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-E Waiver Demonstration.

a. In 2006, Florida received a waiver from the United States Department of Health and Human Services. The Department receives a capped amount of Title IV-E foster care funds that can be expended on any child welfare purpose, rather than being restricted to maintenance payments for licensed out-of-home care.

b. The limitations imposed on the use of Title IV-E funds have served as an impetus for the development of Florida’s flexible funding waiver demonstration. The overall goals of Florida’s waiver demonstration are to:

(1) Improve child and family outcomes through the flexible use of Title IV-E funds;

(2) Provide a broader array of community-based services, and increase the number of children eligible for services; and,

(3) Reduce administrative costs associated with the provision of child welfare services by removing current restrictions on Title IV-E eligibility and on the types of services that may be paid for using Title IV-E funds.

c. Florida’s waiver demonstration was designed to determine whether increased flexibility of Title IV-E funding would support changes in the state’s service delivery model, maintain cost neutrality to the federal government, maintain safety, and improve permanency and well-being outcomes.

d. The waiver allows federal foster care funds to be used for any child welfare purpose rather than being restricted to licensed out-of-home care. Payments may be made to cover the cost of child welfare services such as prevention, intensive in-home services to prevent placement of children outside of their home, and reunification. Payments may also continue to be made for the same foster care costs allowed previous to the waiver.

e. Although the Title IV-E Waiver Demonstration Terms and Conditions allows the state to use Title IV-E Foster Care funds for all children and families we serve, it does not eliminate the requirement for completing Title IV-E eligibility determinations for children in licensed care. Waiver funds should not be used for costs reimbursed through Medicaid for Medicaid eligible services.
4-3. 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 6 months after the date of the child’s removal from the home.

   (b) Judicial reviews must be conducted every 6 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/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 insure 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 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.

4-4. **Title IV-E Foster Care.**

a. The Title IV-E foster care reimbursements for 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, 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 funds: eligibility and reimbursability. A child must be determined Title IV-E eligible and reimbursable in order for the state to claim program funds. The child’s initial eligibility is based upon the circumstances at the time of his or her removal from home. 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 and certain court findings about the child.

c. A Title IV-E foster care eligible child must meet reimbursability requirements prior to claiming federal financial participation.

(1) **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 (per Florida Administrative Codes 65C-13, 65C-14 and 65C-15):

(a) Family foster homes.

(b) Group homes.

(c) 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.

(d) A public facility with 25 beds or less.
(2) **Non Reimbursable Facilities.** Non reimbursable facilities include:

(a) Unlicensed homes.

(b) Public facilities with more than 25 beds.

(c) Detention/locked facilities.

(d) Training schools or youth camps.

(e) Hospitals – medical or psychiatric.

(3) **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.

d. Once a child’s eligibility for Title IV-E is established, the eligibility remains in effect until one of the following occurs:

1. The removal episode ends; or,

2. The child turns age 18; or,

3. The child is emancipated; or,

4. The child becomes legally married with no annulment of the marriage.

e. The child’s eligibility may temporarily end when one of the following occur:

1. The child is in an eligible/no reimbursability status for any month the Title IV-E eligible child is in a non-reimbursable facility or placement.

   a) However, if the child is in a facility whose license expires during the month, Title IV-E reimbursement may be claimed for the full month, provided all other eligibility factors are met.

   b) If the facility or placement remains unlicensed, Title IV-E reimbursement must not be claimed beginning the following month. Title IV-E reimbursement may resume when the facility or placement becomes fully licensed.

   2. When a judicial finding of “reasonable efforts to finalize the permanency plan” (REFPP) is not made within 12 months of removal (or within 12 months of the previous REFPP finding), the child becomes non-reimbursable beginning with the month after the finding is due and remains non-reimbursable until the finding is made.

4-5. **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/her parent(s); this does not include 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., guardianship); or,

d. Aged out of care.

4-6. Title IV-E Eligibility Determination.

a. All children who come into licensed out-of-home care must have an eligibility determination for Title IV-E eligibility and reimbursability within 20 business days after the Department obtains placement and care responsibility. It is optional on the part of the CBC to conduct an eligibility determination for children who go into unlicensed care. However, pertinent information must be gathered and entered in FSFN should the child go into a licensed placement or have a permanency goal of adoption at a future date during the removal episode.

b. The revenue maximization specialist must complete an eligibility determination in FSFN for:

   (1) A child in licensed out-of-home care (foster care) for whom the Department has responsibility for placement and care.

   (2) A child being placed out of state through Interstate Compact on the Placement of Children (ICPC).

   (3) A child whose parental rights have been terminated.

c. A child in licensed care is not Title IV-E eligible based on presumed eligibility.

4-7. AFDC Eligibility. At the time of removal, the child must meet Aid to Families with Dependent Children (AFDC) technical and financial eligibility requirements, according to the Title IV-A State Plan in effect on July 16, 1996. If a child was eligible to receive AFDC at the time of removal, he/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. The revenue maximization specialist uses the facts of the removal home to determine if the child received AFDC or 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.

b. 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), 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 (the "Act");
2. An alien granted asylum under Section 208 of the Act;

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

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

5. An alien whose deportation is being withheld under Section 243(h) of the Act;

6. An alien granted conditional entry under section 203(a)(7) of the Act 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 Degree of Relationship. The following relatives meet the specified degree of relationship. The degree of relationships below includes the marital kinship even if the marriage ended in death or divorce:

(a) Mother.

(b) Father, legal or biological. (NOTE: A non-judicial determination of paternal relationship must be made on the natural, biological father or his relatives as listed herein.)

(c) Brothers, sisters (including those of half-blood).

(d) Aunts, uncles, nieces, nephews.

(e) Grandparents, great-grandparents.

(f) First cousins (and first cousins once removed).

(g) Stepfather, stepmother, stepbrother or stepsister. (NOTE: The parent of a stepparent is not a specified relative.)

(h) Person who legally adopts a child, as well as the natural and other legally adopted children and other relatives of the adopted parents, as long as they are within the specified degree.

(i) Legal spouses of any persons named in the above groups even though the marriage terminated by death or divorce.

(j) Individuals of preceding generations as denoted by prefixes such as grand, great, and great-great.

(4) Age. The child must be 17 years of age or younger.
(5) Welfare Enumeration (provision of a Social Security Number [SSN]). The child’s Social Security Number or revenue maximization specialist’s statement that the application for a Social Security Number was filed and the date filed.

(6) Deprivation (see Attachment 2 to this chapter). The continued absence of one or both birth or adoptive parents, or a stepparent from the home constitutes the basis for deprivation of parental support or care. 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, 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 Supplemental Security Income (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 and meets the special unemployed criteria.

1. Unemployment is verified by one of the following:

   • If the principle wage earner claims no current employment, verify any loss of employment that occurred within the prior 60 days.

   • If the principle wage earner is employed, verify the number of hours worked during each month for which benefits are authorized at the time of application disposition.
• If the principle wage earner is employed intermittently 100 hours or more per month, also verify the number of hours worked during the two months prior to the month of approval and the anticipated number of hours to be worked the month following the month of approval.

2. Underemployment may be documented as parental deprivation in a two-parent household if each parent meets one of the following criteria:

• Is working less than 100 hours per month; or,

• Has a temporary one-month increase to over 100 hours, but:
   
   Worked less than 100 hours in each of the 2 previous months; and,

   Is expected to work less than 100 hours in the following month.

C. Financial Requirements. Financial requirements include:

1. Asset Limit. Neither the child nor the family may have an accumulation of more than $10,000 in countable and accessible assets. An assistance unit with resources in excess of $10,000 is ineligible.

   a. The most common resources are motor vehicles and money, including cash, bank accounts, and federal income tax refunds.

   b. If an assistance group member has a licensed motor vehicle, only the first $1,500 of equity value of the vehicle is exempt. Any equity over $1,500 is counted toward the $10,000 resource limit.

   c. To accurately capture the estimated (or “equity”) value of each vehicle, the case manager or revenue maximization specialist 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.) See Attachment 5 to this chapter.

2. Income Limit. First, the family must not have gross income (less appropriate income disregards) in excess of the Consolidated Need Standard (CNS). Second, if the family is eligible, the child must not have income in excess of 185% of the child’s foster care board rate. (See Attachment 1 to this chapter for CNS amounts.)

   a. In order to determine the child and family income, revenue maximization will:

      1. Verify the countable gross earned income of all family members in the assistance unit.

      2. Verify the countable unearned income of all family members in the assistance unit.


NOTE: Verification is confirming the accuracy of information through a source other than the individual. Information may be verified through automated means, telephonically, collateral contact, written statements, or pay stubs.
(b) An assistance unit is not eligible when all available countable earned and unearned income (in the removal month) exceeds the need standard for the assistance group size under rules in effect on July 16, 1996.

(3) FSFN Eligibility Module. FSFN will determine whether the child was AFDC eligible based on the responses to the eligibility questions. The FSFN eligibility module:

(a) Considers the income and resources of the parent, parents, or stepparent from whom the child was removed in the month of removal.

(b) Excludes SSI as countable income and the person who receives the SSI from the number in the household for AFDC

d. Standard Filing Unit (SFU). To determine a child’s AFDC eligibility, it is necessary to identify the members of the AFDC standard filing unit (SFU) from among all the people living in the home of removal. The size and makeup of the SFU allow determination of the total countable income and resources for the SFU, which ultimately determines whether the child is “needy.”

(1) The following people who live in the home of removal must be included in the AFDC SFU, unless they are exempted:

(a) The child and all siblings (including those legally adopted and blood-related) who also meet the AFDC requirements and are under the age of 18; and,

(b) The child’s legal parents, including natural or adoptive parents.

(2) The following people are not included in the AFDC SFU:

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

NOTE: If the child receives SSI, he/she may still be eligible for IV-E. While the child would not have been included in the standard filing unit for AFDC budgeting purposes, this does not exclude the child from being IV-E eligible.

(b) Any person (child or adult) who does not meet the AFDC requirements for U.S. citizenship or does not have a valid immigration status pursuant to 45 CFR §233.50, including a child’s natural or adoptive parent.

NOTE: If a parent is not a U.S. citizen or does not have a valid immigration status, the parent is considered disqualified for AFDC. A disqualified parent’s income and resources must be counted as specified in ACCESS Florida Program Policy Manual, Chapter 2200, Section 2250.

(c) Any relative in the home, unless the relative has managing conservatorship for the child.

(d) Any stepparents in the home. A stepparent’s income and resources must be counted as specified in the ACCESS Florida Program Policy Manual, Chapter 2600, Child in Care, Section 2650.0205.

(e) Any child receiving Adoption Assistance benefits

(3) The following income is counted:

(a) The earned and unearned income of each member of the SFU;
(b) The income of a stepparent (a person married to the child’s legal parent) or a legal parent disqualified from AFDC because of his or her lack of U.S. citizenship or valid immigration status who lives in the home, subject to the stepparent budgeting procedures; and,

(c) When a minor parent lives with her/his parents, the income of the minor’s parent, subject to the stepparent budgeting procedures.

e. The child meets the “AFDC” test if the technical and financial requirements are met.

4-8. Initial Title IV-E Foster Care Eligibility. For an initial Title IV-E eligibility determination, the child must meet the “AFDC” test as well as the following Title IV-E requirements:

a. Finding of “Contrary to the Welfare” Required at First Hearing.

(1) A judicial finding of “contrary to the welfare” must be made at the first court hearing that approves/sanctions the removal of the child from the home. The first court order that sanctions the child’s removal from his/her home must have a written “contrary to the welfare” finding.

(2) The written finding or court order should include language that remaining in the home is “contrary to the welfare” of the child, or that placement in out of home care is in the “best interest” of the child. Judicial findings must be made on a case-by-case basis per the individual circumstances of the child. The “contrary to the welfare” 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 “contrary to the welfare” 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/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/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.

(f) Remaining in the home would be inimical to the welfare of the child.

(3) 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 contrary to the child’s welfare or that removal can only be ordered after reasonable efforts have been made. In keeping with this mandate, the following statements are not acceptable “contrary to the welfare” 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.
(4) Courts have the authority to enter a nunc pro tunc order to supply, for the record, something that actually 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 actually 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 back up this finding must be placed in the child’s file.

b. Finding of Reasonable Efforts Required. At the time of removal, 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 child remains in out-of-home care for more than twelve months, the court must also make a finding that reasonable efforts have been made to reunite the child with his/her family OR have been made to finalize alternate permanency plans in a timely manner when reunification is not possible.

(1) For a child to be initially eligible for Title IV-E funding, federal law requires the courts to make a finding in regard to the child’s removal that:

(a) Reasonable efforts were made to prevent or eliminate the need for removal of the child; or,

(b) No efforts at the time of removal could have ensured the child’s safety in the home; or,

(c) No reasonable efforts are required to prevent the removal or to reunify the family.

(2) The “reasonable efforts” finding should be in the first court order removing the child from his/her home. However, if the first court order sanctioning the child’s removal does not contain the “reasonable efforts” language, a court order with such language must be obtained no later than 60 days from the date of the removal.

NOTE: Title IV-E claiming cannot begin until this judicial finding is made. If the judicial finding is not made within 60 days of the removal, the child will not be Title IV-E eligible for the current removal episode.

(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.

(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/her immediate safety.

(c) 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. 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)(e)-(i), F.S., or when the parent has committed crimes named in the Child Abuse Prevention and Treatment Act.
c. **What Is the Removal Home?** The “removal home” refers to the home upon which the Title IV-E eligibility determination is based. It is also known as the “contrary to the welfare” home.

(1) For Title IV-E purposes, “home” is tied to the presence of an adult who has taken on the daily care and supervision of a child. 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 or an illness or injury;
   
   (b) A homeless shelter;
   
   (c) A car or other vehicle; or,
   
   (d) A tent or other temporary shelter.

(2) The child's removal from the home must occur pursuant to:

   (a) For safe children, a voluntary placement agreement, signed by a parent or specified relative, that results in the "physical" or "constructive" removal of the child from the home; or,
   
   (b) A judicial order that requires the child's removal from the parent or specified relative and gives the Department responsibility for the placement and care of the child. The preferred court order language is: “The Department of Children and Families shall have placement and care responsibility while the child is under protective supervision in an out-of-home placement.”

(3) When identifying the removal home of the child, the following must be considered:

   (a) The child must be physically removed from the home.

      1. When a child is removed from a parent by the court, that parent's home is considered the removal home.

      2. If the parent made arrangements for someone else to provide the daily care and supervision of the child and the child is subsequently removed from that person, that home becomes the removal home. (Legal custody of the child is not considered an issue when determining 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, a removal/shelter order must be obtained to the effect that reasonable efforts were made to prevent the removal and that it is contrary to the child’s welfare to remain in this home.)

   (b) The child must have lived with the parent or other specified relative from whom he/she is removed at any time during the six-month period preceding the removal.

   (c) When a child has been placed by a parent with a relative without Departmental or court intervention and has been in the home of a relative for six months or more at the time the court or Department becomes involved, then a physical removal from that relative’s home must occur to meet Title IV-E eligibility. In this instance, the removal home has shifted to that of the relative. However, if the child had been placed with a non-relative for six months or more before court or
Department intervention, he or she would not be eligible for Title IV-E, as the child has not resided with a specified relative within the six-month period prior to removal.

(d) When a child has been placed by a parent with a relative or non-relative caretaker without Departmental or court intervention and the child has resided in this home for LESS than six months, the child may be constructively removed from the custodial parent and “placed” with the relative or non-relative caretaker by the Department. A constructive removal is considered a “paper removal.” The agency has obtained placement and care responsibility for the child, but the agency did not physically remove the child from his/her home.

Example 1: The child had been living with friends for two weeks preceding the time police removed the child on May 13. The parents left the child with the friends for a couple of days and did not return. The agency filed a shelter petition on May 14. Prior to living with her friends, the child was living with her parents until April 30. The parents’ home is the removal home and May 13 is the removal date (Physical Removal).

Example 2: The child was living with his father until March 22, at which time he went to live with his aunt. On April 3 the agency placed the child into the aunt’s home via a court order. The father’s home is the removal home and April 3 is the removal date. (Constructive Removal)

Example 3: The child was living with her grandmother/guardian and mother, and on January 1 the mother leaves the home. The grandmother/guardian contacts the agency for assistance and the agency petitions the court on May 1. On May 3 the agency places the child into the grandmother/guardian’s home via a court order. The child’s mother is the removal home and May 3 is the removal date. (Constructive Removal)

4-9. Interim Title IV-E Eligibility Reviews. A review of Title IV-E eligibility must be completed when there are changes in the child’s circumstances that may affect his or her Title IV-E eligibility.

a. In order for the child to continue to be Title IV-E eligible there must be a judicial finding that reasonable efforts were made to finalize the child’s permanency plan within twelve months of the child’s removal from home. Subsequent reasonable efforts findings must be made no later than twelve months from the reasonable efforts finding as long as the child is in out-of-home care.

(1) A judicial finding must be made as a result of this hearing that the Department/CBC made (or is making) reasonable efforts to finalize the permanency plan for the child. The judicial finding is made based on the permanency plan that is in effect, which may be reunification, adoption, or another planned permanency arrangement.

(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. Once such a determination is made, Title IV-E reimbursement may resume.

(3) A judicial determination of reasonable efforts to finalize a permanency plan must be made at least once every 12 months while the child is in foster care, or the child is temporarily non-reimbursable for Title IV-E foster care. The date of the child’s last judicial determination determines the date the next judicial determination is due. The child remains temporarily non-reimbursable for Title IV-E foster care until such a judicial finding is made.
b. When a child temporarily leaves licensed foster care, certain factors must be assessed to determine if the child continues to be eligible and/or reimbursable.

(1) Examples of changes that may affect a child’s Title IV-E eligibility include:

(a) Placement into an unlicensed or provisionally licensed setting.
(b) Child moves into an ineligible living arrangement.
(c) Child turns age 18.
(d) Child receives countable assets.
(e) Child is discharged from foster care.

(2) In making the decision, the revenue maximization specialist must review the information in FSFN and determine whether:

(a) The child is in licensed foster care?
(b) The original court order or voluntary licensed placement agreement is still in effect in relation to the removal of the child from his/her home?
(c) The child is still under the placement and care responsibility of the Department?

(3) If all of these conditions are met, even though there has been a temporary interruption of the licensed foster care placement, the eligibility of the child (for the removal month) should not be reviewed.

c. If the child leaves out-of-home care and returns home (the home from which he/she was removed), the child is not considered to be in foster care status, even if the Department or CBC lead agency maintains a supervisory role with the child and family. In the event the child returns to foster care, a new determination of the child’s eligibility based on circumstances at the time of the new removal is required.

d. If the child leaves out-of-home or foster care to live with a relative, revenue maximization must determine whether:

(1) The child remains in out-of-home or foster care; or,
(2) The home of the relative is now considered to be the child’s own home.

e. If it is determined that the child is still in out-of-home or foster care, this is considered as a continuation of the removal episode, and therefore the child’s eligibility may change to eligible and non-reimbursable or remain the same if in a licensed placement. If permanency has been achieved with the relative, a new determination of the child’s eligibility based on circumstances at the time of the new removal is required.

f. 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.

g. 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.
4-10. Dual Eligibility – Determining Title IV-E Eligibility When a Child Receives Third Party Benefits.

a. A child may receive Social Security survivor’s benefits (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 SSA 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 SSA benefit for a child in foster care.

NOTE: When a child receiving SSI benefits enters shelter care, the Social Security Administration must be contacted promptly to have the SSI benefit suspended. When the child is adjudicated dependent and ordered into foster care placement (disposition hearing), the CBC lead agency must notify the Social Security Administration and apply to become the child’s representative payee.
4-11. **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 available 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 4-4, 4-5, 4-6 and 4-7 of this operating procedure for Title IV-E eligibility requirements.

b. In order to continue Title IV-E eligibility, 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 “contrary to the child’s welfare.” 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.

4-12. **Children of Minor Parents in Foster Care.** A child living with his/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/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 “contrary to the welfare” 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/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 specialist. 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 specialist prior to authorizing cash assistance.

4-13. **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/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/her home, or that it is “contrary to the welfare” for the child to remain in the home or that the child is a “threat to himself.” 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 contrary to the child’s welfare.

(2) There must be a judicial finding that reasonable efforts were made to prevent the removal of the child from his/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 “contrary to the welfare” 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.
### CONSOLIDATED NEEDS STANDARD

<table>
<thead>
<tr>
<th>Size</th>
<th>7/96</th>
<th>7/95</th>
<th>7/94</th>
<th>7/93</th>
<th>7/92</th>
<th>7/91</th>
<th>7/90</th>
<th>7/89</th>
<th>7/88</th>
<th>6/87</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>645</td>
<td>623</td>
<td>614</td>
<td>581</td>
<td>568</td>
<td>552</td>
<td>524</td>
<td>498</td>
<td>480</td>
<td>458</td>
</tr>
<tr>
<td>2</td>
<td>864</td>
<td>836</td>
<td>820</td>
<td>786</td>
<td>766</td>
<td>740</td>
<td>702</td>
<td>668</td>
<td>644</td>
<td>617</td>
</tr>
<tr>
<td>3</td>
<td>1082</td>
<td>1050</td>
<td>1027</td>
<td>991</td>
<td>965</td>
<td>928</td>
<td>880</td>
<td>838</td>
<td>807</td>
<td>775</td>
</tr>
<tr>
<td>4</td>
<td>1300</td>
<td>1263</td>
<td>1234</td>
<td>1196</td>
<td>1163</td>
<td>1117</td>
<td>1059</td>
<td>1008</td>
<td>970</td>
<td>933</td>
</tr>
<tr>
<td>5</td>
<td>1519</td>
<td>1476</td>
<td>1440</td>
<td>1401</td>
<td>1361</td>
<td>1305</td>
<td>1237</td>
<td>1178</td>
<td>1134</td>
<td>1092</td>
</tr>
<tr>
<td>6</td>
<td>1737</td>
<td>1690</td>
<td>1647</td>
<td>1606</td>
<td>1560</td>
<td>1493</td>
<td>1415</td>
<td>1348</td>
<td>1297</td>
<td>1250</td>
</tr>
<tr>
<td>7</td>
<td>1955</td>
<td>1903</td>
<td>1854</td>
<td>1811</td>
<td>1758</td>
<td>1682</td>
<td>1594</td>
<td>1518</td>
<td>1460</td>
<td>1408</td>
</tr>
<tr>
<td>8</td>
<td>2174</td>
<td>2116</td>
<td>2060</td>
<td>2016</td>
<td>1956</td>
<td>1870</td>
<td>1772</td>
<td>1688</td>
<td>1624</td>
<td>1567</td>
</tr>
<tr>
<td>9</td>
<td>2392</td>
<td>2330</td>
<td>2267</td>
<td>2221</td>
<td>2155</td>
<td>2058</td>
<td>1950</td>
<td>1858</td>
<td>1787</td>
<td>1725</td>
</tr>
<tr>
<td>10</td>
<td>2610</td>
<td>2543</td>
<td>2474</td>
<td>2426</td>
<td>2354</td>
<td>2247</td>
<td>2129</td>
<td>2028</td>
<td>1950</td>
<td>1883</td>
</tr>
<tr>
<td>ADD*</td>
<td>218</td>
<td>214</td>
<td>207</td>
<td>205</td>
<td>199</td>
<td>188</td>
<td>179</td>
<td>170</td>
<td>163</td>
<td>158</td>
</tr>
</tbody>
</table>

* For each additional member beyond 10 add this amount to the Consolidated Need Standard.

Revised December, 1997
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 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)
☐ FSFN Eligibility input
Sample Notification Letter to Social Security Administration
(use letterhead paper)

DATE______________________

SOCIAL SECURITY ADMINISTRATION
_________________________________
_________________________________
____________________________

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
representative payee. (Name of Child)

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 and 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 specialist 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 and 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](http://www.nadaguides.com/Cars))
- No adjustments to the vehicle’s value are made by the revenue maximization specialist 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 specialist 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 specialist with obtaining information from the family on any repairs affecting the value of the vehicle.
DATE: August 12, 2008

TO: Regional Directors

THROUGH: Don Winstead, Deputy Secretary
George Sheldon, Assistant Secretary for Operations
Melissa Jaacks, Assistant Secretary for Administration
David Fairbanks, Assistant Secretary for Programs

FROM: Patricia Badland, Director of Office of Family Safety

SUBJECT: Supplemental Security Income & Eligibility Under IV-E Foster Care Waiver

PURPOSE: This memorandum provides clarification about children who receive or are potentially eligible to receive Supplemental Security Income (SSI) with respect to the IV-E Foster Care Waiver.

BACKGROUND: Florida implemented its federally approved IV-E Foster Care Waiver in October 2006. The primary purpose of the waiver is to give the state the flexibility to use Title IV-E foster care payments for a broad array of child welfare services including prevention, intervention, and reunification services to children who are not in out of home care. Use of IV-E foster care funds for such services would not have been permissible prior to the waiver but are permissible under the waiver.

Headquarters contacted the SSI Program Team from the Atlanta Regional Social Security Administration (SSA) Office and resolved the Social Security Administration’s questions on Florida’s waiver and SSI eligibility. However, some of the local Social Security Administration offices continue to raise questions on how we fund an SSI eligible child’s foster care maintenance payment under the waiver. This memorandum provides a summary of the Department’s position on the relationship of SSI and waiver funds as resolved with the SSA regional office.

ACTION REQUIRED: Please share this memorandum with circuit administrators, community-based care lead agency chief executive officers, and all appropriate staff, including revenue maximization specialists.

Question: Under the IV-E Foster Care Waiver, how does the Department/Agency fund a child’s foster care maintenance payment when the child receives SSI or is potentially eligible for SSI?

1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

Mission: Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency
Supplemental Security Income & Eligibility Under IV-E Foster Care Waiver
August 12, 2008
Page 2

Answer: First, for children who are dually eligible, the process remains the same as in pre-waiver. The children are coded as IV-E eligible/non-reimbursable. This means, they are not receiving IV-E funds. Their maintenance or cost of care is funded with the child’s SSI payment and other costs are funded with state funds. Second, it is important to differentiate between IV-E eligibility and payments made from Title IV-E funds.

It has been the Department’s long standing policy for foster care maintenance payments made on behalf of children receiving SSI to not be made from Title IV-E foster care funds, even though the child may be IV-E eligible. These payments have been coded “IV-E eligible/non IV-E reimbursable.” This has not changed under the waiver. It remains our intent to make foster care maintenance payments from state (general revenue) funds when such payments are made on behalf of children receiving SSI.

Because the state continues to put the same amount of funding, or greater, into child welfare services (including state general revenue and other federal funds), we can say with confidence that funds that were formerly allocated to pay foster care maintenance payments on behalf of children who were not IV-E eligible under the waiver continue to be allocated. Therefore, it is highly unlikely that any federal IV-E foster care funds are being used to pay foster care maintenance funds for children who were not IV-E eligible prior to the waiver.

In summary:

- Our policy, both prior to the waiver and after, is to pay foster care maintenance payments on behalf of SSI eligible children who are IV-E eligible from state (general revenue) funds rather than IV-E funds.

- For children who are not IV-E eligible, we pay foster care maintenance payments from either state (general revenue) funds or from Title XX funds.

- For children who are IV-E eligible and not SSI recipients, we pay foster care maintenance from a fund source that is a mix of federal title IV-E funds, other federal funds, and state funds.

In an effort to help, we developed a child specific notification (attached) for use by lead agencies when seeking SSI for children in foster care.

CONTACT INFORMATION: If you have any question regarding this, please contact Sallie Bond at, (850) 922-0149 or Sallie_Bond@dcf.state.fl.us.

Attachment