

## TO BE RESCINDED

5101:2-47-21 **Foster care maintenance: Redetermination of program eligibility and reimbursability.**

- (A) Once Title IV-E foster care maintenance initial program eligibility and reimbursability are established, a redetermination of program eligibility and reimbursability criteria must be completed whenever there is a substantial change in the child's circumstances, but no less frequently than every twelve months. The Title IV-E agency shall use the JFS 01452A "Title IV-E Foster Care Maintenance Redetermination Form" (rev. 12/2005) or FCM eligibility redetermination in the statewide automated child welfare information system (SACWIS), if applicable for this purpose.
- (B) The child continues to meet the program eligibility requirements if the child is under age eighteen during the redetermination month. FCM reimbursements may continue beyond his/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/her nineteenth birthday. FCM reimbursement shall continue through the end of the month in which the child completes high school or the equivalent. Reimbursement will terminate the month following the month of his/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/her nineteenth birthday, as described in rule 5101:1-3-02 of the Administrative Code.
- (C) The child continues to be program reimbursable if the following criteria are met:
- (1) Continued deprivation of one or both parents in the home from which the child was removed as defined in rule 5101:2-47-14 of the Administrative Code. The child must continue to be deprived of support of one or both parents as a result of one of the following:
    - (a) Death.
    - (b) Incapacity.
    - (c) Continued absence from the removal home.
    - (d) Unemployment of the principal wage-earning parent.
    - (e) Termination of parental rights.

- (2) Continued financial need based on the income available to the child must be less than the cost of supporting the child's substitute care placement.
  - (a) The child's unearned income shall only be considered if the income was not otherwise exempted in accordance with Chapter 5101:1-23 of the Administrative Code. The income of the child's parents shall only be considered when the parents are paying child support. Such a contribution shall be considered unearned income for the determination of need.
  - (b) The child's earned income shall only be partially available as described in Chapter 5101:1-23 of the Administrative Code, which allows disregards for work expenses and in some instances, work incentive deductions.
  - (c) The cost of supporting the child in substitute care shall be the amount (not to exceed the FCM amounts transmitted annually in a "Family, Children and Adult Services Procedure Letter") that the Title IV-E agency is paying for the child's substitute care placement. In any month where the child's income after deductions exceeds this amount, the child shall not be program reimbursable.
- (3) The child's resources do not exceed ten thousand dollars as outlined in rule 5101:2-47-14 of the Administrative Code.
- (4) The Title IV-E agency must obtain a judicial determination by a juvenile court of competent jurisdiction signifying that reasonable efforts were made to finalize the permanency plan that is in effect:
  - (a) Within twelve months of the earlier of one of the following:
    - (i) The date the child is adjudicated abused, neglected, dependent, unruly or delinquent.
    - (ii) Sixty days after the child was removed from the home and placed into substitute care.
  - (b) At least once every twelve months thereafter.
- (5) The child must be 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.

- (D) A trial home visit is not a reimbursable placement setting. The child is not reimbursable for the duration of the trial home visit. If the trial home visit is less than six months and the child returns to foster care, a redetermination of program eligibility and reimbursability must be completed.
  
- (E) A face-to-face interview with the child's parent(s) is not required for redeterminations. The decision to contact the parent(s) shall be made by the Title IV-E agency after determining if the contact would be disruptive to the case plan and to what extent parental contact is necessary in order to establish ongoing program eligibility and reimbursability.

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CERTIFIED ELECTRONICALLY

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Certification

08/10/2011

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Date

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