

TO BE RESCINDED

5101:2-47-21 **Foster care maintenance program reimbursability: determination and redetermination of program reimbursability.**

(A) Once Title IV-E foster care maintenance (FCM) program eligibility is established, the Title IV-E agency must determine whether the cost of the child's care is reimbursable for every month that the child is in a substitute care placement by completing the ODHS 1452 "Title IV-E Foster Care Maintenance Determination/Redetermination Form."

(B) The loss of program reimbursability status in any one month may affect program eligibility or permanently deprive the child of future Title IV-E FCM program reimbursability.

(C) For a child to be program reimbursable, the following criteria shall be met:

(1) Court certification of best interests, as defined in rule 5101:2-47-13 of the Administrative Code, for a child removed from his/her home as a result of an ODHS 1645 "Agreement for Temporary Custody of Child," if FCM reimbursement is to continue after one hundred eighty days.

(2) Court certification of reasonable efforts, as defined in rule 5101:2-47-22 of the Administrative Code, for a child removed as a result of a court order. The child is not program reimbursable for this foster care episode without this certification.

(3) Program reimbursability 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. Program reimbursability shall continue through the end of the month in which the child completes high school or the equivalent. Program reimbursability 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.

(4) 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. Deprivation shall be a result of the parent(s):

(a) Death;

- (b) Incapacity;
 - (c) Continued absence from the removal home; or
 - (d) Unemployment of the principal wage-earning parent.
- (5) Continued financial need based on the resources and 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 contributing funds to the Title IV-E agency for the care of the child. 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, earnings of students employed part-time, 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 rates 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.
 - (d) The child's resources do not exceed ten-thousand dollars.
- (6) Placement in a reimbursable facility, as defined in rule 5101:2-47-16 of the Administrative Code.
- (D) 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 FCM payment (includes 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 FCM payment is in excess of the SSI benefit, 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.
- (E) Not all of the program reimbursability criteria shall apply to all children, nor shall all of the criteria apply in any one month:
- (1) Best interests, when applicable, is a one-time test for each foster care episode. Once met, eligibility redetermination is not required.
 - (2) Reasonable efforts requirements must be met as described in rule 5101:2-47-22 of the Administrative Code.
 - (3) Age, deprivation, need, receipt of SSI, when applicable, and reimbursable placement must be evaluated throughout the period of the child's placement.
- (F) Redetermination of program reimbursability criteria must be completed whenever there is a substantial change in the child's circumstances, but no less frequently than every six months. The Title IV-E agency shall use the ODHS 1452 "Title IV-E Foster Care Maintenance Determination/Redetermination Form" for this purpose.
- (G) An ODHS 6612 "Health Insurance Information Form" should be completed if there is a change or termination of insurance coverage.
- (H) The child continues to be program reimbursable at redetermination if the child meets the criteria contained in paragraph (C)(3) to (C)(7) of this rule.
- (I) 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 reimbursability.

Effective:

R.C. 119.032 review dates: 08/07/2003

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5103.03, 5153.16, 5101.141
Rule Amplifies: 5103.03, 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, 4/1/92,
5/1/98, 6/13/00