

STANDARD: Initial Foster Care Applications and Re-Determinations

Purpose

The purpose of these standards is to provide direction and guidance to the Children and Family Services (CFS) programs regarding the submission of foster care application packets to the Resource Development Unit (RDU). These standards are intended to 1) achieve statewide consistency and 2) provide the maximum opportunity to establish and then to manage/maintain the most beneficial eligibility status for various foster care benefit programs for all children placed into alternate care.

Introduction

When children are removed from their homes and placed into alternate care a variety of resources are required to maintain them while in foster care. These resources are primarily derived from two sources; 1) state general funds and 2) federal funds. It is important that CFS maximize federal revenues as this offsets limited state general fund obligations. Title IV-E and Medicaid eligibility are especially important federal benefiting programs as they represent uncapped entitlements and have a favorable federal financial participation (FFP). These federal funding streams (with some state match funds) provide for the maintenance and medical needs of foster children in addition to other funds for CFS (administration, training, adoption assistance, etc).

In order to access the various foster care benefit programs there are very specific eligibility requirements which have to be met and demonstrated by the state. Typically the eligibility requirements relate to income/resources of the child and family, removal status and child safeguards and protections for the child and family (legal determinations, case planning, periodic reviews, permanency findings, provider licensing). It is important that CFS staff adhere to the following standards to ensure accurate eligibility determinations, to maximize federal funds for regional budgets, to provide for essential services and resources for children in alternate care and to avoid federal penalties upon audit/review.

Definitions:

Placement: Placements may be voluntary or under legal custody and include either child protection or child mental health cases. Alternate care placements consists of:

- 1) All levels and types of foster home care
 - Shelter care
 - Family foster home care
 - Specialized foster care (including low, moderate and high levels)
 - Professional foster care

- 2) Children’s residential care facilities (licensed)
 - Group care
 - Residential treatment
 - Children’s treatment facilities

- 3) State Hospital South – Adolescent Unit (SHS – AU)
 - acute short-term voluntary inpatient hospitalization are not placements. These are considered CMH services. The Department may facilitate access to inpatient services but the parent, along with the physician , provides the consent , admission and treatment. The department may pay for such services but payment is not the determining criteria for what defines a placement.

Application (initial): For any removal episode in which a child is placed outside the home a foster care application and accompanying packet must be submitted to the RDU. The RDU eligibility staff makes and documents the eligibility in EPICS and FOCUS.

Re-determination (“Redet”): A re-determination is essentially a review of a child’s on-going eligibility. This review is necessary as changing circumstances can impact a child’s eligibility. Every 6 months following an initial placement (or the last determination) a re-determination is due. CFS regional staff submit the re-determination to the RDU which then reviews for continued medical and IV-E eligibility.

Title IV-E: A federal benefiting program which is based upon child specific eligibility requirements. Title IV-E provides uncapped federal funds for the payment of maintenance costs, adoption services costs, administrative costs, and various training costs. In all cases the FFP (federal financial participation – federal/state match ratio) is very favorable to the state.

Medicaid – Title XIX: A federal benefiting program which provides medical coverage for children in placement. It is based on a specific child’s eligibility for the program. Basically, Medicaid can be thought of as “medical insurance” for poor and/or disabled children.

Resource Development Unit (RDU): The centralized unit within the Division of Family and Community Services which determines eligibility for foster care youth. The unit consists of social workers who review the circumstances surrounding the child’s removal and placement in alternate care, assign the correct eligibility and assist field social worker staff in making and maintaining a child’s eligibility for the various benefiting programs.

Standards For Initial Applications

Alternate care placements requiring an application:

CFS staff shall submit an application for all placements as defined if > 7 days (except hospital only placements such as SHS- AU).

- Do not send alternate care packets to RDU for youth admitted to State Hospital South unless the youth was either: a) already removed from home and in foster/alternate care placement immediately preceding admission to SHS, or b) has been at SHS and is discharged into foster /alternate care placement.
 - As soon as either “a” or “b” qualifying condition is known staff should submit an application packet to RDU
- SHS staff will complete Medicaid eligibility for “hospital only” youth admitted to the unit (the eligibility case will be opened in the regional office).
- SHS only placement will remain as “IV-E pending” in FOCUS until such time they are discharged to home or another alternate care setting.

Timeframe(s) for submission of initial application:

Applications should be submitted to RDU within 30 days of removal.

Application material(s) requirements in order to be considered for IV-E eligibility (packet contents):

- 1) Application must be printed from the FOCUS system and signed by regional worker.
- 2) Application must contain Proof of Citizenship or Legal Residence:
 - A) Birth certificate is required if child is born out of the state of Idaho;
 - B) An EPICS printout showing child has been registered with Idaho Vital Stats if the child was born in Idaho; or
 - C) Proof of Legal Residence if the child is not a US Citizen.
- 3) Income verification of household of parent/s child was removed from:
 - A) Verification to include systems review of EPICS programs that may currently be open or that were closed within the last six months;
 - B) EPICS printout of interface with DOL showing last six quarters of parents work history;

C) ICSES system should be reviewed to determine any child support that parent may be receiving;

D) FOCUS/Social Security interface any benefit the parent/s or child may be eligible for and/or receiving; and

E) Comments from parent/s interviews to determine any source of income (wage receipts or statement of self employment income) or reason for non employment. This should be done with knowledge of work history. This information should be documented in the comments section of the foster care application.

- 4) If the child is placed out of the State of Idaho, the RDU must have a copy of the current foster care license or other appropriate documentation issued by the residence state. The license must be for a fully licensed home (or the receiving state's equivalent certification).
- 5) Submit all appropriate and relevant legal orders such that the RDU eligibility file has a full legal history. The required legal orders include:

A. Imminent Danger Removal Legal Orders. For these removals, RDU must have:

- 1) a copy of the police imminent danger pick-up;
- 2) a copy of the State's Petition to the Court under the C/P Act;
- 3) a copy of the social workers affidavit to the court;
- 4) a copy of all custody proceedings orders (even continuances) of hearings held pertaining to the child; and/or
- 5) a copy of the Legal Custody Order, and all Orders issued following the Legal Custody Order.

OR

B. Endorsement Upon Summons Legal Orders. For these removals, RDU must have

- 1) a copy of the social workers affidavit to the court;
- 2) a copy of the Endorsement Order, and all orders following the Endorsement Order.

OR

C. Expansion Orders/ Rule 16.

- 1) Similarly to either the Imminent Danger Order or Endorsement Upon Summons Order, an “Expansion Order” would constitute the first order.

Note: IV-E eligibility requires that specific judicial findings must be made at the time of removal. The two major judicial determinations which must be made at the time of removal include:

(a) That it is “contrary to the welfare (CTW) for the child to remain in the home” (preferred language) or alternatively “it is in the best interest of the child to remain in alternate care....” (acceptable language). This finding must be made the first time (first order) the case comes in front of a judge and the court reviews/sanctions the removal. And;

(b) The Department has made “reasonable efforts” (RE) to prevent the removal” (preferred language) or alternatively, due to the assessment of imminent danger that it was reasonable to remove the child (acceptable language). This finding must be in either (1) the first order or (2) within 60 days of the first order.

For Indian children who come under the jurisdiction of ICWA the findings of “active efforts” is preferable over “reasonable efforts”. The active efforts finding/determination is considered an equivalent or higher standard to the reasonable efforts finding.

OR

D. Voluntary Placements Agreement. For all placements, as defined previously, voluntarily consented to by parent/legal guardian and involving no legal custody by the Department CFS staff shall submit:

- 1) A signed Voluntary Placement Agreement (VPA)
 - A) a Voluntary Placement Agreement is valid for 180 days.
 - B) If the placement is to extended beyond the 180 days a judicial determination that it is in the best interest for the child to remain in care needs to be obtained prior to the expiration of the 180 days.

AND

E. Adjudicatory Orders.

- 1) If the adjudicatory order is available from the court at the time of submitting the initial foster care eligibility packet staff should submit the order.

Standards for Re-determinations (Re-Dets)

Timeframes for submitting Re-determinations:

FOCUS will generate an alert to the regional CFS worker the month prior to when the re-determination is due. CFS staff shall submit the re-determination to RDU the month in which it is due.

It is not necessary to wait the entire 6 months to submit a re-determination. The basic rule for submitting a re-determination is that anytime there is a change in the child's/family's circumstances which could potentially affect the assigned eligibility program a re-determination may be warranted. There are a number of events and special circumstances which may affect a child's eligibility status which should prompt a re-determination review. Such changing circumstances which can affect on-going eligibility include:

- A change in income (family/household income if removal was from an intact family) or change in child's income;
- The expiration and then submission of a new voluntary placement agreement; and
- Changes in certain "living" settings:
 - going from a detention center including a stay >30 days back into foster home placement;
 - going from hospital stay > 30 days back into foster care;
 - returning from a runaway event of greater > 30 day duration back into foster care;
 - child moving from unlicensed to licensed foster home (or a change in foster home license status from unlicensed to licensed); and
 - home visit greater than 6 months without a judicial review/sanction.

Note: The single most important and effective way for staff to keep the eligibility status and re-determinations accurate is timely (immediate) keying in FOCUS of any change in placement (or living situation).

Re-determination material(s) requirements in order to be considered for continued IV-E eligibility (contents):

- 1) All re-determinations must be submitted to RDU using the FOCUS system printout.
- 2) Regional staff should determine if the child was removed from an intact family or a one parent household or from a relative household:

A. For children removed from **an intact family** (a two parent household), the following must be documented:

- 1) Income verification of both parents for each month of the six months under review.
- 2) Income verification of the child for each month of the six months under review.

OR

B. For children removed from a **one parent household or a relative removal**, the following must be documented:

- 1) Income/benefits verification of the child for the six months under review.
 - The only income needing to be verified/identified would consist of benefits (e.g. SSI/SSA, insurance monies, etc). Staff do not need to verify the presence or absence of earned income for the child through employment.

Note: The reason for the income verification on the Re-determination is to show evidence of continued “deprivation”, a IV-E (and former AFDC, eligibility requirement). One way to determine if the child was originally removed from a one parent or two parent household is to check HW form 0443, question 5 or HW form, 0444 question 6.

3) Any (current) orders from court proceedings occurring since the last review (re-determination), Including:

- **Permanency Orders** are required annually from the date of custody. Permanency Orders should address the “efforts” the Department has made in the previous 12 months to” finalize” the existing permanency plan. The court must then find that the efforts made were “reasonable” (e.g .“the Dept. has made reasonable efforts to finalize the permanency plan”). Permanency planning hearings and the proper judicial finding must occur within the first 12 months of removal and every 12 months there-after.

4) Verification of the foster care license of the home the child is placed in.

- A copy of the license in the receiving state (or it’s equivalent) is required if the child is placed out of the state.

Note: Additionally, staff need to ensure that the proper licensure status is current and correctly keyed in FOCUS at the time of submitting an Application or Re-determination.

