

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		<h1>111</h1>
Chapter:	Eligibility Determination	
Subject:	Title IV-E: Determining Eligibility	Page 1 of 2
Approved:	Frederick M. Ober, District Director	Effective: 4/25/07 Draft
Supersedes:	Social Service Policy No. 111	Dated: 1/18/99

Introduction

In 1980, the Federal Adoption Assistance and Child Welfare Act (Public Law 96-272) law created new sources of funding under Title IV-E of the Act for the placement of children from needy families. Title IV-E also guarantees Medicaid for all eligible children and requires certain protection for children, such as reasonable efforts to prevent placement and regular review of case plans.

With the passage of the Welfare Reform Act of 1996, Title IV-E eligibility was divorced from current eligibility for ANFC. Now, we must apply ANFC rules that were in effect on 7/16/96 in order to determine IV-E eligibility for children in custody. Those standards are reflected on the FS-201 FC/M.

The Child Benefits Unit (CBU) makes initial IV-E determinations and annual IV-E reviews based upon the information and documents sent from the district offices. The procedures to be utilized by the district office are outlined below. Details of these procedures can be seen in the District Office/Child Benefits Unit Plan, 9/1/2005.

Each district office shall:

- Develop and maintain an IV-E/Medicaid file folder for each child in custody.
- Completes a FS-201 FC/M for a child who has been in custody for 5 days **and** who had an out-of-home placement. Forwards a copy to CBU and files a copy in the child's file folder.
- Assures the first order issued by the court: Pick Up Order (94), EDO (96), DO (97), or Transfer of Custody Order (95) contains child specific Contrary to the Welfare (CTW) findings and referenced affidavit material.
- Assures Reasonable Efforts findings are made by the court in the Detention Order (97) or Transfer of Custody (95).
- Assures all orders are complete, dated, and signed by the judge.
- Forwards copies of the Pick Up Order (94), EDO (96), DO (97) or the Transfer of Custody Order (95) to CBU along with referenced affidavit material noted in the above orders
- Makes a diligent effort to assure that Reasonable Efforts findings are made by a judge within 60 days of the child's custody date.

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- When Reasonable Efforts have been determined on the DO (97) or Transfer of Custody (95), the date of the judge's signature on the order is entered in the appropriate box on the Supervisory Tracking screen.
- Reviews monthly listing of committed children in need of a 12-month IV-E review, completes the FS-201R using the basic information found in the initial FS-201FC/M, and forwards documents to CBU. As stated in Policy # 112.
- Assures that a Petition/Reasonable Efforts Affidavit: Permanency Review (602b) is sent to the parties and is attached to every Permanency Report submitted to the court by the 12-month anniversary of the child's custody date or within 12 months of the previous Permanency Reasonable Efforts Determination. Per 33 VSA 5531 (f), a Reasonable Efforts Hearing is to be held if the Permanency Hearing is continued.
- When a Permanency Reasonable Determination is returned to the District Office on the court Form (114 or 114a), the judge's signature date of the order is entered in the appropriate box on the Supervisory Tracking Screen. (Adds a new row after the first subsequent REA is entered, so that the previous date is not over-written.)
- Assures any child who has been at home for 180 days or more who returns to out-of-home care that a Best Interest/Reasonable Efforts Affidavit (602c) be signed by a judge within 15 days of the child's return to out-of-home care date. Completes and processes a new FS-201FC/M sending it to CBU for a new IV-E/Medicaid determination.
- Assures youth who reach their 18th birthday have a signed Over 18 Agreement and enters this information on the Supervisory Tracking Screen.
- If IV-E eligibility changes, CBU will be notified.