

**MN Department of Human Services  
Social Services Manual**

**Title IV-E: Foster Care and Adoption Assistance** **VII-4000**

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Based on statutes and rules in effect as of 02/01/2001

**VII Title IV-E: Foster Care and Adoption Assistance**

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#### **Introduction** **VII-4100**

Title IV-E provides federal reimbursement for certain costs associated with eligible children who are in substitute care or at risk of placement. Reimbursable costs include out of home maintenance for eligible children; administration and training related to placement; services to prevent placement; reunification efforts; and permanency planning.

Pub.Law 96-272, the Adoption Assistance and Child Welfare Act of 1980, established Title IV-E as a major amendment to the Social Security Act. This amendment replaced the Foster Care Program that was contained in Aid to Families with Dependent Children (AFDC), but retained close policy ties to AFDC, including eligibility criteria. In 1996, the Personal Responsibility and Work Opportunity Reconciliation Act eliminated AFDC, but provided that the eligibility criteria for AFDC would continue to be used for determining the eligibility for reimbursement under Title IV-E. In 1997, the Balanced Budget Act prescribed the use of the specific AFDC criteria that were in effect on July 16, 1996, to determine IV-E eligibility.

#### **Purpose** **VII-4110**

This chapter explains the policies for determining when placement costs and adoption assistance payments are reimbursable under Title IV-E.

#### **Authority** **VII-4120**

1. 25 CFR 20.1(r) (Definition: Near Reservation).
2. 42 USC 671 (State Plan for Foster Care and Adoption Assistance).
3. 42 USC 672 (Social Security Foster Care Maintenance Payments Program).
4. 42 USC 673 (Social Security Adoption Assistance Program).
5. 42 USC 674 (Payments to States; Allotments to States).
6. 42 USC 675 (Definitions).
7. 45 CFR 1355.20 (Definitions).
8. 45 CFR 233.90 (Factors Specific to AFDC).
9. Pub. Law 96-272 (Adoption Assistance and Child Welfare Act of 1980).
10. Pub.Law 104-193 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996).
11. Pub.Law 105-33 (Balanced Budget Act of 1997).
12. Minn. Stat. 245A.02 (1999) (Human Services Licensing-Definitions).
13. Minn. Stat. 256.82 (1999) (Payments by State).
14. Minn. Stat. 259.67 (1999) (Adoption Assistance Program).

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15. Minnesota Rules, parts 9500.2000 - 9500.2880 (Administration of AFDC) (In effect on July 16, 1996).
16. Minnesota Rules, parts 9560.0500 - 9560.0670 (Foster Care of Children).
17. Minnesota Rules, parts 9560.0071 - 9560.0102 (Subsidized Adoptions).

#### Definitions

**VII-4130**

1. **Adoption Assistance:** The program that makes possible the adoption of children whose special needs prevent adoption unless financial assistance is provided. Many of the children adopted under this program meet the requirements for federal reimbursement of State costs under Title IV-E.

**Adopted from Minn. Stat. 259.67**
2. **AFDC Relatedness:** Eligibility for Title IV-E reimbursement is determined by using the AFDC eligibility criteria that were in effect on July 16, 1996. "AFDC relatedness" means that a child would have been eligible for AFDC according to the July 16, 1996, criteria in the eligibility month.

**42 USC 672 (a)**
3. **Basic Eligibility:** The status that is determined when a child first comes into placement. This eligibility is based on two criteria: a. legal responsibility for the care of the child; and b. AFDC relatedness. Once established, basic eligibility exists until the child leaves foster care to return home, runs away and the agency no longer has legal responsibility for placement and care, or reaches the age limit for the program. In the case of a voluntary placement, basic eligibility ceases to exist if the agency fails to obtain the best interest statement within 180 days.

**42 USC 672 (a) and (c)**
4. **Best Interest Statement:** A statement issued by a court of competent jurisdiction as a result of a judicial determination that a voluntary placement is in the best interest of the child, or that remaining in the home is contrary to the child's welfare.

**42 USC 672 (e)**
5. **Child Care Institution:** A public or private facility that is operated specifically for the care of children who cannot be maintained in their homes. For the purpose of reimbursement under Title IV-E, this term does not include public child care institutions that accommodate more than twenty-five children, although private institutions may be any size. Also excluded from reimbursement are detention facilities, physically restricting forestry camps or training schools, and other facilities that are operated primarily for the detention of children who are determined to be delinquent.

**42 USC 672 (c)**
6. **Continuing Reimbursement:** The month-to-month status that must be maintained in order for the local social services agency to receive Title IV-E reimbursement for the cost of a child's placement. Specific criteria must be met for each month that a child with basic eligibility and the one-time court approval is in placement.

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**AFDC Standards, July 16, 1996**

7. Deprivation: An AFDC eligibility criteria that is met when a child has been deprived of the support or care of one or both parents as a result of death, incapacity, continued absence from the child's home, or unemployment of the principal wage earner.

**AFDC Standards, July 16, 1996**

8. Detention Facility: Physically restricting facility that is primarily for the care of children who need secure custody pending court adjudication, court disposition, execution of a court order, or following commitment. The costs associated with facilities that operate primarily for the detention of delinquent children are not eligible for reimbursement. For a facility to be identified as operating "primarily" for the detention of delinquent children it must be physically restricting, and likely to be non-operational without a population of children who have been adjudicated delinquent.

**42 USC 672 (c)**

9. Difficulty of Care Payment: A supplemental maintenance payment determined by the local social services agency and based upon an assessment of the child's special needs due to existing physical, mental, or emotional handicaps. A difficulty of care payment does not include payment for services rendered by a licensed foster parent.

**Part 9560.0521, subpart 7**

10. Eligibility Month: The month in which a voluntary placement agreement is signed or the first petition is filed that brings the matter to court and eventually results in the child's placement.

**42 USC 672 (a) (4) (A);**

**Social Security Act, sections 427 (a) and 102 (a)**

11. Eligible Facility: A residence for which reimbursement may be claimed under Title IV-E when the child is IV-E eligible. Such a facility must be licensed by a Rule 4 agency, the Department of Corrections, a tribal government, or the Department of Human Services through a local social services agency, and it must be classified as one of the following:

- a. a foster family home or family group home;
- b. a private, non-medical group home, child care institution, or other residential facility of any size; or
- c. a public, non-medical group home, childcare institution, or other residential facility with a licensed capacity of 25 or fewer children.

See the related definitions in this section for "Child Care Institution," "Detention Facility," "Foster Care," and "Residential Facility." Specifically excluded from eligibility are detention and medical facilities.

**42 USC 672 (b) and (c);**

**Social Security Act, section 472(b) and (c)**

12. Eligible Relative Caretaker: An AFDC term describing relatives who may have been eligible to receive AFDC on behalf of a child according to the criteria that were in effect on

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July 16, 1996. The term means relatives to the fifth degree including parents and siblings (natural, adoptive, or step), aunts or uncles, nephews or nieces, first or second cousins (first cousins once removed), first cousins of the child's parents, any of the aforementioned by half blood or marriage (even if the marriage has ended by divorce or death), or by preceding generations as denoted by the prefixes "grand," "great," or combinations of these two prefixes including "great great great."

**AFDC Standards, July 16, 1996**

13. Foster Care: The 24-hour-a-day care of a child following placement by the commissioner or a licensed child-placing agency with legal placement responsibility pursuant to a court order or voluntary placement agreement, in any facility that regularly provides one or more children, when unaccompanied by a parent or guardian, with a substitute for the care, food, lodging, training, education, supervision, or treatment they need which for any reason cannot be furnished by a parent or guardian in the child's home. Foster care can be provided in family foster homes, foster homes of relatives, child care institutions, group homes, emergency shelters, residential facilities and pre-adoptive homes.

**Part 9560.521, subpart 9**

14. Foster Care Maintenance Payments: Payments to cover the cost of a child's food, clothing, shelter, daily supervision, school supplies, personal incidentals, and reasonable travel to the child's home for visitation. In the case of institutional care, the term includes the reasonable costs of administration and operation of the institution.

**Part 9560.0521, subpart 10**

15. Home: For the purposes of Title IV-E, "home" refers to the family setting of the parent, guardian or specified relative who had legal custody of the child at the time of placement.

**45 CFR 233.90 (c) (1) (v) (B)**

16. Individual Who is Related: A spouse, a parent, a natural or adopted child or stepchild, a stepparent, a stepbrother, a stepsister, a niece, a nephew, an adoptive parent, a grandparent, a sibling, an aunt, an uncle, or a legal guardian.

**Minn. Stat. 245A.02, subd. 13**

17. Legal Authority for Placement: Authority that is obtained by the local social services agency or court services organization through a voluntary placement agreement or court order for the placement, care, and supervision of a child.

18. Legal Custody: The right to the care, custody, and control of a child as defined in Minn. Stat. 260C.007, subd. 10. Legal custody is not required for the purposes of Title IV-E.

**Minn. Stat. 260C.07, subd. 10**

19. Need: Refers to the July 16, 1996, AFDC definition of financial need. For basic eligibility, need exists when income and assets are within the AFDC limits. For continuing reimbursement, income must be less than the monthly cost of substitute care and assets must be within the AFDC limits.

**AFDC Standards, July 16, 1996**

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20. Permanency Hearing: A hearing held by a family or juvenile court, a tribal court, another court of competent jurisdiction, or an administrative body appointed or approved by the court, to determine the future status of the child, including whether the child is to return home, be placed for adoption, or kept in foster care temporarily or on a long-term basis.  
**42 USC 675(5)(C)**
21. One Time Court Approval: A judicial determination that approves the placement of a child based on either a reasonable efforts and best interest certification for court ordered placements or based on a best interest certification for voluntary placements.  
**42 USC 672 (a)**
22. Reasonable Efforts: The court approval required to establish:
  - a. eligibility for reimbursement under Title IV-E for children who are placed pursuant to a court order; and
  - b. continuing reimbursement for children placed pursuant to a court order or a voluntary placement agreement.**42 USC 672 (a)**
23. Removal Home: The home, as defined in #15, from which a child was removed or voluntarily placed. The removal home is the home to which the court refers when certifying that “remaining would be contrary to the welfare of the child.” It is the home of the person from whom custody or legal responsibility for care was transferred.  
**42 USC 672 (a)**
24. Residential Facility: Any group home, family foster home, or other publicly supported out-of-home residential facility, including any out-of-home residential facility licensed by the state, county, or other political subdivision, or any agency thereof, to provide foster care.  
**Part 9560.0521, subpart 20**
25. Voluntary Placement: A child’s parent or guardian has requested the assistance of the agency and signed a voluntary placement agreement.  
**Part 9560.0521, subpart 21**
26. Voluntary Placement Agreement: A written agreement between the local agency and the parent or guardian of a child that specifies the legal status of the child and the rights and obligations of the parent or guardian, the child, and the local agency.  
**Part 9560.0521, subpart 22**

### Title IV-E Eligibility - Foster Care VII-4200

Reimbursement of placement costs under Title IV-E is dependent on two conditions:

1. a Title IV-E eligible child, and
2. compliance with the continuing reimbursement criteria. Both basic eligibility and one time court approval are prerequisites for continuing reimbursement.  
**42 USC 672 (a)**

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A child becomes Title IV-E eligible on the date that all basic eligibility and one-time court approval criteria are met. A child for whom parental rights have been terminated does not automatically have basic eligibility and placement costs for that child are not necessarily reimbursable. The child must still have both basic eligibility and one time court approval, while meeting the criteria for continuing reimbursement.

#### **Basic Eligibility** **VII-4210**

To establish basic eligibility, the local social services agency must determine that a child meets the basic eligibility criteria for the eligibility month. The criteria that must be met are legal responsibility and AFDC relatedness:

1. Legal responsibility means that the local social services agency, or another public agency (such as court services) that has a Title IV-E agreement with the local social services agency, has legal authority for removal, placement, care, and supervision of the child. This authority must be established by a court order or a voluntary placement agreement.  
**42 USC 672 (a)**
2. AFDC relatedness means that for the eligibility month, the child meets the AFDC criteria that were in effect on July 16, 1996. Instructions for obtaining the July 16, 1996, AFDC eligibility criteria are in SSM VII-4230.  
**42 USC 672 (a)**

Basic eligibility is established once and continues until:

1. the child no longer meets the age limit, returns home with the intent to remain in the home, or runs away and the agency no longer has legal responsibility for placement and care, or  
**42 USC 672 (a)**
2. the county fails to obtain the one time court approval required for voluntary placements.  
**42 USC 672 (e)**

#### **Basic Eligibility Criteria** **VII-4211**

The following criteria and guidelines apply to the determination of basic eligibility for reimbursement under Title IV-E.

#### **Legal Responsibility for Court Ordered Placements** **VII-4211.01**

Legal responsibility for the placement, care, and supervision of the child must be established by an initial court order which assigns this responsibility to either the local social services agency, or to tribal social services or to the court services organization. If responsibility is assigned to court services or tribal social services, it must either:

1. be a unit within the local agency, or
2. have an agreement in place which states how all requirements will be met for the case plan, periodic reviews of placement, and permanency hearings.  
**42 USC 672 (a)**

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- NOTES:
- a. If court services has legal responsibility, see SSM VII-4430.
  - b. Legal custody is the term used for most court-ordered placements (Minn. Stat. 260.015) but is not required for IV-E purposes; a tribal court order which gives legal responsibility to the local social services agency meets the legal responsibility requirement.

#### **Legal Responsibility for Voluntary Placements VII-4211.02**

Legal responsibility for a voluntary placement is established when a **Voluntary Placement Agreement (DHS-1776)** between the local social services agency and the parents or legal guardian of the child is completed and signed. The agreement must state the legal status of the child and the rights and obligations of each.

NOTE: See SSM XV-6831 for **Voluntary Out-of-Home Placement Agreement-Non-Indian Child (DHS-1776) (SSIS 64)**

**42 USC 672 (f)**

#### **Determination of Eligibility Month VII-4211.03**

The second basic eligibility criteria, AFDC relatedness, is determined for an identified eligibility month. The eligibility month is determined by one of the following events:

1. For children placed pursuant to a court order, the eligibility month is determined by the date on which the first petition is filed which brings the matter before the court and results in the child's placement. Subsequent petitions may be filed, but it is the first petition bringing the matter before the court and leading to placement that determines the eligibility month. For an emergency removal, it is the date on which the 72-hour hold order request was filed.

NOTES: a. The date that the child enters care is not necessarily in the eligibility month. The first petition may be filed one or more months prior to placement, or in a month following placement in the case of an emergency placement.

- b. The eligibility month is not based on the date the court hearing was held or the date the court order was signed.
2. For children who are placed pursuant to a voluntary placement agreement, the eligibility month is the date the agreement was signed by both the parent or legal guardian and the local social services agency. The child may actually enter care during or after the eligibility month.

**42 USC 672 (a)**

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#### Determination of Removal Home

VII-4211.04

To determine AFDC relatedness, the removal home must be identified. (See SSM VII-4130, #23 for definition of removal home) The child must have lived with the person from whom custody or legal responsibility was transferred in the eligibility month or one of the six months prior to the eligibility month.

**Social Security Act, section 406 (a);  
42 USC 606 (a)**

#### AFDC Relatedness in the Eligibility Month

VII-4211.05

AFDC relatedness criteria, which must be met during the eligibility month, apply equally to both voluntary and court-ordered placements. The relevant AFDC criteria (see SSM VII-4230) are those that were in effect on July 16, 1996, except the amount of assets allowable for children in foster care. Effective December 14, 1999, a child whose combined resources have a combined value of not more than \$10,00 shall be considered to be a child whose resources have a combined value of not more than \$1,000. AFDC relatedness may be established in one of two ways:

1. The child lived with the parent, legal guardian, or other specified relative from whom custody or legal responsibility was transferred during the eligibility month and would have been eligible for AFDC according to the July 16, 1996 criteria, if an application had been made in the eligibility month.  
**42 USC 672 (a)**
2. The child did not live with the parent, legal guardian, or other specified relative from whom custody or legal responsibility was transferred during the eligibility month, but did live with that person in any of the six months preceding the eligibility month and would have been eligible for AFDC in the eligibility month. In this case, AFDC eligibility is determined according to the July 16, 1996, criteria as though the child had lived with that parent, legal guardian, or specified relative in the eligibility month.  
**42 USC 672 (a)**

NOTES: a. If the child was living with the parent, legal guardian, or other specified relative from whom custody was transferred during the eligibility month or in any of the six months preceding the eligibility month, deprivation and need are established for the eligibility month as if the child were living with the parent or legal guardian and includes the income and assets of the parent(s). AFDC relatedness is established by completing the Combined Application form (CAF), Parts I and II related to Title IV-E eligibility.  
**42 USC 672 (a)**

- b. If the child was living with a specified relative from whom custody was transferred, who was not a parent or legal guardian during either the eligibility month or the six preceding months, deprivation exists and need is usually established based on the income and assets of the child only. (See SSM VII-4221.03) However, if the child's income and assets, considered alone, would make the child ineligible, the relative

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caregiver in the removal home may be included and their income and assets added to the child's if it is beneficial in determining AFDC-relatedness.

**AFDC Standards, July 16, 1996**

- c. If the child did not live with the person from whom custody or legal responsibility was transferred during the eligibility month or in the six months preceding the eligibility month, the child does not meet the requirements for basic eligibility and is not eligible for IV-E for the duration of the placement. (See SSM VII-4130, #12 for definition of eligible relative caregiver; see SSM VII-4230 for access to AFDC eligibility criteria)

**42 USC 672 (a)**

- d. A child born to a mother who was a patient in a hospital, or an inmate in a jail or prison, is considered to be living with the mother at birth. If deprived of the support and care of an absent father, an otherwise eligible child has basic eligibility.

**42 USC 606 (a) and 607;**

**Social Security Act, sections 406(a) and 407**

#### **Basic Eligibility Ends**

**VII-4211.06**

Basic eligibility is established once and continues unless:

1. the child leaves foster care:
  - a. the agency no longer has legal custody or legal responsibility for placement care and supervision; or
  - b. is on run and the agency no longer has legal responsibility for placement and care.

**NOTE:** A child who returns home for a visit or a trial return is considered to be in continuous foster care and does not lose basic eligibility. A child who has returned home with the intent of remaining (and this is part of the case plan), but is subsequently placed in foster care, is considered to be in a new placement and basic eligibility must be reestablished.

2. the child no longer meets the age criteria (see SSM VII-4221.05); or
3. the agency fails to obtain the one-time court approval for a voluntary placement. (See SSM VII-4212.02)

Once established, basic eligibility for Title IV-E does not end when an initial or subsequent placement is in a facility which is not Title IV-E approved such as a hospital, locked detention center, or other ineligible facility. Only the availability of Title IV-E reimbursement for placement costs ends for the months the child is in the ineligible facility.

#### **One-Time Court Approval Criteria**

**VII-4212**

The one-time court approval criteria for court ordered placements and voluntary placements are different.

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#### One-Time Court Approval Criteria for Court Ordered Placements

VII-4212.01

Both a best interest determination and reasonable efforts determination are required for Title IV-E eligibility. Documentation of the judicial determinations must be in the court order or in the transcript of the court hearing. The court order or transcript must also include the conditions that support the judicial determinations.

The best interest documentation must be a statement from the court that placement is in the child's best interest or that remaining in the home is contrary to the child's welfare. The best interest statement must be in the first court ruling that leads to or sanctions placement.

NOTE: This includes a 72-hour hold order for emergency placements.

If the best interest determination is not made at the first court ruling and documented in the court order or transcript of the hearing, there is no Title IV-E eligibility for the child.

The reasonable efforts determination must be a statement from the court that reasonable efforts were made to prevent placement, or that a condition in Minn. Stat. 260.012 (a) exists. The reasonable efforts determination must be made within 60 days of the placement date.

- NOTES: a. A determination that reasonable efforts were not possible does not meet this requirement. The court must determine if the efforts made, given the circumstances at the time of placement, were reasonable.
- b. If a condition in Minn. Stat. 260.012 (a) exists, reasonable efforts to prevent placement are not required.

If the reasonable efforts determination is not made within 60 days of placement and included in the court order or transcript of the hearing, there is no Title IV-E eligibility for the child.

The agency must provide evidence to the court that placement is in the child's best interest, and that reasonable efforts were made to prevent placement or were not made because a condition in Minn. Stat. 260.012 (a) exists.

**42 USC 671(a)(15);  
42 USC 672(a)**

#### One-Time Court Approval Criteria for Voluntary Placements

VII-4212.02

A best interest statement is required for children placed pursuant to a voluntary placement agreement.

For any child who is placed voluntarily, the court must make a judicial determination within 180 days of the placement date that placement is in the best interests of the child. The child is Title IV-E eligible the first 180 days of placement whether or not the best interest statement is obtained later. If a judicial determination regarding best interest is not obtained within 180 days and documented in the court order or transcript of the court hearing, the child is not Title IV-E eligible beyond 180 days. Even if the placement subsequently becomes court ordered, the child cannot regain Title IV-E eligibility.

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If the placement becomes court ordered within the 180 days, the requirements for court ordered placements must be met in order for Title IV-E eligibility to continue.

NOTE: If a child is placed pursuant to a voluntary placement agreement in a facility that is not Title IV-E approved, but is expected to return to or enter a facility that is Title IV-E approved after the 180 day period, a best interest statement is required within the 180 days.

**42 USC 672 (e)**

#### Continuing Reimbursement

**VII-4220**

Once a child becomes Title IV-E eligible, the local social services agency must determine that the continuing reimbursement criteria are being met in order to make the case reimbursable under Title IV-E. Although eligibility for continuing reimbursement need only be determined every six months, these determinations must examine each of the previous six months.

Five conditions must be met in each month in order for the child's foster care costs to be reimbursable under Title IV-E. Continuing reimbursement criteria must not be considered unless basic eligibility has been established and a one-time court approval obtained for court ordered placements. However, the inability to meet the five continuing reimbursement criteria in any month does not affect basic eligibility, nor does it preclude reimbursement in later months. Unlike basic eligibility, the ability to meet the criteria for continuing reimbursement may be lost and regained on a frequent basis (even monthly) depending on changes in the child's circumstances.

- NOTES:
- a. A child, who is eligible for Title IV-E in the month of termination of parental rights and commitment to state guardianship, remains IV-E eligible with no need for further determination of eligibility. However, the child's income and resources are considered in determining reimbursement.
  - b. If, at the six month determination of eligibility for continuing reimbursement, claims (submitted quarterly to the Department) are found to include costs that were not eligible for reimbursement, an adjustment must be made on a current or future claim.
  - c. If a child is found to be IV-E eligible, but costs were not included in the Title IV-E claim to the Department, the local social services agency may submit costs within one year of the original due date of the Title IV-E claim.

#### Continuing Reimbursement Criteria - Monthly

**VII-4221**

To establish eligibility for continuing reimbursement, all of the following criteria must be met during each month for which reimbursement is claimed. Continuing reimbursement is dependent upon these criteria:

1. the child is not included in a Temporary Assistance to Needy Families (TANF) grant;
2. the child is placed in a Title IV-E eligible facility (see SSM VII-4130, definition #11 and VII-4221.02);

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3. financial need is established according to the July 16, 1996, AFDC guidelines considering only the child's income and assets (see SSM VII-4221.03 and SSM VII-4230);
4. the child is deprived (according the July 16, 1996, AFDC guidelines) of the support, care, or guidance of one or both parents in the removal home (see SSM VII-4221.04 and AFDC Manual);
5. the child is either under age 18, or under 19 and expected to graduate from high school or an equivalent course of study before the age of 19 (see SSM VII-4221.05); and
6. reasonable efforts determinations (different than the one required for one-time court approval).

#### Not in Receipt of TANF Benefits

**VII-4221.01**

The Social Security Act does not allow reimbursement of foster care payments under Title IV-E for any days in which a child was included in his or her family's benefits under Temporary Assistance to Needy Families (TANF). In Minnesota, TANF is administered through the Minnesota Family Investment Program (MFIP). Therefore, any days during which a child was a part of an MFIP grant must not be reimbursed under Title IV-E. Consequently, when a child who has been included in that month's MFIP grant enters placement, even if the child meets all other requirements, the cost of the child's care is not reimbursable in that month.

If a child leaves substitute care and returns home in the middle of a month, the local social services agency may be reimbursed by Title IV-E for the number of days in care, and the child may be included in the MFIP grant for the remainder of the month.

#### Placement in a Title IV-E Eligible Facility

**VII-4221.02**

Reimbursable foster care placements may be in one of the following Title IV-E eligible facilities:

1. A family foster home that meets one of these conditions:
  - a. the home is licensed under Rule 1 (Parts 9545.0010 to 9545.0260), excluding a relative foster home with an emergency license;
  - b. the home is licensed or certified by the Department of Corrections; or
  - c. the home licensed or approved by a Tribal government as (1) an Indian foster home and located on an Indian Reservation, or (2) a foster home operated by a tribal member and located "near" the reservation when the definition of "near" is accepted by the Bureau of Indian Affairs.

**45 CFR 1355.20 (a);  
25 CFR 20.1 (r)**

**NOTE:** Adoptive homes must be licensed if reimbursement is claimed for a child's placement in that home pending finalization of the adoption.

2. Licensed group residential facilities that are also approved by the Department of Human Services as Title IV-E eligible and operating under one of the following Minnesota Rules:
  - a. Rule 5 facilities under Parts 9545.0905 - 9545.1125;

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- b. Rule 8 facilities under Parts 9545.1400 - 9545.1500; or
  - c. Rule 35 facilities under Parts 9530.4100 - 9530.4450.  
**42 USC 672 (c)**
3. Group residential facilities on a reservation that are approved or licensed by the Tribal government and approved by the Department of Human Services as Title IV-E eligible.  
**42 USC 672 (c)**
  4. Group residential facilities that are licensed or certified by the Department of Corrections and approved by the Department of Human Services as Title IV-E eligible.  
**42 USC 672 (c)**

NOTES: a. Tribal licensure is deemed equal to state licensure and does not require additional approval by the local social services agency.

- b. Placements in other states or Canada are Title IV-E eligible if they are licensed by the appropriate authority and approved by the Department of Human Services as Title IV-E eligible.

Facilities that cannot be approved as Title IV-E eligible are: detention facilities; physically restricting forestry camps, or training schools; facilities licensed by the Department of Health; and public facilities with a licensed capacity of more than 25 children; foster family homes with an emergency relative license; and any facility that does not meet the licensing regulations or that is under a negative licensing action. Costs of placement in these facilities are not eligible for Title IV-E reimbursement.

**Social Security Act, section 472(c)**

- NOTES: a. A list of Title IV-E approved group residential facilities is updated and published quarterly by the Financial Management Division, Department of Human Services.
- b. If basic eligibility is established and the one-time court approval is obtained, basic eligibility is not lost if a child is placed in a facility that is not Title IV-E approved. In this case only the ability to claim continuing reimbursement is lost for the month during which the child is in the facility.

#### Financial Need

VII-4221.03

In order for the local social services agency to obtain continuing reimbursement, the child must have a financial need in accordance with the July 16, 1996, AFDC guidelines. (See SSM VII-4230) Only the income and assets of the child must be considered in determining eligibility for continuing reimbursement. The income and assets of the parents (if the child lived with either parent) are only considered when determining AFDC relatedness for the purpose of establishing basic eligibility.

A substantial increase in parental income would not affect the child's ability to meet the financial need criteria. However, it could affect two other factors:

1. the amount of parental contribution to the cost of care could change in relation to the increased income; or

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2. the deprivation factor could be changed if unemployment was used to meet the deprivation criteria. (See SSM VII-4221.04)

These tests are used to determine financial need:

1. The child's countable income must be less than the AFDC need standard. Income includes all forms of the child's income treated, as it would be in the AFDC program of July 16, 1996. In any month in which the child's countable income after deductions exceeds this amount, the placement is not Title IV-E reimbursable.
2. Reimbursement is not allowed in any month in which the child's assets exceed the July 16, 1996, AFDC asset standard at the first moment of the month. Public Law 106-169 modified the asset limit so that a child with assets that have a combined value of not more than \$10,000 shall be considered to be a child whose resources have a combined value of not more than \$1,000. This change became effective December 14, 1999.
3. See the Department of Human Services Combined Manual 17.15.15 to determine the child's countable earned income.

#### **AFDC Standards, July 16, 1996**

For each month that this criteria cannot be met, Title IV-E reimbursement is lost. However, IV-E reimbursement can be re-established when the child's income and/or assets return to a point within the identified AFDC program limits.

#### **Deprivation of Parental Support or Care**

**VII-4221.04**

A child in foster care must continue to be deprived of the support, care, or guidance of one or both parents for the local social services agency to claim continuing reimbursement. Deprivation, under Title IV-E, is not considered in financial terms. Rather, it is viewed as the ability of the removal home to care for the child. For continuing reimbursement, deprivation must still exist if the child were returned to the removal home for which AFDC relatedness was established. (See SSM VII-4130, #23 for the definition of removal home) As with the basic eligibility determination, one or both parents in the removal home must meet one of the deprivation criteria.

Deprivation may be caused by any of the following circumstances related to one or both parents:

1. continued absence;
2. death;
3. incapacity, including temporary incapacity, lasting a minimum of 30 days; or
4. unemployment of the principal wage earner.

The basis of deprivation may change from month to month and still meet Title IV-E requirements. For example, deprivation may be based on an absent parent in one month and unemployment of the principal wage earner in another month. If all deprivation factors cease to

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exist in the removal home, continuing reimbursement under Title IV-E is lost. If deprivation is re-established, reimbursement begins again.

- NOTES: a. A child who resided with, and was removed from, the home of a relative who is not a parent or legal guardian, meets this deprivation criteria, as long as the parent or legal guardian was not also a resident of the home.
- b. If a termination of parental rights occurs during a month in which deprivation exists and the child is in placement, deprivation will continue as long as the child is in placement under the local agency's supervision and care. In this case, it is not necessary to review the deprivation factor.

**AFDC Standards, July 16, 1996**

#### Age Requirement

**VII-4221.05**

Placement costs are no longer reimbursable when a child reaches the age of 18, unless he or she is enrolled full-time in high school or an equivalent course of study and can be reasonably expected to graduate before his or her 19th birthday. If the child meets this exception, reimbursement may continue until the child graduates or reaches age 19, whichever occurs first.

**42 USC 606 (a)**

#### Reasonable Efforts Requirement

**VII-4221.06**

1. If the child has been in placement more than 12 months and less than 25 months, a judicial determination that reasonable efforts were made to finalize the permanency plan (includes reunification) must be documented in a court order or transcript of the court hearing. For continuing reimbursement, the determination must be made within 14 months of the placement date.
2. If the child has been in placement 25 months or more, a judicial determination that reasonable efforts were made to finalize the current permanency plan must be documented in a court order or transcript of the court hearing. For continuing reimbursement, the determination must be made every 12 months after the determination in 1. above.

If the determinations are not made within the required timelines, there is no continuing reimbursement from the later of the deadline date or the actual date of the last required reasonable efforts determination until the next required determination is made and documented.

#### Specific Named Facility

**VII-4221.07**

Placement costs are not reimbursable if the court ordered the child into a facility without considering the recommendation of the local agency. The court may support, in its court order, the placement recommendation of the agency without affecting continuing reimbursement. In other words, a court order that states the child is "ordered into the Johnson foster home", or "ordered into Bar Harbor facility" would make the placement non-reimbursable. A court order that states "supports the recommendation of the agency for the child to be placed in the Johnson foster home", or any similar wording, would meet this continuing reimbursement criteria.

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#### Social Security Number

VII-4221.08

Although a social security number is no longer required for Title IV-E eligibility, the local social services agency is urged to complete an application because registration with the Social Security Administration is required for Medical Assistance (MA) eligibility. Many Title IV-E eligible children are in medical facilities where the cost of their care is not reimbursable under Title IV-E, but they are MA eligible. They will become Title IV-E reimbursable if they move to a Title IV-E approved facility. In addition, most children in foster care, who are not Title IV-E eligible, are MA eligible.

#### AFDC Eligibility Criteria of July 16, 1996

VII-4230

AFDC policy and procedures which were in effect on July 16, 1996, are in the Combined Manual (CM) and can be obtained through the MAXIS system. The following instructions explain how to access this information:

At the function line, type POLI (be sure the Benefit Month is 7/96) and press transmit. At the "Policy Manual Review" screen, type CM (for Combined Manual) as the manual. Then choose INDEX (if you want to select by topic or subject matter) or TABLE (to view the Table of Contents) and transmit.

If you are in INDEX, enter the topic you are looking for. You do not have to enter the full name of a topic.

If you are in TABLE, enter section you are looking for.

You can "X" one or more sections on any screen to view. PF8 or transmit will take you through the text of the sections. When you are done, press PF3 to return to the INDEX or TABLE function (or to the next section if you "X'd" more than one); PF3 will take you back to the "Policy Manual Review" screen.

You can also navigate directly to other sections of the CM that relate to the section you are viewing. At the end of most sections is a list of "References" (sections that are cross-referenced in the section you are reading). You can move to any of these sections by moving your cursor to the line of the next section you want to view and pressing transmit.

When you are done viewing a section and do not want to navigate to any more sections, PF3 will take you back to the INDEX or TABLE.

The following sections of the Combined Manual provide the policy and procedures of the AFDC program that also affect eligibility under Title IV-E:

Section 2	Glossary
Section 11	Technical Eligibility (immigration status, residence, institutional status)
Section 12	Procedural Eligibility (SSN requirements, applying for other benefits)
Section 13	Basis of Eligibility (deprivation factors)
Section 14	Assistance Units
Section 15	Assets
Section 16	Income from People Not in the Assistance Unit

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- Section 17     Determining Gross Income
- Section 18     Determining Net Income
- Section 19     Gross Income Limits
- Section 20     Net Income Limits
- Section 22     Budgeting and Benefit Determination

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**Adoption Assistance Program** **VII-4300**

The purpose of the Adoption Assistance Program is to facilitate the adoptive placement of children whose special needs prevent adoption without subsidy assistance. Subsidized adoption means an adoption in which an agreement provides that financial assistance must be made to the adoptive parents, subsequent guardian, or conservator because of special needs of a child who is certified as eligible for subsidy. Federal reimbursement is available under Title IV-E for a portion of the adoption assistance payments made to adoptive parents.

**Eligibility for Adoption Assistance Program** **VII-4310**

Eligibility, for the Adoption Assistance Program under Title IV-E, is established by these two criteria:

1. The child meets the requirements for adoption assistance and is certified for adoption assistance as indicated in Parts 9560.0071 - 9560.0102 and SSM XIV-1350.
2. The child meets the following Title IV-E or Supplemental Security Income (SSI) requirements:
  - a. Under Title IV-E:
    - (1) the child is in foster care and eligible for reimbursement under Title IV-E at the time the adoption petition is filed; or
    - (2) the child would have met the AFDC eligibility criteria of July 16, 1996, at the time he or she entered care (see SSM VII-4211.04);
  - OR
  - b. Under SSI, the child is eligible for benefits at the time the adoption petition is filed.

- NOTES: (1) The adoptive parents of a disabled child who is eligible to receive SSI benefits may apply for Title IV-E Adoption Assistance benefits.
- (2) The child's need for adoption assistance must be determined when the assistance agreement is prepared and signed by the parties prior to legal adoption. After legal adoption, the adoptive parents may apply for SSI on behalf of the child to determine eligibility for payment of SSI benefits.
  - (3) In determining the amount of SSI benefits after legal adoption, SSI will consider the adoptive parents' income and resources. When the adoptive parents' income and resources do not affect the child's eligibility for SSI benefits, the adoptive parents must decide whether they wish to receive the monthly SSI benefit or the monthly maintenance from the adoption assistance program.
  - (4) If, before legal adoption, the adoptive parents decline to enter into an adoption assistance agreement and choose SSI, they are not able to enter into the adoption assistance program after legal adoption.

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- (5) For special needs children who do not meet the Title IV-E criteria but who still require assistance, refer to SSM XIV-1350. Before seeking an adoptive family, contact the Department's Adoption Assistance Program staff for further information.
- (6) A reasonable efforts to prevent placement and reunify statement in a court order is not an eligibility requirement for adoption assistance.

**Other Considerations** **VII-4400**

**Difficulty of Care Requirements** **VII-4410**

Difficulty of care is a supplemental maintenance rate that is reimbursable under Title IV-E for children in substitute care who are Title IV-E eligible (see SSM XV-6733 and 6850; refer to adoption subsidy, supplemental payment rates; and see SSM XIV-1354, **Payment Schedule for Adoption Assistance** and XIV-2122, **Adoption Assistance Agreement (Model)**).

**42 USC 675 (4);**

**Administration for Children, Youth and Families PIQ 86-04**

**Availability of Initial Clothing Allowance** **VII-4420**

A one-time initial clothing allowance is Title IV-E reimbursable, but only if the expenditure is made within 60 days of an initial placement. (See SSM XV-6734)

**42 USC 675 (4)**

**Children in Substitute Care Under the Supervision of a Correctional Authority** **VII-4430**

The cost of substitute care for a child who is in placement pursuant to a status offense or a delinquency petition is reimbursable under Title IV-E if the child meets all of the eligibility criteria and if the placement is in an eligible facility (see SSM VII-4200 and VII-4130, definition #11).

The legal responsibility for these children may reside with either of these entities:

1. Local Social Services Agency: This responsibility must be documented by specific language in the court order and the local agency must ensure that all Sections 422 and 427 (Social Security Act) requirements are met.
2. Court Services Agency: This agency must either (a) be a unit of the local agency (county has a Human Services Board that includes the Community Corrections Agency under the Board's authority), or (b) maintain a written agreement between court services and local social services stating how all of the case plan, periodic review of placement, and permanency hearing requirements will be met. (See SSM VII-4510 for **Model Substitute Care Supervision Agreement (SSIS 48)**) An agreement is not required if Title IV-E reimbursement is not being claimed.

**42 USC 672 (a)**

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#### **Children in Substitute Care Under a Tribal Court Order VII-4440**

The cost of substitute care for a child who is in placement pursuant to a tribal court order is reimbursable under Title IV-E if the child meets all of the eligibility criteria and if the placement is in an eligible facility. (See SSM VII-4200 and VII-4130, definition #11)

The legal responsibility for these children may reside with either of these entities:

1. Local Social Services Agency: This responsibility must be documented by specific language in the court order and the local agency must ensure that all requirements of Sections 422 and 427 of the Social Security Act are met.
2. Tribal Social Services Agency: There must be a written Title IV-E agreement between the tribe and either the local social services agency or the State Department of Human Services. The agreement must state how the placement plan, periodic review of placement, and permanency hearing requirements will be met. (See SSM VII-4510 **model Substitute Care Supervision Agreement (SSIS 48)**) An agreement is not required if Title IV-E reimbursement is not being claimed.

#### **Responsibility for Determination of Eligibility VII-4450**

Each local social services agency must implement procedures to establish a child's basic eligibility and to determine continuing reimbursement. Staff from both Income Maintenance and Social Services must be involved to accomplish the following tasks:

1. completion of the **Combined Application–Part II (DHS 2853)** forms packet including assignment of support;
2. determination of basic eligibility and continuing reimbursement, including the documentation and verifications required by the AFDC guidelines of July 16, 1996;
3. determination of continuing reimbursement at intervals of no more than six months;
4. development of a case plan;
5. petition for removal of the child, current court order and reasonable efforts certifications, or best interest statement for children placed through a **Voluntary Out-of-Home Placement Agreement (DHS 1776) (SSIS 64)**;
6. completion of a **Voluntary Out-of-Home Placement Agreement (DHS 1776) (SSIS 64)**. (see SSM XV-6831);
7. verification of placement in a Title IV-E approved facility; and
8. completion of a difficulty of care assessment.

#### **Availability of Title XIX Medical Assistance and CSSA Services VII-4460**

1. Children in foster care, for whom reimbursement is claimed under Title IV-E, are automatically eligible for Medical Assistance. No separate Medical Assistance application is required.

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2. Children in foster care who meet the basic Title IV-E eligibility requirements, but whose placements are not reimbursable because they are not placed in a Title IV-E approved facility, are eligible for Medical Assistance.
3. Most children in foster care placement who are not eligible for Title IV-E are eligible for Medical Assistance. A Medical Assistance application must be filed.
4. Children who are eligible for Adoption Assistance under Title IV-E are also eligible for Medical Assistance benefits in the adoptive family's county of residence. They may also be eligible for social services funded in the Community Social Services Act (CSSA) Plan in this county. The adoptive parents may apply for these benefits and/or services on behalf of the child.

NOTE: The county in which the child resides is responsible for providing Medical Assistance benefits to the child.

### Federal Financial Participation VII-4470

The rate of federal financial participation under Title IV-E, for maintenance costs of children in substitute care, is equal to the Federal Medical Assistance percentage. For children in foster family or family group homes, maintenance costs include both the basic rate and the difficulty of care rate. For children in child care institutions, maintenance costs are an identified percentage of the per diem charged by the institution.

42 USC 674 (a)

### Availability for a Child Who is in Placement With Their Minor Parent VII-4480

When a minor parent is Title IV-E eligible and in substitute care, a child of that minor parent is automatically eligible when placed in the same facility. No separate eligibility determination or legal basis, such as a court order or voluntary placement agreement, is required for the child. The child is also automatically eligible for MA benefits. However, separate basic maintenance and difficulty of care rates apply to the minor parent and the child; for this purpose, they are treated as two separate foster children. In addition, if the child is being placed for adoption from foster care and is determined to have special needs, that child is eligible for Title IV-E adoption assistance benefits.

- NOTES:
- a. For purposes of this section, the term "child" refers to the child of the minor parent.
  - b. A separate case plan is not required for a child who is placed in the same facility as their minor parent. The child's needs should be addressed in the minor parent's case plan.
  - c. A child, who is placed in the same facility as their minor parent, is not eligible under Title IV-E unless their minor parent is eligible.
  - d. If the child and the minor parent are placed in different facilities, the child's IV-E eligibility must be determined separately on the basis of the child's circumstances.

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(See SSM XIII-3100 for Services to Mothers and Pregnant Women)

**42 USC 672 (h)**

**Availability for Resident Non-Citizen Children** **VII-4490**

Because of provisions in the Immigration and Nationality Act, resident non-citizen children do not qualify for AFDC relatedness under the July 16, 1996 AFDC guidelines. However, these children are Title IV-E eligible if they meet all IV-E requirements other than the AFDC relatedness requirement.

**Social Security Act, section 472(a)**

**Forms** **VII-4500**

Following are copies of forms, suggested models of forms and outlines of the eligibility factors under Title IV-E.

**Model Substitute Care Supervision Agreement (SSIS 48)** **VII-4510**

**Title IV-E Foster Care: Outline of Eligibility Factors** **VII-4520**

**Title IV-E Eligibility Determination Checklist (SSIS 39)** **VII-4530**

**Title IV-E Six Month Continuing Reimbursement Checklist  
(SSIS 40)** **VII-4540**

**Documentation Requirements for Title IV-E Foster Care Case  
Record** **VII-4550**

**Case Record Documentation Requirements for Title IV-E  
Reimbursement of Adoption Assistance** **VII-4560**

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**Model Substitute Care Supervision Agreement (SSIS 48)** **VII-4510**

A substitute care supervision agreement is required when a public agency, that is not the local social services agency, supervises children for whom Title IV-E reimbursement is sought. The following page is a model of such an agreement. (See SSM VII-4430 for more information)

**MODEL SUBSTITUTE CARE SUPERVISION AGREEMENT (SSIS 48)**

Under the provisions of P.L. 96-272, responsibility for the placement and care of a child may be with a public agency other than the agency that is responsible for administering the State Title IV-E plan.

Such child's placement and care are the responsibility of the state agency administering the state plan as approved under P.L. 96-272, section 472 (a) (2), or another public agency with whom the responsible agency has made an agreement that is still in effect.

The \_\_\_\_\_ County social services agency (hereinafter, "agency") is responsible for the administration of the State Title IV-E Foster Care Maintenance Program in \_\_\_\_\_ County in accordance with the State Title IV-E plan as approved by the Department of Human Services.

The (enter name of court services agency) (hereinafter, "provider") is a public agency authorized by Minnesota Statutes, section \_\_\_\_\_ or Minnesota Rules, part \_\_\_\_\_ to place, supervise, and care for children in substitute care.

This is an agreement between the agency and the provider granting the provider 1) the responsibility for the placement, care, and supervision of children under the State Title IV-E plan, and 2) the authorization to receive Title IV-E foster care maintenance payments for children who are eligible under the State IV-E plan.

The provider agrees to meet the requirements of the State Title IV-E plan and the requirements of P.L. 96-272, section 475 for each child it places and supervises in substitute care who is found to be eligible under the State IV-E plan.

These requirements include, but are not limited to:

- placement in a Title IV-E eligible facility;
- development of a placement plan in accordance with the specific needs of the child and to the satisfaction of the agency;
- six month periodic reviews by either a court of competent jurisdiction or an administrative review panel to determine the child's continuing need for placement in substitute care;
- dispositional hearings in accordance with state law; and
- procedural safeguards with respect to parental rights.

The agency is responsible for determining basic eligibility and continuing reimbursement. Payment for substitute care will be made to the appropriate facilities in accordance with the policies of the agency and the Department of Human Services.

The terms of this agreement in no way impair or limit the responsibility of the agency in administering the State Title IV-E plan. This agreement is subject to cancellation, renewal, or revision on thirty (30) days' notice by either party.

This agreement is in effect from \_\_\_\_\_, \_\_\_\_\_, to \_\_\_\_\_.

(Agency Representative)	(Date)	(Address)
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(Provider Representative)	(Date)	(Address)
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**Title IV-E Foster Care: Outline of Eligibility Factors** **VII-4520**

The following outline provides an overview of the eligibility factors under Title IV-E.

**TITLE IV-E FOSTER CARE: OUTLINE OF ELIGIBILITY FACTORS**

I. Legal responsibility for the placement and supervision of the child rests with one of these agencies:

A. The local social services agency (LSSA), or

B. A court services agency that is either a unit of the LSSA or has a written agreement with the LSSA stating how the IV-E requirements will be met.

II. Basic eligibility is established under these criteria:

A. Basic eligibility is determined for an eligibility month, which is not always the same as the month in which the child enters care.

1. Legal responsibility is obtained and used to identify the eligibility month.

- Under a voluntary placement agreement, the month in which it is signed, becomes the eligibility month.

- Under a court order, the month during which the first petition that leads to placement is filed, becomes the eligibility month.

2. AFDC relatedness is established according the AFDC criteria that were in effect on July 16, 1996:

- If a child lived with the custodial caregiver sometime during the eligibility month, or any of the six months preceding the eligibility month, and would have been eligible for AFDC if an application had been made during the eligibility month.

B. Once established, basic eligibility continues to exist until one of these occurrences:

1. The child leaves foster care and returns home with the intent of remaining there.

2. The child runs away and remains gone for more than six months.

3. The child no longer meets the age criteria.

4. For voluntary placements, the responsible agency fails to obtain a best interest statement within 180 days of the voluntary placement.

III. The one time court approval must satisfy one of these criteria:

A. For court ordered placements to be reimbursable under Title IV-E, the approval must be obtained prior to claiming reimbursement and it must state the following:

1. At the first court ruling, placement is in the child's best interest; and

2. Within 60 days of placement, reasonable efforts were made to prevent placement.

B. For voluntary placements to be reimbursable beyond the initial 180 days, the approval must comply with both of the following:

1. Indicate that the placement is in the best interest of the child; and

2. Be obtained within 180 days of signing the voluntary placement agreement.

IV. Continuing reimbursement is available only after basic eligibility is achieved and the one time court approval is obtained.

A. Continuing eligibility must be reassessed every six months and each of five criteria must be met for each month. A month for which all criteria are not met is not a reimbursable month. These are the five criteria:

1. the child is not included in a TANF grant;
2. the placement is IV-E eligible;
3. financial need is determined using only the child's income and assets;  
the child's income must be less than the costs of foster care maintenance and the difficulty of care rate;  
the child's assets must be less than the July 16, 1996, AFDC standard.
4. the child is deprived of the support or care of one or both parents due to:  
continued absence from the home;  
death;  
disability (physical or mental incapacity including temporary incapacity lasting at least 30 days); or  
unemployment of the principal wage earner.
5. The child is either under age 18, or under age 19 and a full time student who is expected to complete high school or equivalent vocational training before turning 19.
6. Reasonable efforts were made to reunify the family or to finalize another permanency plan (with 14 months of placement and every 12 months thereafter).
7. The child is not court ordered into a facility specifically named in the court order.

B. Continuing reimbursement may be lost and regained on a frequent basis (even month to month), depending on whether or not each of the above criteria are met for each month in placement.

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Based on statutes and rules in effect as of 05/27/99

**Title IV-E Eligibility Determination Checklist (SSIS 39)** **VII-4530**

The following checklist may be useful in achieving compliance with Title IV-E requirements.  
Use of this form is optional

**TITLE IV-E ELIGIBILITY DETERMINATION CHECKLIST**

Child's Name	Birth date:
Soc. Sec. No:	Social Worker:
Social Service Case:	IV-E Case No.:
Placement Date:	Removal home:
County providing service:	County of financial responsibility:
Eligibility Month:	Date IV-E eligibility determination completed:

**BASIC ELIGIBILITY****A. Legal authority obtained through:**

Check one:

1.  Signed Voluntary Placement Agreement Dated \_\_\_\_\_
2.  Court order stating that "remaining in the home is contrary to the child's welfare."  
Date \_\_\_\_\_

**B. AFDC-relatedness for eligibility month.**

Check one:

1.  Would have been eligible for AFDC according to July 16, 1996, standards if application had been made in the eligibility month, or
2.  Lived with parent or specified relative in any of the six months preceding eligibility month and would have been eligible for AFDC if application had been made in eligibility month.

**Note: Referral to IV-D Support and Collections must be made.****ONE-TIME COURT APPROVAL CRITERIA****A. For Court Order Placements Only** Date of court hearing: MM/DD/YYYY

Check one:

1.  Reasonable efforts were made to prevent placement
2.  Reasonable efforts were not possible
3.  Reasonable efforts are being made to reunify the family

**Note: Until the reasonable efforts statement is obtained, the cost of a court ordered placement is NOT eligible for reimbursement under IV-E .****B. For Voluntary Placements Only**

Check one:

1.  Placement time period is within first 180 days
2.  Placement is in best interest of child per court order obtained within 180 days of date that a voluntary placement agreement was signed. Date of court hearing MM/DD/YYYY

\* For voluntary placements, the first 180 days are always reimbursable for an otherwise eligible child;

\* Reasonable Efforts and Best Interest statements are not interchangeable.

- Child is:**
- IV-E eligible
  - Not IV-E eligible
  - SSA eligible
  - SSI eligible

**MN Department of Human Services**  
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**Title IV-E Foster Care and Adoption Assistance** **VII-4000**

Based on statutes and rules in effect as of 05/27/99

**Title IV-E Six Month Continuing Reimbursement** **VII-4540**  
**Checklist (SSIS 40)**

The following checklist may be useful in achieving compliance with Title IV-E requirements.  
Use of this form is optional.



**4. Deprivation (of Support and Care of One or Both parents)**

For each month in the period, indicate whether an AFDC deprivation factor existed in the home from which the child was removed and for which AFDC-relatedness was established

Month	AFDC Deprivation Factor	AFDC Deprivation Factor	
		Yes	No

**AFDC Deprivation Factors:** Absence; Disability; Unemployment; Death; TPR; None

**5. Age (Under 18 or under 19 and expected to graduate)**

Was child 18 or older during the period?                      Yes    No

If yes, is child expected to complete high School or equivalent level of vocational/ Technical training before age 19?                      Yes    No

If no, indicate non-reimbursable months: \_\_\_\_\_

**Reimbursement may be claimed when all criteria are met. It must be redetermined every six months and criteria must be met for each month that IV-E is requested.**

Month	IV-E reimbursable (Yes or No)	SSA Received (Yes or No)	SSI Received (Yes or No)



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**Title IV-E Foster Care and Adoption Assistance VII-4000**

Based on statutes and rules in effect as of 05/27/99

**Documentation Requirements for Title IV-E Foster Care Case Record VII-4550**

The following documentation is required for audit purposes and should be contained in both the financial file and the social services file. If this documentation is not contained in the agency's financial file, and the social services file is closed or the family moves to another county, it may be difficult or impossible to reconstruct an audit trail.

**DOCUMENTATION REQUIREMENTS  
FOR  
TITLE IV-E FOSTER CARE CASE RECORD**

The following documentation is required for audit purposes and should be contained in both financial and social services files. If this documentation is not contained in the agency's financial file, and the social services file is closed or the family moves to another county, it may be difficult or impossible to reconstruct.

**A. LEGAL STATUS DOCUMENTATION:**

Court Ordered Placements (SSM VII-4212.01) Require Both of the Following:

1. Initial court order containing language that remaining in the home is contrary to child's welfare or that placement is in the child's best interest.
2. Court Order certifying reasonable efforts for children placed after October 1, 1993. The language of the order must document that reasonable efforts:
  - a. were made to prevent placement;
  - b. were not possible; or
  - c. are currently being made to reunite the child with his or her family.

Voluntary Placements (SSM VII-4211.02, and 4212.02) Require Both of the Following:

1. **Voluntary Out-of-Home Placement Agreement-Non-Indian Child (DHS 1776) (SSIS 64).** (See SSM XV-6831 for form)
2. Court Order containing certification that placement is in the best interest of the child and obtained within 180 days of signing of the **Voluntary Out-of-Home Placement Agreement-Non-Indian Child.**

**B. AFDC-RELATEDNESS IN ELIGIBILITY MONTH:**

(See SSM VII-4211.05, and VII-4530 for form)

**C. CONTINUING REIMBURSEMENT:**

(See SSM VII-4220 through 4221.08, and VII-4540 for form)

**D. DIFFICULTY OF CARE ASSESSMENT SCHEDULE AND RATE JUSTIFICATION (DHS 2834):**

(See SSM XV-6842 for form)

**E. CERTIFICATION OF PLACEMENT IN TITLE IV-E APPROVED FACILITY:**

(See SSM VII-4221.02)

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**Title IV-E Foster Care and Adoption Assistance** **VII-4000**

Based on statutes and rules in effect as of 05/27/99

**Case Record Documentation Requirements for Title IV-E** **VII-4560**  
**Reimbursement of Adoption Assistance**

The following documentation is required to establish a claim for reimbursement of adoption assistance payments under Title IV-E and, for audit purposes, it must be contained in the adoption assistance case record.

**CASE RECORD DOCUMENTATION REQUIREMENTS FOR TITLE IV-E  
REIMBURSEMENT OF ADOPTION ASSISTANCE**

The following documentation is required to establish a claim for reimbursement of adoption assistance payments under Title IV-E and, for audit purposes, must be contained in the adoption assistance case record.

**A. BASIC IDENTIFYING INFORMATION:**

Child's adoptive name

Child's preadoptive name

County responsible

County case #

DHS #

**B. DOCUMENTATION OF ELIGIBILITY FOR REIMBURSEMENT UNDER THE TITLE IV-E ADOPTION ASSISTANCE PROGRAM:**

Eligibility for reimbursement of adoption assistance payments under Title IV-E is established by the following criteria and this eligibility must be documented in the case file:

1. The child is in foster care and eligible for reimbursement under Title IV-E at the time the adoption petition is filed;

OR

2. The child is not in foster care but would have met the Aid to Families with Dependent Children (AFDC) criteria of July 16, 1996, during the established eligibility month;

OR

3. The child is eligible for Supplemental Security Income (SSI) benefits at the time the adoption petition is filed.

A written statement of the child's eligibility under 1 or 2 above, or a copy of the SSI award letter, is required as documentation with the Certification letter.

**NOTES:** a. Documentation of the child's eligibility for Title IV-E foster care must be retained in the confidential adoption file of the placing agency and not destroyed. A cross reference between the Title IV-E foster care file and the confidential adoption file should exist so that upon closure of the foster care file, the contents of that file can be transferred to the confidential adoption file.

- b. Documentation of the child's AFDC eligibility at the time of placement for adoption must include a determination of eligibility according to the AFDC standards which were in effect on July 16, 1996. This criteria applies to children for whom the intent of the birth parent was to parent the child but who was never returned to the birth mother after placement and (a) would have been eligible for AFDC had an application been taken, or (b) were eligible for AFDC at the time of placement whether or

not they were eligible for Title IV-E FC.

A copy of the AFDC determination must be retained by the placing agency in the placing agency's confidential adoption file.

A written statement regarding the basis for the child's eligibility is required as documentation with the Certification letter.

- c. Documentation of the child's eligibility for Supplemental Security Income (SSI) must be in the form of an award letter from the Social Security Administration. Eligibility must be due to the child's disability and not that of a birth parent.

See SSM VII 4211.01, VII 4211.04, VII 4212.01 and VII 4221.02 for documentation of Title IV-E foster care legal status and AFDC relatedness.

C. DIFFICULTY OF CARE ASSESSMENT AND RATE DETERMINATION

If the child requires supplemental maintenance to meet his needs after legal adoption, a Supplemental Maintenance Needs Assessment must be completed and submitted with the Certification letter. The level of supplement cannot exceed the foster care difficulty of care rate.

D. FINDINGS AND ORDER TERMINATING PARENTAL RIGHTS AND GUARDIANSHIP ORDER

This document is sent to the Department's Adoption Section by the court. Private agency Guardianship Orders must be submitted with the Certification letter.

E. CERTIFICATION LETTER AND DOCUMENTATION OF THE CHILD'S SPECIAL NEEDS

F. APPROVED ADOPTION SUBSIDY AGREEMENT.

G. ADOPTION PETITION

If the child is not under the guardianship of the Commissioner or a private child placing agency, a Title IV-E redetermination for the month of the filing of the adoption petition is required. (See VII-4530)

H. DECREE OF ADOPTION

The Adoption Assistance Agreement becomes effective on the date of the decree of adoption. If the decree is issued after the 15th of the month, adoption assistance payments begin as of the 1st of the following month.