



INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY

Chapter 15: Eligibility

Section 02: Removal and Specified Relative Criteria for Title IV-E Initial Eligibility

Effective Date: February 1, 2022

Version: 4

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POLICY OVERVIEW

Removal circumstances must be reviewed in order to determine the child's Title IV-E Foster Care (Title IV-E) funding eligibility.

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PROCEDURE

Initial eligibility is determined based on the month of the child's first placement in out-of-home care for the removal episode. In order to meet Title IV-E eligibility requirements, the following must apply:

1. The child must be removed from a specified relative pursuant to a court order authorizing the physical removal or constructive removal;

Exception: Youth in Collaborative Care (CC) may have a signed Voluntary Collaborative Care Agreement between Older Youth and the Department of Child Services (DCS). See policy 11.18 Eligibility to Participate in Collaborative Care for additional information. The youth can be considered the specified relative in a CC case.

2. The court order authorizing the child's removal must coincide with (i.e., occur at the same time as or shortly thereafter) the child's removal from home. If a child is removed from a parent, guardian, or custodian by a court order, and the child continues to live with that same individual, it is not considered a removal for Title IV-E eligibility purposes;

Exception: A child placed with a 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 the child is living with a parent.

3. The child must have lived with the specified relative they were removed from at the time of or within six (6) months prior to removal.

Children of DCS Wards

A Title IV-E eligibility determination is not needed for the child of a parent who is a ward of DCS unless the child has been legally removed. If the child of a ward is placed in out-of-home care and has been legally removed, a Title IV-E eligibility determination must be completed for the child.

Note: A child removed from home who continues to reside with a parent who is a minor may be eligible for Title IV-E, if all other Title IV-E eligibility criteria are met.

The DCS Central Eligibility Unit (CEU) will:

1. Review the eligibility information in the case management system. Acceptable supporting documentation of removal from a specified relative includes may be found in the CEU Eligibility Binder; and
2. Make a determination regarding whether the requirements of removal from a specified relative are met.

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RELEVANT INFORMATION

Definitions

Constructive Removal

A constructive removal occurs when:

1. A child is currently living with a caregiver (who is not the specified relative);
2. The court removes the child from the specified relative; and
3. DCS allows the child to remain with the caregiver as a placement.

Date of Removal

The date of removal is the date of the child's placement in out-of-home care.

Physical Removal

Physical removal occurs when DCS physically removes a child from the person identified in the court order authorizing removal.

Specified Relative

A specified relative is the person from whom the child is considered legally removed. 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 (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.

Forms and Tools

- [CEU Eligibility Binder](#)
- [Voluntary Collaborative Care Agreement between Older Youth and the Department of Child Services \(SF 55159\)](#)

Related Policies

- [11.18 Eligibility for Collaborative Care](#)

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LEGAL REFERENCES

- [IC 31-34-5-2: Findings](#)
- [IC 31-34-5-3: Release; findings required for detention order; approval of services, programs, and placement; court order; appeal; payment of costs](#)
- [42 USC 672: Foster care maintenance program](#)
- [45 CFR 1356.21 \(i\), \(k\) and \(l\): Foster care maintenance payments program implementation requirements](#)
- [465 IAC 2-7-5: Title IV-E; foster care eligibility](#)

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PRACTICE GUIDANCE- DCS POLICY 15.02

Practice Guidance is designed to assist DCS staff with thoughtful and practical direction on how to effectively integrate tools and social work practice into daily case management in an effort to achieve positive family and child outcomes. Practice Guidance is separate from Policy.

N/A

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