

Chapter 4

TITLE IV-E FOSTER CARE

4-1. Overview.

a. Title IV-E foster care offers federal matching funds to states with an approved Title IV-E State Plan to help care for children in licensed out-of-home settings until they can safely return home, be adopted, or placed in another planned arrangement for permanency. To claim these funds, program eligibility and reimbursability requirements must be met.

b. Title IV-E foster care is a program for children who meet the requirements for the foster care assistance program funded by Title IV-E of the Social Security Act. Program benefits include Medicaid coverage and foster care payments.

4-2. Title IV-B, Title IV-E, and MEPA.

a. Title IV-B Protections. Title IV-E also requires that the state maintain compliance with all Title IV-B protections for children in out-of-home care. These protections include:

(1) A current case plan must be in effect and developed according to federal and state laws.

(2) Timely judicial reviews of the child's case must be held.

(a) The initial judicial review must be held no later than 90 days after the date of the disposition hearing or after the date of the hearing at which the court approves the case plan, whichever occurs earlier; but in no event shall the review be held later than six months after the date of the child's removal from the home.

(b) Judicial reviews must be conducted every six months after the initial review, or more frequently if the court deems necessary.

(3) The court must review the child's status to determine the safety of the child, the continuing necessity for and the appropriateness of the placement, the extent of compliance with the case plan, the extent of progress made toward resolving the issues necessitating the child's placement in out-of-home care, and a likely date of return to his or her home if the permanency goal is reunification. When the case plan goal is not reunification, a likely date that the child will be placed for adoption or with a legal guardian must be projected at the judicial review hearing.

(4) If the Department and the court have established a formal agreement that includes specific authorization for particular cases, the Department may conduct administrative reviews instead of the judicial reviews for children in out-of-home care. The following guidelines must be followed:

(a) Notices of such administrative reviews must be provided to all parties.

(b) An administrative review must not be substituted for the first judicial review, and in every case the court must conduct a judicial review at least every six months.

(c) Any party dissatisfied with the results of an administrative review may petition for a judicial review.

b. Multiethnic Placement Act and the Interethnic Adoption Provisions (MEPA-IEP). Title IV of the Social Security Act has always prohibited discrimination based on race, color, or national origin.

The Multiethnic Placement Act of 1994 and the Interethnic Adoption Provisions of 1996 (collectively known as MEPA-IEP) focus attention on similar aspects of foster and adoptive placements. The ultimate goal of MEPA is to decrease the length of time that children wait to be adopted and to ensure that children are expeditiously placed in permanent and safe homes.

(1) Neither the Department nor its contracted agents that receive funds from the federal government and are involved in adoption or foster care placements may:

(a) Deny any person the opportunity to become an adoptive or foster parent on the basis of race, color, or national origin of the person, or of the child involved; or,

(b) Delay or deny the placement of a child for adoption or into foster care on the basis of race, color, or national origin of the adoptive or foster parent or the child involved.

(2) The child's placement for foster care or adoption must not be denied or delayed on the basis of race, color, or national origin of the prospective adoptive or foster parent of the child involved. In order to ensure that MEPA-IEP requirements are not violated the following are recommended guidelines for placement:

(a) Assess the individual placement needs of the child by taking into consideration the child's individual needs and best interests.

(b) Assess the available families' ability to meet the specific needs of the child by considering:

1. The capacity of the prospective family to meet the child's emotional, psychological, educational, developmental, and medical needs, including those related to the child's racial, ethnic, and/or cultural background, as appropriate.

2. The prospective family's feelings, capacities, preferences, and attitude as these relate to their ability to nurture a child of a particular background whether fostering or adopting.

3. The prospective family's ability to cope with the particular consequences of the child's developmental history and to promote the development of a positive self-image.

4. The family's ability to nurture, support, and reinforce the racial, ethnic, and/or cultural identity of the child and to help the child cope with all forms of discrimination and stigma that the child may encounter.

(3) The final selection should be made by identifying which family is most likely to meet all of the child's needs. Since no two families are the same, there is usually at least one distinguishing factor in a family's ability to care for a particular child; however, race, color, or national origin cannot be the distinguishing factor.

(4) Other guidelines include:

(a) The Department or its designees may not honor a request by the biological parent(s) regarding placement preferences for their child based on race, color, or national origin.

(b) Religious preferences are not covered in MEPA-IEP, unless a particular religion discriminates based on race, color, or national origin.

(c) MEPA-IEP does not prohibit kinship or relative placement preferences. The exception is when the child's placement is delayed while an extended search is made for a suitable relative who will take the child when another family is available and can meet the child's needs.

(d) The case file must document the steps taken to identify an appropriate foster or adoptive placement for the child and the reason(s) for the selection of a particular family.

(5) The U.S. Department of Health and Human Services (HHS) makes it clear that MEPA-IEP violations include denials overtly based on race, color, or national origin, as well as using other arbitrary and prohibitive standards. Prohibitive standards include those related to age, income, education, family structure and size, or ownership of housing, when they do not have an impact on the ability of the prospective family to meet the needs of the child.

(6) MEPA-IEP requires states to recruit potential families that reflect the ethnic and racial diversity of children needing foster and adoptive placements. HHS recommends that states develop recruitment plans that include the following characteristics:

(a) The plan should focus on developing a pool of potential foster and adoptive parents that are willing and able to foster or adopt the children needing placement.

(b) The plan should include both general and targeted activity. General recruitment activities make use of radio, television, print, and social media to disseminate information. Targeted recruitment activities include dissemination of information in specific communities, and the development of partnerships with community and religious groups to make waiting children more visible and to identify and support prospective adoptive and foster parents.

(c) The plan should include activities to provide potential foster and adoptive parents with information about the characteristics and needs of the available children, the nature of foster care and adoption, and supports available to foster and adoptive parents.

4-3. Title IV-E Foster Care.

a. Title IV-E foster care maintenance payments made to licensed out-of-home care providers cover:

(1) The cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, allowance, liability insurance with respect to the child, and reasonable travel to the child's home for visitation; and,

(2) In the case of residential group care, payments may include the reasonable costs of administration and operation of such facility necessary to provide the items noted under paragraph (1) above.

b. Two major concepts are important for claiming Title IV-E foster care maintenance payments: eligibility and reimbursability.

(1) The child's eligibility is based upon circumstances at the time court proceedings were initiated or a voluntary placement agreement is executed and includes judicial findings (Contrary to Welfare and Reasonable Efforts to Prevent Removal or Best Interest) and AFDC technical and financial criteria.

(2) The child's reimbursability status will vary over the duration of the removal episode, depending on the type of setting he or she is placed in, SSI eligibility, and certain ongoing judicial findings about the child.

c. All children who enter out-of-home care must have an eligibility determination for Title IV-E eligibility and reimbursability completed and approved within 30 calendar days from the start of the removal episode.

4-4. Initial Title IV-E Foster Care Eligibility. An initial Title IV-E eligibility determination is comprised of judicial requirements and AFDC criteria.

a. Finding of “Contrary to the Welfare” for Court-Ordered Removal.

(1) A judicial finding of contrary to the welfare (CTW) must be made in the first court order that approves/sanctions the removal of the child from the home. The written finding or court order should include language that remaining in the home is CTW of the child, or that placement in out-of-home care is in the best interest of the child. If the finding is not made, the child is Title IV-E Ineligible for the entire removal episode.

(2) For Title IV-E purposes, the effective date of a court order is the date the hearing occurred if referenced in the signed order. If the date of the hearing is not referenced in the order, the date the order is signed is used.

NOTE: If the first hearing for the removal episode is continued, upon a case-by-case determination, if the judge did not review the allegations of the case nor issued a ruling regarding the appropriateness of the removal, then the CTW finding is not required in the order as the order did not sanction the removal.

(3) Judicial findings must be made on a case-by-case basis per the individual circumstances of the child. The CTW finding suggests that the child’s current situation is not safe or suitable and is not in the child’s best interest. Examples of acceptable substitutions that will meet the CTW and best interest judicial finding requirement for Title IV-E include:

(a) The child has no parent, guardian, or legal custodian to provide for his or her care and supervision.

(b) The release of said child (back to the removal home) will present a serious threat of substantial harm to the child.

(c) The parent, guardian, or legal custodian is not willing to take custody of the child.

(d) A manifest danger exists that the child will suffer serious abuse or neglect if he or she is not removed from the home.

(e) The conflict that exists cannot be resolved by delivery of services to the family during the continuous placement of the child in the parent’s home.

(4) Court orders that reference a state law to substantiate judicial determinations are not acceptable even if state law provides that a removal must be based on a judicial determination that remaining in the home would be CTW of the child or that removal can only be ordered after reasonable efforts have been made. In keeping with this mandate, the following statements are not acceptable CTW language:

(a) The child’s removal was pursuant to the intent of [Chapter 39](#), F.S.

(b) The child was removed according to criteria provided by law.

(c) There is probable cause to believe the child is dependent.

(5) Courts have the authority to enter a nunc pro tunc order to supply, for the record, something that occurred but was omitted from the record through inadvertence or mistake. However, effective March 27, 2000, the use of nunc pro tunc orders to pre-date the performance of an act to a time before it occurred is not allowed for purposes of Title IV-E. Therefore, if the required judicial determination is not included in the appropriate court order, a transcript of the court proceedings is the only other acceptable documentation to verify that the required judicial determination was made. Documentation to substantiate this finding must be placed in the child's file.

b. Finding of Reasonable Efforts for Court-Ordered Removal.

(1) The court must make a judicial finding that the Department has made reasonable efforts to prevent the unnecessary removal of the child, or that reasonable efforts were not required. If the judicial finding is not made within 60 calendar days of the removal, the child will be Title IV-E Ineligible for the entire removal episode.

(2) For a child to be reimbursable for Title IV-E funding, federal law requires the court to make a finding regarding the child's removal that:

(a) Reasonable efforts were made to prevent or eliminate the need for removal, as long as the child's safety can be assured. The court, after hearing the evidence, must make a written finding that the Department's efforts to eliminate the need for removal were reasonable; or,

(b) The provision of services at the time of the removal could not have ensured the child's safety in the home. The court, after hearing the evidence, must make a written finding that the lack of the provision of preventative services was reasonable and that the removal of the child from the home was the only means of ensuring his or her immediate safety; or,

(c) No reasonable efforts are required to prevent the removal or to reunify the family. When a court determines that reasonable efforts to return the child home are not required, a permanency hearing is held within 30 days of that determination, unless the requirements of the permanency hearing were fulfilled at the court hearing in which the court determined that reasonable efforts to reunify the child and family are not required.

(d) Reasonable efforts to prevent removal or to reunify family are not required when a court of competent jurisdiction determines that the parent subjected the child to "aggravated circumstances" as defined in s. [39.806\(1\)\(f\)-\(n\)](#), F.S., or when the parent has committed crimes named in the Child Abuse Prevention and Treatment Act.

(3) Title IV-E claiming cannot begin until the month in which this judicial finding is made. For Title IV-E purposes, the effective date of a court order is the date the hearing occurred if referenced in the signed order. If the date of the hearing is not referenced in the order, the date the order is signed is used.

(4) The use of nunc pro tunc orders are not allowable for Title IV-E documentation to support the judicial finding. Therefore, if the required judicial determination is not included in the appropriate court order, a transcript of the court proceedings is the only other acceptable documentation to verify that the required judicial determination was made.

c. Finding of Best Interest for Voluntary Removal.

(1) Title IV-E may be claimed for 180 days after the execution of a voluntary placement agreement. To continue to claim Title IV-E after 180 days, a judicial finding must be made to the effect that such placement in out-of-home care is in the best interest of the child. If the finding is not made,

the child is Title IV-E Ineligible for the remainder of the removal episode. See paragraph 4-10 of this operating procedure for further guidance on voluntary licensed foster care.

(2) For Title IV-E purposes, the effective date of a court order is the date the hearing occurred if referenced in the signed order. If the date of the hearing is not referenced in the order, the date the order is signed is used.

d. Removal Home. To be Title IV-E Eligible, the removal home must be a Specified Relative who is a parent or legal guardian. For the purposes of establishing the removal home, a legal guardian is a person, other than a parent, who has legal custody of a child as defined in s. [39.01\(39\)](#), F.S.

(1) A child may be removed from a variety of situations and still qualify for Title IV-E, including, for example:

- (a) A hospital, following either birth, an illness, or injury;
- (b) A homeless shelter;
- (c) A car or other vehicle; or,
- (d) A tent or other temporary shelter.

NOTE: A child who was placed in a treatment facility by the parents is considered to be living with the parents for the purpose of establishing AFDC criteria.

(2) The child's removal may be considered a "physical" or "constructive" removal pursuant to a voluntary placement agreement or a court order.

(a) Physical Removal. A physical removal occurs when the child leaves the removal home or the person subject to the CTW finding leaves the home at the time of the court order or voluntary placement agreement.

(b) Constructive Removal. A constructive removal occurs when the child is living with a person other than the person subject to the CTW finding at the time the court order or voluntary placement agreement authorizes the removal of the child. The child may or may not remain in the same home at the time of the action. The child must have lived with the person who is subject of the CTW finding within six calendar months of the initiation of court proceedings or execution of the voluntary placement agreement. The child also must have been AFDC-eligible in the removal home in the month of, but prior to, the child's constructive removal, as if the child still had been living in the removal home.

(3) If the Department or authorized agent takes custody of a child then immediately arranges for the child to live with the other legal parent, no removal has occurred. This is considered a "living arrangement" and not a removal/placement in out-of-home care. A child may not be released to the other parent until an Other Parent Home Assessment is completed and approved per CFOP 170-7, [Chapter 5](#). (If the child is subsequently "removed" from this living arrangement, an order must be obtained to the effect that reasonable efforts were made to prevent the removal and that it is CTW of the child to remain in this home.)

Example 1: The mother gives birth in March 2019 while incarcerated. The father is unknown. The mother is not able to identify a caregiver for the child. The department files a shelter petition in March 2019, removes the child, and places the child in licensed foster care. The shelter petition filed alleges the child has no parent to provide care. The court order indicates a CTW finding against the mother as

not providing or arranging for proper care of the child. The removal home is the mother.
Removal type: Physical. AFDC Month: March 2019. Potentially IV-E eligible.

Example 2: The mother gives birth in March 2019 while incarcerated and immediately arranges for a relative to care for the child. The department became involved, removed the child, and placed the child in licensed foster care. The shelter petition was filed in September 2019. The court order indicates a CTW finding against the mother as not providing or arranging for proper care of the child and substance abuse against the father. The removal home is the mother as the parent who last had custody of the child. Removal type: Constructive. AFDC Month: September 2019. Potentially IV-E eligible.

Example 3: The mother and father live together and arranged for the child to temporarily reside with a relative in March 2019. While placed with the relative, the child has several reports of medical neglect. The department becomes involved, removed the child, and placed the child with a relative. The shelter petition was filed in December 2019. The court order indicates a CTW finding against both parents for medical neglect. The removal home is the parents.
Removal type: Constructive. AFDC Month: December 2019. IV-E Ineligible.

4-5. AFDC Eligibility. As part of the Title IV-E eligibility determination, the child must meet AFDC technical and financial eligibility requirements, according to the Title IV-A State Plan in effect on July 16, 1996. If a child would have been eligible to receive AFDC as of the month court proceedings were initiated or Voluntary Placement Agreement executed, he or she has met the financial and technical criteria for Title IV-E eligibility.

NOTE: AFDC should not be confused with Temporary Cash Assistance or TANF because the eligibility requirements differ.

a. Revenue maximization staff use the facts of the removal home to enter data in FSN which will determine if the child would have been eligible to receive AFDC under rules in effect on July 16, 1996, had an application been made. The child must meet both technical and financial requirements based on the Assistance Group (AG) and Standard Filing Unit (SFU). In collecting the facts and information for AFDC criteria, information may be collected and verified through various means such as access to systems used by Economic Self-Sufficiency (FLORIDA) and Department of Economic Opportunity, telephonically and the entry of a FSN Narrative documenting the conversation, Family Functioning Assessment (FFA), court indigency document, collateral contact and the entry of a FSN Narrative documenting the contact, written statements, pay stubs, or self-declaration. At a minimum, for every Title IV-E foster care determination, revenue maximization staff must review FLORIDA and most current FFA for information relating to the Title IV-E determination. Any instance of conflicting information shall be resolved.

b. Assistance Group (AG) versus Standard Filing Unit (SFU). To determine a child's AFDC eligibility, it is necessary to identify the members of the AFDC SFU from among those living in the home of removal identified in the AG. See Attachment 6 to this chapter for additional guidance.

(1) The following people who live in the removal home must be included in the AFDC AG:

(a) The child for whom eligibility is being determined; and,

(b) The child's siblings (including those legally adopted, half-related, or step-siblings) who are under the age of 18, and who have never been married or marriage was annulled; and,

NOTE: If the sibling turns 18 in the AFDC month, the sibling shall be included in the AG unless born on the first day of the AFDC month.

(c) The child's legal parents, including natural or adoptive parents; and,

(d) The child's stepparent/legal parent of a mutual sibling when a mutual child resides in the home and meets deprivation criteria. The AG may be split when there is not a deprived mutual child in the home. See Attachment 6 to this chapter for additional guidance.

(2) Any person included in the AG must be included in the SFU unless one of the following applies:

(a) Any person (child, sibling, or adult) who is receiving SSI;

NOTE: If the child for whom eligibility is being determined receives SSI, he or she would not be included in the SFU for AFDC budgeting purposes. This does not exclude the child from being IV-E eligible.

(b) Any person (child, sibling or adult) who does not meet the AFDC requirements for U.S. citizenship or Qualified, Non-Citizen status due to not having a valid immigration status pursuant to 45 CFR §233.50, including a child's natural or adoptive parent; or,

NOTE: If a parent is not included in the SFU due to not meeting U.S. Citizen or Qualified Non-Citizen status, the parent's income is considered toward the child's determination using the Applied Income calculation method.

(c) Any child or sibling receiving Adoption Assistance benefits.

(3) When a child for whom eligibility is being determined is an SSI recipient at the time at which AFDC applies, the child is considered to have automatically met the AFDC financial criteria. The child is the only AG member considered.

c. Technical Requirements. Technical requirements include:

(1) Florida Residency. There is no minimum time of residency requirement. There need only be the intent that the child resides in Florida.

(2) Citizenship or Qualified Non-Citizen Status. A child must be:

(a) A United States citizen; or,

(b) A qualified non-citizen as defined by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law (P.L.) 104-193. Under Section 431 of PRWORA, a qualified non-citizen's access to federal public benefits is restricted for five years beginning on the date of entry into the United States, unless subsection (b), (c), or (d) of Section 431 applies. Under PRWORA, a qualified non-citizen is:

1. An alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);

2. An alien granted asylum under Section 208 of INA;

3. A refugee admitted to the United States under section 207 of INA;

4. An alien paroled into the United States under section 212(d)(5) of INA for a period of at least one year;

- INA;
5. An alien whose deportation is being withheld under Section 243(h) of INA;
 6. An alien granted conditional entry under section 203(a)(7) of INA as in effect prior to April 1, 1980;
 7. If the child is a qualified alien who is placed with a qualified alien or United States citizen, the date the child entered the United States is irrelevant and the five-year restriction on federal public benefits does not apply; or,
 8. If the child is a qualified alien who entered the United States on or after August 22, 1996, and is placed with an unqualified alien, the child would be subject to the five-year residency requirement for federal public benefits under section 403(a) of PRWORA unless the child is in one of the excepted groups.

(3) Specified Relative. The child must have been living with and removed from the home (removal home) of a Specified Relative. The definition includes any relative by blood (including half-blood), marriage, or adoption within the fifth degree of kinship to the child even if the marriage was terminated by death or divorce. See paragraph 4-4d of this operating procedure for more information on removal home.

(a) A legal determination of paternity shall be considered despite a claim of biological paternity. In the absence of a legal determination of paternity, a nonjudicial determination of paternal relationship must be made on the natural, biological father or his relatives as listed herein. If a legal determination of paternity was in effect at the time in which AFDC applies, which contradicts a nonjudicial determination, the initial foster care Title IV-E Eligibility Determination shall be voided and reconstructed. A nonjudicial determination of paternity is made by one of the following methods:

1. The child's birth certificate; or,
2. Written or oral statement verifying paternal relationship from individuals who have personal knowledge of the blood relationship. This method requires two collateral statements; or
3. Other verification documentation that verifies alleged relationship such as, but not limited to, hospital records, school records, religious records, tax returns, etc.

(b) The following relatives meet the specified degree of relationship for a specified relative:

1. First Degree: Parent (adoptive, legal, or biological) or stepparent;
 2. Second Degree: Sibling and grandparent, or stepsibling;
- NOTE: The parent of a stepparent is not a specified relative.
3. Third Degree: Great-grandparent, aunt, uncle, niece, or nephew;
 4. Fourth Degree: Great-great grandparent, great-aunt, great-uncle, or first cousin; and,
 5. Fifth Degree: Great-great-great-grandparent, great-great aunt, great-great uncle, or first cousin once removed.

(4) Age. The child must be 17 years of age or younger. Verification of age shall occur by birth certificate, vital statistics system, medical birth record, or other government issued identification.

(5) Deprivation. The continued absence of one or both birth or adoptive parents, or a legal parent from the home constitutes the basis for deprivation of parental support or care. A determination of deprivation must be as of the circumstances in the removal month but prior to the removal. See Attachment 2 to this chapter for additional guidance. Deprivation of parental support in relation to the home from which the child is removed exists due to:

(a) Death of a parent (either parent of a child is deceased).

(b) Continued absence of the parent from the home. There is a continued absence of one or both parents when:

1. One or both parents are out of the home and the nature of this absence is such as to either interrupt or terminate the parent's functioning as a provider of maintenance, physical care, or guidance for the child; or,

2. Absence due to divorce, separation (except when planned and does not break marital ties), incarceration, or other verified and documented circumstances.

NOTE: Deprivation does not exist in a two-parent household when one or both parents are away from the home due to military deployment.

(c) Physical or mental incapacity. Incapacity is documented as parental deprivation in a one-parent or two-parent household as follows:

1. One or both parents' receipt of SSI or being found eligible for Old-Age, Survivors, and Disability Insurance (OASDI) or SSI based on disability or blindness;

2. One or both parents receive Social Security Benefits based on disability or blindness; or,

3. One or both parents have a physical or mental defect, illness, or impairment that is expected to last at least 30 days, is supported by competent medical testimony, and substantially reduces or eliminates the parent's ability to support or care for the child.

(d) Unemployment or underemployment. Deprivation exists due to unemployment/underemployment when both parents (the mother and legal or non-legal father on whom a non-judicial determination of paternity has been made) live together with the child at the time of removal, and one parent is determined to be the primary (principle wage) earner with sufficient work history and meets the special unemployed criteria as identified in Attachment 2 to this chapter.

d. Financial Requirements. A child must be determined “needy” to meet AFDC criteria. This determination is assessed through two financial criteria: assets and income. The financial requirements that must be met are based on the rules in effect on July 16, 1996. Financial changes that occur after the child’s removal are not considered. See Attachment 1 to this chapter for additional guidance. Financial requirements include:

(1) Asset Limit. The child nor the family may have an accumulation of more than \$10,000 in countable and accessible assets. If the countable asset value exceeds \$10,000, the child does not meet AFDC criteria. Assets must be considered available to the participant such that the participant has the legal ability to access the asset even if a penalty applies.

(a) For FSFN to calculate the asset limit and appropriate disregards for the standard filing unit (SFU) or Alien Parent and Sponsor(s), the revenue maximization specialist must enter in the FSFN Assets and Employment module all types of assets applicable to the participants. See Attachment 1 to this chapter for additional guidance.

(b) Assets are determined based on the equity value or amount depending on the asset type. Equity value is determined by the estimated value of the asset minus any indebtedness. The equity value or amount of the asset is as of the Date AFDC Applies. See Attachment 5 to this chapter for additional guidance regarding determining the equity value of a vehicle.

(2) Income Limit. This requirement is a two-step process based on the income of the SFU compared to the Consolidated Need Standard (CNS).

(a) Revenue maximization specialist must ensure all sources of income, earned and unearned, are entered into the FSFN Assets and Employment module for accurate FSFN calculations.

(b) Income that is received in a frequency other than monthly is converted to a monthly amount. Calculations for income that begins or ends in the month AFDC Applies is treated based on actual income received. The monthly conversions utilized are:

1. Annually = Gross Income divided by 12
2. Every 6 Months = Gross Income divided by 6
3. Quarterly = Gross Income divided by 3
4. Twice Monthly = Gross Income multiplied by 2
5. Biweekly = Gross Income multiplied by 2.15
6. Weekly = Gross Income multiplied by 4.3
7. Hourly = (Gross Income X Hours Per Week X 30.416) divided by 7

SFU Size	1	2	3	4	5	6	7	8	9	10
100% Income Limit	\$645	\$864	\$1082	\$1300	\$1519	\$1737	\$1955	\$2174	\$2392	\$2610
185% Income Limit	\$1194	\$1598	\$2002	\$2405	\$2809	\$3213	\$3617	\$4021	\$4425	\$4829

100% – add \$219 for each SFU size over 10

185% – add \$404 for each SFU over 10

(c) Step One of the Income Test – Gross Income Limitation. Determine if the SFU’s gross countable income is less than 185% of the CNS, after applying appropriate exclusions and disregards. If the SFU’s adjusted gross income is more than 185% of the CNS, the child would have

been ineligible for AFDC and is not eligible for Title IV-E. If the SFU's adjusted gross income does not exceed 185% of the CNS, proceed to Step 2. See Attachment 1 to this chapter for additional guidance.

(d) Step Two of the Income Test – Determination of Need. Compare SFU's countable income, after applying further appropriate disregards, to 100% of the CNS. If the SFU's income exceeds 100% of the CNS, the child would not have been eligible for AFDC and is not eligible for Title IV-E. If the SFU's adjusted gross income does not exceed 100%, the child would meet AFDC financial criteria. See Attachment 1 to this chapter for additional guidance.

(e) When an SFU member reduced their income without good cause, the employment disregard is not applied. Reduced Income is defined as the date the reduced salary is received. Good Cause for reducing earned income is:

1. Severe illness of client or child or other household member.
2. Unsafe working conditions or sexual harassment.
3. Lack of adequate childcare.
4. Transportation problems.
5. Advanced age.
6. Attendance at a secondary or technical school necessary to complete the course or to obtain certificate or diploma.

(3) Applied Income. When a household member is not included in the AG, but their income shall be considered, the income is calculated using an Applied Income budgeting method. Applied Income is counted in Step One and Step Two of the income determination. The scenarios in which Applied Income budgeting methods are utilized are the following:

(a) When a Minor Parent lives with his or her parent(s) in the removal home, the income of the child's Grandparent(s) is the only income calculated in the determination using the applied income budgeting method. The Minor Parent and the child are not considered dependents of the Grandparent for the purposes of the Applied Income calculation.

(b) When a Stepparent lives in the removal home but is excluded from the AG and SFU, the income of the Stepparent is calculated in the determination.

(c) When a parent in the removal home does not meet citizenship criteria, the income and assets of the Alien Parent is calculated in the determination.

(d) When the Sponsor(s) of an Alien Parent reside(s) in the removal home, the income and assets of the Sponsor and Sponsor Spouse, if applicable, is calculated in the determination for three years following the alien parent's entry into the United States.

4-6. Reimbursability. A Title IV-E foster care eligible child must meet reimbursability requirements prior to claiming federal financial participation for Title IV-E foster care maintenance payments.

a. Reimbursable Facilities or Placement. The child must be placed in a Title IV-E eligible facility or placement. Eligible facilities are those that are fully licensed and meet Safety Requirements (per Chapters 65C-14, 65C-15 and 65C-45 Florida Administrative Code):

- (1) Family foster homes.

(2) Group homes.

(3) Child caring or child-placing agency homes. The Department must have a contract with the agency for making and/or supervising placements. Title IV-E foster care payments may flow through a for-profit agency to the foster care provider. The payments must go directly to the foster home parents or through the public or private non-profit child-placing or child caring agency.

(4) A public facility with 25 beds or less.

b. Non-Reimbursable Facilities. Non-reimbursable facilities include:

(1) Unlicensed homes.

(2) Public facilities with more than 25 beds.

(3) Detention/locked facilities.

(4) Training schools or youth camps.

(5) Hospitals – medical or psychiatric.

(6) Any other facility operated primarily for the detention of children who are determined to be delinquent.

c. If a child is placed in a foster home or facility whose license expires or Safety Requirements not met during the month, Title IV-E reimbursement may be claimed for the full month, provided all other eligibility factors are met. Title IV-E reimbursement may resume for the month in which the facility or placement becomes fully licensed or Safety Requirements met.

d. If a child placed in a foster home or facility is absent for a portion of the month, not to exceed 14 days, and the placement with the same provider continues after the brief absence, a full month of foster care maintenance payment may be claimed. If the absence exceeds 14 days, the claim must be prorated.

e. Court Ordered Placement. Title IV-E reimbursement must not be claimed when the court orders a child's placement with a specific licensed provider or facility. To be eligible for Title IV-E foster care maintenance payments, the child's placement and care responsibility must lie with the Department. Once a court orders a placement with a specific provider without the recommendation of the Department or designee, the court has assumed the Department's placement and care responsibility and the child's foster care maintenance payments become Non-Reimbursable. This does not apply to situations where the court order merely names the child's placement as an endorsement or approval of the placement choice.

f. Placement and Care Responsibility. For a child to be reimbursable for Title IV-E, the Department must obtain and maintain placement and care responsibility of the child. This does not require that the custody/placement of the child remain with the Department, however, the Department must maintain supervision. Placement and care responsibilities include development and assessment of case plans, ensure proper care and services are provided to facilitate the permanency goal, and oversee the appropriateness and suitability of the placement.

(1) Title IV-E claiming cannot begin until the month in which this judicial finding is made. For Title IV-E purposes, the effective date of a court order is the date the hearing occurred if referenced in the signed order. If the date of the hearing is not referenced in the order, the date the order is signed is used.

(2) The use of nunc pro tunc orders are not allowable for Title IV-E documentation to support the judicial finding. Therefore, if the required judicial determination is not included in the appropriate court order, a transcript of the court proceedings is the only other acceptable documentation to verify that the required judicial determination was made.

4-7. Ongoing Title IV-E Foster Care Eligibility. A redetermination of Title IV-E eligibility must be completed, at least annually in FSFN, to document ongoing Title IV-E eligibility requirements and when there are changes in the child's circumstances that may affect his or her Title IV-E eligibility.

a. For a Title IV-E eligible child to maintain a reimbursable status, a judicial finding of "reasonable efforts to finalize the child's permanency plan" (REFPP) must be made within 12 months of the date the child is considered to have entered foster care and within every subsequent 12-month period while the child remains in out-of-home care.

(1) A judicial finding must be made that the Department/CBC made (or is making) reasonable efforts to finalize the permanency plan for the child based on the permanency plan that is in effect. Judicial findings must be made on a case-by-case basis per the individual circumstances of the child. The use of nunc pro tunc orders are not allowable for Title IV-E documentation to support the judicial finding. Therefore, if the required judicial determination is not included in the appropriate court order, a transcript of the court proceedings is the only other acceptable documentation to verify that the required judicial determination was made.

(2) Failure to obtain this initial judicial finding of reasonable efforts to finalize the child's permanency plan and subsequent findings as described above makes the child temporarily non-reimbursable for Title IV-E foster care. The child becomes non-reimbursable beginning the first day of the month after the month the finding is due and remains non-reimbursable until the first day of the month in which the finding is made. For Title IV-E purposes, the effective date of a court order is the date the hearing occurred if referenced in the signed order. If the date of the hearing is not referenced in the order, the date the order is signed is used.

(3) The date the child is considered to have entered foster care is the date that is the earlier of either:

(a) A judicial finding to the effect that the child has been subjected to child abuse or neglect; or,

(b) 60 calendar days after the date the child is physically or constructively removed from the home through a court order or voluntary placement agreement.

b. When a change occurs, certain factors of the child's eligibility must be assessed to determine if the child continues to be Title IV-E reimbursable. The following changes require the completion of a Redetermination in FSFN:

(1) Placement change from a non-reimbursable placement to reimbursable placement setting or vice versa;

(2) License for current placement expires and is not extended or re-licensed in the following month;

(3) SSI benefits begin or terminate; or,

(4) Change in placement and care responsibility.

c. If the child leaves out-of-home care to be placed with a parent, the child is not considered to be in foster care status, even if the Department or CBC maintains a supervisory role with the child and family. The removal episode shall be discharged. In the event the child returns to foster care, a new determination of the child's eligibility based on the circumstances at the time of the new removal is required.

d. Trial home visits to a child's home are not considered interruptions in the foster care status, unless the trial home visit lasts for more than six months without a court order extending the visit.

e. If the child leaves the foster home and is placed in a state training school or similar facility for a temporary period, and the removal court order is still in effect, a new determination of the family's eligibility is not required when the child returns to the foster home.

4-8. Removal Episode. A "removal episode" refers to the period of time that begins with the child's removal (physically, judicially, or voluntarily) and includes one or more subsequent placements in out-of-home care settings. A removal episode ends when a child is:

a. Reunified with his or her parent(s); this does not include a child who is returned for a trial home visit. A trial home visit is considered a "step in the reunification process," unless it extends for more than six months without a judicial extension; or,

b. Legally adopted (finalized); or,

c. Permanently placed in the home of a relative or non-relative and the Department and court involvement ceases, (i.e., permanent guardianship); or,

d. Emancipation; or,

e. Legally married with no annulment of the marriage; or,

f. Aged out of care between the ages of 18 and 21, if child was in the legal custody of the Department at age 18 and opted out of Extended Foster Care (EFC).

4-9. Dual Eligibility –Title IV-E and Third-Party Benefits.

a. A child may receive SSA, Veteran's Administration (VA) benefits, or Railroad Retirement (RR) benefits and still be eligible for Title IV-E. When the child receives SSA, VA, or RR benefits, the child's cost of care may be shared between Title IV-E and the federal benefit received and should be pursued when appropriate.

b. If a child is receiving Supplemental Security Income (SSI) benefits, cost sharing with Title IV-E is not an option and a decision must be made regarding which federal benefit will be claimed for the child's cost of care. When deciding which benefit to claim, the decision must be based on what is in the child's best interest and not solely in consideration of maximizing federal dollars.

(1) If the child is determined to be dually eligible for Title IV-E and SSI and the agency is representative payee of the child's SSI benefits to offset the cost of care, the child's maintenance expenditures offset the child's cost of care with the SSI benefits. The associated administrative costs are Title IV-E reimbursable. If the child is Title IV-E eligible, the appropriate FSFN eligibility code is "Title IV-E Eligible/Non-Reimbursable".

(2) If the agency elects to claim Title IV-E for the child's cost of care, the Social Security Administration must be notified that the child's cost of care (board payment) is paid via Title IV-E benefits and of the monthly amount of the foster care board payment. The Social Security

Administration will then deduct the Title IV-E benefit from the child's SSI payment and forward the balance to the representative payee. Both the board payment and the administrative cost would be charged to Title IV-E and the coding in FSFN is Title IV-E eligible/reimbursable.

(3) Each CBC and region/circuit must have an established protocol in place that fulfills the requirements of the local Social Security Administration. The protocol ensures:

(a) Signature of the DCF liaison on the Notification Letter; (The Notification Letter [Attachment 4 to this chapter] must be completed and provided to the Social Security Administration when verifying funding for a child's foster care maintenance payment.)

(b) Identification of the person who will provide both the Notification Letter and a copy of the August 12, 2008 memo (Attachment 6 to this chapter) to the Social Security Administration when applying for SSI for a child in foster care;

(c) Notification to Children's Legal Services if a child's SSI is reduced due to a fee waiver or the amount of SSI is based on a child's eligibility for Title IV-E foster care; and,

(d) Identification of the person who applies for any Social Security benefit for a child in foster care.

c. When a child receiving Social Security Administration or third-party benefits enters out-of-home care and is placed in the Department's custody, the Social Security Administration or applicable agency must be contacted promptly to have the benefit suspended and the CBC must apply to become the child's representative payee.

(1) When a child is placed with a caregiver as a Level I licensed placement as defined by s. [409.175\(5\)\(a\)](#), F.S., the caregiver shall be the representative payee of the child's SSI and will not receive a foster care maintenance board payment. This does not exclude the licensed caregiver from receiving any other benefits as a licensed foster care provider as determined by the local CBC.

(2) When a child is placed with a caregiver as a Level I licensed placement, as defined by s. [409.175\(5\)\(a\)](#), F.S., the caregiver shall be the representative payee of the child's Social Security Administration or third-party benefit. If the benefit amount does not equal \$333, a foster care maintenance board payment must be issued equaling the difference between the benefit amount and \$333.

4-10. Voluntary Foster Care.

a. When there are no abuse or neglect issues involved, a parent(s) or legal guardian may sign a voluntary foster care agreement with the Department for the temporary placement of a child in licensed foster care. Title IV-E may be claimed for the first 180 days of the child's placement if the child and family meet the eligibility criteria.

(1) A signed Voluntary Placement Agreement (VPA), form CF-FSP [5004](#) (available in DCF Forms), must be executed and be retained in the child's case record. The VPA must be scanned into the participant documents drawer of the File Cabinet in FSFN.

(2) The agreement must contain the signature of the parent(s) or legal guardian(s) and the Department representative and the date the agreement was signed. If the signings occurred on different dates, the date of the final signature is the agreement date.

(3) Financial need and deprivation of parental care or support must exist at the time of the voluntary placement in licensed foster care in order for the child to be Title IV-E eligible. Refer to paragraphs 4-3, 4-4, 4-5, and 4-8 of this operating procedure for Title IV-E eligibility requirements.

b. In order to continue Title IV-E eligibility, per Rule [65C-28.007\(6\)](#), F.A.C., within 90 days from the date of the voluntary licensed placement, a judicial finding must be made to the effect that the placement in out-of-home care is in the child's best interest or remaining in the child's home is CTW of the child. If the judicial finding is not made within the first 90 days, the child may not be Title IV-E eligible for the remainder of the removal episode.

4-11. Children of Minor Parents in Foster Care. A child living with his or her minor parent in a licensed placement is not considered to be in "foster care" if the minor parent's child has not been legally removed from the parent pursuant to a voluntary licensed placement agreement or a judicial determination.

a. When the minor parent retains custody of his or her child and the child remains in the same home as the minor parent, the board payment to the foster parent is increased to cover the needs of the minor parent's child. The needs of the child living with a minor parent in the same licensed foster home are included in the Title IV-E payment being made on behalf of the minor parent.

(1) A separate Title IV-E foster care maintenance payment is not made for a child of a minor parent (unless the child has been legally removed from the minor parent).

(2) The eligibility of the minor parent's child is not a condition of the increased payment. It is the parent's eligibility that allows this increase to meet the minor parent's child's needs. Only the income and assets of the minor parent are counted.

(3) The CTW status is absent if the child remains in the home with the minor parent.

(4) However, if the child is removed or separated from the minor parent, the needs of the child must no longer be included in the maintenance payment of the minor parent. In such cases, the child's eligibility for Title IV-E will be based on the child's current and individual circumstances.

b. A child whose cost of care in a licensed placement is covered by the Title IV-E foster care payments made with respect to the minor parent is also eligible for Title XIX Medicaid.

c. If the minor parent is not Title IV-E eligible, he or she has the option of including the child on a community case for Medicaid coverage or applying for cash assistance and Medicaid assistance for the child.

(1) The CIC specialist will determine the child's eligibility for cash assistance with information provided by the revenue maximization staff. Caution must be used in these cases to ensure that the foster parent is not receiving an enhanced payment to compensate for the additional costs.

(2) The CIC specialist will consult with revenue maximization staff prior to authorizing cash assistance.

4-12. Adjudicated Delinquents.

a. Title IV-E has specific eligibility factors that must be met in order to claim Title IV-E reimbursement for adjudicated delinquent or status offender children in out-of-home care. Eligibility in the case of adjudicated delinquents and status offenders rests on two factors:

- (1) Eligibility of the child; and,
- (2) The type of facility in which the child is placed.

b. Following are the eligibility criteria needed to make a Title IV-E claim.

(1) There must be a physical removal of the child from his or her home. The judicial determination must be made in the first order that results in the removal of the child from the home. A juvenile court must make a judicial finding that it is in the child's best interest to be removed from his or her home, or that it is CTW of the child for the child to remain in the home or that the child is a "threat to himself or herself." If the court order only indicates that the child is "adjudicated delinquent" or that the child is a "threat to the community", such language does not satisfy the requirement for a determination that continuation in the home would be CTW of the child.

(2) There must be a judicial finding that reasonable efforts were made to prevent the removal of the child from his or her home. The court may make the reasonable efforts finding at any time within 60 days of the removal. Title IV-E funds cannot be claimed until the reasonable efforts judicial finding occurs.

(3) The child must be dependent and the child's family must meet AFDC eligibility.

(4) The placement and care of the child must be the responsibility of the Department.

(5) The child must be placed in a licensed placement.

(a) Foster care costs in any facility operated primarily for the detention, care, or treatment of children who have been found or are alleged to be juvenile delinquents are not eligible for Title IV-E reimbursement. Children in residential commitment facilities are not Medicaid eligible.

(b) The two key questions that should be asked in determining if a facility is operated primarily for detention purposes are:

1. Is it a physically restricting facility? and,
2. Would it be operational without a population of children who have been adjudicated delinquent?

(6) An otherwise Title IV-E eligible child, initially placed in a detention facility, may become Title IV-E reimbursable when transferred to a licensed facility which meets the Title IV-E requirements.

(a) The initial order removing the child from the home must contain "best interest" or CTW judicial language and reasonable efforts language must be in the removal order or obtained within 60 days of removal.

(b) Since Title IV-E cannot be claimed for children in detention facilities, the "clock" for calculating when to comply with the requirements for developing case plans, holding judicial

reviews and permanency hearings, and the TPR provisions begins when the child is placed in licensed foster care.

4-13. FSFN Documentation. All children removed and placed in out-of-home care, regardless of placement setting, must have a Title IV-E Eligibility Determination approved in FSFN within 30 calendar days of entry into out-of-home care except when the judicial finding of Reasonable Efforts to Prevent Removal is pending. The Title IV-E Eligibility Determination module will auto-generate upon the approval of a removal episode documented on the placement page.

a. Initial Determination. Prior to initiating the initial Title IV-E Eligibility Determination, revenue maximization staff shall ensure the information required to complete the determination is obtained.

(1) The appropriate modules of FSFN must be completed for the assistance group members:

(a) Person Management page must document the following:

1. Date of birth on Basic tab;
2. Citizenship status and applicable fields on Basic tab;
3. Primary Address on Address tab; and,
4. Legal parents linked to the child subject to the Title IV-E eligibility determination on the Additional tab.

(b) The Education Record for each person under the age of 18 selected in the AG. Number of Hours Currently Enrolled shall be documented if in a grade level other than Kindergarten through Twelfth and half credit hours are documented as whole credit hours.

(c) Maintain Case page must document relationships of each AG member to the child subject to the Title IV-E eligibility determination on the Relationship tab.

(d) Assets and Employment module must document all income (earned and unearned) and assets for the AFDC eligibility month (at a minimum) of each SFU member for which FSFN provides as an option.

1. The FSFN fields of Eff. Start Date and Effective From must reflect the date in which the first payment was received and the FSFN fields of Eff. End Date and Effective To dates must reflect the date in which the last payment was received. Employment earned twice a month shall be entered as the 1st and 15th or 15th and last day of the month.

2. All known data for the income or asset type must be entered in FSFN. At minimum, the fields which capture the start date, end date (if applicable), and, as applicable, income, monthly amount, amount, value, estimated value, amount owed, frequency, and number of hours per week are required.

3. Employment history must be entered into FSFN which are sufficient for FSFN to calculate the criteria for the deprivation types of underemployment and unemployment. These types must not be manually selected.

4. Prior to utilizing the Unable to Obtain Income/Asset Verification functionality, revenue maximization staff, at minimum, must document the utilization of the following methods: seek self-declaration from the income/asset holder, review of FLORIDA system, review of

SUNTAX and CONNECT systems, review of Family Functionality Assessment (FFA), review of Investigative TANF, review of court indigency form, and review of FSFN Narratives from contacts with income/asset holder. The Eligibility Notes must indicate the completion of this requirement.

(e) Ensure the first court order sanctioning the removal of the child or the order containing Best Interest finding for voluntary removal is uploaded in the FSFN Legal File Cabinet.

(2) Revenue maximization staff will answer the user modifiable questions and ensure that the system-generated questions are accurate. If not, updates shall be made to the appropriate FSFN modules to ensure an accurate FSFN determination.

(a) Assistance Group: Select only persons who resided in the removal home who are a parent, sibling under 18 years of age, or stepparent if conditions are met as outlined in Attachment 6 to this chapter. If the child for whom eligibility is being determined is an SSI recipient as of the AFDC date, the child is the only person selected in the AG.

(b) Role: Select applicable role for every person selected in AG and persons who reside in the removal home who meet the criteria for Applied Income and Attachment 6 to this chapter.

(c) Obligated Monies: Enter the applicable amounts for each person in which Applied Income budgeting method is utilized and verified court ordered payments for SFU members.

(d) Care Expenses: Enter the applicable cost each employed full-time parent incurs per child up to the applicable limits described in Attachment 1 to this chapter.

(e) Date AFDC Applies: Select the legal action/legal document which represents when court proceedings were initiated. If no date is populated, FSFN will determine the IV-E as Ineligible.

(3) Revenue maximization staff shall upload financial documentation supporting the assistance group, removal home, and AFDC factors to the FSFN File Cabinet under the relevant Image Category and Image Type. Then, link the documents to the Title IV-E Eligibility Determination using the Link Income/Asset Verification or Link Legal Document hyperlink. If documents are not linked to the IV-E Eligibility Determination, the Eligibility Notes must indicate the source and location of supporting documentation.

(4) Once the FSFN determination of Title IV-E eligibility is completed, revenue maximization staff will route the eligibility to a supervisor for approval by selecting the "Refer to Supervisor" link in FSFN. Approval may not be completed by the same person completing the work. Approval must occur within 30 calendar days from the start of the removal episode.

b. Ongoing Title IV-E Eligibility Determination for Voluntary Removal. For a child who is determined Title IV-E eligible, ongoing eligibility requirements must be documented in FSFN within 30 calendar days of the event. FSFN will systematically complete Redeterminations for placement changes. For all placement changes that are processed in FSFN prior to the approval of the Initial Determination, revenue maximization staff shall manually process the Redeterminations.

(1) Best Interest. If a judicial finding that it is in the child's best interest to remain in foster care has not been made at the time the Initial Title IV-E Eligibility Determination was completed, a Redetermination must be completed to document when the Best Interest finding was made. If the Best Interest finding is not made within 180 days, a child becomes Title IV-E Ineligible for the remainder of the removal episode and a Redetermination must be completed in FSFN.

(2) Change in SSI. If a change in the SSI benefit occurs, such as approval or termination of benefit, the FSFN Assets and Employment module must be updated and a Redetermination completed in FSFN to accurately document the change in Title IV-E reimbursability. For benefit amount changes, the Eff. End Date and Eff. Start Date for the Unearned Income entry should be the same date in the month the change was effective.

c. Ongoing Title IV-E Eligibility Determination for Court-Ordered Removal. For a child who is determined Title IV-E eligible, ongoing eligibility requirements must be documented in FSFN within 30 calendar days of the event. FSFN will systematically complete Redeterminations for placement changes. For all placement changes that are processed in FSFN prior to the approval of the Initial Determination, revenue maximization staff shall manually process the Redeterminations. The following events must be documented on the Redetermination tab of the Title IV-E Eligibility Determination module in FSFN:

(1) Reasonable Efforts to Finalize Permanency Plan (REFPP).

(a) A Redetermination must be completed to document the REFPP judicial finding 12-month requirement. The court order containing the finding must be linked to the Redetermination in FSFN. The effective date of the Redetermination should reflect the first day of the month in which the judicial finding was made. The child remains Title IV-E Eligible, Reimbursable contingent on other reimbursability elements being met.

(b) If the REFPP judicial finding is not obtained within the 12-month timeframe, based on the month of the last REFPP judicial finding, a Redetermination is completed to reflect the child as Title IV-E Eligible, Not Reimbursable effective on the first day of the 13th month. The FSFN Redetermination shall be approved by the end of the 13th month.

(c) A Redetermination shall be completed with an effective date on the first day of the month in which the REFPP judicial finding is made to regain Reimbursable status and is contingent on other reimbursability elements being met.

(2) Change in SSI. If a change in the Supplemental Security Income (SSI) benefit occurs, such as approval or termination of benefit, the FSFN Assets and Employment module must be updated and a Redetermination completed in FSFN to accurately document the change in Title IV-E reimbursability. For benefit amount changes, the Eff. End Date and Eff. Start Date for the Unearned Income entry should be the same date in the month the change was effective.

AFDC Financial Calculations

Earned Income – Included (includes, but not limited to)

- Wages, salaries, gratuities/tips, commission, bonus
- Payments from the sale of blood or plasma
- Net profit from self-employment including babysitting, farming, lawn care, selling newspapers.
- Rental income if participant actively manages property

Earned Income – Excluded

- For a child, income derived from a training program

Unearned Income – Included (includes, but not limited to)

- Retirement, disability payments, unemployment/worker's compensation, proceeds from insurance policy, severance pay, training allowance for an adult
- Annuities, IRA, Keogh Plan, pensions, dividends, royalties, interest, revocable trust funds
- Prizes, awards, gifts, inheritances
- Alimony and child support payments (amount garnished by the State is not included)
- Social Security benefits (except SSI), Railroad retirement, Veterans benefits
- Rental income if managed by another person

Unearned Income – Excluded

- Income of an SSI or Adoption Subsidy recipient; lump sum SSI payment in the month of receipt and the month following receipt.
- Trust funds not available on demand
- Cash gifts up to \$30 per member received per calendar quarter
- Assistance from government agencies: Governmental rent/housing subsidy, Non-Relative Caregiver Program funds, Relative Caregiver Program funds, value of food stamps, stipends, allowance
- Vendor payments
- Specialty payments made by law, including Agent Orange Settlement Fund, Radiation Exposure Compensation Act, certain Native American payments, children of Vietnam veterans born with congenital defect spina bifida or certain disabilities per Public Law 106-419, Alaska Native Claims Settlement Act or Maine Indian Claims Settlement Fund

Assets – Included (includes, but not limited to)

- Vehicles: aircraft, automobile, camper, marine vessel, motor home, motorcycle, travel trailer, truck
- Bonds, cash, certificate of deposit, funds in checking/savings/convenience bank account, inheritance, lump sum SSI payment once past the month of receipt and the month following receipt
- IRA, Keogh plan, life insurance (cash value), mutual fund shares, promissory notes (loans), savings bonds, stocks, trust account
- Burial plots/spaces, funeral agreement
- Business inventory
- Real estate, real property

Asset – Excluded

- Primary Homestead of SFU
- Inherited real property which have not been probated
- Personal possessions
- Crops and livestock for home use
- Burial plots/spaces (one per SFU member)

Income Disregards**Step One (185% of CNS):**

- Student Earned Income Disregard
- Dependent Child Training Program Disregard
- Child Support Disregard

Step Two (100% of CNS):

- Student Earned Income Disregard
- Dependent Child Training Program Disregard
- Child Support Disregard
- Student and Employee Earned Income Disregard
- Employment Disregard (unless income was reduced without good cause)
- Care Expenses Disregard

Asset Disregards

- Vehicle Disregard
- Good Faith Effort to Sell Disregard
- Funeral Agreement Disregard
- \$1500 of total asset value from Sponsor/Sponsor Spouse (if applicable)

Applied Income Disregards**Stepparent/Alien Parent/Minor Parent/Grandparent:**

- Employment Disregard (unless income was reduced without good cause)
- Obligated Monies Disregard
- CNS Disregard

Sponsor(s) of Alien Parent/Minor Parent/Stepparent:

- Obligated Monies Disregard
- CNS Disregard
- 20% Disregard

Disregards Defined**Student Earned Income Disregard**

The total earned income of a child who is a full-time student. A full-time student is defined as a child who is in a current grade level of Kindergarten through twelfth, Special Education, or Non-grade or enrolled in college or vocational/technical school for a minimum of 9 credit hours.

Dependent Child Training Program Disregard

The total earned income of a child who is a participant in a training program such as Job Corps.

Child Support Disregard

A deduction up to \$50 of the total amount of child support payments received by children in the SFU.

Student and Employee Earned Income Disregard

The total earned income of a child who is a part-time student who is not full-time employee. To qualify, the child must be enrolled a minimum of 4.5 credit hours but less than 9 and be employed less than 30 hours per week.

Employment Disregard

A deduction up to \$90 from an SFU member's earned income. This disregard does not apply when earned income has been reduced without good cause.

Care Expenses Disregard

A deduction up to \$200 per child under the age of two or up to \$175 per child age 2 or older. To qualify, care must be necessary for the parent to maintain full-time employment and parent employed as of Date AFDC Applies. Additionally, the child in need of care must be under age 13, or physically or mentally incapable of caring for himself, or be under court supervision and in the assistance group. Verification of the need for care must be obtained only when questionable. The cost of care incurred must be paid to an individual not in the assistance group.

In the month following the month the child turns age two, the maximum cost of care disregard becomes \$175 per child. If the child turns age two on the first of a month, the \$175 maximum disregard applies in the month of the child's birthday.

Obligated Monies Disregard

A deduction equaling the monthly amount of money paid to, or on behalf of, an individual not in the assistance group that the participant could claim as a dependent for personal tax purposes and the monthly amount of court ordered payments with respect to individuals not in the assistance group including child support, alimony, mortgage, insurance, school tuition, or like payments.

CNS Disregard

A deduction equaling the CNS for a family of the same size as the participant and other individuals living in the same home but not included in the assistance group.

20% Disregard

A deduction, up to \$175, equaling the total monthly unearned and earned income of the sponsor and sponsor's spouse reduced by 20 percent of the total of any amounts received by them in the month as wages or salary or as net earnings from self-employment.

Vehicle Disregard

A deduction, up to \$1500, of the equity value for a qualifying vehicle limited to one vehicle per SFU. Qualifying vehicles consist of an automobile, truck, motorcycle, marine vessel, or motor home.

Funeral Agreement Disregard

A deduction, up to \$1500, of the equity value for a bona fide funeral agreement limited to one per SFU member. Funeral agreements are any arrangements with a legitimate funeral service provider to pay for burial expenses. Examples of funeral agreements include items such as burial trusts and any burial contracts regardless of whether they are revocable or irrevocable.

Good Faith Effort to Sell Disregard

When an individual in the SFU is making a good faith effort to sell real property or real estate, the equity value of the asset is not considered in the determination. To qualify for the status of making a good faith effort to sell, the asset must be listed at a reasonable price and a reasonable offer has not been refused.

Deprivation of Parental Care

One of the Title IV-E Foster Care eligibility factors is parental “deprivation.” The child must be deprived of the support or care of one of both parents. Deprivation of parental support or care may exist in any of the following situations:

- Parental absence from home
- Parental unemployment or underemployment
- Parental incapacity

Parental Absence from home may be due to any of the following:

- Death
 - Separation or divorce
 - Desertion
 - Incarceration
- If child is living with a relative at the time of removal and one or both parents were absent from that home, deprivation exists; even if the parents reside together in another location.
- If the Department has permanent custody as a result of termination of parental rights of the child, this factor is met.

Parental unemployment or underemployment

One parent must be determined to be the primary (principal) wage earner (PE), (i.e., the parent who earned the greater amount of income in the 24-month period prior to the child’s removal from the home). The principal wage earner must also have **sufficient work history** – has worked six or more quarters within the last 13 calendar quarters.

- Unemployment = not working
- Underemployment = working less than 100 hours per month (see Chapter 4, paragraph 4-7b(6)(d))

Parental incapacity (of one or both parents). Incapacity is established by one of the following:

- Receipt of Social Security Disability (SSDA) or Supplemental Security Income (SSI) benefits on the basis of disability or blindness.
- Parent has an emotional or psychological condition that prevents them from working or providing appropriate care and ensuring safety for their child. Must have a psychological evaluation for documentation of this condition.

Documentation of incapacity:

Parent has an illness or injury that lasts for at least 30 days. Must have written verification from a medical professional describing the illness/injury and the expected length of time that it will take to resolve the problem.

Information for determining incapacity must be provided to the child in care specialist for a determination of incapacity (Medical Evidence for Incapacity – CFOP 165-22, [1450.0722.02](#)): Medical sources of information for determining incapacity include hospitals (medical or psychiatric), Social Security Administration, Veteran’s Affairs Administration, Vocational Rehabilitation, and/or a Chiropractor.

TITLE IV-E FOSTER CARE CHECKLIST

Judicial Removal:

- Shelter Petition (contains information on removal situation and documents who child lived with at time of removal)
- Shelter Order – must contain “contrary to welfare” and “reasonable efforts to prevent removal” language

Voluntary Removal: (temporary, licensed out-of-home foster care placement)

- Voluntary Placement Agreement (CF-FSP 5004)** (Date signed: _____)
- Court order within 90 days of voluntary placement agreement that contains contrary to welfare language

SSI-Related Documentation:

- If applicable, award letter from the Social Security Administration or other documentation/proof of eligibility

AFDC/Eligibility-Related Documentation:

- Initial eligibility determination dated: _____
- Documentation of Citizenship Status (Acceptable Documentation: Birth certificate, Declaration of Citizenship, INS documentation)
- Social Security Number or proof of application
- Documentation that child lived with a specified relative within 6 months of removal
- Documentation of Income and Assets
- Documentation of deprivation and financial need at removal
- Documentation of continuous IV-E reimbursability throughout the removal episode (child aged out; child moved into a licensed or unlicensed placement; changes in child’s income, etc.)

Court Documentation:

- Modification Orders of Placement/Change
- Dependency Petition(s)
- Adjudication Order(s)
- PDR/PDS
- Judicial Review Social Study Report(s)
- Judicial Review Order(s)
- Judicial Determination Order with “Reasonable Efforts to finalize Permanency Plan” language 12 months from removal (Dated: _____)
- Subsequent Judicial Determination order of Reasonable Efforts to finalize Permanency Plan (Dated: _____)
- Petition for TPR
- TPR Order on all parents

Licensing Documentation:

- Placement History with provider license for each placement
- If applicable, Child-placing agency license
- Criminal Background Screenings
- National/Federal (Date completed: _____)
- State (Date completed: _____)
- Local (Date completed: _____)

Generic Documentation:

- If applicable, **Notarized Designation of Client Money and Property (CF-FSP 5222)** and monthly or quarterly transactions/balance statements
- Payment History (ICWSIS)
- FSN Eligibility input

Sample Notification Letter to Social Security Administration
(use letterhead paper)

DATE _____

SOCIAL SECURITY ADMINISTRATION

Enter address
of local SSA
Office

Regarding:
Child's Name: _____ **Date of Birth:** _____
SSN _____

This is to advise that the Department of Children and Families/ _____
(Name of Lead Agency)
has been awarded care and custody of _____ and is the child's
(Name of Child)
representative payee.

The foster care maintenance payments on behalf of a child receiving SSI come from state (general revenue) funds. These payments have been coded "IV-E eligible/ non IV-E reimbursable" in our payment system.

Federal Funding Specialist

Address

Phone/FAX/Email

Representative, Department of Children and Families

Address

Phone/FAX/Email

Determining Value of a Vehicle

A vehicle is any automobile, truck, motorcycle, etc., that is used to provide transportation, and includes vehicles that are unregistered, inoperable, or in need of repair.

The estimated value entered on the Assets & Employment page in FSFN must reflect the "equity" value of the vehicle.

To capture the estimated (or "equity") value of each vehicle, the case manager or revenue maximization staff must first determine the actual value of the vehicle, then *minus* any indebtedness. (Indebtedness is the amount needed to satisfy contract terms that must be met to establish ownership of the asset.)

Note: It is vital to determine the "equity" value for each vehicle. The Assets & Employment page in FSFN captures information on the "amount owed," FSFN does not support the calculation of the "equity" value.

Estimated or "equity" value of a vehicle:

The equity value is calculated by taking the NADA value of a vehicle and subtracting the amount owed.

- The market value of a car, truck or van is determined with the listing of average trade-in value given in the most recent edition of either the Southeastern Edition NADA Official Used Car Guide or the NADA Older Car Guide. (<http://www.nadaguides.com/Cars>)
- No adjustments to the vehicle's value are made by the revenue maximization staff for high mileage, low mileage, and options listed such as air conditioning, radio, and automatic transmission.
- If an individual owns a vehicle that may be worth considerably more than the NADA value because of its model and/or year, such as a 1965 Ford Mustang, the NADA value for the oldest comparable model is still used.

A valuation from a reputable automobile dealer, rather than the NADA value may be used when:

- the "average trade-in" value affects the individual's eligibility;
- the vehicle was in an accident, sustained major mechanical and/or body damage which has not been repaired; or
- the vehicle is inoperable due to mechanical conditions that have not been repaired.

A reputable automobile dealer valuation may also be used when the vehicle is in excessively poor condition bodily and mechanically so that compared to other vehicles of the same make, model, year, and equipment its value is substantially affected. A vehicle does not qualify on this condition based solely on excess mileage and/or minor body damage such as rust, as these conditions are considered in the NADA book values given. The case record must contain an explanation of the condition of the vehicle that led the individual or eligibility specialist to believe the book value to be incorrect.

When obtaining the dealer's evaluation, the revenue maximization staff must request the dealer to provide the current market value of the car or the resale value. The trade-in value or wholesale value is unacceptable. The Department cannot assume liability for any costs arising from obtaining a dealer valuation.

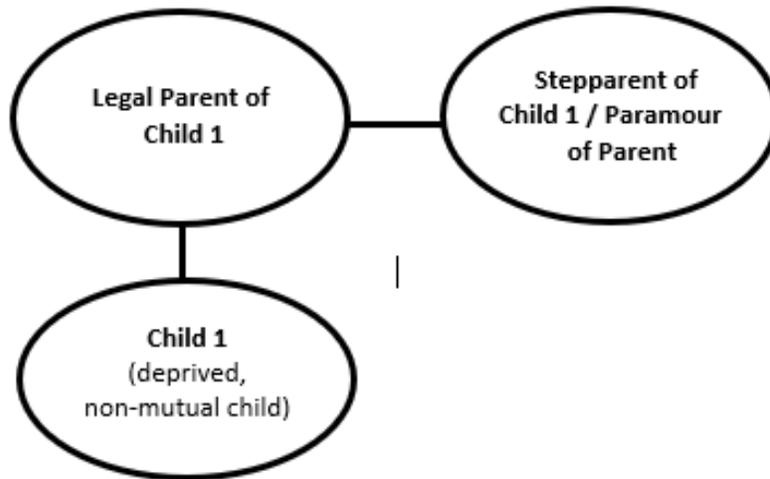
Note: When a dealer's valuation has been used due to the condition of the vehicle, the case manager may need to assist the revenue maximization staff with obtaining information from the family on any repairs affecting the value of the vehicle.

Assistance Group Chart

This chart outlines scenarios as to how to determine a child's Assistance Group (AG). If an adult is included in the AG, their income is treated as a legal parent's. A stepparent/parent of half-sibling is included if a deprived, mutual child is in the home. If a stepparent is not included in the AG, their income is Applied in the determination after budgeting procedures.

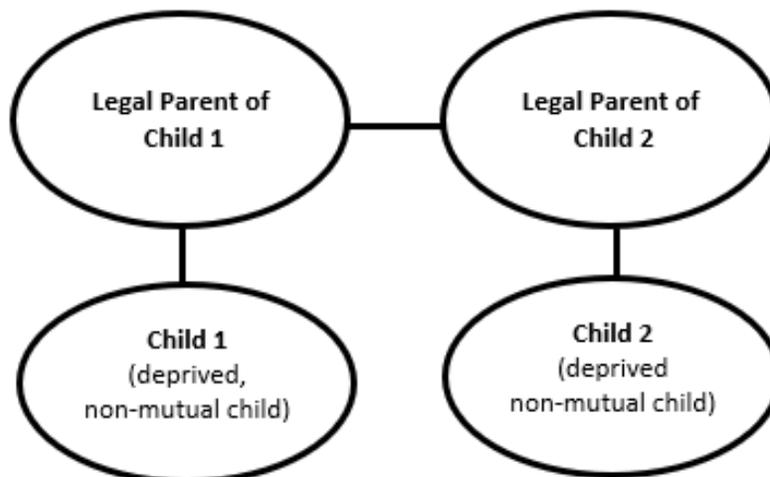
Minor siblings (including half-blooded and step) living with the child are included in the AG as long as the sibling meets all AFDC criteria.

Scenario 1: AFDC Removal Home: Married/Unmarried adults and a non-mutual child



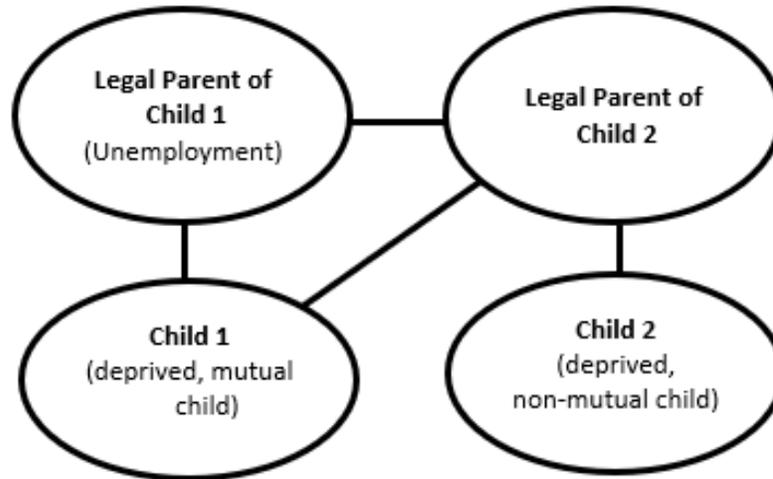
AG for Child 1 = 2 (Legal Parent and Child 1)
 (Exclusion: Step Parent of Child 1/Paramour due to not having an AFDC eligible child.)

Scenario 2: AFDC Removal Home: Married/Unmarried adults and two non-mutual children



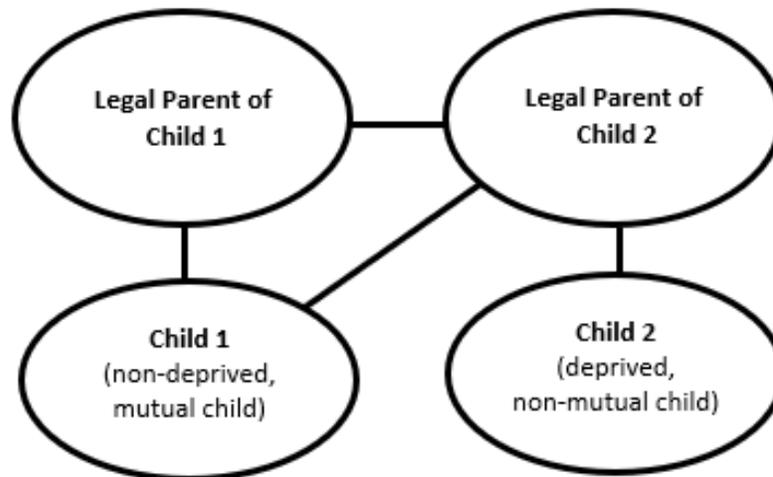
AG for Child 1 = 2 (Legal Parent, Child 1)
 (Exclusions: Legal Parent of Child 2 and Child 2 due to no mutual child.)
AG for Child 2 = 2 (Legal Parent, Child 2)
 (Exclusions: Legal Parent of Child 1 and Child 1 due to no mutual child.)

Scenario 3: AFDC Removal Home: Married/Unmarried adults, one mutual child, and one non-mutual children



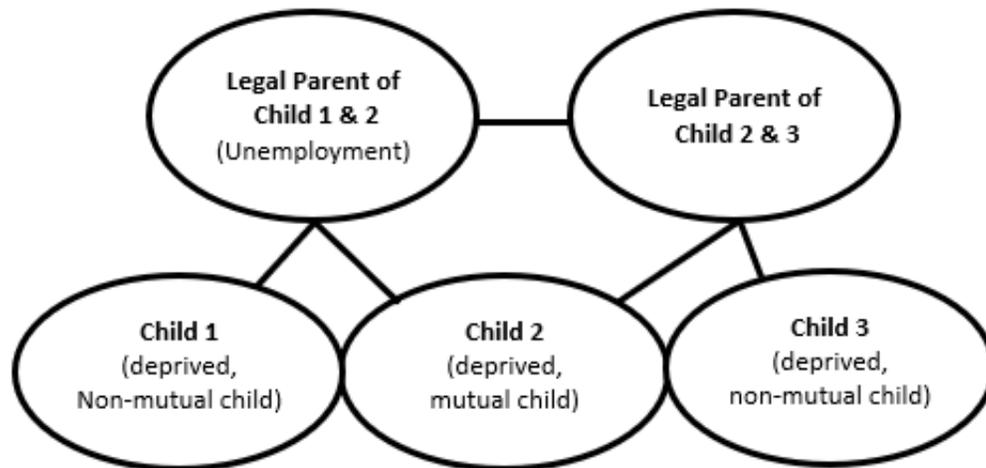
AG for Child 1 = 4 (Both Legal Parents, Child 1, Child 2 (half-sibling))
AG for Child 2 = 4 (Legal Parent, Legal Parent of Child 1/Stepparent, Child 2, Child 1 (half-sibling))

Scenario 4: AFDC Removal Home: Married/Unmarried adults, one mutual child, and one non-mutual children



AG for Child 1 = 4 (Both Legal Parents, Child 1, Child 2 (half-sibling))
AG for Child 2 = 2 (Legal Parent, Child 2)
(Exclusions: Legal Parent of Child 1 due to not having an AFDC eligible child. Child 1 due to not meeting AFDC deprivation.)

Scenario 5: AFDC Removal Home: Married/Unmarried adults, two non-mutual children, and one mutual child

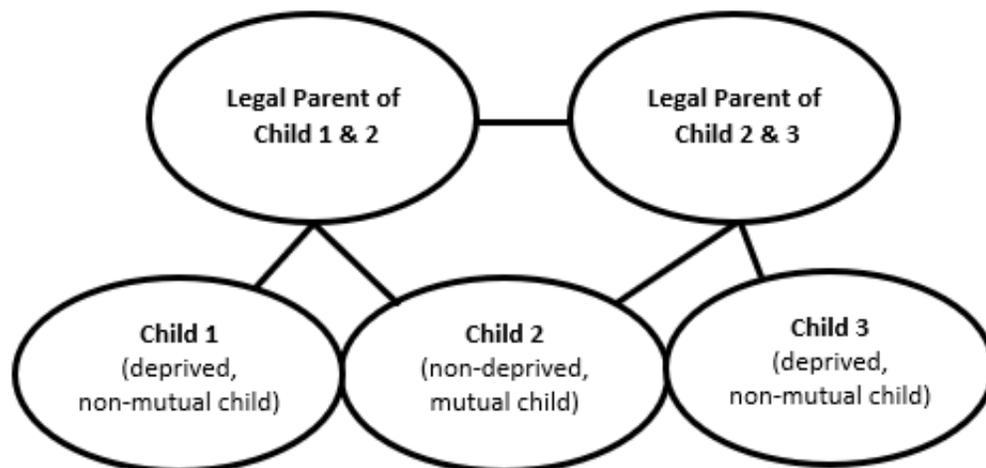


AG for Child 1 = 5 (Legal Parent, Stepparent/Parent of half-sibling, Child 1, Child 2 (half-sibling), Child 3 (step-sibling/no relation))

AG for Child 2 = 5 (Legal Parents, Child 2, Child 1 (half-sibling), Child 3 (half-sibling))

AG for Child 3 = 5 (Legal Parent, Stepparent/Parent of half-sibling, Child 3, Child 1, (step-sibling/no relation), Child 2 (half-sibling))

Scenario 6: AFDC Removal Home: Married/Unmarried adults, two non-mutual children, and one mutual child



AG for Child 1 = 2 (Legal Parent, Child 1)

(Exclusions: Legal Parent of Child 2 & 3 due to mutual child not meeting AFDC Deprivation. Child 2 due to not meeting AFDC Deprivation, Child 3 due to their Legal Parent being excluded.)

AG for Child 2 = 5 (Both Legal Parents, Child 2, Child 1 (half-sibling), Child 3 (half-sibling))

AG for Child 3 = 2 (Legal Parent, Child 3)

(Exclusions: Legal Parent of Child 1 & 2 due to mutual child not meeting AFDC Deprivation. Child 2 due to not meeting AFDC Deprivation, Child 1 due to their Legal Parent being excluded.)

FSFN File Cabinet Naming Convention

Document Type	Image Category	Image Type	File Name Convention
Employment Related with Earnings Information	Employment	Pay Verification/Pay Stub	Wages as of <i>MM/DD/YY</i>
Employment Related without Earnings Information	Employment	Employee Verification	Verified Employed as of <i>MM/DD/YY</i>
W-2 Form	Employment	W-2 Form	<i>YYYY</i> Wages
Bank Statement	Income/Eligibility	Bank Statement	<i>MM/YYYY (account type) summary</i>
Child Support	Income/Eligibility	Child Support	Paid to (<i>mother/father</i>) as of <i>MM/YYYY</i>
Social Security	Income/Eligibility	Social Security Benefits	(<i>SSI/SSDI/SSA</i>) amount as of <i>MM/YYYY</i>
FLORIDA/DEOConnect	Income/Eligibility	Economic Self Sufficiency Information	<p><i>Source-describe financial information (example: FLORIDA-earned income/no assets)</i></p> <p>Note: Use only if one FLORIDA screen identifies multiple income sources. If a single income source is identified, upload using the guidance for such income Image Type.</p>
Other	Income/Eligibility	Other	<i>Clear description of document and date (example: Court Indigent Application dated MM/DD/YY)</i>
Proof of Citizenship	Participant Documents	Citizenship	<i>Clear description of document (example: Permanent Resident Card-Haiti)</i>

