

DIVISION OF CHILDREN AND FAMILY SERVICES
ADMINISTRATIVE MEMO # 16-2010

Replaces Administrative Memo #8-2010

To: Children and Family Services Specialists, Supervisors, and Administrators; Income Maintenance Workers, Supervisors, and Administrators; and Service Area Administrators

From: Edward H. Matney, Policy Section Administrator *Edward H. Matney*
Division of Children and Family Services

Approved by: Todd L. Reckling, Director *Todd L. Reckling*
Division of Children and Family Services (CFS)
Department of Health and Human Services (DHHS)

Date: December 30, 2010

RE: IV-E Foster Care Eligibility for 18 Year Olds

Effective: Immediately

Contact: Ruth Grosse, Business Analyst, Children and Family Services,
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Purpose: The purpose of this memo is to inform staff of expanded eligibility for IV-E foster care for a child/youth who is age 18 and to provide instruction on implementing the changes.

Background: As of October 1, 2010, the Fostering Connections to Success and Increasing Adoptions Act provides an option for states to expand eligibility for IV-E for children/youth who are not living with parents and who have reached their 18th birthdays. Nebraska has chosen to implement that option, for children/youth between their 18th and 19th birthdays, to coincide with Nebraska's age of majority.

ELIGIBILITY: A child who is otherwise eligible for a IV-E foster care maintenance payment will remain eligible when the child is age 18 and meets at least one of the criteria in numbers one through five below:

1. The child is completing secondary education or a program leading to an equivalent credential;

"Completing" means that the child is enrolled and has a reasonable plan for receipt of a high school diploma or its equivalent. In Nebraska, an individual who completes a GED program receives a diploma. If the child lives in another state, that state's definition of "equivalent credential" will be used.

2. The child is enrolled in an institution which provides post-secondary or vocational education;

The program may be part-time or full-time. Enrollment is considered to be continued through normal periods of class attendance, vacation, and recess, unless the student graduates, drops out, is suspended or expelled, or is not registered for the next normal school term, excluding summer school. A student otherwise enrolled and on a semester, summer, or other break is considered to be enrolled. Eligibility continues for up to 90 days if the child must temporarily leave school because of illness, injury, or a situation that is beyond the child's control.

3. The child is participating in a program or activity designed to promote, or remove barriers to, employment;

Programs or activities meeting this criterion include such things as Job Corps or classes on resume writing, interview skills, or use of computer technology or literacy.

4. The child is employed for at least 80 hours per month; or

The child can be employed part-time or full-time, at one or more places of employment, as long as the employment is for 80 or more hours per month.

5. The child is incapable of doing any of the above-described activities in numbers one through four above, due to a medical condition.

"Medical" includes both physical and mental health conditions. A determination that this criterion applies requires a statement from an appropriate qualified professional that the child is incapable of any of the activities listed above in numbers one through four. The statement must be applicable to the child's ability between the 18th and 19th birthdays, which usually will mean that a current statement will be needed.

The existence of a Supplemental Security Income determination might not assure that a child meets this criterion, because the child might be disabled but still capable of one of the activities listed above in numbers one through four.

Required Action: The following actions are required by Child Welfare/Juvenile Services and Income Maintenance-Foster Care staff:

1. The assigned Child Welfare/Juvenile Services staff member (e.g., CFS Specialist or lead agency counterpart) must assure that when the child is approaching age 18, information about each of the above factors is obtained, including appropriate documentation to support that information. The assigned staff person must enter the results of the review into narrative on N-FOCUS and, when appropriate, place the supportive documentation into the child's case file.

This review can occur no more than three months, and no less than one month, prior to the child's 18th birthday.

2. The assigned Income Maintenance-Foster Care Worker must review this information and make a determination regarding continued IV-E eligibility. If the child continues to be eligible for IV-E, the worker must NOT run budgets. If the child no longer is eligible for IV-E, the worker MUST run the budgets, which then will cause N-FOCUS to change the child's eligibility to non-IV-E. In either case, the Income Maintenance-Foster Care Worker must enter narrative stating that the review was done and either specifically address each of the five criteria or reference the Child Welfare/Juvenile Services staff member's narrative and documentation.

This review can occur no more than three months, and no less than one month, prior to the child's 18th birthday. Because eligibility is determined on a whole-month basis, a child not meeting one of these criteria will become non-IV-E in the month following his or her 18th birthday.

An alert is issued to the Income Maintenance-Foster Care Worker at six months and three months prior to the youth's 18th birthday. Attention to these alerts should provide adequate time to do the required review and make changes, if needed.