

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 aid to dependent children (ADC)-relatedness requirements as described in rule 5101:2-47-14 of the Administrative Code.~~

(A) The Title IV-E foster care maintenance (FCM) initial program eligibility shall be determined in the statewide automated child welfare information system (SACWIS) by the Title IV-E agency representative within sixty days of the time the agency receives legal responsibility for the care and placement of the child. If the eligibility determination was made in error the FCM eligibility determination can be corrected.

(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 FCM eligibility determination in the statewide automated child welfare information system (SACWIS), for each child within sixty days of the child's entry into the care of and placement by the Title IV-E agency. The FCM eligibility determination in SACWIS, must be completed by a representative of the Title IV-E agency.~~

(C) A child shall be considered Title IV-E FCM program eligible if, at the time the child enters care:

(1) The Title IV-E agency has 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 aid to dependent children (ADC)-relatedness requirements as described in rule 5101:2-47-14 of the Administrative Code.

(D) ~~Nothing in this rule shall prohibit a~~ A Title IV-E agency ~~from completing~~ may complete a FCM eligibility determination in SACWIS later than sixty days of the child's entry into the care and placement of the agency if ~~one of the following occur:~~ the Title IV-E agency can document that extenuating circumstances preventing completion within the sixty day period.

~~(1) The Title IV-E agency can document that extenuating circumstances prevented completion within the sixty day period.~~

~~(2) The Ohio department of job and family services (ODJFS) has authorized a special case review.~~

(E) Once Title IV-E FCM initial eligibility is established, the child remains program eligible for the entire custody episode through the end of the month of the child's eighteenth birthday with the exceptions as identified in paragraph (F) of this rule. Effective April 1, 2010, a redetermination of ADC eligibility to include continued deprivation, income and resources is no longer required.

The exception is FCM eligibility may continue beyond his or her eighteenth birthday if there is documentation from the educational provider that the child is a full-time student reasonably expected to complete high school or equivalent level of vocational or technical training prior to his or her nineteenth birthday.

(F) The child is no longer program eligible for Title IV-E FCM 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 this paragraph. . The child continues to meet the program eligibility requirements if the child is under age eighteen. FCM reimbursement shall continue through the end of the month in which the child completes high school or the equivalent. FCM reimbursement may continue beyond his or her eighteenth birthday if the child is a full-time student reasonably expected to complete high school or the equivalent level of vocational or technical training prior to his or her nineteenth birthday. At the point the Title IV-E agency becomes aware that the child is not reasonably expected to graduate, eligibility must end at the end of that month. Reimbursement will terminate at the end of the month of his or her eighteenth birthday for a child who is not reasonably expected to complete high school or the equivalent level of vocational or technical training prior to his or her nineteenth birthday, as described in rule 5101:1-3-02 of the Administrative Code.~~

(1) At the end of the month of the child's eighteenth birthday except as stated in paragraph (E) of this rule.

(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. Eligibility

ends at the end of the thirtieth day of the executed JFS 01645.

- (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 5101:2-39-01 , 5101:2-47-13 and 5101:2-47-22 of the Administrative Code. Eligibility ends at the end of the one hundred eightieth day of the executed JFS 01666.
- (4) : The Title IV-E agency's legal responsibility for the child ends. Eligibility ends at the end of the day legal responsibility ends. Any subsequent removal of the child from his home will require a new program eligibility determination in accordance with this rule.
- (5) The child dies. Eligibility ends on the date of death.
- (G) A new FCM eligibility determination in SACWIS 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.
 - (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.
- (H) 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~~ the child 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.
 - (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.
- (I) The child is no longer program reimbursable for Title IV-E when any of the following occur:

(1) Reasonable efforts to finalize the permanency plan are not met in accordance with rule 5101:2-47-22 of the Administrative Code.

(2) The child is not placed in a setting that is licensed, certified or approved, as outlined in rule 5101:2-47-16 of the Administrative Code.

~~(J)~~ (J) 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 receive a SSI payment.

(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.

~~(K)~~ (K) If the child receives any type of income or resources while in the care and placement of a Title IV-E agency, that income or resource must be entered into SACWIS.

Effective: 06/01/2013

R.C. 119.032 review dates: 01/25/2013 and 06/01/2018

CERTIFIED ELECTRONICALLY

Certification

04/02/2013

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, 8/25/08, 8/20/11.