

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY</b>	
	<b>Chapter 15: Eligibility</b>	<b>Effective Date:</b> October 1, 2018
	<b>Section 10: Ongoing Eligibility</b>	<b>Version:</b> 2

<b>STATEMENTS OF PURPOSE</b>
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The Indiana Department of Child Services (DCS) will determine ongoing eligibility for children who have been determined to be eligible for Title IV-E. The ongoing eligibility criteria must be met in order for a child's maintenance (per diem) and/or administrative costs to be claimed for Title IV-E. The ongoing eligibility criteria include the following:

1. The child must be placed in a Title IV-E [eligible placement](#);
2. DCS must continue to have responsibility for Placement and Care (PC) of the child; and
3. Reasonable Efforts to Finalize the Permanency Plan (REPP) language must be obtained timely in a written court order. See separate policy, [6.10 Permanency Plan](#) for the timeframe in which REPP language must be obtained.

A child's Title IV-E ongoing eligibility status may change from month to month, depending upon the child's placement and the timeliness of required court order language. When a child is placed in an unlicensed placement, the Title IV-E maintenance payment and administrative costs may not be claimed for Title IV-E reimbursement, with the exception of the following circumstances:

1. When the child is determined to be initially eligible and placed with a relative who has an application for licensure, administrative costs may be claimed for up to one (1) year while the relative is working toward licensure; or
2. When a child moves from an ineligible foster care setting into a licensed foster family home or child care institution, administrative costs may be claimed for one (1) calendar month.

Administrative costs may also be claimed for a child who is at [imminent risk](#) of removal from the home. See separate policy, [7.1 Child at Imminent Risk of Removal](#) for additional information.

The ongoing eligibility criteria for Title IV-E eligible cases should be reviewed periodically or whenever a change occurs affecting the child's ongoing eligibility status.

Code References

1. [42 USC 671\(a\)\(15\): Requisite features of State plan](#)
2. [42 USC 672\(a\)\(2\): Removal and foster care placement requirements](#)
3. [42 USC 672\(c\): "Foster family home" and "child-care institution" defined](#)
4. [42 USC 672\(j\): Children placed with a parent residing in a licensed residential family-based treatment facility for substance abuse](#)
5. [45 CFR 1355.20\(a\)\(2\): Child care institutions](#)
6. [45 CFR 1356.21\(b\)\(2\): Judicial determination of reasonable efforts to finalize a permanency plan](#)

## PROCEDURE

The Family Case Manager (FCM) will:

1. Ask the Local Office Attorney to request that the court include responsibility for PC and REPP language in the court order within the required time frames;
2. Verify the court order contains the required court order language. If a court order does not contain the required language, request the language be included in the court order at the next hearing;
3. Upload the court order to Management Gateway for Indiana's Kids (MaGIK) within 30 days of removal; and
4. Contact the DCS Central Eligibility Unit (CEU) ([centralized.eligibility@dcs.in.gov](mailto:centralized.eligibility@dcs.in.gov)) immediately for additional instructions during the child's episode in out-of-home care, if information is discovered that would impact the child's ongoing eligibility.

The FCM Supervisor will:

1. Assist the FCM with any of the above steps; and
2. Ensure all requirement 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 the ongoing eligibility requirements are met.

## PRACTICE GUIDANCE

Acceptable supporting documentation of the court order language requirements include copies of the following:

1. The signed court order containing the responsibility for PC and/or REPP language; and
2. A court transcript containing the required court order language.

## FORMS AND TOOLS

N/A

## RELATED INFORMATION

### **Child at Imminent Risk**

DCS will make an initial determination as to whether an individual child is at imminent risk of removal and therefore a candidate for foster care. DCS will re-determine imminent risk every 180 days. See separate policy, [7.01 Child at Imminent Risk of Placement](#) for additional information.

DCS defines a child at imminent risk of placement as a child less than 18 years of age who reasonably may be expected to face out-of-home placement in the near future as a result of at least one (1) of the following:

1. Abuse or neglect;
2. Emotional or mental disturbance; or
3. Family conflict so extensive that reasonable control of the child is not exercised.

### **Eligible Placements**

In order for maintenance and administrative costs to be claimed to Title IV-E, the child (under age 18) must reside in an eligible foster care setting that is fully licensed, which may include:

1. Relative homes;
2. Foster family homes;
3. Private child care institutions;
4. Public child care institutions with licensed capacity of 25 or fewer children;
5. Emergency shelters;
6. Group homes; and
7. Licensed residential family-based treatment facilities for substance abuse in which a child is residing with a parent, if the requirements for an eligible placement are met (see separate policy, [15.1 Title IV-E Foster Care \(Overview\)](#)).

When the child is placed in a relative home, and the relative has submitted an application for licensing and is in the process of completing the licensing requirements, reimbursement for administrative costs may be claimed for the child for up to 365 days while the child is in this placement. If the relative refuses to apply for licensure, fails to work toward full licensure, or does not complete the licensure process within 365 days of the application date, DCS cannot claim administrative reimbursement for the child.

When a child is on a Trial Home Visit (THV), reimbursement for administrative costs may be claimed for the child for up to six (6) months, unless the THV is extended by order of the court. See separate policy, [8.39 Trial Home Visits](#) for more information.

When a child is on runaway status, full reimbursement for foster care maintenance (per diem) and administrative costs may be claimed for the first five (5) days, after which only administrative costs may be claimed for the child. See separate policy, [8.37 Holding a Placement during a Hospitalization](#) for more information.

Ineligible placement settings include:

1. Detention centers;
2. Forestry camps;
3. Correctional facilities;
4. Hospitals;
5. Nursing homes;
6. Boot camps; and
7. Public child care institutions with more than 25 beds.