

5101:2-47-12

**Foster care maintenance: Initial determination of program eligibility and reimbursability.**

- (A) Title IV-E foster care maintenance (FCM) initial program eligibility shall be determined on a one-time basis, subject only to the requirements of paragraph (E) of this rule. A child shall be considered Title IV-E FCM program eligible if, at the time the child entered care:
- (1) The Title IV-E agency had legal responsibility for the care and placement of the child as described in rule 5101:2-47-13 of the Administrative Code; and
  - (2) The child met the ~~ADC-relatedness~~ aid to dependent children (ADC)-relatedness requirements as described in rule 5101:2-47-14 of the Administrative Code.
- (B) Title IV-E FCM program eligibility may be determined for a child for whom the responsibility for care and placement has been transferred from another public or private agency to the Title IV-E agency. Title IV-E FCM program eligibility shall be determined on the original court order which removed the child from a specified relative.
- (C) The Title IV-E agency must complete a JFS 01452 "Title IV-E Foster Care Maintenance Application for Initial Eligibility ~~Form~~"(rev. 12/2005) or FCM eligibility determination in the statewide automated child welfare information system (SACWIS), if applicable, for each child within sixty days of the child's entry into the care of and placement by the Title IV-E agency. The JFS 01452 or FCM eligibility determination in SACWIS, if applicable, must be completed by a representative of the Title IV-E agency.
- (1) Each JFS 01452 or FCM eligibility determination in SACWIS, if applicable for a child who has been determined Title IV-E FCM program eligible must be assigned a case number to be entered into the family and children services information system (FACSIS) or SACWIS, if applicable, in accordance with FACSIS guidelines and filed in the Title IV-E FCM case record.
  - (2) Each JFS 01452 or FCM eligibility determination in SACWIS, if applicable for a child for whom it has been determined that Title IV-E FCM program eligibility does not exist must be maintained in the case record.
- (D) Nothing in this rule shall prohibit a Title IV-E agency from completing a JFS 01452 initial eligibility determination or FCM eligibility determination in SACWIS, if applicable, later than sixty days of the child's entry into the care and placement of the agency if: one of the following occur:

- (1) The Title IV-E agency can document that extenuating circumstances prevented completion within the sixty day period;~~or.~~
  - (2) The Ohio department of job and family services (ODJFS) has authorized a special case review.
- (E) ~~Program eligibility~~ The child is no longer program eligible for Title IV-E FCM ~~shall be lost~~ when: any of the following occur:
- (1) The child no longer meets the age criteria for the Title IV-E FCM program as described in rule 5101:2-47-21 of the Administrative Code;~~or.~~
  - (2) The child entered care as a result of a JFS 01645 "Agreement for Temporary Custody of Child"(rev. 4/2006) pursuant to rules 5101:2-42-06 and 5101:2-42-08 of the Administrative Code and the agency failed to acquire a best interest statement in accordance with rules 5101:2-42-08 and 5101:2-47-13 of the Administrative Code from the juvenile court;~~or.~~
  - (3) The child entered care as a result of a JFS 01666 "Permanent Surrender of Child" (rev. 6/2006) pursuant to rules 5101:2-42-09 and 5101:2-47-13 of the Administrative Code and the agency failed to acquire a judicial determination of best interest and reasonable efforts in accordance with rules 5101:2-39-05, 5101:2-47-13 and 5101:2-47-22 of the Administrative Code;~~or.~~
  - (4) The child was returned to the removal home other than on a temporary or trial basis pursuant to rule 5101:2-47-13 of the Administrative Code. Any subsequent removal of the child from his home will require a new program eligibility determination in accordance with this rule;~~or.~~
  - (5) The child dies.
- (F) A new JFS 01452 "~~Title IV-E Foster Care Maintenance Application for Initial Eligibility Form~~" or FCM eligibility determination in SACWIS, if applicable must be completed when: either of the following occur:
- (1) The Title IV-E agency's responsibility for the child terminates and the child reenters care through court action or via a JFS 01645 or a JFS 01666 at a later date;~~or.~~
  - (2) A trial home visit exceeds six months and has not been authorized by the court, or exceeds the time period the court has deemed appropriate and the child is

subsequently returned to foster care. The month the child is returned to foster care is the month in which eligibility shall be determined.

(G) Title IV-E initial program reimbursability shall be determined for a child who is Title IV-E FCM program eligible at the time he/she entered care. A Title IV-E FCM program eligible child shall be reimbursable when both of the following apply:

- (1) The child's countable income is less than the cost of care paid by the agency; ~~and,~~
- (2) The child is placed in a setting which is licensed, certified or approved, as appropriate, by ODJFS or another state agency with such authority as outlined in rule 5101:2-47-16 of the Administrative Code.

(H) If a child is eligible for both supplemental security income (SSI) and Title IV-E FCM benefits, the Title IV-E agency may choose to do one of the following based on the child's cost of care:

- (1) Receive both benefits concurrently. If the Title IV-E agency chooses to receive both benefits, the Title IV-E FCM payment (including both non-federal and federal dollars) is considered income for the determination of SSI eligibility and reduces the amount of the SSI payment dollar for dollar. If the Title IV-E FCM payment is in excess of the SSI payment, the child will not be eligible for SSI; ~~or,~~
- (2) The Title IV-E agency may pay for the placement cost with local (non-federal) dollars, which are not considered income for SSI eligibility, and receive the SSI benefit for reimbursement of the placement cost.

Effective: 08/25/2008

R.C. 119.032 review dates: 08/10/2007 and 09/01/2012

CERTIFIED ELECTRONICALLY

---

Certification

07/10/2008

---

Date

Promulgated Under: 119.03  
Statutory Authority: 5101.141  
Rule Amplifies: 5153.16, 5101.141  
Prior Effective Dates: 1/1/83, 4/1/86(Emer.), 7/1/86, 7/2/87, 9/1/88, 1/1/89,  
5/1/98, 9/7/00, 2/15/02, 12/1/03