

## TO BE RESCINDED

5101:2-47-09

**Administrative procedure: Case record requirements for foster care maintenance.**

- (A) Each Title IV-E agency shall maintain a separate case record containing documentation which supports the Title IV-E agency's actions in the entire process of determining a child's eligibility and continuing eligibility for Title IV-E foster care maintenance (FCM).
- (B) Title IV-E program eligibility documentation must include, but is not limited to:
- (1) A completed JFS 01452 "Title IV-E Foster Care Maintenance Application for Initial Eligibility " (rev. 12/2005) and any JFS 01452A "Title IV-E Foster Care Maintenance Redetermination "(rev. 12/2005) or a copy of the eligibility determination and any redetermination in the statewide automated child welfare information system (SACWIS).
  - (2) A copy of the petition or motion for custody filed by the Title IV-E agency with the court.
  - (3) A copy of the court order of custody or commitment giving the Title IV-E agency legal responsibility, or a JFS 01645 "Agreement for Temporary Custody of Child" (rev. 4/2006) or a JFS 01666 "Permanent Surrender of Child" (rev. 6/2006) and one of the following, as applicable:
    - (a) A copy of the court order giving the Title IV-E agency legal responsibility which led to the child's removal from his home. This court order must contain a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child.
    - (b) The initial court order giving the Title IV-E agency legal responsibility or subsequent court order that contains the court's determination of reasonable efforts as required by rule 5101:2-47-22 of the Administrative Code.
    - (c) If the child entered custody as a result of a JFS 01645, a copy of the court approved JFS 01645 thirty day extension evidencing the court's determination that placement is in the best interests of the child.
    - (d) If the child entered custody as a result of a JFS 01666, a copy of the court order made within one hundred and eighty days from the date of placement evidencing the court's determination that placement is in the best interests of the child.

- (4) A copy of the Title IV-E agency's notification to the county department of job and family services (CDJFS) Title IV-A unit of a child entering custody.
- (5) Citizenship and immigration status must be verified for all children in foster care regardless of whether Title IV-E FCM payments are made on their behalf.

(a) Citizenship shall be documented using this list:

- (i) A United States passport, unless it was issued with a limitation; limited passports are issued through the department of homeland security (DHS) using form I-131. A passport does not have to be currently valid.
  - (ii) A certificate of naturalization (DHS for N-550 or N-570).
  - (iii) A certificate of United States citizenship (DHS N-560 or N-561).
  - (iv) A valid state-issued driver's license, if the state issuing the license requires proof of U.S. citizenship before issuance of such license or obtains a social security number from the applicant and verifies before certification that such a number is valid and assigned to the individual, who is a citizen.
  - (v) A state match with the state data exchange (SDX) for supplemental security income (SSI).
  - (vi) Such other documents as the secretary of the department of health and human services may specify, by regulation or guidance, provide proof of U.S. citizenship or nationality and that provide a reliable means of personal identity.
- (b) If none of the documents from paragraph (B)(5)(a) of this rule are available, the Title IV-E agency shall verify U.S. citizenship using a combination of one birth or nationality document in paragraph (B)(5)(b) and in paragraph (B)(5)(c) of this rule. Although some documents may be listed as both birth and nationality documents and identity documents, a document may only be used to satisfy either birth and nationality or identity, not both. A birth or nationality document or an identity document alone does not satisfy the citizenship document requirement. Birth or nationality shall be documented using an item

from the following hierarchical list:

- (i) A U.S. public birth record or birth document, showing birth in one of the fifty states, the District of Columbia, American Samoa, Guam, the northern Mariana islands, Puerto Rico, Swain's island, or the U.S. Virgin islands and for individuals whose citizenship may be established for collectively naturalized individuals as designed, by regulation or guidance, from the secretary of the department of health and human services.
- (ii) Birth information obtained through the Title IV-E agency's data exchanges, as authorized by federal regulation or guidance from the secretary of health and human services.
- (iii) A certificate of birth abroad issued by the department of state (DS-1350).
- (iv) A certificate of birth abroad (FS-545).
- (v) A United States citizen identification card (I-197 or I-179).
- (vi) A report of birth abroad of a citizen of the United States (FS-240).
- (vii) A northern Mariana islands identification card (I-873), issued by the United States immigration and naturalization services (INS).
- (viii) An American Indian card (I-872) issued by the department of homeland security (DHS) with the classification code "KIC." This card is issued by DHS to identify United States citizen members of the Texas band of Kickapoos living near the United States/Mexican border.
- (ix) A final adoption decree or a statement from a state approved adoption agency showing the individual's name and U.S. place of birth. In situations in which the adoption is not finalized and the state will not release a birth certificate prior to the final adoption decree, a statement showing the individual's name and U.S. place of birth, and stating that the source of the place of birth information is an original birth certificate.
- (x) An extract of a hospital record on hospital letterhead which was established at the time of the individual's birth that was created at

least five years before the initial date of custody, and indicates a U.S. place of birth. For a child under sixteen, the document must have been created near the time of birth or five years before the application.

- (xi) A life insurance, health insurance, or other insurance record showing a U.S. place of birth and created at least five years before the initial date of custody.
- (xii) A federal or state census record showing U.S. citizenship or a U.S. place of birth, including the individual's age.
- (xiii) An institutional admission paper from a skilled nursing care facility or other institution which indicates a U.S. place of birth.
- (xiv) Native American tribal documents, including but not limited to:
  - (a) A Seneca Indian tribal census record.
  - (b) The bureau of Indian affairs tribal census records of the Navajo Indians.
  - (c) A certificate of Indian blood.
  - (d) U.S. American Indian or Alaska native tribal document.
  - (e) Other native American tribal documents.
- (xv) A U.S. vital statistics official notification of birth registration.
- (xvi) An amended U.S. public record which was amended more than five years after the individual's birth.
- (xvii) A statement signed by the physician or midwife who was in attendance at the time of birth.
- (xviii) A medical record from a clinic, doctor, or hospital which was created at least five years before the initial date of custody and indicates a U.S. place of birth. For children under sixteen the document must have been created near the time of birth or five years before the initial date of custody.

- (xix) Affidavits made under penalty of perjury. Affidavits may be used only in rare circumstances when the agency is unable to secure evidence of citizenship from another listing. If the documentation requirement needs to be met through affidavits, the following rules apply:
- (a) There must be at least two affidavits by people who have personal knowledge of the event(s) establishing the individual's claim of citizenship. The two affidavits could be combined in a joint affidavit. At least one of the persons making the affidavit cannot be related to the individual and neither person can be the individual.
  - (b) Persons making the affidavit must be able to provide proof of their own citizenship and identity. If the persons making the affidavit have information which explains why documentary evidence establishing the individual's claim of citizenship does not exist or cannot be readily obtained.
  - (c) The Title IV-E agency must obtain a separate affidavit from the individual or other knowledgeable persons explaining why the evidence does not exist or cannot be obtained.
- (xx) Such documents as the secretary of the department of health and human services may specify, by regulation or guidance, that provide proof of U.S. citizenship or nationality.
- (c) The Title IV-E agency must use one of the following identity documents in combination with a birth or nationality document listed in paragraph (B)(5)(a) of this rule.
- (i) A driver's license or similar document issued for the purpose of identification by federal, state or local government agencies, provided it contains a photograph of individual or such other personal identifying information relating to the individual or such as: name, date of birth, gender, height, eye color and address.
  - (ii) A military dependent's identification card.
  - (iii) A school identification card with a photograph.

- (iv) A cross match with a federal or state governmental office, public assistance agency, law enforcement agency, or corrections agency data system to establish identity, if the agency establishes and certifies true identity of individuals.
- (v) A Native American tribal document as defined in paragraph (B)(5)(b)(xiv) of this rule.
- (vi) In the case of individuals under sixteen years of age, in a state which does not provide for the issuance of an identification document (other than a driver's license) a parent, legal guardian, authorized representative, or representative of a nonprofit organization, association or program may provide documentation for the individual, including:
  - (a) A school record or report card.
  - (b) A childcare or nursery school record.
  - (c) An affidavit signed under penalty of perjury by a parent or guardian, stating the date and place of birth of the child. An individual cannot use an affidavit for proof of birth or nationality.
  - (d) Such documents of personal identity as the secretary of the department of health and human services finds, by regulation or guidance, provide reliable means of identification.
- (vii) For children who are determined non-citizens the Title IV-E agency shall obtain verification of their alien status in accordance with rule 5101:2-47-03.1 of the Administrative Code.
- (6) Documentation of the verification used to meet the ADC-relatedness requirements described in rule 5101:2-47-14 of the Administrative Code, as applicable.
- (7) Copies of the JFS 06612 "Health Insurance Information Sheet" (rev. 5/2001) and the JFS 06613 "Accident/Injury Insurance Information ," (rev. 7/2003) as applicable.

(C) IV-E program reimbursability documentation must include, but is not limited to:

- (1) The receipt of supplemental security income (SSI) during the FCM claim period.
- (2) Documentation of the child's income.
- (3) A copy of each approval/license/certification, as applicable, for the child's placement facility during the time that FCM payments were made for the child.
- (4) If applicable, court orders that contain the court's determination of reasonable efforts to finalize the permanency plan as required by rule 5101:2-47-22 of the Administrative Code.

Effective:

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Certification

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Date

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