

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY</b>	
	<b>Chapter 15 : Eligibility</b>	<b>Effective Date:</b> January 1, 2020
	<b>Section 1: Eligibility Overview for Field &amp; Legal Staff</b>	<b>Version:</b> 4

<b>STATEMENTS OF PURPOSE</b>
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The Department of Child Services (DCS) will utilize Title IV-E Foster Care (Title IV-E) funding, a federal program that is authorized under and administered in accordance with Title IV-E of the Social Security Act. All Title IV-E eligible cases must also have child support established. See policy [2.20 Establishment of Child Support Orders](#) for additional information.

**Title IV-E Program Eligibility**

A Title IV-E eligibility determination must be completed for every child who enters out-of-home care. If the out-of-home care episode ends and the child later re-enters out-of-home care, this is considered a new episode, and a new Title IV-E initial eligibility determination must be completed.

**Note:** The child must be placed in out-of-home care for at least one (1) night for the placement to be considered a removal.

There are two (2) categories of Title IV-E eligibility criteria that impact a child’s status:

1. Initial eligibility; and
2. Continued eligibility. See policy [15.10 Continued Eligibility](#) for additional information.

**Eligibility Criteria**

The child’s eligibility determination is based on the month of the child’s removal. Once a child is determined to be eligible for Title IV-E, the child remains eligible throughout the duration of the out-of-home care episode unless one (1) of the following events occurs:

1. DCS Placement and Care responsibility is terminated by a court order; or
2. A THV lasts over six (6) months without a court ordered extension. For further guidance, see policy [8.39 Trial Home Visits](#).

Information that is evaluated when determining eligibility includes:

1. Child’s age;
2. Child’s citizenship;
3. Court Order that authorizes the child’s removal;
4. [Judicial determinations](#) of:
  - a. Contrary to the Welfare or Best Interest (CTW/BI),
  - b. Reasonable Efforts to Prevent Removal (RE), and
  - c. Responsibility for Placement and Care (PC).
5. Assistance Group. See policy [15.5 Assistance Group](#) for additional information;
6. [Specified Relative](#);
7. Deprivation;

8. Income; and
9. Resources.

DCS must be able to verify and document all eligibility criteria in the case file and in the case management system. If DCS is unable to verify and document these factors, the child will be ineligible for Title IV-E funding for the entire out-of-home care episode.

A child placed with his or her parent, while the parent is residing in a licensed residential family-based treatment facility for substance use disorder, may be eligible for Title IV-E even though he or she is living with a parent. Required income and resource information for all individuals living in the household (the parent's household, not the treatment facility) should still be collected.

If the case is changing from an In-Home Child in Need of Services (CHINS) to an Out-of-Home CHINS, a court order authorizing removal must be obtained that coincides with the child's removal from the home, or the child will not be Title IV-E eligible for that out-of-home care episode.

### **Continued Title IV-E Eligibility Criteria**

Continued Title IV-E eligibility refers to DCS' ability to continue claiming Title IV-E reimbursement for a child in out-of-home care.

Youth who meet at least one (1) of the following criteria may remain eligible for Title IV-E until age 21 (see policy [11.18 Eligibility for Collaborative Care](#) for more information regarding Collaborative Care [CC] eligibility for a foster care youth over age 18):

1. Enrolled in school;
2. Employed at least 80 hours per month;
3. Participating in an employment promoting activity, or removing barriers to employment; or
4. Unable to participate in employment or education due to a mental, or physical condition.

**Note:** For more information on Title IV-E initial or continued eligibility, reference the [Central Eligibility Unit \(CEU\) Eligibility Binder](#).

### **Code References**

1. [42 USC 671: State plan for foster care and adoption assistance](#)
2. [42 USC 672: Foster care maintenance payments program](#)
3. [465 IAC 2-7-5: Title IV-E; foster care eligibility](#)

## **PROCEDURE**

The Family Case Manager (FCM) will:

1. Collect information and documentation found on the [CEU Title IV-E Initial Eligibility Checklist](#), or the [CEU Collaborative Care Title IV-E Application Checklist](#) for youth in CC, to support Title IV-E eligibility criteria;

**Note:** When documentation referenced on the checklist is collected on a later date or new information is discovered, the documentation should be uploaded to the case management system and tagged as "Eligibility". Then send an email to DCS CEU ([centralized.eligibility@dcs.in.gov](mailto:centralized.eligibility@dcs.in.gov)).

2. Upload the documentation that supports the eligibility criteria in the case management system within 30 days of removal;
3. Enter all subsequent court hearings and associated court orders in the case management system; and
4. Request the court to establish a child support order and/or redirect existing child support orders for all youth who are wards of DCS under a CHINS or CC case. See policy [2.20 Establishment of Child Support Orders](#) for more information.

The FCM Supervisor will:

1. Assist the FCM to ensure the necessary information is collected; and
2. Ensure required information is documented in the case management system within 30 days of removal.

The DCS Staff Attorney will:

1. Request a new court order sanctioning the removal of the child upon notification of a child changing placement from in-home care to out-of-home care;
2. Submit required court reports and request language for PC, RE, and CTW/BI be included in the court order that authorizes the child's removal, if deemed necessary; and
3. Request that the court establish a child support order and/or redirect existing child support orders for all youth who are wards of DCS under CHINS status or CC. See policy [2.20 Establishment of Child Support Orders](#) for more information.

The DCS Central Eligibility Unit (CEU) will:

1. Review the eligibility information in the case management system;
2. Review Public Assistance database screens; and
3. Make an initial or continued eligibility determination.

#### PRACTICE GUIDANCE

N/A

#### FORMS AND TOOLS

1. [CEU Eligibility Binder](#)
2. [CEU Title IV-E Initial Eligibility Checklist](#)
3. [CEU Collaborative Care Title IV-E Application Checklist](#)
4. [Preliminary Inquiry](#)
5. [Title IV-E and Title IV-A/EA Information \(SF 55435\)](#)

#### RELATED INFORMATION

##### **Acceptable Supporting Documentation for Title IV-E Eligibility**

Acceptable supporting documentation includes, but is not limited to copies of the following:

1. Birth certificate;
2. [Preliminary Inquiry](#);
3. [Title IV-E and Title IV-A/EA Information \(SF 55435\)](#);
4. Court records;
5. Hospital records;
6. Adoption Decree;

7. Paternity affidavit;
8. Marriage records;
9. Court order documenting from whom the child was removed;
10. Removal petition or case notes documenting the persons living in the removal home and their relationship to the child; and
11. Statements from reliable persons cognizant of the facts.

### **Removal Household**

The removal household is the home of the specified relative (i.e., the person from whom the child is considered legally removed).

### **Definition of Specified Relative**

Specified relatives include the following:

1. Mother (biological, adoptive, or step);
2. Father (biological, adoptive, or step);
3. Grandmother (including great, great-great, great-great-great);
4. Grandfather (including great, great-great, great-great-great);
5. Sister (including step and in-law);
6. Brother (including step and in-law);
7. Aunt (including great, great-great, and in-law);
8. Uncle (including great, great-great, and in-law);
9. Niece (including great and great-great);
10. Nephew (including great and great-great);
11. First cousin; and
12. First cousin once removed (e.g., great aunt or uncle's child or the focus child's cousin's child).

**Note:** If parental rights of either the biological or adoptive parent have been terminated, this person cannot be considered the child's specified relative as a parent. Non-related legal guardians do not meet the definition of a specified relative.