

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 15: Eligibility	Effective Date: October 1, 2018
	Section 6: Deprivation	Version: 2

STATEMENTS OF PURPOSE

The Indiana Department of Child Services (DCS) will evaluate the deprivation criteria in order to determine if a child is eligible for Title IV-E Foster Care. In order to be eligible, the child must be deprived of parental support or care during the removal month by reason of death, continued absence from the home, physical or mental incapacity, unemployment, or underemployment of a parent. Therefore, DCS will review the situation of the child's parents (biological or adoptive) in relation to the removal home (i.e., the home of the person from whom the child was legally removed). See separate policy, [15.2 Removals](#) for additional information about the removal home.

Death

The child is deprived of parental support or care if either parent is deceased prior to removal of the child from the home.

Continued Absence

The child is deprived of parental support or care when one (1) or both parents are continually absent from the home prior to removal, such as when:

1. The parent has been physically absent from the home for an undefined period of time, but the absence is expected to exceed 30 calendar days into the future;
2. The nature of the absence is such that it interrupts or terminates the parent's functioning as a provider of maintenance, physical care, and/or guidance for the child; and
3. The known or indefinite duration of the absence precludes relying on the parent to perform a parental function in planning for the present support or care of the child.

Physical or Mental Incapacity

The child is deprived of parental support or care if either parent has a physical or mental illness or impairment (as documented by a medical professional or the Social Security Administration) that:

1. Substantially reduces or eliminates that parent's ability to support and care for their child; and
2. Is expected to last for at least 30 days.

Unemployment/Underemployment

The child is deprived of parental support or care when the family's income is less than the standard of need for an assistance group of the family's size. See separate policy, [15.5 Assistance Group](#) for additional information about the determination of the size of the assistance group and separate policy, [15.7 Income Requirements](#) for additional information on the standard of need.

Children placed with a parent residing in a licensed residential family-based treatment facility for substance abuse may be eligible for Title IV-E regardless of whether the Aid to Families with

Dependent Children (AFDC) criteria related to deprivation are met. See separate policy [15.1 Title IV-E Foster Care \(Overview\)](#) for additional information.

Code References

1. [42 USC 672\(a\)\(2\): Removal and foster care placement requirements](#)
2. [42 USC 672\(a\)\(3\): AFDC eligibility requirement](#)
3. [42 USC 672\(j\): Children placed with a parent residing in a licensed residential family-based treatment facility for substance use](#)
4. [45 CFR 1356.21\(l\): Living with a specified relative](#)
5. [45 CFR 233.10: General provisions regarding coverage and eligibility](#)

PROCEDURE

The Family Case Manager (FCM) will:

1. Verify and collect the required [supporting documentation](#) to support the child's deprivation of parental support or care at the time of removal;
2. Upload the [supporting documentation](#) into the Management Gateway for Indiana's Kids (MaGIK) within 30 days; and
3. Contact the DCS Central Eligibility Unit (CEU) (centralized.eligibility@dcs.in.gov) immediately for additional instructions during the child's episode in out-of-home care, if information is discovered regarding the child's deprivation that would impact the initial eligibility determination.

The FCM Supervisor will:

1. Assist the FCM with any of the above steps; and
2. Ensure all required information has been verified and documented in MaGIK.

The DCS CEU will:

1. Review the eligibility information in MaGIK; and
2. Make a determination of whether deprivation exists.

PRACTICE GUIDANCE

General Guidelines to Follow When Considering Deprivation:

Consider the following guidelines when determining deprivation:

1. If the child did not physically reside in the removal home during the removal month, consider whether the child would have met the deprivation criteria if the child had physically resided in the home during the removal month;
2. If the child is adopted, deprivation is based on the child's adoptive parent, not the child's biological parent; and
3. Termination of parental rights (TPR) may not be used to establish deprivation.

Continued Absence

Reasons for continued absence may include, but are not limited to:

1. The parent is living at a separate address;
2. The parent was incarcerated prior to and for reasons unrelated to the child's removal;
3. The parent has abandoned the child;
4. The child was adopted by a single parent; or
5. The child was conceived using artificial insemination (donor unknown).

There are some special circumstances for which the general rules for deprivation by continued absence do not apply:

1. The child would not be deprived due to continued absence if a parent is absent from the home due solely to active duty in a uniformed service of the United States (Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration, Public Health Service), school attendance, or employment; or
2. The child would be deprived due to continued absence even though the parent is in his or her home if a parent is released from a correctional institution to their home while serving a court imposed sentence by performing unpaid public work or unpaid community service during the work day.

Physical or Mental Incapacity

A parent receiving Supplemental Social Security Income (SSI) is considered to be incapacitated. A parent receiving Retirement, Survivors, Disability Insurance (RSDI) from the Social Security Administration for his or her own disability is considered an incapacitated parent.

Although a parent may not be receiving a formal source of income for a disability, the parent may still be considered incapacitated for the purposes of deprivation. To verify incapacitation, a physician or psychologist must prepare a written statement to verify the parent is incapacitated and the duration of the incapacity.

Supporting Documentation of Deprivation Criteria:

Death

1. Death certificate;
2. Death notice or obituary;
3. Bureau of Vital Statistics;
4. Hospital records;
5. Mortuary bill;
6. Insurance company records;
7. Cemetery records;
8. Military records;
9. Letters from the Social Security or Veteran's Administration referencing the death; and
10. Statements from reliable persons cognizant of the facts.

Continued Absence

1. Post Office record of address;
2. Employer record of address;
3. Utility company records;
4. Unemployment compensation records;
5. Driver's license;
6. Motor vehicle registration;
7. Lease records or rent receipts (landlord);
8. Statements from reliable persons cognizant of the facts;
9. Legal documents;
10. Attorney records; and
11. Law enforcement records.
12. [Title IV-E and Title IV-A/EA Information \(SF 55435\)](#)

Physical or Mental Incapacity

1. SSI or RSDI checks received during the month of removal;
2. Award letter for SSI or RSDI covering the month of removal;

3. Screen shots documenting receipt of SSI or RSDI during the month of removal; and
4. Written statement from a physician or psychologist.

Unemployment/Underemployment

1. Public Assistance database screens (gathered by CEU);
2. Employer statements;
3. Bank statements;
4. Tax records;
5. Business records;
6. Pay stubs; and
7. Statements from reliable persons cognizant of the facts.

FORMS AND TOOLS

[Title IV-E and Title IV-A/EA Information \(SF55435\)](#)

RELATED INFORMATION

N/A