TN Department of Children's Services

POLICY

16.36 Title IV-E Foster Care Funds	
Application: Family Service Workers/Juvenile Service Workers, Supervisory Staff, Maximization Specialist and Independent Living Specialists	
Authority: TCA 37-1-166, 45 C.F.R 1356.21 (b); 1356.21 (c), TCA 37-2-604, Fostering Connections to Success and Increasing Adoptions Act 2008 (P.L. 110-351)	**Standards:** None
Commissioner:	**Date:**
Original Effective Date: 08/01/08 Current Effective Date: 01/01/23	Supersedes: DCS 16.36 09/20/21 Last Review Date: 01/01/23

Glossary:

- Child:
  - (1) Any person(s) under eighteen (18) years of age. A person 18 years or older may not be committed to or remain in the custody of the Department of Children's Services by virtue of being adjudicated dependent and neglected or unruly

  (2) A person, who by reason of minority, is legally subject to parental guardianship or similar control.

  (3) A young adult age 18-21 who:

  • Is eligible for extension of foster care services and remains under the placement and care responsibility of DCS; or

  • Is part of an Adoption Assistance (AA) or a Subsidized Permanent Guardianship (SPG) Agreement that is in effect. The youth must have turned 16 years of age before the AA or SPG Agreement became effective.
- Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-451)
  - Comprehensive Federal legislation that gives states the option to provide foster care, adoption assistance, and guardianship assistance for eligible youth up to 21 years of age if the youth meets eligibility criteria. This legislation also creates additional expectations to Health Care Oversight, educational oversight, relative notification, and other child welfare practices.

Policy Statement:

Title IV-E of the Social Security Act provides for federal funding of foster care maintenance and certain related administrative costs for children who meet the Title IV-E foster care

eligibility requirements.

Purpose:
In order for the Department of Children's Services (DCS) to receive Federal Title IV-E funds, a child must meet each of the Title IV-E requirements and be placed with an approved resource home or Title IV-E approved agency.

Procedures:

A. Court Hearing, Judicial Determinations, and Court Orders

1. For a child removed pursuant to a court order, the court sanctioning removal must make case-specific determinations in the first court order removing the child from his/her home (physical or constructive removal) for Title IV-E eligibility that:
   a) Continuation in the home would be contrary to the welfare of the child or that removal is in the best interest of the child; and
   b) Within sixty (60) days of removal of the child from the child's home that reasonable efforts were made to prevent removal, or include a finding that no reasonable efforts were required or that due to statutorily specified circumstances, reasonable efforts are not required.
2. In cases in which DCS has filed a petition or DCS is allowed to be heard, DCS attorneys will secure the required judicial determination of "contrary to the welfare", or "removal is in the child's best interest" and reasonable efforts at the first court hearing regarding the child's physical or constructive removal from the home.
3. If the reasonable efforts determination is not in the first court order, DCS attorneys will set a further hearing in order to present evidence to obtain the finding of reasonable efforts from the court within sixty (60) days of a child's removal from the home.
4. The child **is ineligible for the current foster care custody episode** if the finding of contrary to the child's welfare or removal is in the child's best interest is not made in the first order for **each** foster care custody episode. The determination must be explicit and made on a case-by-case basis.
5. The child is ineligible for the current foster care custody episode if a finding of reasonable efforts is not obtained within sixty (60) days of removal of the child from the child's home. This includes a finding of reasonable efforts to prevent removal were made or due to statutorily specified circumstances, reasonable efforts are not required.
6. Title IV-E eligibility must be re-established for a child who re-enters foster care following a trial home visit if the trial home visit extends beyond six (6) months. In

this instance, the re-entry of the child into foster care is considered a new custody episode and new Title IV-E legal findings regarding "contrary to the welfare" and "reasonable efforts to prevent removal" must be obtained. If there is a court order extending the trial home visit beyond six months and the trial home visit does not exceed the time frame in the court order, the child retains Title IV-E eligibility upon returning to foster care following the trial home visit.

B. Voluntary Placement Agreements

1. For a child whose care and custody have been placed voluntarily with DCS, form ***CS-0428, 'Voluntary Placement Agreement*** must be signed by the parent(s) or legal guardian(s) of the child and a Department representative for the temporary placement of a child in foster care. A young adult, age 18 or older, is able to sign form ***CS-0968, Voluntary Placement Agreement for Transitioning Young Adults*** as his/her own guardian.
2. An otherwise eligible child is eligible for Title IV-E foster care maintenance payments for a period of 180 days, pursuant to a Voluntary Placement Agreement. The 180 days begins on the date the child is placed in foster care. If the child is constructively removed, the 180 days begins on the date that the Voluntary Placement Agreement is signed by the parent(s) or legal guardian(s) of the child and a Department representative. If a young adult is receiving Extension of Foster Care Services, the 180 days begins on the date that form ***CS-0968, Voluntary Placement Agreement for Transitioning Young Adults*** is signed by the young adult and a Department representative. Title IV-E eligibility ceases on the 181st day unless, within the first 180 days, there is a judicial determination that indicates continued voluntary placement is in the best interest of the child.
3. A signed form ***CS- 0428, Voluntary Placement Agreement*** or form ***CS- 0968 Voluntary Placement Agreement for Transitioning Young Adults*** must be executed and be available in the child's case record. The agreement must contain the signature of the parent(s) or legal guardian(s) or the young adult if receiving Extension of Foster Care Services, 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. With the exception of young adults receiving Extension of Foster Care Services: 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. The staff person receiving the voluntary placement must provide detailed information about the parents' living situation and the removal home.

C. Initiation of Application for Benefits

1. The Family Services Worker (FSW)/Juvenile Service Worker (JSW) will complete form CS-0475, Child Welfare Benefits Application (this form will be used until the information can be entered into TFACTS) for each child committed to DCS custody and placed in foster care. This includes Native American children that are being determined for Title IV-E eligibility and may transfer to a Title IV-E Tribal Agency or an Indian Tribe with a Title IV-E agreement for continued supervision.
2. The FSW/JSW will forward the completed Child Welfare Benefits Application Information in TFACTS and all available eligibility verifications to the regional Maximization Specialist within five (5) working days of the child's entering DCS custody and removal from the home.

D. Completion of the Eligibility Determination Process for Title IVE Foster Care Funds

The Maximization Specialist will:

1. Complete the eligibility determination process in ***TFACTS*** for Title IV-E foster care within 30 calendar days.
2. Confirm the child is eligible and reimbursable for Title IV-E foster care if the child meets the following Title IV-E foster care program requirements:
   a) Determine that the child meets the state's standards for each of the AFDC program requirements as of July 16, 1996 :
   - The child must be under the age of 18; or
   - Under age 19 and expected to complete high school or an equivalent vocational/technical training program before his/her 19th birthday.
   - The child is a U.S. citizen or a qualified alien.
   - The child lived with a specified relative at the time of, or within six (6) months prior to the initiation of a court petition or an order to show cause, seeking the child's removal from the home was filed or the Voluntary Placement Agreement (***CS-0428, Voluntary Placement Agreement***) was signed.
   - A specified relative, within the fifth degree, is one of the following:
     - Mother;
     - Father, legal or biological;
     - Sister or brother (including those of half-blood);
     - Aunts, uncles, nieces or nephews, great aunts, great uncles, great- great aunts, great-great uncles, great nieces, great nephews, great-great nieces, great-great nephews, grandparents, great-grandparents, or great-great grandparents;
     - Step-father, step-mother, step-sister, or stepbrother;
     - First cousins (and first cousins, once removed);

- Legal spouses of any person above, even after the marriage is ended by death or divorce; or
- 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.

♦ The child was deprived of parental support or care during the month of removal because of one of the following reasons:
- Continued absence from the home of removal of one or both parents; or
- Death of one or both parents; or
- Incapacity (physical or mental) of one or both parents; or
- Unemployment or underemployment (working less than 100 hours per month) of one or both parents;

♦ The child and the mandatory removal home members' countable income is less than the 1996 AFDC Income Need Standards and the countable resources are less than the $10,000 AFDC resource limit.

b) The judicial determination of contrary to the welfare or removal is in the child's best interest must be documented in the first court order that sanctions the child's removal.

c) A judicial determination of reasonable efforts to prevent removal is documented in the removal court order or in a supplemental court order obtained no later than 60 days from the date of removal.

d) DCS has "legal custody" (placement and care responsibility) of the child.

e) The child is placed with an eligible Title IV-E provider/resource home or Title IV-E approved agency.

♦ Documentation to confirm a Title IV-E provider resource home or agency must be obtained **by the FSW/JSW** when reviewing the eligibility of the child for transfer to any another resource home or agency placement. Acceptable documentation includes: Resource Parent Approval Letter, Letter confirming continued licensure/approval, or Provider Agency License.

NOTE: Resource homes must meet the standards of full approval or re-approval as established in DCS Policy ***16.4, Foster Home Selection and Approval*** and ***16.8, Responsibilities of Approved Foster Homes***. Title IV-E eligibility must be maintained within the periods established by the initial approval date of a resource home. However, there are instances in which extenuating circumstances may prevent adherence to the initial timelines. In those instances a resource home is considered Title IV-E eligible thirty (30) days after the annual re-assessment due date.

3. Confirm the child is not eligible for Title IV-E Foster Care Reimbursement if any of the aforementioned criteria is not met.

4. Confirm the child's benefit status in the appropriate computer systems:
   a) Confirm the child's Title IV-E foster care status in **TFACTS**;
   b) Enter the child into the DHS ACCENT computer system to authorize TennCare Medicaid benefits; and
   c) Complete the ***TFACTS*** verification of the child within the ***TFACTS*** system if verification has been received to confirm the child's name, SSN, etc. In addition, record all benefits that the child has been approved to receive in ***TFACTS***.
5. Complete form ***CS-0508, Notice of Child Welfare Benefits Summary*** (or appropriate ***TFACTS*** screen), and provide to the child's case manager.
6. Manage the electronic eligibility for each foster child file within ***TFACTS*** that includes the application, copies of court orders and petitions, eligibility forms, verifications, etc.

E. Children of Minor Parents in Foster Care

1. Sometimes, it is necessary to place a minor parent in foster care. A decision is made that it is in the best interest of both the minor parent and his/her child to be placed together in a licensed resource family home or a child-care institution. A child of a minor parent living in a licensed resource family home or a child-care institution 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 placement agreement or a judicial determination. The needs of the child living with a minor parent in the same licensed resource home are included in the Title IV-E payment being made on behalf of the minor parent. Refer to DCS Policy ***16.46, Child/Youth Referral and Placement***.
2. Separate Title IV-E foster care maintenance payments cannot be made for children of minor parents (unless the child has been legally removed from the minor parent). The minor parent's foster care board payment may be increased to cover the foster care maintenance costs of a child of that minor parent when the parent and the child are in the same licensed resource home or facility by requesting form ***CS-0674, Special or Extraordinary Rate Request***. However, if the child is removed or separated from the minor parent, the needs of the child must no longer be included in the foster care maintenance payment of the minor parent, and a new foster care contract must be completed. In such cases, the child's eligibility for Title IV-E out-of-home care will be based on the child's current and individual circumstances.
3. A child whose cost of care in a licensed resource home or facility is covered by the Title IV-E foster care maintenance payments made with respect to the minor parent is also eligible for Title XIX Medicaid.

NOTE: If a minor parent's child is brought into custody, at a later date, by either judicial determination or Voluntary Placement Agreement, Title IV-E eligibility will be determined separately for the minor parent and the child. In this instance, the minor parent's child should be treated as an assistance unit of one when determining the minor parent's child's initial eligibility for Title IV-E foster care.

F. Permanency Hearings, Court Orders, and Reasonable Efforts

1. The permanency hearing is held for the purpose of determining, in accordance with best interests of the child, a permanent plan for the placement of the child. This includes whether or not the child should remain in foster care; be returned to a parent, guardian, or relative; or whether proceedings should be instituted to terminate parental rights to free the child for adoption.
2. A permanency hearing must be held no later than twelve (12) months after the child is considered to have entered foster care and annually thereafter.
3. If the court finds that reasonable efforts to achieve the permanency goal were not made, the child is ineligible for Title IV-E funding from the end of the month in which the finding was made. Title IV-E funding may be restored as soon as the court makes a finding that reasonable efforts were achieved.

NOTE: This is only true if an annual reasonable efforts finding is not made within the 12 months prior to the finding.

4. A permanency hearing must be held within thirty (30) days of any determination by the court that DCS is no longer required to make reasonable efforts to reunify the family.
5. At the time of the permanency hearing, the DCS attorneys will submit, for the court's consideration, a report recommending a permanency plan for the child, which will include:
   - **a)** Whether and, if applicable, when the child will be returned to the parents or guardian;
   - **b)** When the child's case was referred for termination of parental rights and adoption;
   - **c)** When the case was referred for legal guardianship;
   - **d)** When the child was placed permanently with a fit and willing relative; or
   - **e)** If DCS has provided a compelling reason that none of the foregoing options would be in the best interest of the child, when the child was placed in another planned permanent living arrangement.

   The report will include documentation of the steps to be taken by DCS to finalize the permanent placement of the child.

6. The parents, custodian of the child, foster parents of the child, any pre-adoptive parent or relative providing care for the child, and other parties will be given written notice of a permanency hearing at least five (5) days prior to the hearing. They will be advised that the Permanency Plan recommended by DCS will be submitted to the court for consideration to become an order of the court.
7. The court will determine, as a finding of fact, whether DCS has made reasonable efforts to finalize the Permanency Plan in effect at the time of the hearing. DCS attorneys will continue efforts to obtain a court order documenting reasonable efforts to finalize the Family Permanency Plan if the court finds that DCS has not made reasonable efforts. The DCS attorney will set the case back on the docket as soon as program staff notify the DCS attorney that reasonable efforts have been made. After the court order documenting reasonable efforts to finalize the Family Permanency Plan is obtained, the attorney will forward a copy of the court order to the Maximization Specialist and the child's FSW/JSW to be maintained in the electronic and paper files. The FSW/JSW will complete the ***TFACTS*** court screens to link the annual reasonable efforts court order to the hearing in which the annual reasonable efforts findings was obtained.

G. Certification of Continued Reimbursability for Title IV-E Foster Care Funds

1. Maximization Specialists determine whether a child continues to meet all Title IV-E eligibility requirements and continues to be reimbursable for Title IV-E foster care funds.
2. Maximization Specialists will confirm that the child continues to be reimbursable for Title IV-E foster care after a court order with annual reasonable efforts judicial determination is obtained. The Maximization Specialist will:
   a) Update the ***TFACTS*** screens to reflect that the court order with the required reasonable efforts judicial determination was received. The date of the judicial determination is the date of the hearing.
   b) Include the copy of the new court order in child's Title IV-E foster care file.
3. If notification is received that an annual finding of reasonable efforts is required and was not made at the annual Permanency Plan hearing or other court hearing within the specified time frames, the Maximization Specialist will confirm that the child is non-reimbursable for Title IV-E foster care funds. The child will remain non-reimbursable for Title IV-E foster care funds until a court order with a reasonable efforts judicial determination is obtained. The Maximization Specialist will ensure ***TFACTS*** reflects the following:
   a) Updates to the ***TFACTS*** Title IV-E foster care file and the child's paper Title IV-E foster care file to reflect that the new court order with a reasonable efforts judicial determination has not been secured. If the court order with the

reasonable efforts finding is not obtained, the child will become non-reimbursable for Title IV-E foster care funds at the end of the 12th month following the date the child entered foster care **or** the end of the month the most recent court order to finalize a Family Permanency Plan was due.

b) Any reinstatement of reimbursability of the child for Title IV-E foster care funds if a subsequent court order with the required reasonable efforts finding is obtained at a later date and the child continues to meet the other reimbursable requirements. The child will become reimbursable for Title IVE foster care funds starting with the month of the hearing in which the annual judicial finding was made. The Maximization Specialist will:

- Update the ***TFACTS*** Title IV-E foster care file and the child's Title IV-E foster care case to reflect that a court order with the required reasonable efforts judicial finding has been secured;
- File copies of the court order in the child's Title IV-E foster care file and;
- Confirm that ***TFACTS*** reflects that the child is again reimbursable for Title IV-E foster care funds.

H. IV-E Eligibility for Young Adults Over Age 18

1. Young adults over the age of 18 who are eligible for Title IV-E funds, whether they remain in or re-enter foster care via form ***CS-0488, Rights and Responsibilities to Receive Foster Care as an Adult*** will **not** require a new determination of AFDC eligibility **if**:

a) The young adult exited custody and then re-entered foster care within six (6) months of that exit; or

b) There is a court order authorizing the youth's trial independence and the child returns to foster care within that specified timeframe.

2. Any young adult over the age of 18 who re-enters foster care via form ***CS-0968, Voluntary Placement Agreement for Transitioning Young Adults*** and who was not Title IV-E eligible upon exiting custody, or has experienced a break in custody for six (6) months or longer, **will** require a new determination for Title IV-E eligibility. The young adult must meet the AFDC eligibility requirements based on the young adult's circumstances without regard to the parents/legal guardians or others in the assistance unit in the home from which the young adult was removed as a younger child (e.g., child only case).

a) The IL Specialist will assist the young adult with completion of form ***CS-0953, Application for Title IV-E Eligibility for Young Adults Requesting Extension or Re-Establishment of Foster Care Services***. The IL Specialist will enter the information from the application into the electronic form in TFACTS.

b) The regional Child Welfare Benefits Counselor will confirm the young adult, over the age of 18, as eligible and reimbursable if the young adult meets all of the following Title IV-E foster care requirements for a new determination:

- Is a US citizen, or meets certain other guidelines to be considered a Qualified Alien;
- Resides in the state of Tennessee;
- Does not have countable resources exceeding $10,000 (applies to young adults only);
- (Prior to January 1, 2023) Does not have countable income exceeding the 1996 AFDC Income Need Standard ($420.00 per month for a one person assistance unit)- applies to young adults only;
- Effective January 1, 2023 –Disregard countable income (earned and unearned income) for the young adult.
- Signed an agreement to voluntarily accept foster care as an adult, to include acceptance of a DCS placement option or supervised Independent Living setting (case management plus an approved living arrangement).

c) The Maximization Specialist will complete the TFACTS Eligibility screens to confirm Title IV-E status within 30 business days of receipt of the Title IV-E application information.

3. A young adult who has been determined AFDC eligible under Title IV-E Fostering Connections when they re-enter foster care will be considered to meet AFDC financial need (income and resources) throughout the foster care custody episode regardless of subsequent changes in the young adult's income and resources.

4. DCS provides annual reasonable efforts to all young adults in Extension of Foster Care.

5. A young adult who enters foster care pursuant to a Voluntary Placement Agreement for Transitioning Young Adults and meets the Title IV-E foster care eligibility requirements is eligible for Title IV-E foster care maintenance payments for a period of 180 days. The 180 days begins on the date the Voluntary Placement Agreement is signed by the young adult and a Department representative. Title IV-E eligibility ceases on the 181st day unless within the first 180 days, there is a judicial determination that indicates continued voluntary placement is in the best interest of the young adult.

6. An annual reasonable efforts to finalize a permanency plan judicial determination applies to a young adult who was removed by a court order prior to age 18 and transitions directly into Extension of Foster Care after attaining age 18 or the court ordered removal young adult exits foster care at age 18 and re-enters foster care within six months of the exit from foster care. The young adult would remain on the established court schedule for obtaining the reasonable efforts finding.

NOTE: If the court finds that reasonable efforts to finalize a Permanency Plan were not made when due, the Extension of Foster Care Title IV-E eligible young adult is non-reimbursable for Title IV-E funds starting the first month after the month the annual reasonable efforts finding is due. Title IV-E funding may be restored in the month the court makes a finding that reasonable efforts were achieved.

7. An annual reasonable efforts judicial determination does not apply to a young adult who enters a new foster care episode (after attaining age 18) by a Voluntary Placement Agreement for Transitioning Young Adults. Failure to obtain an annual reasonable efforts judicial determination does not affect a Title IV-E young adult's eligibility/reimburseability if the young adult entered foster care by a Voluntary Placement Agreement for Transitioning Adults.

I. Notification of Changes in Circumstances

1. The FSW/JSW will inform the Maximization Specialist of any change in circumstances for a child for whom child welfare benefits (e.g., Title IV-E foster care, TennCare, SSI, Social Security, etc.), are being claimed.
2. Within ten (10) days of the change, the child's case manager will complete form ***CS-0476, Notification of Change of Circumstances*** until it can be entered in **TFACTS**.
3. The Maximization Specialist will review any changes to the child's benefit circumstances. A child who has been determined AFDC eligible at removal will be considered to meet the AFDC financial need and deprivation requirements throughout the foster care custody episode. Any subsequent changes in a Title IV-E child's need or parental deprivation status will not change the child's initial Title IV-E status.
4. The Maximization Specialist will update the child's benefit status in **TFACTS**, DHS ACCENT, etc. If the report change results in a change in the child's child welfare benefits, a summary of those changes will be provided.
5. A summary of any changes to child welfare benefits will be documented and filed in the child's paper and electronic files.

J. Limitations on IV-E Foster Care Maintenance Payments for Placements Not in Family Foster Homes

1. Beginning with the third week for which foster care maintenance payments are made on behalf of a child placed in a child-care institution, no federal payment shall be made on behalf of the child unless the child is placed in a child-care institution that is a qualified residential treatment program; a setting specializing in providing prenatal, postpartum, or parenting supports for youth; for a child who is 18 or older,

a supervised setting in which the child is living independently; a setting providing high-quality residential care and supportive services to children and youth who have been found to be, or are at risk of becoming, sex trafficking victims; or is placed in a licensed residential family based treatment facility for substance abuse.

2. Administrative costs may still be claimed on behalf of a child placed in a childcare institution, even if foster care maintenance payments may not be claimed.

Forms:

CS-0428, Voluntary Placement Agreement

CS-0488, Rights and Responsibilities to Receive Foster Care Services as an Adult

CS-0475, Child Welfare Benefits Application

CS-0476, Child Welfare Benefits Determination -Notification of Change of Circumstances

CS-0508, Notice of Child Welfare Benefits Summary for a Custodial Child

CS-0674, Special or Extraordinary Rate Request

CS-0797, Affidavit of Reasonable Efforts

CS-0953, Application for Title IV-E Eligibility for Young Adults Requesting Extension or Re-Establishment of Foster Care Services

CS-0968, Voluntary Placement Agreement for Transitioning Young Adults

Collateral Documents:

Petition

Court Orders