

**DIVISION OF CHILDREN AND FAMILY SERVICES
PROTECTION AND SAFETY ADMINISTRATIVE MEMO #21-2012**

To: Protection and Safety Services Staff

From: Thomas D. Pristow, MSW, ACSW, Director
Division of Children and Family Services

Date: August 31, 2012

RE: Title IV-E Eligibility

Effective Date: Immediately

Contact: Ruth Grosse (402-471-7785)



PURPOSE

The purpose of this memo is to communicate a change in how Title IV-E eligibility is determined. There has been a change in Federal law. ADC eligibility cannot be determined using information six months prior to the removal of a child. Since current regulation is inconsistent with Federal law, we will immediately discontinue looking at ADC eligibility prior to the month of the court proceeding.

CURRENT POLICY: 479 NAC 2-009.01A

Family's Eligibility for ADC: To be eligible for payment from federal funds, the ward must have been eligible for ADC under the State's regulations that were in place July, 1996. Eligibility is determined for the month court proceedings leading to the removal of the child from the home were initiated (petition was filed or the court order, whichever initiated the ruling). If the ward was not eligible during the month of initiation of court proceedings leading to the removal (constructive or physical) of the child, the worker must determine if the ward would have been eligible sometime within the six months before the month in which the petition was filed. During the month of court proceedings (or within the six preceding months), the ward must have been:

1. Receiving an ADC grant; or
2. Eligible to receive an ADC grant if an application had been made.

CHANGE IN ELIGIBILITY DETERMINATION

Effective immediately, ADC eligibility will be determined using the following:

Family's Eligibility for ADC: To be eligible for payment from federal funds, the ward must have been eligible for ADC under the State's regulations that were in place July, 1996. Eligibility is determined for the month court proceedings leading to the removal of the child from the home were initiated (petition was filed or the court order, whichever initiated the ruling). During the month of court proceedings the ward must have been:

1. Receiving an ADC grant; or
2. Eligible to receive an ADC grant if an application had been made.

All other regulations related to Title IV-E eligibility remain in effect.