

Division of Children and Family Services	
Protection and Safety Procedure Update # 19-2013	
Regarding:	AFDC Eligibility (Redetermination) for title IV-E eligible children
Date Effective:	June 19, 2013
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Philosophy:

The Division of Children and Family Services believes that Nebraska State Wards require financial support and services while in the legal custody of the Nebraska Department of Health and Human Services office. This involves a collaborative effort of various departments within our agency, external agencies, and community partners that have a vested interest in the success of Nebraska children and families. In order to have the necessary resources to provide the required care for children there is a need to maximize the State of Nebraska's ability to receive Federal reimbursement for title IV-E eligible services. Part of the ongoing effort to maximize our IV-E penetration rate necessitates occasional updates to DHHS policies regarding changes in Federal law that effect title IV-E eligibility.

Procedure:

The purpose of this memo is to communicate a change in documenting ongoing AFDC Eligibility (Redetermination) for title IV-E eligible children. There has been a change in Federal law. The title IV-E agency (DHHS) is no longer required to annually re-determine a child's AFDC eligibility in order for the child to continue to be eligible for title IV-E foster care maintenance payments.

Effective Immediately: Deprivation redetermination of title IV-E eligibility will no longer be completed, as these reviews are no longer required under Federal law.

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

Permanency reviews are still required every 12 months (479 NAC 2-009.01B1a Permanency Hearing).

Medicaid reviews are still required every 12 months for out of home IV-E eligible children who have active CFS/Medicaid cases. (477 NAC 1-010 Redetermination of Eligibility).

References:

479 NAC 2-005 Eligibility Review

An eligibility review for a grant is required every 12 months. The worker reviews the information on Form IM-18FC. At the time of the review, the worker determines if deprivation exists based on the parent(s)' situation (see 479-000-327). All other elements of the review, including income and resources, are based on the ward's circumstances.

Note: If, after all applicable information is received, a case is determined ineligible for IV-E in the initial determination, it remains ineligible for IV-E until the case is closed with the following exceptions: If a case is ineligible for IV-E because of the living arrangement or if the living arrangement changes or reasonable efforts finding is obtained, the case may be changed to IV-E. A case may be changed from IV-E to non-IV-E if it no longer meets all of the requirements listed in 479 NAC 2-009.01A through 2-009.01D.

479 NAC 2-009.01A3 Review of Deprivation

At the time of the annual review, the worker must review the home situation. For examples of continued deprivation, see 479-000-327.

{6/8/98}

Children's Bureau Section 8.4A Question #24

ACYF-CB-IM-12-08 Title IV-E Foster Care Eligibility Review Guide (page 46)

§472(a)(3) of the Social Security Act