\_\_\_ Yes      X   No

What form of deprivation, if any exists?   None, unable to prove underemployment with available information. Parents not absent for 30 days

Who is the caretaker relative losing custody?           Parents

## Deeming Stepparent Income Answers

Daisy was removed from the home of her mother by court order on Nov 13, 2004. Daisy's father was killed in a car accident 3 years ago and her mother recently remarried. Daisy has two sisters who were also removed and then placed with a maternal aunt. The mother is employed part-time as a meter-maid. Daisy and her sisters each receive a monthly SSA benefit of \$230. The mother owns the home where the family is living. The stepfather does cement work and is employed by Rock Products, Inc. The parent income asset declaration reports the mother earns \$10 an hour and works an average of 15 hours per week. The stepfather reports his income at \$18 per hour and he says that he works an average of 45 hours per week in the summer, but work in the late fall and winter slows down and he is currently working about 32 hours per week. He has two children who live with his ex-wife. ORS collects child support from the father in the amount of \$300 each month. He reports that he also pays \$200 a month in alimony. Calculate the amount of the stepparent's income that should be included in the gross income calculation.

**Deeming Stepparent's Income:** Complete the following calculation utilizing the stepparent's countable gross earned and unearned income. (Do not count stepparent in the child's AFDC group size.)  
Stepparent's AFDC group size: 1

Gross Monthly Countable Earned Income	\$ 2476.80
Minus \$90 Work Allowance (if applicable)	\$ - 90.00
Subtotal	\$ 2386.80
Add Countable Unearned Income	\$ + 0
Subtotal	\$ 2386.80
Subtract 100% Need Standard (For stepparent's AFDC group)	\$ - 329.00
Subtract any child support/alimony being paid	- \$ 500.00
<b>Total Deemed Income</b>	<b>\$ 1886.80</b>

Peter was removed from the home of his father by court order on Dec. 26, 2004. At the time of custody, the father, stepmother and her three children were living in the home. The father was recently hurt on the job and has been unable to work for the past 6 weeks. Workers Compensation is investigating the accident and a disability decision is pending. The father has \$5,000 in a savings account. He recently sold his truck and a motorcycle to help meet the family expenses. The stepmother started working on Dec. 4, 2004. She is working at Maverick Country Stores 25 hours per week. She received her first paycheck on Dec. 20, 2004. The gross pay is \$318.75. She expects to receive another check on Jan. 1, 2005. Calculate the amount of the stepparent's income that should be included in the gross income calculation.

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**Deeming Stepparent's Income:** Complete the following calculation utilizing the stepparent's countable gross earned and unearned income. (Do not count stepparent in the child's AFDC group size.) Stepparent's AFDC group size: 4

Gross Monthly Countable Earned Income	\$ 381.75
Minus \$90 Work Allowance (if applicable)	\$ - 90.00
Subtotal	\$ 291.75
Add Countable Unearned Income	\$ + 0
Subtotal	\$ 291.75
Subtract 100% Need Standard	
<i>(For stepparent's AFDC group)</i>	\$ - 665.00
Subtract any child support/alimony being paid	\$ - 0
<b>Total Deemed Income</b>	<b>\$ 0</b>

## **Dependent Care Cost Scenarios Answers**

1. Mickey, age 2, and Minnie, age 5, were removed from the custody of their mother. The mother reports that she is working 35 hours per week earning \$8.50 per hour. The mother reports that she pays \$550.00 per month in child care costs. What is the allowed dependent care cost deduction?  
**\$350.00**  
**Two children age 2 or over working an average of more than 23 hours per week. Allowed deduction is \$175.00 per child.**
  
2. Daisy, age 4, was removed from the custody of her father. The father reports that he is self-employed working 15 to 20 hours per week. The father states he is paid a salary of \$1,500.00 each month. He reports day care cost of \$90.00 per month. What is the allowed dependent care cost deduction?  
**\$90.00**  
**Deduction cannot exceed the amount of the actual day care cost.**
  
3. Heaven, age 10, Steven, age 8, Jody, age 6, and Hannah, age 3, were removed from the custody of their mother. The father is deceased and the mother is receiving SSA benefits that total \$1650.00 each month. The mother is not currently working. She reports childcare costs of \$350.00 each month. What is the allowed dependent care cost deduction?  
**None**  
**The mother is not working.**
  
4. Savanna, age 14, and Trent, age 6, were removed from the custody of their mother. The mother is working 5 days a week earning \$7.75 per hour. The mother reports total monthly-earned income of \$1333.00. The mother says that she pays Savanna \$8 per day to watch Trent while she is working. What is the allowed dependent care cost deduction?  
**None**  
**The childcare cost is being paid to a member of the AFDC group.**

### Asset Worksheet Answers

**Scenario #1**

Mork and Mindy were removed from the home of their mother and father by court order on Feb. 27, 2005. At the time of removal, the father was working for the traveling carnival and the mother was arrested and released from jail 3 days later. The family had been living with the paternal grandparents. The paternal grandparents own their own home. The grandmother has stated that the mother is not welcome in her home. The grandmother completed the Parent Income Asset Declaration. She reports that the mother does not work. The father owns a truck, which the grandmother says she has been making the payments on. The truck is a 2003 Ford F-150, worth about \$8,000 according to the GM. She states that the father still owes \$3,500. The father also purchased a piece of property about 3 years ago. They plan to build a home on the property in the future, but currently they are using it to board the neighbors' horses. The property was purchased for \$12,000 with an insurance settlement. Calculate the assets of the AFDC group.

AFDC Group Asset Determination	
Accounts (savings, checking, stocks, etc.)	\$ <u>          none</u>
Countable Vehicles (from table below)	\$ <u>          3,000</u>
Personal Property (life insurance, funeral plans, etc.)	\$ <u>         12,000</u>
<b>Total</b>	<b>\$ <u>         15,000</u></b>

*Note: Include stepparent assets in determining countable assets.*

**Vehicles:**

	Vehicle #	Vehicle #2	Vehicle #3
Trade-In Value	\$ <u>8,000</u>	\$ _____	\$ _____
Minus Amount Owed	- <u>3,500</u>	- _____	- _____
Value	\$ <u>4,500</u>	\$ _____	\$ _____

Exclude up to \$1,500 for one vehicle and add together all remaining values.

**Total Countable Vehicles \$           3,000**

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**Scenario #2**

Flopsy was removed from the home of her mother and placed in DCFS custody by court order on Jan. 3, 2005. Flopsy may have pinkeye and needs to see a doctor as soon as possible. The mother is currently unemployed and reports owning a 1999 car. She doesn't know the make or model of the car, but she did report that she recently got a "title loan" of \$1500 to cover her rent and other "stuff." There is \$535.00 in her checking account. The mother has an open eRep case, which indicates that the car is a 2000 Toyota Corolla. The car registration is listed in the mother and her ex-husband's name. The value of the car is currently \$4,500. The mother is living in a trailer home that she owns. She pays \$300 each month for space rental. The mother is holding her ex-husband's tools "hostage" for child support she claims he owes. The ex-husband reports the tools are worth \$2,500 and has filed suit to have them returned to him. Calculate the assets of the AFDC group.

<b>AFDC Group Asset Determination</b>	
Accounts (savings, checking, stocks, etc.)	\$ <u>535.00</u>
Countable Vehicles (from table below)	\$ <u>1500.00</u>
Personal Property (life insurance, funeral plans, etc.)	\$ <u>0.00</u>
<b>Total</b>	<b>\$ <u>2035.00</u></b>

*Note: Include stepparent assets in determining countable assets.*

**Vehicles:**

	Vehicle #	Vehicle #2	Vehicle #3
Trade-In Value	\$ <u>4500.00</u>	\$ _____	\$ _____
Minus Amount Owed	- <u>1500</u>	- _____	- _____
Value	\$ <u>3,000.00</u>	\$ _____	\$ _____

Exclude up to \$1,500 for one vehicle and add together all remaining values.

**Total Countable Vehicles \$ 1500.00**

- \* Since the mother has the vehicle in her possession the entire vehicle value would belong to her.
- \* The tools are not legally available to the mother to sell.