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1.0 INTRODUCTION

1.1 THE TITLE IV-E MANUAL

This manual describes the policy and procedures for Title IV-E in the State of Alaska, with the intent of providing guidance and instructions to Office of Children's Services (OCS) staff involved in the Title IV-E application and eligibility determination process.

It explains federal law and regulation related to the determination of eligibility for Title IV-E, describes the Title IV-E eligibility requirements and application and eligibility determination process, and defines the responsibilities of OCS staff involved in the process: OCS caseworkers, OCS Eligibility Technicians, and OCS State Office adoption staff. It also addresses coordination between the OCS Eligibility Technicians and Division of Public Assistance (DPA) Eligibility Technicians in regards to benefits to OCS and Division of Juvenile Justice (DJJ) clients.

This manual is helpful for anybody wanting information about Alaska Title IV-E policy and procedures, but is specifically intended to be used by the OCS Eligibility Technicians.

1.2 PURPOSE OF TITLE IV-E

The intent behind Public Law 96-272 (The Adoptions Assistance and Child Welfare Act of 1980), 42 U.S.C. 470-475, Title IV-E of the Social Security Act, is to prevent foster care drift and unnecessary removal of children from their homes. In cases where removal is necessary to protect the child, states are required to show that they made efforts to prevent the removal and that efforts are made to expedite the reunification of child and family. If reunification is not in the child's best interest, efforts must be made to expedite placement of the child in another permanent placement. Other requirements which support the intent of the law include case plans, court hearings, and periodic case reviews. Subsequent legislation, including the Multi-Ethnic Placement Act of 1994, the Adoption and Safe Families Act of 1997, the Foster Care Independence Act of 1999, the Deficit Reduction Act of 2005, and the Fostering Connections to Success and Increasing Adoptions Act of 2008 added requirements which further supported the intent of the law and emphasized that the safety and best interest of children must be the paramount consideration.

Compliance with the Title IV-E requirements is tied to federal financial participation in funding for foster care, both funding for maintaining individual children in foster care and for administration of the program and training of staff. In addition to providing funding for foster care, Title IV-E also provides adoption assistance to eligible children. Title IV-E funding is an important part of the foster care budget. However, the effort to meet the Title IV-E requirements in order to get all children who are Title IV-E eligible certified is not desirable only for monetary reasons, but because the requirements constitute best practice and benefit the children and their families.

1.3 TITLE IV-E AND MEDICAID

A child who is eligible for Title IV-E is automatically eligible for Medicaid. Children who are not IV-E eligible may be eligible for other Medicaid categories with different eligibility criteria.

For children in OCS custody, application for Medicaid is made on the same form as for Title IV-E Foster Care, and the Eligibility Technicians determine Medicaid eligibility for children in OCS custody.

Children in DJJ custody cannot be eligible for Title IV-E. The Eligibility Technicians determine Medicaid eligibility for children in DJJ custody based on information provided on the DJJ Medicaid forms.

The eligibility determination process for Medicaid is addressed in the Alaska Medicaid Manual, and the OCS Eligibility Technicians use the Medicaid Manual when making Medicaid eligibility determinations. Section 7.4 of Chapter 7 – Case Management in this Manual addresses coordination between OCS and Division of Public Assistance when cases are transferred between the two divisions.

2.0 OVERVIEW OF ELIGIBILITY REQUIREMENTS FOR TITLE IV-E FOSTER CARE

2.1 POTENTIAL ELIGIBILITY

For each placement episode the following initial one-time criteria must be met to determine if a child is potentially eligible for Title IV-E foster care. A placement episode starts when a child is removed from home and ends when the child returns home. If these initial requirements are not met, the child will not be Title IV-E eligible for the entire placement episode. It is required that the child

- is in the legal custody of OCS; and
- is a citizen of the United States or a qualified alien; and
- is under age 18 (there are some exceptions to this requirement); and
- has been removed from the home of a parent or other specified relative who is the child's legal guardian. See 4.4.4 (ADD LINK)
- meets the AFDC eligibility criteria (deprivation and income/resource) during the month that the document is filed with the court which brings the removal to the attention of the court. (The AFDC rules in effect on 7/16/96 applies, except that the resource limit has been raised from \$1,000 to \$10,000, and effective 10/1/02 the criteria for deprivation by unemployment has been changed to correspond with the Alaska Medicaid policy for determining deprivation by unemployment); and
- at the first court hearing after the removal a judicial determination was made that remaining in the home would be contrary to the child's welfare, and
- within 60 days of the removal a judicial determination was made that reasonable efforts were made to prevent or eliminate the need for removal; **or** a voluntary placement agreement has been signed.

Potential eligibility ends when a child returns home, or when a child turns 18 unless he is expected to graduate from high school by his/her 19th birthday.

2.2 ELIGIBILITY

In order to be eligible for Title IV-E foster care reimbursement all of the following additional criteria must be met, The child:

- is in the legal custody of OCS; and
- the following judicial determination has been made:
 - if the placement started with a voluntary placement agreement, in order to continue IV-E claiming past 180 days after the beginning of the placement, a judicial determination must be made within 180 days of the beginning of the placement that it is in the best interest of the child to be placed out-of-home; **or**
 - for a court ordered removal, a judicial determination that OCS has made reasonable efforts to finalize the permanency plan is made within 12 months of the date the child is considered to have entered foster care and at least once every 12 months thereafter while the child is in foster care; and
- the child is in a Title IV-E claimable placement;

3.0 THE APPLICATION PROCESS

3.1 ROLES

The following OCS staff are involved in the Title IV-E Foster Care application and eligibility determination and redetermination process:

The child's worker is responsible for

A. When a child is removed from home:

1. updating ORCA with basic person information on the child, placement, and legal information; and
2. securing a copy of the first court order that addresses the removal and assuring that the required IV-E eligibility language is included in the order; and
3. assuring that the time lines are met for the judicial determinations that are required for initial Title IV-E Foster Care eligibility:
 - for court ordered removals: it is contrary to the welfare of the child to remain in the home (required in the first court ruling after the removal), and reasonable efforts have been made to prevent or eliminate the need for removing the child from home (required within 60 days of when the child entered foster care); and
 - for voluntary placement agreement: it is in the child's best interest to be placed out-of-home (required within 180 days of the placement); and
4. making sure that a Parent's Self-Declaration of Income and Resources form (06-9794) is completed for the parent(s) who resided in the removal home in the month that the petition was filed or a voluntary placement agreement was signed and submitting the form to the Regional Eligibility Technician; and
5. completing the Eligibility Basic Tab in ORCA; and
6. completing a Title IV-E/Medicaid application on line in ORCA, and referring it correctly in ORCA within 15 days of the child's placement out-of-home;.
7. submitting the petition/motion and removal court order to the Regional

8. Eligibility Technician and responding to the Eligibility Technician's request for additional information.
- B. During a child's placement in out-of-home care:
1. ensuring that the information in ORCA is current and reflects changes which may effect a child's Title IV-E Foster Care or Medicaid eligibility, including change in custody status, change of venue, change in placement, trial home visit, runaway status, and return home; and
 2. submitting copies of all petitions, motions, and court orders pertaining to the child to the Eligibility Technician; and
 3. completing a Medicaid review form in ORCA every twelve months for each child who is in OCS custody and placed out-of-home (including children in runaway status) or placed at home for a trial home visit, and notifying the Eligibility Technician that the review form has been completed in ORCA, and submit supporting documentation to the Eligibility Technician; and
 4. assuring that judicial determinations that reasonable efforts have been made to implement the permanency plan are made annually for each child who was removed based on a court order (this judicial determination is not required for placements that began with a voluntary placement agreement), and submitting the court order to the Eligibility Technician as soon as it is received; and
- C. When a child who has been placed at home (not on a trial home visit) re-enters out-of-home care, or a trial home visit has exceeded the time limits, or custody has been released or expired during a trial home visit:
1. completing steps 1 – 7 listed under "When a Child Is Removed from Home" above; and
 2. securing a new court order that addresses the new removal and includes the required judicial determinations.

The Eligibility Technician is responsible for

- A. entering information from the Parent's Self-Declaration of Income and Resources form (06-9794) into ORCA; and
- B. reviewing Title IV-E/Medicaid applications, information in ORCA, and supporting documentation to determine eligibility for Title IV-E Foster Care, including:
 - court orders for IV-E requirements: custody and required judicial determinations; and
 - submitted documentation and other sources to verify AFDC eligibility and if the placement is a Title IV-E claimable placement; and
- C. requesting additional information from the child's worker, when needed; and
- D. determining eligibility for Title IV-E and Medicaid for children in OCS custody who are placed out-of-home, and Medicaid eligibility for children in DJJ custody, documenting the IV-E determination on forms and in ORCA and EIS, and the Medicaid determination in EIS, notifying the child's worker of the eligibility decision in accordance with section 5.6(D); and

- E. for time periods predating 1/1/05 submitting documentation to the Title IV-E accounting technician in State Office as needed to claim federal Title IV-E reimbursement; and
- F. tracking cases, as needed, to ensure that reviews are done and claiming documentation submitted correctly.

3.2 VERIFICATION AND DOCUMENTATION

The child's worker provides information to the Eligibility Technician on the application and review forms and supporting documentation, and in ORCA. The Eligibility Technician applies his or her own prudent judgment in determining if additional documentation is required. For verification of income and resources, see section 4.7.1.

If the child's worker does not submit additional documentation to the Eligibility Technician when requested to do so, the Eligibility Technician will use his or her prudent judgment in determining if there is sufficient information to make an eligibility determination. If the Eligibility Technician determines that the submitted information is not sufficient, the application will be denied.

3.3 PRUDENT PERSON CONCEPT

The policies and procedures throughout this manual are intended to be a guide for Eligibility Technicians and are broadly written within the boundaries established by the Social Security Act and related federal regulations. The policies within this manual are intended to be sufficiently flexible to allow each Eligibility Technician to apply reasonable judgment while carrying out his or her duties.

This flexibility is necessary because it is impossible to write policies that would cover every possible circumstance that an Eligibility Technician encounters when determining eligibility.

In this regard, the concept of the "prudent person" can be helpful. The term refers to the reasonableness of the judgments made by an individual in a given situation **based on available facts**. In making a certification decision, the Eligibility Technician will decide if the action is reasonable based on experience and knowledge of the program.

When a Technician encounters an unusual situation which requires him or her to exercise prudent judgment in applying the requirements of this Manual to the case, he or she must document his or her reasoning and decisions in the case file. If the Eligibility Technician is uncertain about how to proceed, he or she is expected to consult his or her supervisor whenever possible before reaching a decision, but he or she must expect to work with considerable independence, to make reasonable judgments, and to record the reasons for his or her judgments.

When applying prudent person judgment, Eligibility Technicians should keep in mind that the level of verification that is required differs for the Title IV-E program administered by OCS and the cash assistance programs administered by DPA, based on the nature of the programs and the mission of each of the two agencies.

DPA's mission is to promote self-sufficiency and provide basic living expenses to Alaskans in need. The public assistance programs have a higher level of verification requirements than IV-E because cash assistance is being provided directly to members of the public based on income/resource requirements of the clients. DPA recipients have an incentive to under-report to benefit from this program.

OCS' mission is to work in partnership with families and communities to support the well-being of Alaska's children and youth. The Title IVE program is a reimbursement to the state/tribal governments for providing for the care and well-being of children, and does not provide direct cash benefit to the clients. Since OCS has become involved with the family and may have removed the children, the children's parents actually have an incentive to not provide the information or to over-report income/resources in the hope it positively reflects that they can provide adequate care and not have their children removed. OCS may accept a case worker's statements or a self-declaration form from the parent and prudent person judgment by the Eligibility Technician may be necessary in order to derive the best answer possible based on inconsistent case related facts or when factual information is not available. Case notes that explain eligibility determinations should be respectful and non-biased and provide a clear and concise audit trail supporting the result of the determination.

Following are some examples of prudent person judgment (PPJ):

Example #1

The application for Title IV-E/Medicaid states the parents could not be located to question about income/resources. EIS indicates ATAP/FS/ME closed the previous month due to no review submitted. The emergency petition states the father is unknown. The mother had been living with the child(ren) at a local shelter, but had been asked to leave two weeks before the children were taken into custody. DOL reflects the mother has not had any income in more than three years. NSTAR shows one open case, but no disbursements in more than a year. No resources per INGENS.

PPJ: There is no documentation that the mother had income in the month of petition. AFDC eligible.

Example #2

The application for Title IV-E/Medicaid states the parents could not be located to question about income/resources. EIS does not show any recent ATAP/FS/ME cases. The emergency petition states the father is unknown. The mother had been living with different relatives and/or adult friends prior to the children's removal. DOL does not reflect any reported wages for the mother. NSTAR does not show any open cases. No resources per INGENS.

PPJ: According to the petition, the mother had been "supported" by family and friends. There is no documentation of other income or resources. AFDC eligible.

Example #3

The application for Title IV-E/Medicaid states the mother is uncooperative regarding providing information about the family's income/resources and has refused to complete a Parent's Self-Declaration of Income and Resources (06-9794) form. EIS does not reflect any history on the family. The emergency petition states the father's address is out of state. The mother and children had been living in an apartment without utilities for a number of months, there was very little food in the home, etc. The family was evicted the same month the children were removed from the mother's care. DOL reports the mother had consistent income from the same employer for more than a year. However, DOL does not show any reported wages for the last two quarters. DOL BC20 screen states mother is indefinitely disqualified for UIB. NSTAR does not show any open cases. No current resources per INGENS.

PPJ: There is no documentation that the mother had any income in the month of petition. AFDC eligible.

Example #4

The application for Title IV-E/Medicaid states the parents were not cooperative regarding providing information about income/resources and have refused to complete a Parent's Self-Declaration of Income and Resources (06-9794) form. EIS does not reflect any history on the family. The emergency petition states the family was in Alaska on vacation from San Francisco, CA. The parents were arrested on a federal warrant for human trafficking. There is no information of any kind in DOL, NSTAR, Social Security Interface, or INGENS.

PPJ: There is no documentation of income or resources in the month of petition. AFDC eligible.

Example #5

The application for Title IV-E/Medicaid states the parents could not be located to question about income/resources. EIS reveals the mother receives SSI/APA. The CANOs from that case state the father has no income. DOL does not reflect any reported wages for the father in more than two years. There is an open child support case in which the father is paying \$75.00 per month on a child outside his current household. No resources per INGENS.

PPJ: DPA as well as CSSD are unable to discover/document any income on the father (\$75.00 is a very low amount of child support). AFDC eligible.

3.4 TITLE IV-E AND MEDICAID

3.4.1 ENUMERATION

Title IV-E Requirements: a social security number is not an eligibility requirement for the Title IV-E program.

Medicaid Requirements: A social security number is an eligibility requirement for Medicaid. To be eligible for Medicaid, an individual must either provide a social security number or show that he or she has applied for one. If a child who is taken into OCS custody does not have a social security number, the child's worker is responsible for applying for a social security number for the child.

3.4.2 APPLICATION AND REVIEW FORMS AND ORCA SCREENS

Caseworkers use the following forms and ORCA screens to collect and provide data regarding the child and family.

A. Parent's Self-Declaration of Income and Resources (06-9794)

Purpose: To collect information about the parent's and child's social and financial circumstances needed to determine eligibility for Title IV-E and Medicaid.

Completion and Routing: This form is required for children placed in out-of-home care. The income/resource information on the form must apply to the month that court proceedings were initiated to remove the child from home or a Voluntary Placement Agreement was signed. The form should be completed by the parent(s) who resided in the removal home in the month that the petition was filed or a voluntary placement agreement was signed, or by the child's worker based on information provided by the parent(s). The child's worker submits the completed form to the Eligibility Technician who enters information from the form into ORCA and files the form(s) in the eligibility file.

B. ORCA Eligibility Page Basic Tab (and Other ORCA Screens)

Screens: Eligibility Basic Tab, Placement and Services, Legal Action, Legal Status.

Purpose: To provide information that the Eligibility Technician needs to make an eligibility determination for Title IV-E Foster Care.

Completion: The Eligibility Page is generated by the system when an out-of-home placement is approved in ORCA. The child's worker completes the Eligibility Basic Tab, after having entered information on the other listed screens. After completion, the worker completes an eligibility referral and launches the Application form (information from the Basic tab and other screens prefills into the application).

C. Application for Medicaid and Title IV-E Foster Care for a Child in DHSS Custody (06-

3679)

Purpose: To provide information about the child's social and financial circumstances needed to determine eligibility for Title IV-E and Medicaid.

Completion and Routing: Completed in ORCA by the child's worker within 15 days of placement for all children placed in out-of-home care. After completion of the form, the worker correctly refers the application to the Eligibility Technician in ORCA.

For Medicaid only:

Review for Medicaid for a Child in DHSS Custody (GEN #33A, 06-3679A)

Purpose: To provide updated information about a child which is needed to determine the child's continued eligibility for Alaska Medicaid once eligibility has been established.

Completion and Routing: A printed notice that a review is due is sent through the EIS system to the child's worker. The Medicaid review is completed by the worker in ORCA at the time of each 12-month review and saved in ORCA. The worker notifies the assigned ET by e-mail that they have completed a Medicaid review.

3.5 NEW APPLICATION

3.5.1 WHEN NEW APPLICATION REQUIRED

A new application is required in the following situations:

- For the initial application for Title IV-E Foster Care and Medicaid for a child in OCS custody;
- For the initial application for Alaska Title IV-E Foster Care for a Title IV-E Foster Care eligible child placed in Alaska by another state, if the other state subsequently released custody of the child to OCS without the child having been returned home;
- At reapplication from closed, denied, or withdrawn status, unless the denial or ending of previous recipient status was caused solely by administrative error;
- When a child is returned home and then judicially removed again from the home (second removal);
- When a child in a failed, finalized adoption is placed back in foster care. Title IV-E Foster Care eligibility is determined based on the removal of the child from the home of the adoptive parents;
- When a child of a minor parent is taken into custody, a separate application must be made for the child, even if the child is placed in the same out-of-home placement as the minor parent;
- When a child is returned to out-of-home care after a trial home visit that exceeded six months or a time period ordered by the court and/or full custody (c1) was not retained during the trial home visit.
- When a child is returned to out-of-home care after a period in a detention facility that exceeds 30 days (required by Medicaid rules).

3.5.2 WHEN NEW APPLICATION NOT REQUIRED

A new application is not required in the following situations:

- A child is temporarily placed in a detention facility and returns to licensed foster care;
- A child visits the natural or adoptive parent(s) and returns to licensed foster care (see section 4.8.5.4) ;
- A child runs away and returns to licensed foster care;
- A child is temporarily placed in a medical facility and returns to licensed foster care;
- A child is on vacation separate from the foster care provider and returns to licensed foster care;
- A child is placed with a different licensed foster care provider;
- A child is placed in foster care from a Title IV-E Foster Care subsidized adoptive placement that fails before the adoption is finalized; or
- A child in OCS custody who is the child of a minor parent and had been placed in an out-of-home placement together with the parent is moved to a separate out of home placement.

3.5.3 COMPLETION OF APPLICATION

Within fifteen days of placing a child in out-of-home placement the child's worker:

- Updates ORCA with basic person information on the child, placement, and legal

information;

- the worker ensures that the Parent's Self-Declaration of Income and Resources (06-9794) is completed with information about the parent(s) and the child. The form should be completed by the parent, but if that is not possible, it can be completed by the worker based on information provided by the parent. If the parents refuse to provide information, the worker should provide as much relevant information as possible to help the Eligibility Technician make the eligibility determination;
- completes the Eligibility Basic Tab;
- completes the **Application for Medicaid and Title IV-E Foster Care for a Child in DHSS custody** in ORCA, and correctly refers it in ORCA to the Eligibility Technician (If a child is placed in a youth facility, an application is not submitted until the child is placed in foster care);
- submits supporting documentation to the Regional Eligibility Technician.

The following supporting documents are required:

1. If provided, a completed Parent's Self-Declaration of Income and Resources (06-9794) for the parent(s) who resides in the removal home in the month the petition was filed or a voluntary placement agreement was signed; and
2. One signed copy of the initial petition and a signed copy of the first court order after the child's removal from home, or
3. If the placement began with a properly executed Voluntary Placement Agreement, one copy of the agreement.

3.5.4 ELIGIBILITY DETERMINATION

The Eligibility Technician registers the application on EIS (see Appendix V and Appendix VII in this Manual), reviews the application and makes a determination of Title IV-E Foster Care and Medicaid eligibility (see Chapter 5 in this manual).

3.6 REDETERMINATION OF ELIGIBILITY

3.6.1 TITLE IV-E FOSTER CARE

A. Time Frame

1. A Redetermination of Title IV-E Foster Care eligibility is required following the same day the initial eligibility determination is effective from, and subsequently when the child's eligibility status changes, and/or at least every twelve months. Specific timeframes apply to redeterminations that are based on placement changes, license status changes, and expiration of annual reasonable efforts. The time frames are addressed in section 5.7.1.
2. A Title IV-E Foster Care review is always retrospective. It involves looking back at the time period which has elapsed since the initial determination or the previous redetermination and determining if the child was eligible during that time period and is still eligible. The Eligibility Technician makes the determination based on information in ORCA and supporting documentation, including court orders and other documents.

B. Redetermination Date

1. The schedule for IV-E redeterminations must be followed even when there is a break in the child's foster care status and OCS is not paying for cost of care, (e.g. when the child is placed with an unlicensed relative, hospital, psychiatric treatment facility, detention facility, in runaway status, or on a trial visit to the removal home). Even though OCS is not paying for the placement and not claiming reimbursement, Title IV-E Foster Care potential eligibility still needs to be recertified and thus maintained for future placements which may be claimed under Title IV-E. In some instances, such as when a Title IV-E Foster Care eligible child receives SSI reimbursement or is placed with an unlicensed relative who is in the process of getting licensed, there is no IV-E reimbursement for foster care payments, but administrative costs are reimbursed through Title IV-E and Title IV-E eligibility must be maintained.
2. Although a trial visit in the removal home which does not exceed six months or a different time period determined by the court does not stop Title IV-E Foster Care eligibility, eligibility stops if custody is released or changed to supervision during a trial home visit. If the child is removed from home again, a new application and eligibility determination must be made based on the circumstances at the time of that removal and subsequent court action and placement (see CPS Manual section 3.7 Change or Termination of a Placement/Trial Home Visit/Return Home). If a child is temporarily placed in the removal home waiting for a placement in a residential facility, it is not considered a return home.

C. Tracking When Redeterminations Are Due

The first redetermination is due upon completion of the initial determination. The Eligibility Technician assigned to the case receives automated messages in ORCA when changes occur that may affect Title IV- eligibility. If no changes have occurred in eleven months that have resulted in a redetermination, the Eligibility Technician receives an automated message that a IV-E eligibility redetermination is due at twelve months. At least one review must be completed for each twelve-month period.

D. Late Redeterminations

If a redetermination is late, Title IV-E eligibility does not end, however, late redeterminations may result in over or under claiming Title IV-E along with program compliance issues. When bringing an eligibility record current, there should be no period of time un-verified between the initial application or the last redetermination up to the month of the most recent redetermination. Since multiple changes that affect eligibility may occur during a twelve month period, it should be anticipated that multiple redeterminations may be required to bring a case current. Also, the longer it takes to obtain the information, the more difficult it is to obtain. Further, Medicaid coverage may be delayed if the redetermination is not timely. If Medicaid is closed due to a child moving out of state, Title IV-E redetermination requirements still need to be met.

E. Eligibility Determination

The Eligibility Technician makes the determination of Title IV-E Foster Care eligibility based on information in ORCA and supporting documentation, including court orders and other documents (see Chapter 5).

3.6.2 MEDICAID

- A. Time Frame
Medicaid reviews are usually required every twelve months from the removal date. A Medicaid review is always prospective or forward looking. The Eligibility Technician makes the determination based on the Review for Medicaid form.
- B. Tracking When Reviews Are Due
For children receiving Alaska Medicaid, review dates are monitored automatically through EIS (Eligibility Information System). The EIS system does not adjust the review date for the subsequent twelve-month review period if the review is filed late.
- C. Notification
When a Medicaid review is due, a review notice and a Review for Medicaid for a Child in DHSS Custody (GEN #33A, 06-3679A) is sent to the child's worker (the notice is sent automatically through EIS or, in some circumstances by the Eligibility Technician).
- D. Completion of Review Form
The worker completes the Review for Medicaid in ORCA, saves it in ORCA, and notifies the Eligibility Technician by e-mail that it has been completed.
- E. Late Review
If a review is late because required documentation, including the Review form, is not submitted to the Eligibility Technician in a timely manner, Medicaid may be closed (see Medicaid Manual).
- F. Eligibility Determination
The Eligibility Technician reviews the review form and documentation and makes a determination of Medicaid eligibility (see Chapter 5).

3.7. REPORTING CHANGES

Changes which may effect a child's eligibility for Title IV-E Foster Care include changes in the child's placement (e.g. change from one placement type to another, return home, or visit to the removal home) or custody status (e.g. when custody is released or custody is changed to supervision). This includes notification when a child emancipates or ages out of foster care.

The child's worker is responsible for updating information in ORCA, and update of some ORCA information results in automated messages to the Eligibility Technician regarding the change.

Upon receipt of a message, the Eligibility Technician determines whether or not the change has any effect on the child's eligibility for IV-E Foster Care, and if the change affects eligibility the Eligibility technician completes a redetermination.

4.0 ELIGIBILITY CRITERIA FOR TITLE IV-E FOSTER CARE

4.1 CUSTODY

4.1.1 OCS CUSTODY

A. Custody:

1. In order to be eligible for Title IV-E Foster Care, the child must be in an out-of-home placement and in OCS custody (under AS 47.10.080(c)(1)) or have been placed in an out-of-home placement by OCS through a Voluntary Placement Agreement signed by the child's parent or legal guardian and a representative for OCS.
2. Children who are in the custody of the Division of Juvenile Justice (under AS 47.12.120(b)(1)) are not eligible for Title IV-E.
3. Children who are placed in legal guardianship with a family or individual are not in OCS custody.

B. Custody after Termination of Parental Rights:

1. When parental rights have been terminated and the department has been granted custody under AS 47.10.080(c)(3), custody is granted through adoption so there is no time limit.
2. The termination may be for one or both of the parents, and the court order may include the following, or similar, language: "It is ordered and adjudged that all parental right of *[parent's name]* to the minor child, *[child's name]*, are permanently and irrevocably terminated. *[child's name]* is committed to the custody of DHSS for adoptive purposes pursuant to AS 25.23.020 et seq. or for other permanent placement."

C. Custody versus Supervision:

1. Custody under AS 47.10.080(c)(1) gives OCS the authority to decide where the child should be placed, which could include placing the child out-of-home or at home.
2. If a child is placed in the physical custody of a parent or other person and under the supervision of the Department of Health and Social Services (under AS 47.10.080(c)(2)), then OCS does not have the authority to decide where the child should be placed. If OCS is supervising a placement under a (c)(2) order and decides that the child is not safe in that placement, OCS can either take emergency custody of the child and file a petition for custody, or leave the child in the placement and file a non-emergency petition for custody.

4.1.2 BREAK IN CUSTODY

A. Child in Out-of-Home Placement:

1. If there is a break in OCS' custody of a Title IV-E eligible child, but the child remains in placement, the child remains potentially eligible for Title IV-E Foster Care. However, the child is not Title IV-E eligible for the period of time when OCS does not have custody.
2. Technically the child becomes temporarily ineligible on the date that custody expires or is changed to supervision and remains ineligible until the first day of the month that custody is reinstated. However, due to ORCA functionality issues, temporarily ineligible coding must start on the first day of the month that custody expires or is changed to supervision, unless custody is reinstated in the same month in which case there is no gap in eligibility (see scenarios in section 5.4.6.7 and in Interim Coding Scenarios Pending ORCA Modifications in Appendix VI).

B. Child on a Trial Home Visit: If custody expires or is changed from custody to supervision during a trial home visit, then the child is considered to have been returned home on the date that custody ends or is changed to supervision, regardless of the reason why custody ends.

C. If a court appoints a guardian for the child during the break in OCS custody, the placement episode ends, and if the child is placed in OCS custody again a new IV-E eligibility determination must be made.

4.1.3 VERIFICATION OF CUSTODY

Custody information is obtained by reviewing the ORCA Legal and Placement History report or, for pre-ORCA information, the Prober Custody File screen or Prober report. Custody is verified by signed court order awarding custody of the child to DHSS.

4.2 AGE

4.2.1 AGE REQUIREMENTS

- A. A child must be under age 18 to qualify for Title IV-E Foster Care, except that a child who is age 18 meets the age requirement for a dependent child if:
 - 1. The 18-year-old is enrolled full-time in a high school or GED program, or a high school or GED correspondence course, and he or she is expected to graduate or complete the course of study in or before the month of his or her 19th birthday; or
 - 2. The 18-year-old has not completed high school or a GED and is enrolled full-time in a course of study in a vocational or technical training program which will lead to a high school diploma or GED and is expected to complete the course of study in or before the month of his or her 19th birthday.
- B. A youth who re-enters custody after having been released to their own custody or, in some situations, released to the custody of a parent or guardian, is not eligible for IV-E even if the youth meets the requirements for school enrollment. See section 5.9.8.

4.2.2 VERIFICATION OF AGE

- A. The child's worker provides information about the child's age and student status on the application form.
- B. When the 18th birthday of a child in custody approaches, the Eligibility Technician contacts the child's worker for verification about the child's student status.
- C. The child's worker provides verification of the 18-year-old's full-time enrollment and his/her expected date of course completion.
 - 1. The date of completion is the date of the last class or of the last examination, whichever occurs later. Full-time enrollment is defined by the school. Summer vacations are considered part of the school year.
 - 2. In the case of a student enrolled in a vocational or technical training course, the course will be considered to meet this requirement if the school confirms that the student is enrolled full-time and that he/she will receive a certificate equivalent to a GED or high school diploma upon completion.
 - 3. It is not necessary to verify actual attendance for purposes of this requirement; a child who is enrolled meets the requirement, regardless of actual attendance.

4.2.3 PERIOD OF ELIGIBILITY

Eligibility ends effective the last day of the month of course completion, withdrawal of the child from enrollment, or the child's 19th birthday, whichever occurs first.

4.3 CITIZENSHIP AND QUALIFIED ALIEN STATUS

4.3.1 REQUIREMENTS FOR TITLE IV-E

- A. To be eligible for Title IV-E Foster Care, the child must be:
- A citizen or national of the United States; or
 - A qualified alien.
- B. A child who does not meet the requirement in the month of petition is ineligible for title IV-E for the entire placement episode.

4.3.2 DEFINITION OF UNITED STATES CITIZENS AND UNITED STATES NATIONALS

For the purpose of qualifying as a United States citizen, the United States is defined as the 50 states, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands. In addition, U.S. nationals, including citizens of American Samoa, Swain's Island, and members of certain other categories are regarded as United States citizens for Temporary Assistance purposes.

United States citizenship verification is required only for questionable cases.

4.3.3 DEFINITION OF QUALIFIED ALIEN

A qualified alien for Title IV-E purposes is a person who is:

- An alien who is lawfully admitted for permanent residence;
- An alien who is granted asylum;
- A refugee;
- An alien granted parole for at least one year by the Immigration and Naturalization Service (INS);
- An alien who has had deportation withheld under section 243(h) of the Immigration and Nationality Act (INA);
- An alien granted conditional entry under immigration law in effect before April 1, 1980; or
- A battered spouse or child of a U.S. citizen or permanent legal resident.

4.3.4 RESIDENCY REQUIREMENT FOR QUALIFIED ALIENS

- A. Generally, federal means tested programs require that qualified aliens who entered the United States on or after August 22, 1996 meet a five-year residency requirement. However, federal payments for Title IV-E Foster Care and Adoption Assistance are excluded from the five-year residency requirement if the child and the foster or adoptive parent with whom he or she is placed are both qualified aliens.

- B. Title IV-E eligible children are categorically eligible for Medicaid and are therefore not required to meet the five-year residency for Title XIX.
- C. In addition, the five-year residency requirement does not apply if the child entering the United States after 8/22/96 is in one of the following groups: refugees, asylees, aliens whose deportation is withheld, Cuban/Haitian entrants, or Amerasians from Vietnam.

4.3.5 UNACCOMPANIED MINOR REFUGEE CHILDREN

These children are not categorically excluded from Title IV-E, and are Title IV-E eligible if all the requirements are met. However, since these children are unaccompanied it may be difficult to provide documentation of requirements like child's age, financial need, deprivation of parental support or care by reason of death of a parent, continued absence of the parent from the home, or physical or mental incapacity of a parent, and also the requirement for either a voluntary placement agreement or a judicial determination.

4.3.6 PLACEMENT WITH UNQUALIFIED ALIEN

If the child is a qualified alien who is placed with a qualified alien or United States citizen, the date the child entered the United States is irrelevant. However, if the child is a qualified alien who entered the United States on or after August 22, 1996 and is placed with an unqualified alien, the child would be subject to the five-year residency requirement, unless the child is in one of the excepted groups.

4.3.7 AN UNQUALIFIED ALIEN AS FOSTER OR ADOPTIVE PARENT OF A TITLE IV-E ELIGIBLE CHILD

If an unqualified alien becomes the foster or adoptive parent of a Title IV-E eligible child, the unqualified alien foster or adoptive parent of a child who entered the United States on or after 8/22/96 would be eligible to receive title IV-E payments on behalf of the child only if the child is a United States citizen, is in one of the excepted groups, or has lived in the United States as a qualified alien for five years. This is consistent with the requirement that aliens must to be qualified in order to receive Federal public benefits. Foster and adoptive parents are not recipients of Federal foster care and adoption assistance payments; rather, foster care and adoption assistance payments are made on the child's behalf to meet his or her needs.

4.3.8 VERIFICATION OF CITIZENSHIP OR IMMIGRATION STATUS

- A. Children:

States are required to verify the citizenship or immigration status of all children receiving Federal foster care maintenance payments, adoption assistance payments, or independent living services.

The worker provides information about the child's citizenship or immigration status on the Application for Medicaid/Title IV-E. If "U.S. Citizen or National" is not checked on the form, the Eligibility Technician will pursue verification of the child's citizenship or immigration status.

- B. **Foster or Adoptive Parents:** States are not required to verify the citizenship or alien status of foster or adoptive parents, with one exception. States must verify the citizenship or immigrant status of potential foster or adoptive parents when placing a qualified alien child who entered the United States on or after 8/22/96 and has been in the United States as a qualified alien for less than five years. In order to be exempt from the five year residency requirement, a qualified alien child must be placed with a citizen or a qualified alien; hence, citizenship/alien status of prospective foster or adoptive parents must be verified in such circumstances.

4.3.9 AMERICAN INDIAN BORN IN CANADA

An American Indian born in Canada may freely enter and reside in the U.S. and is considered to be lawfully admitted for permanent residence if he or she is at least one-half American Indian blood. As such, he or she is a qualified alien. This provision does not include the spouse or child of such an Indian, nor a non-citizen whose membership in an Indian tribe or family is created by adoption, unless that person is also at least one-half American Indian blood.

The five-year bar on qualified aliens does not apply to American Indians born in Canada.

4.3.10 INELIGIBLE ALIENS

Any alien who is not a "qualified alien" is not eligible for Title IV-E Foster Care. Non-qualified aliens include aliens who are permanently residing in the U.S. under color of law, non-immigrants, and illegal aliens.

- A. **PERMANENTLY RESIDING UNDER COLOR OF LAW (PRUCOL):** Aliens in this category are legal permanent residents of the U.S. even though they did not go through the process of applying for and being admitted for permanent residence. This group includes non-qualified aliens residing in the U.S. with the knowledge and permission of the INS whose departure the INS does not contemplate enforcing.
- B. **NON-IMMIGRANTS:** Some aliens may be lawfully admitted but only for a temporary or specified time (visitors, tourists, students, diplomats, crewmen on shore leave, temporary workers, members of the foreign press, etc.) These aliens are not eligible for Title IV-E Foster Care because of the temporary nature of their admission status.

- C. **ILLEGAL ALIENS**: An illegal alien is any alien who either was never legally admitted to the U.S., or was admitted for a limited period of time and did not leave the U.S. when that time expired.

4.3.11 TREATMENT OF AN INELIGIBLE ALIEN'S RESOURCES AND INCOME

- A. **Ineligible Parent**:
The resources and income of an ineligible alien parent living with his or her children are considered totally available to the children.
- B. **Ineligible Sibling**:
The resources and income of an ineligible alien sibling are not considered in determining Title IV-E Foster Care eligibility for otherwise eligible siblings.

4.3.12 PROOF OF QUALIFIED ALIEN STATUS

In order for an alien to be eligible for Title IV-E Foster Care, proof of the alien's qualified alien status must be provided to the Eligibility Technician. The following documents are acceptable for determining qualified alien status and whether the qualified alien meets the five-year limitation.

- **Lawful Permanent Resident**: INS Form I-551, or for recent arrivals, a temporary I-551 stamp in a foreign passport or on Form I-94.
Note: *INS has replaced Forms I-151, AR-3, and AR-3a. If an applicant presents one of these old INS forms as evidence of status, contact INS to verify status by filing a G-845 form and attaching a copy of the old form. Refer the applicant to INS to apply for a replacement card.*
- **Refugees**: INS Form I-94 endorsed to show entry as a refugee under section 207 of the INA and date of entry to the U.S.; or Form I-688B or I-766 annotated "274a.12(a)(3)" or Form I-571.
- **Asylees**: INS Form I-94 annotated with stamp showing grant of asylum under section 208 of the INA; a grant letter from the Asylum Office of the INS; Form I-688B or I-766 annotated "274a.12(a)(5)"; or an order of an Immigration Judge granting asylum. If the applicant presents a court order, contact INS to verify that the order was not overturned on appeal by filing a G-845 with the local INS district office and attach a copy of the document.
- **Alien who has had deportation withheld under Section 243(h) of the INA**: Order of an Immigration Judge showing deportation withheld under Section 243(h) and date of grant; or Form I-688B or I-766 annotated "274a.12(a)(10)." If an applicant presents a court order, contact INS to verify that the order was not overturned on appeal by filing a G-845 with the local INS district office and attach a copy of the document.
- **Alien granted conditional entry under the immigration law in effect before April 1, 1980**: INS Form I-94 with stamp showing admission under Section 203(a)(7), refugee conditional entry; or Form I-688B or I-766 annotated "274a.12(a)(3)."

- **Battered spouse or child of U.S. citizen or permanent legal resident:** (1) an approved or pending petition showing a prima facie case that he or she is protected under the Violence Against Women Act; (2) verification that the individual responsible for the battery or cruelty is no longer living in the household of the victim; and (3) the caseworker determines that the need for assistance is due to domestic violence.

Note: *If a receipt is presented to the Eligibility Technician indicating that an application has been submitted to INS for a replacement document for one of the documents identified above, contact the INS to verify status by filing a G-845 with the local INS district office and attach a copy of the receipt.*

4.3.13 AUTOMATED STATUS VERIFICATION SYSTEM (ASVS)

The Automated Status Verification System (ASVS) is a system by which the U.S. Citizenship and Immigration Services (USCIS) verifies the immigration status of aliens applying for benefits under the Temporary Assistance, Food Stamps and Medicaid programs. Verification of alien status through ASVS is required for each individual who is applying for benefits from these programs, or who is being added to a recipient household. All verification done through ASVS must be clearly documented in the case record. The alien's documents must correspond to the ASVS response to verify their eligibility for these public assistance programs.

A. PRIMARY VERIFICATION PROCEDURES

To verify the status of aliens who are applying for Temporary Assistance, Food Stamps, Medicaid, and new household members, the caseworker must log into ASVS as follows:

1. On your computer main page click on the Internet Explorer icon. Once the Internet connects, the DPA resource web page should automatically appear. If the DPA resource page does not immediately appear, go to the top of the page to Address, type in <http://dpaweb.hss.state.ak.us> and then click GO.
2. Once you have accessed the DPA resource page, look to the right of the page for the Quicklink section. The Quicklink section provides a list of topics that when chosen and clicked on, will lead to a web page providing more detailed information on that heading. Scroll down the list of topics and locate ASVS, double click.
3. Upon connection, you will be required to enter a User ID and password. Each employee has been assigned a User ID and a temporary password; if you have not yet received yours, please see your supervisor for further assistance. Once you have secured the User ID and temporary password, enter them in their designated fields, tab down and enter a new password of your choice. The new password must contain eight characters, it can be anything you choose but must begin with a capital letter and have one numerical number as one of the eight characters. The password is case sensitive so it should be something you can easily remember. For security reasons, initially you will be required to enter your new password in two

different fields.

4. Once all areas are filled in and you have chosen and entered your new password in the two fields, click on Submit Password Change. The system will update your new password and request you repeat the log in process, utilizing only your new password. Once all login information is re-entered in each designated field, click on Login. The system will connect you to the ASVS main page.
5. Once you have successfully logged onto the system you will enter the main page. To the left hand side of the main page you will find the Navigation Menu. The menu shows all of the functions available to you, the user. The three major categories available are as follows:

Case Administration = has three selections available for queries of Alien numbers and viewing the results of those queries: **Initial Verification**, **Additional Verification** (for I-94 numbers), and **View Cases**.

User Administration = contains functions that allow users to maintain their own account information. This includes **Change Password** and **Change Profile**.

Reports = contains the link to the report launcher. The link is labeled **View Reports**.

6. Once familiar with your categories you may begin processing your queries. To initiate a query go to the Case Administration category and click on Initial Verification. A new screen will appear. Enter the nine digit Alien Number noted on the Alien ID card; do not include the A. If the alien number does not have nine digits, add leading zeros until you reach nine digits (see example below), tab down, click on the type of benefit the individual is requesting and then click the Submit Initial Verification button to submit your query. You must repeat this process for each individual Alien. Note: the red asterisks indicate that something must be entered in that field.

Example: If the alien ID number shows as A123456 you would enter 000123456; if it were A12345678 you would enter 012345678. If INS has not issued an alien number or if an individual has an I-94 admission number, enter all nines: 999999999.

7. Once you have clicked on Submit Initial Verification the system will connect to the Case Details page and provide the results of your initial verification query.
8. The Case Details page will provide you with the following information:

Case Verification Number: This is a unique number assigned to the case. This number will always remain associated with the case and can be used to retrieve the case in the future.

Initial Verification: This section displays the information returned by the system based on the information you entered on the Initial Verification

Information form.

Initial Verification Results: This section will provide the Alien's full name, Country of Birth, Date of Birth, Date of Entry and the client's Alien Status. Review this information.

If you find any discrepancies between the information noted in the Initial Verification Results and the hard copy Immigration documentation you have, you must request additional verification (see section 105-14 E for instructions on requesting additional information).

If you review the information and find no discrepancies print the Case Detail information for your file. To print, click on the Print Case Details button at the bottom left side of the Initial Verification Results section. Once you have successfully printed the Case Detail, click on the Complete and Close Case button. Note: The Complete and Close Case button is not the same as the Close button. The Close button only removes the Case Details page from your screen. It does NOT close the case, nor does it remove the case from the user workload. If you have entered all the individual Alien numbers needing verification, you may click on Exit at the top right hand corner of the screen, this will log you out of the system.

B. INSTITUTE ADDITIONAL VERIFICATION

If no records are found or if there are discrepancies between the alien's documents and the primary verification source (ASVS), the caseworker must obtain additional information from USCIS. If USCIS responds to the request for additional information by asking the caseworker to submit documentation, the caseworker will complete a Document Verification Request Form (G-845). A separate G-845 form is required for each alien whose status cannot be verified through ASVS.

1. If discrepancies are found when reviewing a client's Initial Verification Results or if the System Response states to Institute Additional Verification, go to the bottom middle of the page and click on Request Additional Information. The Document Data field will open to allow editing. Beginning with the Last Name, make needed corrections tabbing down to each Field. Continue until all fields are updated with the information provided on the Immigration documentation. The User Case is the field where the caseworker would enter the client's DPA case number. The Special Comment field may stay blank or information can be entered to communicate to USCIS regarding the client.
2. Once all the needed corrections have been made, click on Submit Additional Verification. The system will return back to the original display screen having added Additional Verification Results section. Under this section the DHS Response will state "DHS Verification in Process."

Note: USCIS usually returns a response to a request for Additional Verification within 3-5 Federal Government workdays. Once you have received your response, print the Case Details and then Close.

3. Once the caseworker has submitted requests for additional verification they

should check for responses on a regular basis.

To check for responses go to the Main page. On the left hand side of the page, click on View Cases. A new screen will appear.

Click on the criteria you are seeking a response on and then click on Display Case Summary List. Once the list displays, locate the case you are requesting verification on. Ten cases will display per page. If you have more than one page you can navigate to the various pages by clicking on your Next and Previous buttons at the bottom of the screen. If you have more than one page of cases and know the exact page number you want to view, enter the page number at the bottom of the screen and click on Go. Once you have located the case you want to view, click on the Verification Number and the Case Detail will display. Click on Print Case Details. Once printed, click on Close.

C. DIRECTIONS FOR COMPLETING DOCUMENT VERIFICATION REQUEST FORM G-845:

1. Alien Registration or I-94 Number:
Enter the A-Number as the letter "A" followed by a series of seven or eight digits. Include also the Admission Number if available. The Admission Number is found on Form I-94 and in the Alternate ID field used in ASVI. The Admission Number may assist in the various searches made during secondary verification.
2. Applicant's Name:
Enter last, first, and middle names of applicant. If user documentation indicates more than one variation of the name, enter all versions.
3. Nationality:
Enter the foreign nation or country to which the applicant owes legal allegiance. This is normally, but not always, the country of birth.
4. Date Of Birth:
Enter the birth date using the format MM/DD/YY. If the complete date of birth is not known, give available information.
5. Social Security Number:
Enter the alien's nine-digit Social Security Number, if known. Copy the number directly from the alien's Social Security card whenever possible.
6. Verification Number:
Enter the Verification Number assigned when the ASVS was queried.
7. Photocopy of Document Attached/Other Information Attached:
Indicate that INS documentation is attached by checking the top box. Use the bottom box if other information has been included in support or in lieu of INS documents.
8. Benefit/Your Case Number:
Mark the blocks showing the entitlement benefit program(s) for which this

alien has applied and write the applicable case numbers.

9. DPA Office Information

The caseworker completing the G-845 must provide his or her name, title, telephone number, and the current date. The District Office's address must be stamped in the block labeled "From". In the block labeled "To", write:

U.S. Citizenship and Immigration Services
620 East 10th Ave., Suite 102
Anchorage, Alaska 99501
Attn: ASVS

When addressing the envelope, write ASVS in the bottom left corner.

10. Photocopy Document Procedures

The caseworker must attach photocopies of all original immigration documentation to the G-845, or USCIS will reject the form without a status determination. The photocopied verification must be stapled to the G-845 with one staple in the upper left corner. The document submitted must have a photograph of the applicant whenever possible. If the immigration document does not have a photograph, the caseworker should submit any other identification which has a photograph, such as a driver's license or state ID card. The caseworker should also submit any other relevant documents that the alien may have such as marriage records or court order. These documents may not verify immigration status, but may be helpful in the secondary verification process.

USCIS requires that we photocopy both printed sides of each USCIS issued card or form. When the alien presents a foreign passport, USCIS requires us to copy only those pages that identify the issuing country, holder, and immigration status while in the United States. Alien documentation may be photocopied as long as the copies are not used for criminal purposes. Any document issued by USCIS that is illegal to copy will have a warning printed on the document. A copy of every alien applicant's immigration documentation must be filed in DPA's case record.

Aliens with documentation forms I-688, I-688A, and I-689 must sign a disclosure statement entitled "Consent of Disclosure" (GEN-46) and a copy with the original signature must be attached to the Form G-845S. The caseworker should have these aliens sign the "Consent of Disclosure" during the interview. The aliens with these documentation numbers have applied for status under the legalization (amnesty) or Special Agricultural Worker Provisions of IRCA. When using ASVS to verify documents the Consent of Disclosure is not required for the Food Stamp Program.

D. USCIS RESPONSE ON FORM G-845S

USCIS will complete the response portion of Form G-845S and return the form with photocopies attached to the district office within ten working days. After these 10 days, if it becomes necessary to contact USCIS, be prepared to provide the Alien Number or Admission Number and the date of the original G-845S.

The G-845S is a self-reply form. USCIS will check all appropriate statements on the lower half and the back of the form to indicate the applicant's immigration status and work eligibility. Statements on the front of the form are interpreted as follows:

1. This document appears valid and relates to a Lawful Permanent Resident Alien of the United States: Checked where the documentation submitted is determined to be a valid I-551, I-151, I-181, or I-94, with the notation "Processed for I-551, Temporary Evidence of Lawful Admission for Permanent Residence." Immigration law allows this person to live and work in the U.S. on a permanent basis. The term "temporary" used here refers to documentary evidence. It is not intended to imply that the immigration status itself is temporary.
2. This document appears valid and relates to a Conditional Resident Alien of the United States: Checked when the documentation submitted is determined to be a valid I-551, I-181, or I-94 stamped with the notation "Processed for I-551, Temporary Evidence of Lawful Admission for Permanent Residence." Under the law, this person is allowed to live and work in the U.S.; however, INS will reevaluate his or her status within two years. Conditional resident alien status normally is granted to aliens that marry U.S. citizens or nationals or permanent resident aliens.
3. This document appears valid and relates to an alien authorized employment as indicated below: Checked to indicate whether the authorization covers full-time or part-time employment and when, if applicable, the period of employment will expire. "Indefinite" will be indicated if there is no specific expiration date for employment eligibility.
4. This document appears valid and relates to an alien who has an application pending for: Checked when an alien is pending a new immigration status or change of immigration status. If a change of status is pending, the appropriate block indicating the current status also will be checked. Note that Worker (SAW) applicants under IRCA do not acquire a legally defined immigration status until they are granted temporary lawful resident status. They may, however, be granted work authorization at the time of application for legalization. If so, the appropriate employment authorization will be checked.
5. This document appears valid and relates to an alien having been granted asylum/refugee status in the United States: Checked when an alien has been granted asylum or refugee in the U.S., because of persecution or a well-founded fear of persecution in him/her country of nationality. These statuses are considered temporary. Documentation presented may include Form I-94, stamped with "Section 207 - Refugee" or "Section 208 - Asylee", or a Form I-571.
6. This document appears valid and relates to an alien paroled into the United States pursuant to Section 212 of the I&N Act: Checked for an alien who has been allowed to enter the U.S. under emergency conditions or when his or her entry has been determined to be in the public interest. This status is temporary. Documentation presented may include Form I-94, stamped

with "Section 212(d)(5) - Parolee."

7. This document appears valid and relates to an alien who is a Cuban/Haitian entrant: Checked for Cubans who entered the United States between April 15, 1980, and October 10, 1980, and Haitians who entered the country before January 1, 1981. This is a temporary status. Documentation presented may include Form I-94, stamped "Cuban/Haitian Entrant."
8. This document appears valid and relates to an alien who is a conditional entrant: Checked to indicate a refugee who entered the United States or adjusted his or her status to lawful permanent resident alien. Documentation presented may include For I-94, stamped with "Section 203(a) (7)."
9. This document appears valid and relates to an alien who is a non-immigrant: Checked to indicate an alien who is temporarily in the United States for a specific purpose. This category includes students, visitors, and foreign government officials. Documentation presented may include Form I-94.
10. This document appears valid and relates to an alien not authorized employment in the United States: Checked when an alien's status prohibits employment in the United States. Several immigration statutes do not allow gainful employment.
11. Continue to process as legal alien. USCIS is searching indices for further information. Checked if USCIS will withhold judgment regarding the status or validity of documents pending further investigation. This statement does not imply that the applicant is an illegal alien or the holder of fraudulent documentation. Benefits should not be denied on the basis of this statement. The alien should be presumed eligible until USCIS sends a final notification regarding immigration status.
12. This document is not valid because it appears to be: Checked for expired documentation or when an item appears to be counterfeit or altered. USCIS will use the back of Form G-845S to elaborate on this entry. When the entries for counterfeit or altered documents are checked, the requesting agency or institution should follow its own guidelines for investigating and prosecuting cases of fraudulent documentation. The Comments block on the second page is used to give the caseworker further instructions. It includes the following statements:
13. This document relates to an alien who has filed an application for United States residency pursuant to Section 245(A) (c) (5) or 210(b) (6) of the I&NA (Amnesty/SAW) which requires that your request be accompanied by an original Consent of Disclosure statement made by the alien applicant prior to USCIS divulging additional information: Resubmit the G-845S and documentation with an original, signed version of the Consent of Disclosure statement.
14. No determination can be made from the information submitted. Please obtain a copy of the original alien registration documentation and resubmit.

Resubmit the G-845S with copies of the original alien documentation.

15. No determination can be made without seeing both sides of the document submitted. Resubmit the G-845S with copies of all sides of each document.
16. Copy of document is not readable. Resubmit the G-845S with higher quality copies of the original alien documentation.
- 17, 18. Items 17 and 18 are designed to assist benefit issuing agencies and institutions in determining when an alien applicant is permanently residing in the United States under color of law (PRUCOL). USCIS will indicate whether aliens in the class or category of the applicant are actively being pursued for expulsion at this time. Any additional USCIS comments will be included at item 19. USCIS will initial and stamp the front of the form in the block labeled "stamp."

F. ELIGIBILITY DETERMINATION

The Eligibility Technician is to compare the completed response of whether the ASVS database (Primary Verification) or the Document Verification Request (Form G845S) (Secondary Verification) with the alien's documents for consistency. The Eligibility Technician must refer to the Title IV-E eligibility requirements to determine whether child is qualified for Title IV-E.

4.4 REMOVAL FROM THE HOME OF A SPECIFIED RELATIVE

4.4.1 DEFINITION OF A SPECIFIED RELATIVE

A. A specified relative is a person in one of the following groups:

- A specified relative is a person who is related to the dependent child by full or half-blood and who is within the fifth degree of kinship to the child.

<u>Relative</u>	<u>Degree of Kinship</u>
Mother Father	1st degree
Sister Brother Grandparent	2nd degree
Great-grandparent Uncle or Aunt Nephew or Niece	3rd degree
Great-great-grandparent Great uncle or great aunt First cousin	4th degree
Great-great-great grandparent Great-great uncle or great-great aunt First cousin once removed (child of First cousin)	5th degree

- Stepfather, stepmother, stepbrother, or stepsister.
- Persons who legally adopt a child or his parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law.
- Spouses of any persons named above, even after the marriage is terminated by death or divorce.

Note:

- *A biological specified relative, including a parent, is still considered a specified relative after parental rights have been terminated and the adoption of the child has been finalized. With the finalization of an adoption, the child gains another set of specified relatives, since the adoptive parent's relatives becomes the child's relatives (for example; the adoptive mother's sister becomes the child's aunt - a relative in the third degree of kinship).*
- *A specified relative does not include an unrelated: guardian, friend, neighbor, godparent, fictive kin, or a person who has been given a dependent child. AFDC eligibility does not exist for an applicant or his children unless the*

applicant can demonstrate that he fits one of the groups listed above in 4.4.1.A, or meets temporary eligibility criteria for cultural adoption.

Verification: The Eligibility Technician will base the determination of whether a specified relationship exists on information provided by the child's worker in documentation such as the Application for Medicaid/IV-E or court documents.

B. Parental Relationship: Definitions

1. Definition of a Natural Parent

For determining relationship for AFDC purposes, a "natural parent" is an individual named as a child's mother or father on the child's official birth record, unless a court makes a formal finding to the contrary.

In Alaska, if a child's mother is **married** at the time of conception or birth, State law defines the mother's husband at that time as the child's natural father, unless a court rules differently. If the mother's husband is not listed as the child's father on the official birth record or on a birth certificate held by the client, the child's worker must contact the Bureau of Vital Statistics to verify the correct name of the child's father.

2. Definition of an Adoptive Parent

A specified relative may be related to a child by adoption. When a child is adopted, the Bureau of Vital Statistics office will issue a new birth certificate for the adopted child, listing the adoptive parent(s) as the parent(s) of the child. The adoptive parent(s) assume the responsibility for the care and support of the child, and the biological (birth) parent's obligation to support the child ends by the adoption.

Note: *An adoption does not sever the biological parent's blood relationship; it severs the legal and financial responsibility. Therefore, a child's biological parent may be considered a specified relative, even after the child is adopted.*

4.4.2 LIVING WITH A SPECIFIED RELATIVE

- A. In order to be eligible for Title IV-E Foster Care, the child must have lived with a parent or other specified relative who is the child's legal guardian within six months prior to the month in which a voluntary placement agreement was signed or court proceedings leading to the removal of the child were initiated. "Living with" means that the specified relative with whom the child resides is responsible for providing maintenance, physical care, and guidance for the child (as defined in 4.6.2.B). In some situations a child is considered to be living with the parent/other specified relative even if either the child or the relative is temporarily absent from the home (see 4.4.2.1 and 4.4.2.2. below).
- B. When determining whether the 6-month requirement is met, six calendar months should be used instead of counting from date to date. (For example: if the child lived with a specified relative through February 1 and the petition was filed on

August 31 then the 6-month requirement is met, but if the child lived with a specified relative through February 1 and the petition was filed on September 1, then the 6-month requirement is not met).

- C. When a child has been constructively removed from a parent or other specified relative who is the child's legal guardian, a statement from the parent or other specified relative or from the child's worker that the child had lived with the parent/other specified relative within six months of the removal serves as verification that the requirement is met (see 4.4.2.1).

4.4.2.1 DEFINITION OF THE "HOME"

There is no requirement that the place of residence meet standards as to type or expected duration. An owned or rented house, a boat, a motor-home, an apartment, a motel room, housekeeping cabin, women's shelter, or a tent or car can be considered as residences, even if they are only temporary dwelling places.

Federal regulations define a home as "the family setting maintained or in process of being established as evidenced by assumption and continuation of responsibility for day-to-day care of the child by the relative with whom the child is living. A home exists so long as the relative exercises responsibility for the care and control of the child, even though either the child or the relative is temporarily absent from the customary family setting." Within this interpretation, the child is considered to be "living with" his relative even though:

- He is under the jurisdiction of the court (such as receiving probation services or protective supervision); or
- Legal custody is held by an agency that does not have physical possession of the child.

4.4.2.2 TEMPORARY ABSENCE FROM HOME

The Federal definition of "home" allows for a child and specified relative to be considered to be living together even if "either the child or the relative is temporarily absent from the customary family setting". Title IV-E potential eligibility can exist in the following circumstances:

A. Hospitalization

Either the child or the relative is being cared for in a hospital or other public or private institution, including a residential psychiatric treatment facility, for necessary reasons of mental or physical health. The "living with" requirement for Title IV-E eligibility may be met as long as:

1. The illness is such that a return to the family can be expected; and
2. Caretaker relative responsibility for the child continues.
 - a. Pre-removal hospitalization/placement in treatment facility: When a child has been placed in a treatment facility by a parent or legal guardian, then the child is considered to still be living with the parent/guardian.
 - b. Hospitalization/placement in treatment facility during a placement episode: The child is temporarily ineligible for Title IV-E during the

placement (see section 5.4.6.1 regarding coding)

B. Court Ordered Visitation

The child is absent because a court order specifies that he is to visit a parent who resides away from the child's customary home. The "living with" requirement for Title IV-E eligibility may be met as long as:

1. The caretaker relative maintains a home for the child to return to;
2. The intent is for the child to return to the home at the end of the visit;
3. The child does not receive Temporary Assistance while in the care of the parent he is visiting; and
4. The absence does not last longer than 3 calendar months.

C. Education or Training Not Available in the Home Community

Either the child or the relative is absent because of a need for education or training which is not available in the home community, e.g. boarding school or military academy. The "living with" requirement for Title IV-E eligibility may be met as long as:

1. The absent student returns to the home at least once each year;
2. The absent student is not receiving Temporary Assistance in another household;
3. The absent student intends to return to the home at the completion of his education or training; and
4. The specified relative is maintaining a home to which either he or the child intends to return.
 - a. Pre-removal placement in a boarding school: When a child has been placed in a boarding school by a parent or legal guardian and the requirements listed above are met, then the child is considered to still be living with the parent/guardian.
 - b. Placement in boarding school during a placement episode: When a child is placed in a boarding school during a placement episode and the child resides in a designated foster home during school vacations, the placement history should reflect that.

C. Verification of Temporary Absence

All temporary absences expected to last a calendar month or longer must be reported and verified.

4.4.3 VERIFICATION OF LEGAL GUARDIANSHIP

By state law, a child's parents have custody of their child until the court awards custody to somebody else (OCS or another person) who then becomes the child's legal guardian and has the rights and responsibilities defined in the guardianship order. The guardian may be removed only by court order.

Unless otherwise indicated, it should be assumed that the parents are a child's legal guardians. If a court order refers to somebody other than the parents as being a child's legal guardian, that is sufficient verification that the person is the child's legal guardian, and it is not necessary to obtain a copy of the guardianship order to verify the guardianship status. A petition or an affidavit that refers to a person as the child's guardian is not sufficient verification of legal guardianship.

Please note that a legal guardian who is not the child's parent is **not** responsible for supporting the child. Consequently, if a child is physically or constructively removed from a legal guardian who is a specified relative other than the child's parent, only the child's income and resources are considered in the eligibility determination.

4.4.4 DEFINITION OF "REMOVAL"

A removal from the home of a parent or other specified relative who is the child's legal guardian can be either a physical removal or a constructive removal.

4.4.4.1 PHYSICAL REMOVAL

A physical removal is considered to have occurred when a child is physically removal of a child from the home of a parent or other specified relative who is the child's legal guardian.

4.4.4.2 CONSTRUCTIVE REMOVAL

A constructive removal is considered to have occurred in a situation where a child is not physically removed, but the child is living with a relative or non-relative caretaker and has lived with a parent or other specified relative who is the child's legal guardian within the last six months, and legal custody is removed from the parent/legal guardian or the parent/guardian signs a voluntary placement agreement and the child continues residing with that caretaker or in another out-of-home placement.

When a constructive removal has occurred, the child is IV-E eligible in the caretaker's home if the caretaker is licensed for foster care and all the other IV-E eligibility requirements are also met.

A constructive removal is not considered to have occurred if the child has not lived with a parent or other specified relative who is the child's legal guardian within the last six months, or if the legal guardian is not a specified relative.

4.4.5 DATE OF REMOVAL

The date of a constructive removal is the date of the first judicial determination removing custody from the parent/legal guardian or the date that the voluntary placement agreement is signed.

4.4.6 REMOVAL SCENARIOS

- A. The following are examples of situations which meet the IV-E requirements for removal:
1. A child is physically removed from his or her parents as a result of a voluntary placement agreement or a judicial determination.
 2. A newborn infant born in a hospital is taken into custody before the mother has taken the infant home and upon release from the hospital the infant is placed directly in out-of-home care. The removal home is the mother's home. The same applies when a newborn infant born to a mother who is incarcerated is taken into custody and placed in out-of-home care.
 3. A child lived with a related or a non-related caretaker for less than six months prior to OCS' petition to the court for removing custody of the child from the parent. OCS licenses the home as a foster home and the child continues to reside in that home in foster care. The child lived with the parent or other specified relative who is the child's legal guardian within six months of OCS' petition to the court, and a court order is issued which removes custody from the parent or legal guardian. The removal is a constructive removal from the parent/specified relative who is the child's legal guardian.
 4. A child is living with a non-related caretaker, but had lived with the parent or other specified relative who is the child's legal guardian for a few days within six months prior to the month OCS files a petition to the court for removing custody of the child from the parent/specified relative who is the child's legal guardian. A court order is issued which removes custody from the parent or legal guardian and OCS places the child in a licensed foster home. The removal is a constructive removal from the parent/specified relative who is the child's legal guardian.
 5. A child is in a three-generation household in which the mother leaves the home. The grandmother contacts OCS four months later and OCS petitions the court within six months of the date the child lived with the mother in the home. OCS licenses the grandmother's home as a foster family home and the child continues to reside in the home in foster care. The child is eligible for title IV-E foster care since he or she lived with the parent within six months of OCS' petition to the court, and was constructively removed from the parent's custody.
 6. A child was placed in a psychiatric treatment facility by the parents. Seven months later the child is taken into custody. Even though the child has not physically resided with the parents within six months of the removal, the child meets the requirement of having lived with a parent within six months of the removal, because according to AFDC rules, hospitalization or placement in the treatment facility is an allowable temporary absence. The removal is considered a physical removal from the parents.
 7. A child is attending boarding school or military academy because there is no school in the area where the parents reside. OCS files a petition to remove

custody of the child from the parent, and a court order is issued which removes custody from the parent. At the time of the court hearing, the child has been at the boarding school/military academy continuously for the last eight months. Even though the child has not physically resided with the parents within six months of the removal, the child meets the requirement of having lived with a parent within six months of the removal, because according to AFDC rules, absence due to education that is not available in the home community is an allowable temporary absence. The removal is considered a physical removal from the parents.

8. This scenario is the only exception to the requirement that the removal must be from a specified relative who is the child's legal guardian: A child has been living with a specified relative who is not the child's legal guardian for seven months but is removed from the relative as a result of allegations of abuse and neglect committed by the relative. The relative with whom the child had been living was the alleged perpetrator of the abuse or neglect and the child was physically removed from that relative by a court order due to the relative's abuse. The child is eligible for IV-E Foster Care and the relative's home is the removal home, so AFDC eligibility is determined based on that home and it is irrelevant whether the child lived with a parent or other specified relative who is the child's legal guardian in the last six months.

B. The following are examples of situations which do **not** meet the IV-E requirements for removal:

1. A child is living with his or her parent, custody is transferred to the State but the child remains in the home of the parent. In this situation, the child is not in foster care and ineligible for title IV-E foster care.
2. A child lived with a non-related caretaker or a specified relative caretaker who was not the child's legal guardian for more than six months prior to OCS' petition to the court. OCS licenses the home as a foster home and the child remains in that home in foster care. A court order is issued which removes custody from the parent or legal guardian. The child is ineligible for title IV-E foster care since he or she had not lived with a specified relative who is the child's legal guardian within six months of OCS' petition to the court. (The constructive removal does not apply to this situation because it had been more than six months since the child lived with a parent or other specified relative who is the child's legal guardian.)
3. A IV-E foster care eligible child was released from OCS custody when the court awarded guardianship of the child to a non-related caretaker. More than six months later, the guardianship failed, and OCS took custody of the child. The child is ineligible for IV-E foster care, because the first placement episode ended when OCS custody was released, and since the child lived with the non-related guardian for more than six months, the requirement that the child has lived with a specified relative within the last six months is not met for the second placement episode.
4. A child has lived with his or her father but not with his or her mother in the six months that preceded the removal. However, the removal court order removes the child from the mother (the order specifies the mother's home

instead of referring to the parents' home or simply "home"). Since the child has not lived with mother (= the home from which she was constructively removed) in the last six months, the child is not eligible for Title IV-E Foster Care. By state law, a child's parents have custody of their child until the court awards custody to somebody else (OCS or another person) who then becomes the child's legal guardian and has the rights and responsibilities defined in the guardianship order. The guardian may be removed only by court order.

4.5 REQUIREMENTS FOR JUDICIAL DETERMINATIONS

4.5.1 COURT ORDERED REMOVAL - INITIAL REQUIREMENTS

4.5.1.1 CONTRARY TO THE WELFARE

A. Requirement:

1. A judicial determination to the effect that continuation of residence in the home would be contrary to the welfare of the child or that placement would be in the best interest of the child must be made in the first court ruling that sanctions (even temporarily) the removal of a child from the home (this includes both physical and constructive removals). This requirement also applies to situations where a child is first in DJJ custody and then goes directly to OCS without being returned home.
- 2.

B. Contrary to the Welfare Findings:

1. Acceptable variations of "continuation in the home would be contrary to the welfare of the child" include:
 - "removal/placement is in the best interest of the child"; or
 - "continued physical custody of the child by the parent is likely to result in serious emotional damage to the child"; or
 - "remaining in the home would be contrary to the welfare of the child"; or
 - if a child has been living with one parent, and that parent becomes incarcerated or dies, the court order language "there is no parent to care for the child" would meet contrary to the welfare language requirements.
2. "It is in the child's best interests to be in the temporary custody of the department" is not acceptable, because it does not address placement.
3. In detention orders, language which indicates that the child is a "threat to himself," or "the child will cause harm to himself if not detained." is acceptable. However, a temporary detention order stating that the child is to be detained until sentencing because there is reason to believe that the child would run away, or which only says that the child would be a threat to the community, does not meet contrary to the welfare language requirements.
4. Additional examples of acceptable or not acceptable findings are

included in the "Required Judicial Determinations for Title IV-E Foster Care Eligibility" document in Appendix VI.

4.5.1.2 REASONABLE EFFORTS

- A. Requirement: A judicial determination that reasonable efforts (RE) were made to prevent or eliminate the need for removal from the home must be made within 60 days of removal from the home, unless the court has determined that RE were not required (in that case the determination that reasonable efforts are not required must be made within 60 days of the removal).
- B. Initial Reasonable Efforts Findings:
1. Acceptable variations include:
 - "reasonable preventive services were provided"; or
 - "active efforts were made"; or
 - "active and reasonable efforts were made"; or
 - "it was not reasonable under the circumstances that preventative services be provided to prevent the removal of the child from the home, because"
 2. If the order only says that "preventive services (or remedial services) were provided" without any mention of reasonable efforts, the only chance for meeting the reasonable efforts requirement is to listen to the court tape to see if the judge did issue an order with reasonable efforts language.
 3. The finding must pertain to the specific child for whom eligibility is being determined. This requirement applies also to second or subsequent removals where the child is returned home and then removed again while OCS still has custody. It also applies to situations where a child is first in DJJ custody and then goes directly to OCS without being returned home.
- C. Reasonable Efforts Not Required: Reasonable efforts to prevent the removal are not required only if there has been a judicial determination that such efforts are not required. The court may make such a determination if
- the parent has subjected the child to aggravated circumstances, including abandonment, torture, chronic abuse, and sexual abuse;
 - the parent has murdered another child of the parent or abetted, attempted, conspired, or solicited to commit such murder; or
 - the parental rights of the parent to a sibling have been terminated involuntarily.

The judicial determination that reasonable efforts to prevent the removal are not required must be made within 60 days of removal from the home.

- D. Additional examples of acceptable or not acceptable findings are included in the "Required Judicial Determinations for Title IV-E Foster Care Eligibility" document in Appendix VI.

4.5.2 VOLUNTARY PLACEMENTS

- A. If the removal from home was based on a voluntary placement agreement, the Voluntary Placement Agreement (06-9693) must be signed by both the parent or legal guardian and a representative for OCS for it to be valid. If all required parties did not sign the voluntary placement agreement, the child is ineligible for title IV-E for the entire placement episode.
- B. A judicial determination that reasonable efforts (RE) were made to prevent or eliminate the need for removal from the home is not required for cases which start with a voluntary placement agreement, but within 180 days of the beginning of the placement a judicial determination must be made that it is in the best interest of the child to be placed out-of-home.

4.5.3 REASONABLE EFFORTS - ANNUAL FINDING

- A. Requirement:
1. Within 12 months of the date the child is considered to have entered foster care (see definition in 4.5.3(C)) and at least once every 12 months thereafter while the child is in foster care, a judicial determination must be made that OCS has made reasonable efforts to place the child in a timely manner according to the permanency plan (whether the plan is reunification, adoption, guardianship, relative placement, or placement in another planned permanent living arrangement) and to complete whatever steps are necessary to finalize the permanent placement of the child. When reunification is still the goal, the finding may be that reasonable efforts were made to make it possible for the child to safely return home.
 2. When a positive annual reasonable efforts finding has been made, the requirement is met through the end of the month that the next finding is due, even if a negative finding is made prior to when the next finding is due.
 3. If the RE determination is made prior to when it is due, the next determination is due within 12 months of when the determination was made.
 - 4.
- B. Annual Reasonable Efforts Findings:
1. For the first annual reasonable efforts finding, the finding must apply to the period since the removal, and for subsequent findings the finding must apply to the period since the most recent annual reasonable efforts finding. Consequently, a finding that the Department is making reasonable efforts

- or the Department shall continue to make reasonable efforts is not sufficient - the finding must be that the Department has made reasonable efforts.
2. A finding that active efforts were made to prevent the breakup of the family generally is not sufficient for an annual reasonable efforts finding since it refers to preventing the removal and not to implementing the permanency plan
 3. If the finding addresses a specific permanency plan and the court order does not say what the permanency plan is, then the Eligibility Technician needs to find out what the permanency plan is in order to certify that the finding meets the requirement. If the permanency plan changed during the review period, the requirement is met if the finding addresses one of the plans that was in effect during the review period.
 4. Additional examples of acceptable or not acceptable findings are included in the "Required Judicial Determinations for Title IV-E Foster Care Eligibility" document in Appendix VI.
- C. Date the child is considered to have entered foster care is the date of the adjudication hearing (= the first finding of child abuse or neglect). If there is no adjudication hearing (as would be the case if OCS already had custody at the time of the removal) or if the adjudication hearing occurred more than 60 days after the removal then the date the child is considered to have entered foster care is 60 days after the removal
- D. Judicial Determination: There is no requirement that the reasonable efforts judicial determination be made at a court hearing. The required court order with reasonable efforts language can be issued as a result of either a court hearing or a report or memo to the court.

4.5.4 JUDICIAL DETERMINATION/COURT ORDER

4.5.4.1 DATE OF JUDICIAL DETERMINATION

The judicial determination is made at the time of the hearing, if there is a hearing. If a court order is issued which is based on a report or memo to the court, the judicial determination is made when the judge signs the court order.

4.5.4.2 "CONTINUANCE HEARINGS

- A. If an initial hearing is "continued" to later due to, for example, an attorney needs to be appointed, but the court orders that the child remains in OCS custody and placement until then, a finding of contrary to the welfare must be made at that first hearing. In some cases there might not be a written order; but if the court transcripts or tapes from the hearing show that the reason for the hearing was to address the removal of the child, this is the first court action, and if there is no statement by the judge that a finding of

contrary to the welfare was made, there is no Title IV-E Foster Care potential eligibility or eligibility.

- B. If a judicial determination of contrary to the welfare was made at the first hearing but a court order was issued which incorporates more than one hearing: if the court transcript or tape/CD from the first hearing state that the judge made a finding of contrary to the welfare, the Eligibility Technician can certify that the requirements are met based on the tape/CD. See section 4.5.4.3.
- C. Only in the following two situations is the contrary to the welfare finding requirement met even though a contrary to the welfare finding was not made at the first hearing:

1. Non-emergency Custody (this policy applies **only** to physical removals – for constructive removals the contrary to the welfare finding **must** be made at the first hearing that addresses the removal)
 - If emergency custody is not taken; and
 - a non-emergency petition is filed; and
 - the first hearing is continued and a contrary to the welfare finding is not made until at the second or subsequent hearing; and
 - the child is not physically removed until **after** the hearing at which the contrary to the welfare finding is madethen the hearing at which the contrary to the welfare finding was made can be considered the first hearing that addresses the removal.

NOTE: If the child is not removed immediately after the hearing at which the contrary to the welfare finding is made, a new court order that addresses the removal may be required: see section 4.5.6.2.

2. Custody and Placement Not Addressed at the Hearing
 - If the first hearing is continued; and
 - custody and/or placement of the child is not addressed at the hearingthen that hearing does not need to be counted as the first hearing that addresses the removal.

4.5.4.3 NUNC PRO TUNC, AMENDED, AND CORRECTED COURT ORDERS, AND COURT ORDERS THAT COVER MORE THAN ONE HEARING

- A. Nunc pro Tunc Court Orders:

1. A nunc pro tunc (npt) court order must be based on something that actually occurred at the time, but was omitted from the court order through inadvertence or mistake. Consequently, a npt order cannot be issued based on a report to the court. There must be a court hearing.
2. When a court order says nunc pro tunc, but is not a valid nunc pro

tunc order because it was based on an affidavit/report rather than a hearing, it is treated as a regular court order based on an affidavit/report (i.e., the effective date is the date that the judge signs the order).

B. Amended or Corrected Court Orders:

1. The terms “amended” and “corrected” in reference to a court order imply that a change has been made to an original order. Since the date of judicial determinations have impact on IV-E eligibility, the issue is on which date the judicial determinations in the order actually were made – the date of the hearing or the date the judge signed the order.
2. If the judicial determination in the original order was not made at a hearing, then the judicial determination in the amended/corrected order was made on the date the judge signed the amended/corrected order.
3. If the required IV-E finding was included in the original order, then the Eligibility Technician should use the original order for verification of eligibility, and in that case there is no need for the Eligibility Technician to determine when the amended/corrected finding was made.
4. If the required finding that is included in the amended/corrected order is not due yet and there is another court order that documents that the required finding was made within the dead line, then there is no need for the Eligibility Technician to determine when the amended/corrected finding was made.

C. Court Orders that Cover More Than One Hearing: If a court order covers more than one hearing, it may be necessary for the Eligibility Technician to listen to the court tape/CD to verify that the IV-E legal requirements are met (see (D)(2) below). Examples of when this is necessary are included in the scenarios in (E) below.

D. Verification of Finding:

1. Nunc pro Tunc, Amended, or Corrected Orders: If a nunc pro tunc, amended, or corrected order is signed in the same month as the hearing was held, then the order is used to verify court findings the same way as a non-nunc pro tunc, non-amended, or non-corrected order is used, **except** when it is necessary to verify that:
 - a. a contrary to the welfare finding was made at the first court hearing; or
 - b. a reasonable efforts finding was made within a deadline (for example the 60 day deadline for initial reasonable efforts finding; or
 - c. 180 day deadline for a best interest finding for a VPA case) and the hearing was held prior to the deadline and the order was signed after the deadline.

2. Court Orders that Cover More Than One Hearing: If a court order covers more than one hearing, the Eligibility Technician may need to listen to the court tape to verify that:
 - a. a contrary to the welfare finding was made at the first court hearing; or
 - b. a reasonable efforts finding was made within a deadline; or
 - c. a best interest finding for a VPA case was made within the 180 day deadline; or
 - d. there is no gap in custody.
3. In situations listed under 1 and 2 above, the court tape/CD or transcript from the hearing is required to verify that the finding was made on the date of the hearing. The court transcript or tape/CD from the hearing must state that the judge made a finding of contrary to the welfare, reasonable efforts, or best interests that meets the requirements or that custody was ordered, and either a copy of the tape/CD or a court transcript of the tape/CD which includes direct quotes of the judicial determination must be placed in the IV-E file.
4. If a transcript is not available from the court, the Eligibility Technician will
 - a. listen to the court tape/CD; and
 - b. write down:
 - the name of the child(ren);
 - the date of the hearing;
 - the exact wording of the judge's finding;
 - where on the tape/CD the finding is located;
 - the date the Eligibility Technician listened to the tape/CD; and
 - the name of the Eligibility Technician who listened to the tape/CD; and
 - c. file the document and the court tape/CD in the eligibility file.
5. The court tape/CD is the final documentation of the court's decision.

E. Scenarios: Nunc pro Tunc, Amended, and Corrected Court Orders, and Court Orders that Cover More Than One Hearing

1. Initial Requirements

- a. **Contrary to the Welfare Finding:** The first court order that is issued from the first hearing that addresses the removal does not include a contrary to the welfare finding. Later, an amended or corrected order is issued that includes the finding.
The Eligibility Technician must listen to the court tape to verify that the finding actually was made at the hearing.
- b. **Contrary to the Welfare Finding:** The first court order that

is issued from the first hearing that addresses the removal includes a contrary to the welfare finding. Later, an amended or corrected order is issued that also includes the finding.

Since the first order included the finding, the Eligibility Technician will use that order as verification, and there is no need to listen to the court tape.

- c. **Contrary to the Welfare Finding:** The first court order that addresses a removal includes a contrary to the welfare finding, but the order covers more than one hearing.

The Eligibility Technician must listen to the court tape from the first hearing to verify that the finding actually was made at that hearing.

- d. **Initial Reasonable Efforts Finding:** The child was removed 4/14 and the first court hearing occurred on 4/16. The initial court order from that hearing does not include a reasonable efforts finding, but an amended/corrected court order from that hearing is signed by the judge on 4/29.

Since the reasonable efforts finding was made within sixty days of the removal and in the same month as the removal, there is no need to listen to the court tape.

- e. **Initial Reasonable Efforts Finding:** The child was removed 8/24 and the first court hearing occurred on 8/26. The initial court order from that hearing does not include a reasonable efforts finding, but an amended/corrected court order from that hearing is signed by the judge on 9/10.

Since the reasonable efforts finding was made within sixty days of the hearing, the requirement for an initial reasonable finding is met. However, since the finding was not made in the same month as the removal, IV-E claiming cannot start until 9/1 unless the Eligibility Technician listens to the court tape and verifies that the finding was made at the hearing.

- f. **Initial Reasonable Efforts Finding:** The child was removed 7/9 and the first court hearing occurred on 7/11. The initial court order from that hearing does not include a reasonable efforts finding, but an amended/corrected court order from that hearing is signed by the judge on 9/14.

Since the reasonable efforts finding was not made within sixty days of the hearing, the Eligibility Technician must listen to the court tape and verify that the finding was made at the hearing.

- g. **Initial Reasonable Efforts Finding:** The child was removed on 6/12 and the first hearing took place on 6/14 within 60 days of the removal) and a second hearing took place on 8/20 (more than 60 days after the removal). One order is issued

that covers both hearings, and the order includes an initial reasonable efforts finding.

The ET needs to listen to the court tape/CD from the 6/14 hearing to verify that the finding was made at the hearing.

- h. **Initial Reasonable Efforts Finding:** The child was removed on 6/12 and the first hearing took place on 6/14 and a second hearing took place on 8/1 (both hearings within 60 days of the removal). One order is issued that covers both hearings, and the order includes an initial reasonable efforts finding.

Since the requirement is not met until the first of the month that the finding was made, the ET would need to listen to the court tape/CD from the 6/14 hearing in order to verify that the finding was made at that hearing, in order to start IV-E claiming on 6/12. Without that verification IV-E claiming could not start until 8/1.

- i. **Initial Reasonable Efforts Finding:** The child was removed on 6/12 and the first hearing took place on 6/14 and a second hearing took place on 6/28 (both hearings in the same month and within 60 days of the removal) One order is issued that covers both hearings, and the order includes an initial reasonable efforts finding.

Since the finding was made at the latest at the second hearing the requirement was met for June and there is no need to listen to the court tape/CD from the first hearing.

2. Annual Reasonable Efforts

- a. Annual reasonable efforts are due 8/12. A permanency hearing is held 9/14, but the court order that is issued from that hearing does not include a reasonable efforts finding. An amended order that is based on the 9/14 hearing is signed 9/30.

Since the reasonable efforts finding was made on 9/30 (= in the same month as the hearing) there is no need to listen to the court tape.

- b. Annual reasonable efforts are due 3/12. A permanency hearing is held 3/14, but the court order that is issued from that hearing does not include a reasonable efforts finding. An amended order that is based on the 3/14 hearing is signed 5/16.

Since the amended order with a reasonable efforts finding was signed on 5/16, in order to verify that the requirement is met for 4/1 – 4/30 the Eligibility Technician needs to listen to the court tape from the 3/14 hearing to verify that the finding was made at the hearing.

- c. Annual reasonable efforts are due 3/15, and one hearing was held 4/30/10 and another on 5/5. One order is issued that covers both hearings, and the order includes an annual reasonable efforts finding.

In order to verify that the requirement is met for 4/1 – 4/30 the Eligibility Technician needs to listen to the court tape to verify that the finding was made at the 4/30 hearing. Without that verification the ET would need to code the case as temporarily ineligible for 4/1 – 4/30.

- d. Annual reasonable efforts are due 8/7, and one hearing was held on 8/10 and another one on 8/21. One order is issued that covers both hearings, and the order includes an annual reasonable efforts finding.

Since the finding was made at the latest at the 8/21 hearing the requirement was met and there is no need to listen to a court tape/CD.

- e. Annual reasonable efforts are due 8/7, and one hearing was held on 8/10 and another one on 9/17. One order is issued that covers both hearings, and the order includes an annual reasonable efforts finding.

Since the finding was made at the latest at the 9/17 hearing the requirement was met and there is no need to listen to a court tape/CD.

3. Best Interest (for VPA Cases)

- a. On 9/18/09 a child was placed out of home based on a voluntary placement. A hearing was held on 12/20/09, but the court order that was issued from the hearing did not include a best interest finding. An amended/corrected order which was based on the 12/20/09 hearing and included a best interest finding was signed on 1/6/10.

Since the amended court order was signed within 180 days of the removal, there is no need for the Eligibility Technician to listen to the court tape.

- b. On 2/28/09 a child was placed out of home based on a voluntary placement. A hearing was held on 5/30/09, but the court order that was issued from the hearing did not include a best interest finding. An amended/corrected order which was based on the 5/30/09 hearing and included a best interest finding was signed on 9/2/10.

Since the amended court order was signed more than 180 days after the removal, the Eligibility Technician needs to listen to the court tape to verify whether the finding was made at the hearing.

- c. On 3/28 a child was placed out of home based on a voluntary

placement. A hearing was held on 6/30 (within 180 days of the voluntary placement) and a second hearing was held on 10/15 (more than 180 days after the placement). One order is issued that covers both hearings, and the order includes a best interest finding.

Since the second hearing took place more than 180 days after the placement, the ET needs to listen to the court tape/CD from the 6/30 hearing to verify that the finding was made at the hearing.

- d. On 4/6 a child was placed out of home based on a voluntary placement. One hearing took place on 7/14 and a second hearing on 9/1 (both hearings within 180 days of the voluntary placement). One order is issued that covers both hearings, and the order includes a best interest finding.

Since the finding was made at the latest at the second hearing the requirement was met, and there is no need to listen to a court tape/CD.

4. Custody (additional scenarios are located in section 5.4.6.7 and in Interim Coding Scenarios Pending ORCA Modifications in Appendix VI)

- a. Custody expired on 2/20. A hearing was held on 4/24 and a npt court order issued from that hearing ordered custody retroactively starting 2/21.

Since the court order was based on a hearing that was held in April, it is not a valid npt order. The judicial determination was not made until at the April hearing. If there was another hearing in March where custody was ordered, the custody requirement would be met for 3/1 – 3/31. However the custody requirement would still not be met for 2/20 - 2/28 (or 29). NOTE: Due to ORCA functionality issues temporarily ineligible coding must be used effective the first day of the month custody expires, which means that this case must be coded as temporarily ineligible starting 2/1.

- b. Custody expired on 7/3. A court hearing was held on 8/14, but the court order issued from the hearing did not address custody. An amended court order that addressed custody was signed 10/16.

Since custody was not addressed at the 8/14 hearing, the custody requirement is not met for 7/3 – 9/30. If the Eligibility Technician listens to the court tape/CD and finds that custody was ordered at that hearing, the Eligibility Technician can document the finding and verify that the requirement was met for 8/1 – 9/30. However, there would still be a gap in custody for 7/3 – 7/31. NOTE: Due to ORCA functionality issues temporarily ineligible coding must be used effective the first day of the month custody expires, which

means that this case must be coded as temporarily ineligible starting 7/1.

- c. Custody expired on 8/5. A court hearing was held on 9/22 and another hearing was held on 10/18. One court order was issued that covers both hearings, and the order orders custody.

The custody requirement is not met for 8/5 – 9/30. However, if the Eligibility Technician listens to the court tape/CD for the 9/22 hearing and is able to verify that custody was ordered at the hearing, the custody requirement would be met for 9/1 – 9/30, but there would still be a gap in custody for 8/5 – 8/31. NOTE: Due to ORCA functionality issues temporarily ineligible coding must be used effective the first day of the month custody expires, which means that this case must be coded as temporarily ineligible starting 8/1.

- d. Custody expired on 8/12. A court hearing was held on 9/2 and another hearing was held on 9/23. One court order was issued that covers both hearings, and the order orders custody.

Since both hearings took place in September and custody was ordered at the latest at the second hearing, the custody requirement was met for September and there is no need to listen to a court tape/CD CD in order to verify that the requirement is met for September. However, there would still be a gap in custody since the custody requirement was not met for 8/12 – 8/31. NOTE: Due to ORCA functionality issues temporarily ineligible coding must be used effective the first day of the month custody expires, which means that this case must be coded as temporarily ineligible starting 8/1.

4.5.4.4"ONE-LINE" COURT ORDERS

Sometimes court orders are issued which do not contain a finding of contrary to the welfare or reasonable efforts, but refer to a motion which requests a finding of contrary to the welfare/reasonable efforts or to a stipulation that includes a finding. Some orders are on the same document as the motion or stipulation and are worded e.g. "It is so ordered". Other orders may be separate documents and be worded e.g. "It is so ordered that the findings requested in the motion/stipulation are incorporated as the findings of this court". The first type of order is acceptable, because "it is so ordered means that everything above is part of the order. The second type of order is also acceptable, if the motion requested the findings or the stipulation includes the findings. In both cases, the motion needs to request findings, not just describe circumstances.

4.5.4.5 COURT ORDERS SIGNED BY A MAGISTRATE, DISTRICT COURT JUDGE, OR STANDING MASTER

- A. Under the Alaska Court Rules (Child in Need of Aid Rule 5), when a child is in danger and immediate action is required to protect the child, magistrates and district court judges have the authority to take the least restrictive action necessary to protect the child that a superior court judge is authorized by law to take. Consequently, a temporary custody order signed by a magistrate or district court judge is a valid order.
- B. If an order is signed by a standing master under "Recommended for Approval", a judge will usually sign it later. If an Eligibility Technician receives an order that has been signed by a standing master but not by a judge, the Eligibility Technician should check with the court/AAG whether there is a copy of the order signed by the judge. However, even if the order has not been signed by a judge it is still a valid order in the interim unless somebody opposes it.

4.5.5 TIMING OF JUDICIAL DETERMINATION

4.5.5.1 CONTRARY TO THE WELFARE

A judicial determination to the effect that continuation of residence in the home would be contrary to the welfare of the child or that placement would be in the best interest of the child must be made in the first court ruling that sanctions (even temporarily) the removal of a child from the home (this includes both physical and constructive removals). If the determination is not made in the first court ruling, the child is not eligible for title IV-E for the entire placement episode. Consequently, if at the first hearing custody is awarded to OCS but no contrary to the welfare finding is made, the child is not IV-E eligible for the entire out-of-home care placement episode. This requirement also applies to situations where a child is first in DJJ custody and then goes directly to OCS without being returned home. *Please note that for removals which occurred prior to 3/27/00 it is not required that the judicial determination was made in the first court ruling, but the determination must be made within six months of the removal.* **NOTE:** If the child is not removed immediately after the hearing at which the contrary to the welfare finding is made, a new court order that addresses the removal may be required: see section 4.5.6.2.

4.5.5.2 REASONABLE EFFORTS

- A. Initial: A finding that reasonable efforts were made to prevent or eliminate the need for removal from the home, **or** a finding that reasonable efforts to prevent removal is not required must be made within 60 days of removal from the home or the child is not eligible for title IV-E for the entire placement episode.

B. Annual:

1. Within 12 months of the date the child is considered to have entered foster care and at least once every 12 months thereafter while the child is in foster care, a judicial determination must be made that OCS has made reasonable efforts to place the child in a timely manner according to the permanency plan (whether the plan is reunification, adoption, guardianship, relative placement, or placement in another planned permanent living arrangement) and to complete whatever steps are necessary to finalize the permanent placement of the child. See 4.5.3(C) for definition of "date the child is considered to have entered foster care".
2. If the RE determination is made prior to when it is due, the next determination is due within 12 months of when the determination was made.
3. If the determination is not made when due, the child becomes ineligible for IV-E from the end of the twelfth month following the date the child is considered to have entered foster care, or the end of the month in which the most recent judicial determination of reasonable efforts was due, and remains ineligible until such a judicial determination is made. The next judicial determination is due within 12 months of when the determination was made.
4. Title IV-E eligibility and claiming does not start until the first of the month that a judicial determination with reasonable efforts language is made.

4.5.5.3VOLUNTARY PLACEMENTS

If a placement starts out with a voluntary placement agreement, within 180 days of the beginning of the placement a judicial determination must be made that it is in the best interest of the child to be placed out-of-home. A court order is required. A judge signing off on a letter, voluntary placement agreement, etc. is not sufficient. If there is more than one court order issued within the 180 days, the best interest language does not have to be in the first order as long as it is in an order which is issued within the 180 days. Annual judicial determinations of reasonable efforts are not required for these cases.

4.5.5.4SECOND REMOVALS

It is OCS policy that while OCS has custody of a child, a placement in the child's own home following an out-of-home placement is considered a trial home visit for the first six months or the time period ordered by the court. If the visit lasts for longer than six months or the period ordered by the court, the child is considered to have been returned home. For a second removal (i.e. when a child is returned home and later placed out-of-home again, and OCS has retained custody), the same timelines applies for the contrary to the welfare finding and initial reasonable

efforts finding as for a first removal. *Please note that the following timelines apply to removals which occurred prior to 3/27/00: Court action which results in a court order with contrary to the welfare language must be initiated within six months of the removal. Please note that if court action is initiated through a report to the court or a memo, the report/memo must request that a contrary to the welfare finding be made.*

4.5.5.5 INITIATION OF COURT ACTION

- A. For Title IV-E purposes, court action may be initiated with a petition, motion, or report to the court which asks the court to make a judicial determination of contrary to the welfare/reasonable efforts. A report or memo to the court which merely reports about the status of the child without asking for a finding is not an initiation of court action. An affidavit does not initiate court action, it only provides information to the court in support of a motion.
- B. Court action is initiated on the date the petition, motion, or report is filed with the court.
- C. If a finding is made but there is no written document that initiated the court action then the AFDC month is the month the finding is made.

4.5.6 SPECIFIC ISSUES RELATED TO LEGAL REQUIREMENTS

4.5.6.1 COURT ORDERS AFTER SECOND REMOVALS

Court orders after a second removal which do not state when the removal occurred can be problematic. This is true especially in cases where the child is removed more than once before the judicial determination is made, since it might be difficult to know which removal the court order is referring to. In this situation, there needs to be sufficient documentation in the case file to support the assertion that the court order is referring to a specific removal.

4.5.6.2 REMOVAL WHEN OCS ALREADY HAS CUSTODY/WHEN CHILD IS NOT REMOVED AT THE TIME OF THE CONTRARY TO THE WELFARE FINDING

- A. If the court finds that remaining in the home is contrary to a child's welfare, OCS is awarded custody of the child but does not remove the child immediately, and the child is later removed (while OCS still has custody), a hearing within 48 hours is not required by State law. However, for Title IV-E eligibility purposes, if the child is removed later than one business day after the judicial determination of contrary to the welfare a new judicial determination must be made that addresses the removal and a new eligibility determination must be made. The requirements for judicial determinations and time lines described in sections 4.5.5.1 and 4.5.5.2 apply in this situation.
- B. The only exception from the requirement for a new judicial determination is

if the court order that sanctions the removal

1. includes a finding that remaining in the home is contrary to the child's welfare; **and**
2. specifies an alternative timeframe for physical removal, for example the court order approves that the child will be left in the home until a bed becomes available in a residential facility.

If there is another court finding between the time that custody is awarded and the physical removal, then that finding is the finding that sanctions the removal and must meet the requirements in sections 4.5.5.1 and 4.5.5.2.

4.5.6.3 JUVENILE DELINQUENTS

- A. If a child is taken into custody under Division of Juvenile Justice, and OCS later takes custody without the child being returned home, the contrary to the welfare language must be in the first order (the detention order) in order for the child to meet the legal status requirements for Title IV-E Foster Care eligibility, and the reasonable efforts finding must be made within the 60-day time limit.
- B. Annual reasonable efforts findings are not required while a child is in DJJ custody since OCS is not responsible for making reasonable efforts for a child who is not in OCS custody and a child in DJJ custody cannot be IV-E eligible.
 1. If a child starts out in DJJ custody and custody later is transferred to OCS, the first annual reasonable efforts finding is due 12 months after custody was transferred to OCS.
 2. If a child is in DJJ custody during a placement episode, the time in DJJ custody is not counted in determining when the next annual reasonable efforts finding is due. See the following examples:
 - a. Child is taken into OCS custody. Ten months later custody is transferred to DJJ; and four months after that transfer of custody the child is transferred back to OCS custody. In this case the annual reasonable efforts finding is due two months after the child returns to OCS custody.
 - b. Child is taken into OCS custody. Eight months later custody is transferred to DJJ; and two years after that transfer of custody, the child is transferred back to OCS custody. In this case the annual reasonable efforts finding is due four months after the child returns to OCS custody.

4.5.6.4 REMOVAL BY THE TRIBE

If a child is initially removed from home by the tribe and custody later is transferred to OCS without the child returning home, the contrary to the welfare language must

be in the first tribal court order for the child to meet the legal status requirements for Title IV-E Foster Care eligibility, and the reasonable efforts finding must be made within the 60-day time limit.

4.5.6.5VOLUNTARY RELINQUISHMENT OF PARENTAL RIGHTS

If the parents have voluntarily relinquished their parental rights before the state becomes involved, the issue of whether the child's meets the legal status requirements for Title IV-E needs to be evaluated on a case-by-case basis. If the parents voluntarily relinquish their parental rights to a state agency, this cannot be treated as a voluntary placement agreement case - it must be treated as a court-ordered removal. Consequently, in this situation the child meets the legal status requirements for Title IV-E foster care only if;

- there is a subsequent judicial determination that remaining in the home would be contrary to the welfare of the child; and
- the child had last been living with the parent(s) or an other specified relative in the month the court proceedings were initiated which lead to that judicial determination or in the preceding six months; and
- within 60 days of the removal from the home a judicial determination is made that reasonable efforts were made to prevent or eliminate the removal from the home.

If the court merely sanctions the relinquishment without making a finding of contrary to the welfare or if the reasonable efforts finding is not made in time, the child does not meet the Title IV-E Foster Care legal requirements.

4.6 DEPRIVATION

Although the AFDC program no longer exists, eligibility for Title IV-E is still linked with the AFDC program as it was in effect on 7/16/96, and the AFDC deprivation requirements must be met. All AFDC eligibility determinations made for IV-E eligibility determination purposes are “would-be” AFDC eligibility determinations based on the AFDC rules in effect on 7/16/96. In order to meet the AFDC requirements the child must be determined to be a “dependent child.” The term “dependent child” means a child in need who has been deprived of parental support or care; has been living with a parent or other specified relative in a place maintained as the home of the relative; and has not reached the maximum age designated for program eligibility (see section 4.2).

The following rules and requirements apply for the deprivation requirement:

- A. Deprivation must be met in the month in which a voluntary placement agreement was signed or court proceedings leading to the removal of the child from the home were initiated, i.e. the AFDC month.
- B. The child must have been removed from the home of a parent or other specified relative and one of the following conditions must exist:
 1. The child lived in the home of the parent or other specified relative from whom removed and the deprivation requirements were met in that home in the AFDC month; or
 2. The child was no longer living in the home of the parent or other specified relative from whom removed, but had been living in that home in any of the six months prior to the AFDC month, and the deprivation requirements were met in that home in the AFDC month had the child still been living there.
- C. The following rules must be applied in regards to the date of removal vs. the AFDC month:
 1. If court proceedings were initiated/VPA signed **in the same month as the month in which the child was removed**, deprivation must be met in the removal home in that month **prior to the removal**. Any familial or economic changes that occur after the child's removal may not be considered.
 - For deprivation by unemployment, this means that income (including PFD) that is received during that month but **after** the removal is not counted.
 2. If court proceedings were initiated/VPA signed **in the month prior to the removal**, deprivation must be based on the circumstances in the removal home **for the entire month in which court proceedings were initiated/VPA signed**.
 - For deprivation by unemployment, this means that all income that is received during that month must be counted.
 3. *If court proceedings were initiated/VPA signed in a month subsequent to the month the removal occurred, the deprivation requirements must have*

been met in that home in the AFDC month had the child still been living there.

- D. If the deprivation requirements are met in the month specified in (A) and (C) above, then the child meets the deprivation requirements for the entire placement episode. There is no requirement to include AFDC eligibility in Title IV-E redeterminations.
- E. If the deprivation requirements are not met in the month specified in (A) above, then the child is not eligible for IV-E Foster Care for that placement episode.
- F. Deprivation by Unemployment: When determining whether the requirement is met, the child who has been removed from home must be included in the calculation of the household size and the household income. The household includes the child who has been removed, the parents of that child, and siblings who meet the age and deprivation requirements (see section 4.7.2 Mandatory Filing Unit for additional information, including which individuals are excluded from the assistance unit).
- G. Redetermination of Deprivation: Effective 4/1/10, redeterminations of deprivation are no longer required. (See "Redeterminations of AFDC Eligibility – Policy in effect until 4/1/10" in Appendix VI).
- H. Causes of Deprivation

In order to be eligible for AFDC, a child must be deprived of parental support and care because of the death, continued absence from the home, unemployment, or physical or mental incapacity of one or both of his natural or adoptive parents. Deprivation is based upon the condition of the parents, not the condition of the child or of other specified relatives.

The Eligibility Technician will accept the deprivation information provided on the Application for Medicaid and Title IV-E Foster Care form (06-3679), the Parent's Self-Declaration of Income and Resources form (06-9794), the Financial Resources Data Sheet (06-0604), the Review for Medicaid and/or Title IV-E Foster Care (06-3679A), or additional information provided on the petition for custody or other documentation.

There are 4 causes of deprivation: death, continued absence, incapacity, and unemployment. These are explained below.

4.6.1 DEPRIVATION BY DEATH

If either one or both natural or adoptive parents of a child are deceased, the child is deprived of parental support and care.

4.6.2 DEPRIVATION BY CONTINUED ABSENCE

A. CIRCUMSTANCES IN WHICH CONTINUED ABSENCE CONSTITUTES DEPRIVATION

Continued absence of one or both natural or adoptive parents from the home constitutes deprivation of parental support and care only under the three following circumstances:

1. One or both parents are physically absent from the place where the child resides; **AND**
2. The nature of the absence is such as to either interrupt or terminate the absent parent's (or parents') functioning as a provider of maintenance, **OR** physical care, **OR** guidance for the child; **AND**
3. The known or indefinite duration of the absence is such that the absent parent(s) cannot be counted upon to perform his or her (their) normal function in planning for the present support or care of the child.

B. DEFINITIONS

In deciding whether deprivation exists, the Eligibility Technician will use the following definitions:

1. Maintenance

"Maintenance" means providing regular, predictable, and frequent contributions of cash which are for a child's basic needs and are significant in value. Sporadic "gifts" once a month or less frequently are not the same as "maintenance".

2. Physical Care

"Physical care" includes activities such as providing clean clothing, washing, dressing, preparing meals, feeding, putting to bed, or assisting with other personal care needs. Substantial amounts of physical care must be provided on a regular, frequent, and predictable basis in order for OCS to find that a parent is providing "physical care" for a child.

3. Guidance

"Guidance" includes activities such as accompanying the child to the doctor, providing transportation, attending school activities and conferences, assisting with school work or extra curricular activities, monitoring activities or play, providing discipline, and participating in decisions concerning the child's well-being. Substantial guidance must be provided on a regular, frequent, and predictable basis in order for OCS to find that a parent is providing "guidance" to a child.

C. DURATION OF CONTINUED ABSENCE

In Alaska's AFDC program, **there are no minimum time limit requirements on how long a continued absence must have lasted or be expected to last.** For recent absence cases, the Eligibility Technician must answer two questions before reaching an eligibility decision about deprivation:

1. Is one of the natural or adoptive parents absent from the home **now**?
2. Is that absence such that the conditions of section 4.6.2(A)(2) above are met, and it appears reasonable to predict that the conditions of 4.6.2(A)(3) above will be met?

If the answer to either or both of these questions is "no", then deprivation does not exist. If the answer to **both** of the questions is "yes", then deprivation exists.

D. DETERMINING DEPRIVATION WHEN ABSENT PARENT HAS CONTACT WITH CHILD

Occasionally a divorced, separated, or unwed parent may have contact with the children, visiting them in their home, having them visit in his or her home, picking them up from school or home and taking them to activities, etc. If such visits occur they do not automatically lead to the finding that deprivation does not exist. All of the available circumstances of the visits must be gathered and examined to see if the criteria of section 4.6.2(A)(2) are met.

Whatever the cause of the alleged absence of the parent from the home of the child, cases in which there is frequent contact of the child with the absent parent will be treated as follows:

Obtaining Absent Parent Residence Information:

The Eligibility Technician must determine if the allegedly absent parent is in fact absent, which means not living in the child's home. Absence exists if the parent maintains a residence elsewhere that is not temporary, and actually uses that residence as his or her primary home. The Eligibility Technician will make the determination based on information provided by the child's worker.

E. EXAMPLES OF PARENTAL ABSENCE

1. Planned Absence

Short, planned absences for such activities as vacations, visiting relatives, National Guard summer camp, or seeking and/or securing employment may temporarily disrupt the family unit and reduce the amount of support, care, or guidance the absent parent is able to provide. However, planned absences do not result in a finding of deprivation unless the test set out in section 4.6.2(A) is met. Deprivation cannot be denied simply because the separation began as a planned absence. The current situation must be examined to determine if deprivation now exists.

2. Divorce

Divorce is a judicial termination of a marriage by written decree of a court of competent jurisdiction. Deprivation may exist if a child's natural or adoptive parents are divorced **and** one or both parents are out of the child's home.

3. Legal Separation

Legal separation occurs when a court issues a written decree establishing the right of married parties to live apart without actually terminating their marital bonds. Deprivation exists if the couple is not living together.

4. Separation Without Court Decree

This cause of possible deprivation covers circumstances in which legally married natural or adoptive parents are separated without any intervention of a court and desertion has not occurred.

5. Desertion

Desertion occurs when either or both parents willfully abandon the home, leaving it without the necessities of life and with no indication of any plan to return.

6. Unwed Parents

Birth out of wedlock may be considered as a condition depriving the child of parental support and care if one or both of the unwed parents are absent from the home of the child and the other aspects of deprivation exist.

Unrelated male living in home. In the circumstance where an applicant household consists of a parent, child, and an unrelated male, there is a possibility that the unrelated male is the father of the child.

Deprivation by reason of continued absence will not exist if:

- a. The unrelated male is determined to be the father of the child **by a court decision**; or
- b. A birth certificate is issued listing the unrelated male as the child's father. Normally, the Alaska Birth Certificate of a child born out of wedlock will not list any father, unless the father has signed a Vital Statistics Affidavit of Paternity; or
- c. The unrelated male admits being the parent of the child by a signed statement.

If none of the three conditions above exist, deprivation exists.

7. Hospitalization

Deprivation may exist if the absent parent is hospitalized or institutionalized for prolonged treatment of physical or mental illness. In order for deprivation to exist, the severity and duration of the illness must be such that the role of the sick parent in providing support and care for the child is interrupted or terminated.

8. Deportation

Deprivation of parental support or care due to continued absence of the parent will be found to exist when a parent has been deported from the United States. There are no requirements concerning how long the parent must be gone.

9. Imprisonment/Work Release

Deprivation of parental support or care due to continued absence of the parent will be found to exist when a parent has been sentenced to a correctional institution or is being held in a correctional institution to await legal proceedings.

Work Release. Deprivation may be found to exist in the instance when the parent is on a work-release program and living at home, providing the following conditions are met:

- a. A parent has been convicted of an offense and is under sentence of a court, and
- b. The sentence requires, and the parent is performing, unpaid public or community services during working hours.

10. Single Parent Adoption

Deprivation exists if there is evidence of a court-approved single parent legal adoption.

11. Military Service

If the absent parent is in the military or other uniformed service (including Coast Guard or Public Health Service), deprivation may exist if the absence is not solely due to military service. If the military parent is away from home on an assigned duty or tour elsewhere, this is a planned absence and not deprivation. Deprivation exists only if the parent is absent from the home **and** the extent of his involvement in providing support and care immediately before and during the assignment constitutes deprivation. If there is a question about whether deprivation exists, the Eligibility Technician should contact the Eligibility Technician IV.

4.6.3 DEPRIVATION BY PARENTAL INCAPACITY

A. INCAPACITY REQUIREMENTS

A child is considered to be deprived of parental support and care by reason of parental incapacity when he is not deprived by reason of a death or continued absence of a natural or adoptive parent, and one or both of the child's parents is incapacitated by a physical or mental defect, illness, or disability.

Incapacity is a cause of deprivation when all the following conditions are met:

1. The child is not deprived by reason of the death or continued absence of a natural or adoptive parent; and
2. One or both of the parents suffer from a physical, emotional and/or mental impairment, defect, illness or loss; and
3. This physical or mental condition is expected to last at least 30 days from the date of receipt of an Application for Medicaid and Title IV-E by an OCS Eligibility Technician; and
4. This physical or mental condition is severe enough so that the child is deprived of parental support or care because:
 - a. The parent who normally has primary care for the physical needs of the child and performs the normal maintenance activities within the home (such as cooking, cleaning, washing, etc.) is totally unable to perform these necessary tasks or is unable to perform them without extensive help from others; and/or
 - b. The parent who normally engages in activities primarily intended to provide the household with means to sustain itself by producing cash income (as an employee, or self-employed person) or by engaging in subsistence activities (such as hunting or fishing) is totally unable to work, is unable to work full-time at regular employment, is incapacitated in such a way that he is able to work but potential employers refuse him employment because of his incapacity, or is unable to continue his usual physical activities to a degree that cannot obtain sufficient subsistence materials to maintain the household; and
 - c. There is competent medical testimony of the nature, extent and expected duration of the incapacity.

Physical or mental incapacity of a parent is not to be confused with employment. The evidence must demonstrate that the **primary** reason for not being able to support the child is the incapacitating physical or mental condition and not the unavailability of employment in the local economy or the unavailability of suitable employment (that is, the type of employment the parent is trained for or normally does).

B. INCAPACITATED PARENT COVERAGE

1. If a child lives with both of his natural or adoptive parents, and one or both of his parents is found to be incapacitated, both parents must be included in the AFDC assistance unit, if they are part of the mandatory filing unit. (See section 4.7.2) An incapacitated stepparent may not be included in the assistance unit as a second adult **unless** he or she is also the natural or adoptive parent of at least one child in the assistance unit.
2. Second parents must meet all the AFDC eligibility requirements, including enumeration, in order to have their needs included in the grant.

3. Budgeting methods for incapacitated cases are the same as budgeting methods for all other AFDC units. Unless one or both is excluded from the assistance unit, the income and resources of both parents must be included and are countable to the entire assistance unit.

C. VERIFICATION OF INCAPACITY

1. **Receipt of SSI, APA, or Social Security Disability**

If a child lives with both natural or adoptive parents and one or both have been determined to be eligible for disability benefits under Supplemental Security Income (SSI), Social Security Disability Retirement (OASDI), Aid to the Blind, or Aid to the Disabled, deprivation of the child due to incapacity is automatically established.

2. **Competent Medical Testimony**

All other incapacity claims must be supported by competent medical testimony. The Eligibility Technician will make the decision on deprivation.

4.6.4 DEPRIVATION BY UNEMPLOYMENT

In a two-parent household, a child is deprived when one or both parents are unemployed. A parent is considered “unemployed” when, regardless of the number of hours actually worked, the household income does not exceed the MAGI Medicaid income standards for the household size (see MAGI Medicaid Income Eligibility Standards in Appendix VI).

4.7 AFDC INCOME/RESOURCE REQUIREMENTS

Although the AFDC program no longer exists, financial eligibility for Title IV-E is still linked with the AFDC program as it was in effect on 7/16/96. All AFDC eligibility determinations made for IV-E eligibility determination purposes are “would-be” AFDC eligibility determinations based on the AFDC rules in effect on 7/16/96. The only change which has been made to the 1996 rules is that effective 12/14/99 the resource limit was increased from \$1,000 to \$10,000. In order to meet the AFDC requirements the child must be determined to be a “dependent child.” The term “dependent child” means a child in need who has been deprived of parental support or care; has been living with a parent or other specified relative in a place maintained as the home of the relative; and has not reached the maximum age designated for program eligibility (see section 4.2).

The following rules and requirements apply for the financial need requirement:

- A. The AFDC income/resource requirements must be met during the month in which a voluntary placement agreement was signed or court proceedings leading to the removal of the child from the home were initiated, i.e. the AFDC month. Court action may be initiated with a petition, memo, or report to the court that asks the court for a judicial determination. If there is no petition, motion, etc that initiated the action, then it must be determined whether the AFDC income/resource requirements are met for the month that the judicial determination was made.
- B. The child must have been removed from the home of a parent or other specified relative and one of the following conditions must exist:
 1. The child lived in the home of the parent or other specified relative from whom removed and would have been AFDC eligible in that home in the AFDC month; or
 2. The child was no longer living in the home of the parent or other specified relative from whom removed, but had been living in that home within any of the six months prior to the AFDC month , and would have been AFDC eligible during the AFDC month had the child still been living there and had application been made.
- C. The following rules must be applied in regards to the date of removal vs. the AFDC month:
 1. If court proceedings were initiated/VPA signed **in the same month as the month in which the child was removed**, the AFDC financial need requirement must be met in the removal home in that month **prior to the removal**. Any familial or economic changes that occur after the child's removal may not be considered.
 - This means that income (including PFD) that is received during that month but **after** the removal is **not** counted.
 - Likewise, only resources that are available in that month, **prior** to the removal, are counted.
 2. If court proceedings were initiated/VPA signed **in the month prior to the removal**, AFDC financial need must be based on the circumstances in the

removal home **for the entire month in which court proceedings were initiated/VPA signed**, and AFDC financial need must be met for the AFDC month.

- This means that all income that is received during that month, and all resources available during that month, must be counted.

3. *If court proceedings were initiated/VPA signed in a month **subsequent to the month the removal occurred**, AFDC financial need must have been met in that home in the AFDC month had the child still been living there. This means that all income that is received during that month, and all resources available during that month, must be counted.*

- D. If the income/resource requirements are met in the month specified in (A) and (C) above, then the child meets the requirements for the entire placement episode. There is no requirement to include AFDC eligibility in Title IV-E redeterminations.
- E. If the income/resource requirements are not met in the month specified in (A) above, then the child is not eligible for IV-E Foster Care for that placement episode.
- F. Redetermination of the AFDC Income/Resource Requirement: Effective 4/1/10, redeterminations of the AFDC income/resource requirement are no longer required. (See "Redeterminations of AFDC Eligibility – Policy in effect until 4/1/10" in Appendix VI).

4.7.1 VERIFICATION OF INCOME AND RESOURCES

These general provisions of verification of income and resources take precedence over suggestions for verification in each of the applicable sections in Chapter 4:

- A. The Eligibility Technician will review the income/assets information provided on the Application for Medicaid and Title IV-E Foster Care form (06-3679), the Parent's Self-Declaration of Income and Resources form (06-9794), the Financial Resources Data Sheet (06-9694), or additional information provided on the petition for custody or other documentation, or entered into ORCA income/assets information.
- B. If the Eligibility Technician did not receive a Parent's Self-Declaration of Income and Resources form, the Eligibility Technician will check the Application for Medicaid and Title IV-E Foster Care form to find out if a Parent's Self-Declaration form was completed. If the Application form indicates that a Self-Declaration form was completed, the Eligibility Technician will contact the child's worker and request the form.
- C. The ET will accept all income/assets information if the Parent's Self-Declaration form was completed by the parent or the child's worker or the child's worker received an oral statement from the parent. **No further verification is required.**
- D. The ET will follow the verification procedures below if the parents refused to provide the income/assets information or the parents cannot be located:
 1. The ET will first check EIS for public assistance support. If the parent/family is receiving ATAP, FS, APA, SSI, IA, etc. the ET will print the CLPM and PRIP screens, the benefit history screen for each program the family is receiving benefits, and Case Notes (CANOs) that provide information about the family's income/assets in the month of petition.
 2. If the family/parent is not receiving public assistance benefits in the month of petition, the ET will email the caseworker and ask how the family was supporting themselves. Based on the worker's response, the ET will use the information for further investigation or as sole documentation of the family's income/support. For example, the child's worker responds the family was staying with relatives or friends who provided support. There is no need for further investigation. The ET will print the email response and file in the documentation section of the eligibility file. If the worker responds that the parent(s) was working, but did not provide the worker with wage amounts, the ET will request additional information from the caseworker. If no information is available, the ET will check DOL, Ingens, NSTAR, etc.
 3. The Eligibility Technician will not count income in the eligibility determination unless it can be verified that the income was actually received. If no information is available from any source, it cannot be verified that income was received. Income can be verified using:
 - parent's statement on a Parent's Self-Declaration form or an oral statement to the child's worker or other OCS staff, or a statement made

in court, that the parent made a **specific amount of money during a specific time period**.

NOTE: Oral statements to OCS staff must be documented by the OCS staff person who received the information from the parent (in an ORCA Activity note, e-mail message, or other written documentation), except that notes by an ET who documents conversation with the worker is also acceptable documentation. Statements in court must also be documented. Rumors and hearsay do not constitute valid documentation.

- information from databases /interfaces
 - hard copy documentation, e.g. pay stubs, police reports, etc.
4. The Eligibility Technician will not make an eligibility determination or deny eligibility based on an assumption that a parent is receiving income. This includes situations where the parent allegedly is involved in illegal activity such as drug use or prostitution, and there is no verification that the parent is actually receiving income from the activity. If it is stated in a police report that a parent was arrested for an illegal activity and money was seized, the ET would consider that money as a resource since the ET would not know during which month the money was received by the parent.
- E. The Eligibility Technician will verify the child's unearned income by checking the SOLQ interface. If the child is 14 years of age or older, the Eligibility Technician will also check the Department of Labor interface.

4.7.2 MANDATORY FILING UNIT (MFU)

4.7.2.1 WHO MUST BE INCLUDED IN THE ASSISTANCE UNIT

- A. The following individuals, if they live in the same household, must have their needs included in the assistance unit (see section 4.7.3.2), **unless they can be excluded for one of the reasons listed in section 4.7.2.3**. They must also have their resources and income counted in determining Title IV-E eligibility in the month of petition:
1. The parent(s) of a dependent child(ren), and
 2. The brothers and sisters of the dependent child(ren) who are themselves dependent children.
- B. When the removal occurs in the petition month:
1. A parent who is not living in the household at the time that the child is physically or constructively removed from the home is not included in the assistance unit unless the parent is temporarily absent from the home because:
 - The parent is hospitalized, the illness is such that a return to the family can be expected, and the parent's responsibility for the child continues; or
 - The parent is absent due to a need for education or training which is not available in the home community, the absent parent intends to return home at the completion of his education or training, and the absent parent is maintaining a home to which he intends to return.
 2. Changes in the household composition that occur **after** the child was removed may not be considered in the eligibility determination.
 3. The child for whom eligibility is determined must **always** be included in the assistance unit. This includes situations where a child is constructively removed and consequently is not living in the household at the time of the removal.
- C. When the removal does not occur in the petition month:
1. The individuals listed under (A) above who are living in the household at the time that the petition was filed must be included in the household unless they can be excluded for one of the reasons listed in section 4.7.2.3
 2. The child for whom eligibility is determined must **always** be included in the assistance unit. This includes situations where the child had already been removed at the time the petition was filed.

4.7.2.2 DEFINITIONS

- A. A **"Dependent Child"** is a child who is:
1. Under 18 years of age, or
 2. Age 18 and enrolled full-time in a high school, GED program, or a vocational or technical training program and expected to graduate or complete the course of study before or during the month of the child's 19th birthday (see section 4.2), **AND**
 3. **Is deprived** of parental support and care (see section 4.6).
- B. A **"Parent"** means anyone of any age who is the natural or adoptive mother or father of the dependent child as defined in section 4.4.1(B). Thus, it is possible to have a parent who may also be a dependent child himself or herself.
- In AFDC-INCAP and AFDC-UP cases (see section 4.6), both natural or adoptive parents must be included in the filing unit, even if they are not married, **unless** one of the parents is excluded for a reason stated in section 4.7.2.3.
- C. **"Brothers and sisters"** means blood-related or adoptive siblings. This includes half-brothers and half-sisters, but excludes stepbrothers and stepsisters.

4.7.2.3 WHO MAY NOT BE INCLUDED IN THE ASSISTANCE UNIT

Certain individuals living in the same home as a dependent child **must be excluded** from the mandatory filing unit:

A. Individuals Excluded - Resources & Income Do Not Count

Individuals whose needs must be excluded and whose **resources and income do not count** in determining eligibility or the amount of the grant. These include:

1. Those who receive SSI or APA benefits (Interim Assistance payments are not considered an APA benefit for mandatory filing unit purposes) An exception to this rule is that if initial IV-E eligibility is determined for a child who is receiving SSI at the time of the removal then the child must be included in the mandatory filing unit. However, the SSI is not counted in the AFDC eligibility determination;
2. The sibling(s) of a dependent child who do(es) not meet AFDC age or deprivation requirements;
3. A relative, other than a parent, with whom the child resides, since the relative is not financially responsible for the child (see section 4.7.5.3).
4. A child and his or her parent whose needs would be included because one parent in the home meets the AFDC-INCAP or AFDC-UP

deprivation criteria, if the addition of the child and his or her second parent causes ineligibility, solely due to excess resources or income, for another child living in the home who is deprived by reason of death or continued absence.

In this situation, eligibility for AFDC-Basic may exist for the child(ren) living in the home who is (are) deprived by death or continued absence **and** for such child(ren)'s parent.

If the parents are married, stepparent resource and income deeming rules apply.

Example #1:

Ms. Smith is the mother of Jane and Dick, whose father is absent. Ms. Smith marries Mr. Jones and they have a child (Mary) together. When making a IV-E eligibility determination for Jane, the ET finds that Mr. Jones' income and/or resources is above the AFDC limit and would make Jane ineligible. The ET therefore excludes Mr. Jones and Mary from the mandatory filing unit, and applies stepparent resource and income deeming.

– Household of three (Ms. Smith (Mrs. Jones), Jane, and Dick); household income: Ms. Smith's income and Mr. Jones deemed income.

Example #2:

Ms. Brown is the mother of Peter and Annie, whose father is absent. Ms. Brown lives with Mr. White (they are not married) and they have a child (Susan) together. Stepparent resource and income deeming does not apply since Ms. Brown and Mr. White are not married. Neither Ms. Brown nor Mr. White is incapacitated. When making a IV-E eligibility determination for Peter or Annie, the ET first reviews Mr. White's' and Ms. Brown's income to determine whether deprivation based on unemployment is met for Susan.

- Scenario #1: *The ET finds that Mr. White's' and Ms. Brown's combined income is above the Family Medicaid limit and since Susan does not meet the deprivation criteria the ET excludes Mr. White and Susan from the mandatory filing unit (based on (A)(2) above).*
 - Household of three (Ms. Brown, Peter, and Annie); household income: only Ms. Brown's income is counted.*
- Scenario #2: *The ET finds that Mr. White's' and Ms. Brown's combined income is below the Family Medicaid limit and since Susan meets the deprivation criteria the ET includes Mr. White and Susan in the mandatory filing unit.*
 - Household of five (Ms. Brown, Peter, Annie, Mr. White, and Susan); household income: both Ms. Brown's and Mr. White's income and resources are counted.*

Example #3:

Mr. and Mrs. Harris are married and living together. They each have one child from previous relationships, and both children are living with them. The ET is determining eligibility for Mrs. Harris' son John. Mr. Harris and

his child are not included in the mandatory filing unit, and stepparent deeming applies.

- Household of two (Mrs. Harris and John); household income: Mrs. Harris' income and Mr. Harris' deemed income.

Example #4:

Ms. Williams and Mr. Green are living together. They each have one child from previous relationships, and both children are living with them. The ET is determining eligibility for Mr. Green's son David. Since Ms. Williams and Mr. Green are not married and do not have a joint child, Ms. Williams and her child are not included in the mandatory filing unit and stepparent deeming rules do not apply.

– Household of two (Mr. Green and David); household income: only Mr. Green's income is counted.

Example #5:

Ms. Jones and Mr. Adams are living together. They have a child (John) together, and they also each have one child from previous relationships (Ms. Jones' son Edward and Mr. Adams' daughter Izabel), and all three children are living with them. Since Ms. Jones and Mr. Adams are not married, stepparent deeming rules do not apply.

The ET first reviews Mr. Adams' and Ms. Jones' income to determine whether deprivation based on unemployment is met for John.

- *Scenario #1:* *The ET finds that deprivation is met for John. This means that this is a household of five and the income and resources of both Ms. Jones and Mr. Adams are counted in the AFDC income/resource determination, regardless of for which of the three children the eligibility determination is made.*
- *Scenario #2:* *The ET finds that deprivation based on unemployment is not met for John, and consequently:*
 - *John, Izabel, and Mr. Adams are excluded from the mandatory filing unit when eligibility is determined for **Edward**, and the household consists of Edward and Ms. Jones (deprivation for Edward is based on absence); or*
 - *John, Edward, and Ms. Jones are excluded from the mandatory filing unit when eligibility is determined for **Izabel**, and the household consists of Izabel and Mr. Adams (deprivation for Izabel is based on absence).*

5. An ineligible alien who is **not** the dependent child's natural or adoptive parent;
6. Any individual who is not eligible for AFDC due to his/her participation in an AFDC case at the time a nonrecurring lump sum payment was received and the excess averaging budget process (see section 4.7.12.12);
7. Any individual for whom State or Title IV-E Foster Care maintenance payments are being paid. NOTE: This applies in situations where deprivation is based on unemployment.

B. Individuals Excluded - Resources And Income Count

Individuals whose needs must be excluded and **whose resources and income must be considered available and count** in determining eligibility and the amount of the grant. These include:

1. An ineligible alien who is the natural or adoptive parent of a child whose needs are included in the assistance unit. This includes parents who are ineligible aliens because they are sponsored by an agency or organization or are over-resource or over-income because of alien-to-sponsor deeming. See sections 4.3.10, 4.7.7.5, and 4.7.12.3;
2. Any individual who would be required to be included in the filing unit but who is not eligible because he or she is serving a period of disqualification because of a JOBS sanction;
3. A caretaker relative who has been found ineligible because they have failed to cooperate with Child Support Enforcement; and
4. A parent who is married to the dependent child's stepparent and who lives in the home when the stepparent owns countable resources such that, if the parent were included in the filing unit, the entire unit would exceed the AFDC resource limit.

All of the exclusions above may be time-limited. When an individual's period of ineligibility ends, eligibility must be re-evaluated to determine if the excluded parent or sibling must be included in the mandatory filing unit.

C. Individuals Excluded - Resources And Income Count

Individuals whose needs must be excluded and **whose resources and income must be considered available and count** in determining eligibility and the amount of the grant. These include:

1. An ineligible alien who is the natural or adoptive parent of a child whose needs are included in the assistance unit. This includes parents who are ineligible aliens because they are sponsored by an agency or organization or are over-resource or over-income because of alien-to-sponsor deeming. See sections 4.3.10, 4.7.7.5, and 4.7.12.3;
2. Any individual who would be required to be included in the filing unit but who is not eligible because he or she is serving a period of disqualification because of a JOBS sanction;
3. A caretaker relative who has been found ineligible because they have failed to cooperate with Child Support Enforcement; and
4. A parent who is married to the dependent child's stepparent and who lives in the home when the stepparent owns countable resources such that, if the parent were included in the filing unit, the entire unit would exceed the AFDC resource limit.

All of the exclusions above may be time-limited. When an individual's period of ineligibility ends, eligibility must be re-evaluated to determine if the excluded parent or sibling must be included in the mandatory filing unit.

4.7.2.4 OTHER MANDATORY FILING UNIT FACTORS

A. Optional Members

The mandatory filing unit is only the minimum allowable filing unit. There may be other people in the household who wish to apply and who would be eligible if they did choose to apply.

These "optional" members of the household are included in the same AFDC application and case.

B. Minor Parent Considerations

Who must be a part of the mandatory filing unit depends, in some living circumstances, on who chooses to apply. For example, if a mother under 18 applies for herself and her child, this minor parent and her child are in the mandatory unit. If this minor parent lives with her parent, and her parent applies, the minor mother is considered to be a dependent child and the mandatory unit consists of the parent and her child. For purposes of the MFU requirement, a minor parent is only considered to be a "parent" if he or she lives apart from his or her parent(s), or if his or her parent(s) are not applying for AFDC for themselves.

4.7.3 FINANCIAL RESPONSIBILITY

4.7.3.1 THE AFDC ECONOMIC UNIT

The determination of financial need involves:

- A. Determining who lives with the dependent child; then
- B. Determining which, if any, of the persons living with the child are legally or financially responsible for him in order to determine if their income and resources are automatically available to him; then
- C. Determining if the child is needy in his own right; then
- D. Determining if any of the other persons in the household are legally or financially responsible for the child's specified relative to determine if their incomes and resources are to be assumed to be available to the specified relative, in order to determine if the specified relative is needy as well as the child.
- E. In determining if financial need exists, legal responsibility takes precedence over the applicant's expression of desire for assistance.
- F. The determination of legal and financial responsibility establishes an AFDC "economic unit" within the dependent child's residence.

4.7.3.2 THE AFDC ASSISTANCE UNIT

- A. The AFDC "assistance unit" consists of the people in the AFDC economic unit who are not otherwise ineligible to receive AFDC benefits. The persons who are required to be included in the assistance unit are specified in section 4.7.2.
- B. An AFDC assistance unit can consist of any number of eligible children of any eligible relationship to the specified relative. It can contain only a child or children, in which case it is called an "ANI-AFDC" case (adult not included). It can contain only one adult and no children (a pregnant woman case or an SSI-child case). It can contain the child(ren) and a needy and otherwise eligible specified relative, in which case it is called an "AI-AFDC" case (adult included). It can contain the child(ren) and two needy parents, but only if the deprivation of at least one child is based on incapacity or unemployment. These cases are called "AFDC-INCAP" (deprivation by reason of incapacity) or "AFDC-UP" (deprivation by reason of unemployment).

AI-AFDC assistance units can only contain one specified relative as an actual recipient of benefits, even if there are other potential eligible specified relatives in the child's home. AFDC-INCAP assistance units and AFDC-UP assistance units are the only AFDC units that can contain two parents.

- D. When a family contains two natural or adoptive parents and one meets the

criteria for being incapacitated or unemployed, both parents are required to be included in the filing unit (see sections 4.7.2) and must, unless excluded due to ineligibility, be included in the assistance unit. A stepparent may not be included in the assistance unit as a second parent unless he or she is the natural or adoptive parent of at least one child in the filing unit.

Note: Legal guardians are not legally responsible for the child and therefore their income should not be counted. If there is a question, seek clarification from the Eligibility Technician IV.

4.7.4 DENIAL OF BENEFITS TO STRIKERS

4.7.4.1 NATURAL OR ADOPTIVE PARENT ON STRIKE

No AFDC eligibility will exist for any household for any month in which a natural or adoptive parent with whom the child is living is, on the last day of that month, taking part in a strike. Since this is a factor of eligibility, it is determined prospectively.

4.7.4.2 OTHER RELATIVES ON STRIKE

Any individual who is **not** a natural or adoptive parent who on the last day of any month is taking part in a strike cannot have his needs included in determining eligibility or the amount of the grant for any household in which he lives.

4.7.4.3 DEFINITIONS

The term "strike" includes any strike or the concerted stoppage of work by employees, including a stoppage because of expiration of a collective bargaining agreement and any concerted slowdown or other concerted interruption of operations by employees. "Concerted" means the person has joined with at least one other individual in the action. The term "participating in a strike" means an actual refusal in concert with others to provide services to one's employers. "Natural or adoptive parent" is self explanatory.

4.7.5 FINANCIAL NEED: RESOURCES

In order to be determined eligible for AFDC benefits, an applying specified relative and his dependent children must be determined to be financially needy. Financial need for a child or family which meets the other eligibility criteria for AFDC exists when both of the following conditions are met:

- A. The total of the available non-exempt resources of the child or family does not exceed the resource limitations established by Federal regulations; and
- B. The net total monthly amount of income available to the child or family does not exceed the assistance standards established by the State.

How to determine if need related to resources exists is discussed in Resource Sections. How to determine if need related to income exists is discussed in the Income Sections after Resources.

4.7.5.1 AVAILABILITY OF A RESOURCE

- A. To be considered as a resource for purposes of determining AFDC eligibility, a resource must be **actually available to meet the needs of the child**. Under this requirement the resource must be in cash or it must be readily convertible to cash.

Property or other normally countable resources may be taken as collateral for a loan. If this is part of a loan agreement, a lien may prevent that resource from being considered as an available resource, or reduce its value by the amount of the lien. Any such condition must be documented in the case file.

- B. In cases in which **real** property appears to have a value (see below) in excess of the resource limit, an applicant may be considered eligible on the factor of resources if he provides verification that:
 - 1. The property is not in fact available because it is jointly owned and the other (non-client) owner will not agree to sell his portion; **OR**
 - 2. The property has uncorrectable legal or physical defects which prevents it being sold.

If either of the requirements above are met, the resource will be considered as unavailable to meet the needs of the applicant's dependent children. It will be considered as exempt as long as any of the conditions are met.

4.7.5.2 RELATIVE RESPONSIBILITY AND RESOURCES

The determination of whether an applicant and/or the dependent children he is applying for are needy with regard to resources is not always a single

determination. It may consist of 4 separate determinations:

- A. What amount of non-exempt resources does the specified relative himself have?
- B. Can the specified relative's non-exempt resources be assumed to be available to the dependent children?
- C. What amount of non-exempt resources do the children being applied for have in their own right? and
- D. Is the total amount of non-exempt resources available to the applying family unit exactly equal to or less than the resource limit?

4.7.5.3RELATIVE RESPONSIBILITY TO CHILDREN

Under Alaska law and federal AFDC regulations, if a child for whom application is made is living with his natural or adoptive parent, all the resources and income available to the parent are considered to be equally available to the child. However, if the child is living with **any other** specified relative, resources belonging to that specified relative are **not** considered available to the child.

4.7.5.4RELATIVE RESPONSIBILITY TO SPOUSE

Under Alaska law and federal AFDC regulations, a legally married husband and wife are mutually legally responsible for each other. This is important to remember in determining the financial need of non-parent specified relatives who are married and living together. For AFDC purposes, all the resources of a husband or wife are automatically considered available to the other spouse they live with.

4.7.5.5DEFINITION OF RESOURCES

A resource is a liquid or non-liquid asset, a property owned or possessed. Resources include the following things:

A. Real Property:

Which means land and permanent attachments to land such as minerals and timber, also structures and improvements erected to and affixed to the land such as houses, barns, garages, etc.

B. Personal Property:

Which means everything owned other than real property. Personal property generally consists of things temporary and movable in nature including household goods, personal effects, savings, stocks, bonds, vehicles, livestock, tools and equipment.

C. Business Property:

Which means any real or personal property owned and used for the purposes of producing income including such things as buildings, equipment, and crops.

4.7.5.6RESOURCE LIMIT

A family or child will not be eligible for Title IV-E Foster Care if they have non-exempt resources in excess of \$10,000. Certain types of real and personal property are "exempt". This means these types of resources are not considered as counting against these resource limits. "Non-exempt" resources are those which must have their value totaled and matched against the \$10,000 limit in order to determine if eligibility exists on the factor of resources. This \$10,000 resource limit can be reached by any combination of the following types of resources:

- A. Cash on hand or deposit;
- B. The equity value of non-exempt cars, boats, and snow machines;
- C. Non-exempt non-cash personal property such as cash or loan value of insurance, value of stocks and bonds, limited entry permits, etc.;
- D. Non-exempt real property other than the home the family lives in and the land the home sits on; and
- E. "Luxury" items, personal or household, such as coin collections.

4.7.5.7DETERMINING VALUE OF NON-EXEMPT RESOURCES

- A. Non-exempt resources are resources which are available to the child and must be considered in determining if Title IV-E eligibility exists on the factor of financial need with regard to resources. The total value of all non-exempt resources cannot exceed \$10,000 or eligibility does not exist.
- B. In determining value of non-exempt resources, the Eligibility Technician will consider all cash on hand or on deposit dollar-for-dollar against the total limit of \$10,000. This is done by adding all amounts of available liquid resources and the cash value of all other non-exempt available resources without rounding cents. If the total is \$10,000.49 or less, the total is within the limit. If the total is \$10,000.50 or more, the total exceeds the limit.
- C. In determining the value of all other available non-exempt resources, both personal and real property, the Eligibility Technician must establish the value of the resource before adding it to other resources and matching it against the limitation (as above regarding rounding). The value of these other resources is defined as the applicant's **equity** in the resource. Equity means that dollar amount which results from subtracting the dollar amount of all legal encumbrances from the total dollar amount of the fair market

value of the property.

- D. Fair market value is determined by checking with realtors, real estate agents, classified advertisement listings, the tax assessor's office, stockbrokers, insurance agents, or other sources as appropriate in order to determine the probable value of the resource if it were to be sold. If the fair market value of a particular resource cannot be determined exactly, the Eligibility Technician may establish its fair market value by determining the value of comparable property which is being offered for sale or which has been recently sold in the vicinity. "Comparability" is a matter involving considerable prudent judgment and estimation. In the case of real property, it requires obtaining many precise details about the property and consulting with a professional about each of these details.
- E. Once fair market value is determined, the total amount of all legal encumbrances, the amounts owed by the property owner on that property, must be established and subtracted from the market value amount. A "legal encumbrance" means any amount owed to another party which can be verified as a legitimate debt. The amount owed on an installment debt is most easily computed by multiplying installment amounts by the number of installments remaining.
- F. Verification: Fair market value and encumbrances must be verified.

4.7.5.8 DETERMINING VALUE OF JOINTLY HELD RESOURCES

This section does not apply to resources owned jointly by combined AFDC and SSI/APA households. (See section 4.7.7.7.) Also it does not apply to joint bank accounts. (See section 4.7.6.6.) Jointly owned resources must be treated by the following principles:

- A. If the joint owners are man and wife, legally married spouses, and they live together, the resources belong equally and totally to each.
- B. If the joint owners are legally married and not residing together, the question of availability is raised. Jointly owned property cannot be sold unless both the parents can be located and agree to sell. Property owned by an applicant and an absent spouse will be considered an **exempt** resource if the absent spouse cannot be located or if he can be located, and he states that he will not sell the property.
- C. Resources jointly owned by an applicant and any other person not the applicant's spouse will be considered to be a countable resource only if the other person can be located **and** states he is willing to dispose of the property at no direct cost to the applicant.

4.7.5.9 ONE DAY - ONE MONTH PRINCIPLE

The "one day-one month" principle applies to resources. If, on any single day of a

calendar month, a family unit meets the resource requirements, it is resource eligible for the entire month.

4.7.6 COUNTABLE RESOURCES

4.7.6.1 REAL PROPERTY

All real property which is not the home, for sale or unsalable, jointly owned with an absent or non-agreeing co-owner, or otherwise exempt, will be counted against the resource limitation. The amount to be considered will be the owner's equity, which is defined as fair market value less legal encumbrances.

4.7.6.2 CASH ON HAND AND OTHER LIQUID RESOURCES

All cash on hand and other liquid resources (such as stocks and bonds and other items readily convertible to cash) which belong to the dependent child and/or his legal or adoptive parent residing with him and which are not otherwise exempt will be counted against the resource limit. Cash-on-hand or on deposit will be counted against the limit and all other liquid property will be counted against the limit. (See Verification of income and Resources, section 4.7.1)

4.7.6.3 LUXURY ITEMS

The equity value of "luxury items", household goods and personal affects not essential to day-to-day life, count as non-exempt resources. Unless an applicant or recipient states otherwise, or there is other clear evidence to the contrary, the Eligibility Technician will assume that the client has no luxury items with high enough value to affect eligibility. Luxury items that may count against the resource limit are defined as any household item that has a face value of \$1,000 or more and in the prudent judgment of the Eligibility Technician is not essential to day-to-day living. These qualifications are best defined by examples:

- A. Entertainment devices such as stereo sets, personal computers or video games, TVs, musical instruments, chess sets, home movie or still cameras, model train layouts, etc. are automatically excluded on the grounds that entertainment is an essential part of day-to-day life. Most entertainment items have value consistent with usage and most such items tend to have fairly high new purchase prices but proportionally very low resale or equity value.
- B. Items of personal apparel of unusual value must be considered almost exclusively by usage and "essentialness".
- C. Antique household furniture that is not stored away may be excluded by assuming it is performing the daily function of similar non-valuable furniture. Family silver, samovars, or other rare-metal service items are excluded if they are being used a frequency appropriate to their original purpose.

- D. Any set of items that common definition would call a "collection" that has a face value of over \$1,000 will count as a resource. It is not essential to day-to-day life and is not primarily used for entertainment. Examples include collections of guns, stamps, coins, baseball trading cards, matchbook covers, moustache cups, china plates, Avon bottles, antique toys, etc.
- E. Religious articles such as religious jewelry, prompt books or Bibles, crucifixes, or Russian Orthodox iconographics are exempt.
- F. New or antique jewelry over \$1,000 face value is exempt only if it is habitually worn-daily or almost every day.
- G. Decorative objects of art such as paintings, statuary, blankets, masks, carvings, etc. are only exempt if they were made by a person whose relationship to the AFDC client would qualify as an AFDC specified relative, or the item(s) has an important cultural significance to a client's clan, village, ethnic, or racial community such that the client is in effect standing as caretaker or agent of the community and is not free to dispose of the item without suffering personal or social consequences for violating established written or unwritten laws or rules.

4.7.6.4STOCKS, BONDS, AND SECURITIES

- A. All bonds (United States Government savings bonds or treasury notes, municipal or government bonds, or corporate bonds), all stocks (common or preferred shares of business organizations) and securities which are not otherwise exempt will be counted against the resource limit.
- B. The value will be the current market value less any legal encumbrances. Stocks and certain types of bonds fluctuate in market value daily. In determining the value of such holdings, the Eligibility Technician should use the **lowest** market quotation of the 30 day period preceding the date of the eligibility determination. If a sum is charged to sell a stock, bond or security, this fee is considered a legal encumbrance. It is subtracted from the gross quotation.
- C. Not all stocks and bonds are automatically salable. The nature of an encumbrance against them may prohibit their sale, in which case they are not available and cannot be counted. Trading in certain stocks and bonds may be suspended for a period of time, or certain stocks in smaller companies may be technically salable but lack any buyers at a fair market value. Availability principles apply.

4.7.6.5CASH VALUE OF INSURANCES (NON-EXEMPT)

Life insurance policies, burial insurance policies, and prepaid burial contracts which are not otherwise exempt will be counted against the resource limit.

The value of such policies is determined by subtracting the total dollar amount of all legal encumbrances against the policy (such as loans made against the policy or policy termination penalties) from the refund dollar value of the policy or contract. Use the value as of the date of the AFDC eligibility determination. The cash surrender value may not be the same amount as the "face value" of an insurance policy.

4.7.6.6JOINT BANK ACCOUNTS

- A. If the holders of a joint bank account (checking, savings, or "share" accounts) are legally married and living together, the balance on the account becomes equally and totally to each person. This is true regardless of whether the joint account requires any one signature to withdraw (an "or" account) or both signatures (an "and" account).
- B. If the holders of a joint account are legally married but not living together:
 - 1. An "and" account balance will not be considered an available resource if the absent spouse can't be located, or can be located but refuses to sign joint withdrawals;
 - 2. An "or" account balance is considered totally available regardless of the absent spouse's locatability or intention.
- C. If the holders of a joint account are not legally married:
 - 1. And the other signer on an "and" account can't be located, or can be and refuses to sign joint withdrawals, the balance will be considered an unavailable resource;
 - 2. And the account is an "or" account, the balance will be considered an available AFDC resource without regard to the locatability or intent of the other signer, except in situations listed in section D. below and in section 4.7.7.3.
- D. Bank accounts on which an applicant has signature authority but which the applicant does not **own**, in whole or in part, are totally unavailable and exempt. Prudent judgment should be used in determining ownership, considering the source of the funds, the stated intent of the parties named on the account, and the actual use, if any, to which the funds have been put. (See also section 4.7.7.3.)
- E. Deposits made into a joint account may also be considered as available income in the month the deposit is made; see sections 4.7.9.1 and 4.7.9.2.

4.7.6.7TRUST FUNDS

- A. A trust fund is created when a person transfers real or personal property to a trustee to be distributed at a later date, together with any income the

property generates to a designated beneficiary. The property which is held in trust is protected by the trust from both the person who established the trust and the designated beneficiary until the condition of the trust has been fulfilled.

If the person who established the trust is also the sole beneficiary of the trust and is not legally incapacitated, he can terminate the trust at any time even if the purpose for which it is established is not fulfilled. Trusts set up in this fashion will be considered available resources. They will also be considered non-exempt resources, **if** the applicant is not legally incapacitated and is the legally responsible natural or adoptive parent of the children for whom AFDC assistance is being sought.

- B. All other trust situations not noted above must be individually examined to determine if they are available and if they are exempt or non-exempt. Examination is done by viewing the trust documents and contacting the persons who established the trust or who serve as trustees. These other trusts will be considered available and non-exempt resources if:
 - 1. The conditions of the trust grant the power to terminate or modify the trust and release the property to the applicant and/or the AFDC children; and
 - 2. That power to so modify or terminate is granted solely to one or both of the following persons:
 - a. The natural or adoptive applying parent of the children, and/or
 - b. Another relative or non-related person who can be contacted and who states he is willing to modify or terminate the trust.
 - 3. All trusts determined to be non-exempt must have value verified by obtaining a copy of the trust document and the related documents necessary to determine the net worth of the trust.
- C. Alaska Permanent Fund Dividends held in trust by the State for children in the legal custody of OCS are not available to meet the needs of the child for whom they are held, nor to any family with whom the child lives. The interest which accrues on the balance held in trust is similarly unavailable. Such funds become available, and are subject to treatment as countable resources, only when they are actually released to the child or to the child's parent or legal guardian, or released to OCS or a foster parent based on a court order while a child is in OCS custody and in an out-of-home placement.

Upon release, the funds from the trust are converted from an unavailable to an available resource. Deposits of dividend payments and postings of accrued interest into these accounts do not usually generate income to the client; the only circumstances under which such deposits or interest are treated as available income is when they are posted to the account in the

same month that the funds are released to the child, parent, or legal guardian.

Funds held in PFD trusts may be released by OCS upon the child's release from legal custody, or by court order.

4.7.6.8 PERMANENT FUND DIVIDENDS

Retained Permanent Fund Dividends (PFD) monies count as a resource (see 4.7.6.7(C) above).

4.7.6.9 MOTOR VEHICLES

The first \$1500 in equity of one "motor vehicle" is excluded as a resource. Any excess equity value over \$1,500 counts toward the \$10,000 resource limit, unless the vehicle can be exempted for one of the reasons listed in A. below.

A. Exemptions

A vehicle may be totally exempt and excluded as a resource if it is:

1. Used as the family's home (see section 4.7.8.1), **OR**
2. Essential to producing self-employment income and it is producing self-employment income (see section 4.7.8.4).

Note: *Subsistence use **is not** considered self-employment and this exemption does not apply to vehicles used for subsistence purposes.*

B. Definitions

1. Definition of a Motor Vehicle

A motor vehicle is any passenger car or other motorized vehicle used to provide transportation of persons or goods. This includes cars, trucks, RV's, boats, snow machines, ATV's, motorcycles, airplanes, or other motor vehicles.

"Motor vehicle" **does not** include pickup "shells" or "campers" designed to be mounted on cars or trucks, whether or not they are actually mounted on the vehicle.

2. Fair Market Value (FMV)

Fair market value is the price the vehicle would sell for in its current condition in the community where it is located.

3. Equity Value

Equity value is the fair market value of the vehicle, less any debt or other legal encumbrance on the vehicle.

C. Determining Fair Market Value (FMV)

1. The NADA Appraisal Guides

The FMV of a vehicle is determined by using the NADA Appraisal Guides on the Internet at <http://www.NADAguides.com> which records prices of used vehicles. See 4.7.6.9(C)(5) for procedures for using the web site.

The FMV is the NADA Appraisal Guides' wholesale value for the appropriate **base model**. Do not increase the value of the base model by adding on for optional equipment such as mag wheels or low mileage, or special equipment for transporting handicapped persons.

2. Vehicles Listed in NADA Appraisal Guides, in Less Than Average Condition

If the client believes a vehicle is worth less than the NADA Appraisal Guides value, the client may acquire verification of the true value from a reliable source, such as an appraisal from a car dealer. If the client is unable to provide a formal appraisal, the Eligibility Technician will accept a reasonable, alternative form of verification.

3. Vehicle Not Listed In NADA Appraisal Guides

If a vehicle is not listed in the NADA Appraisal Guides, the client's estimate of the value is generally accepted.

If, however, the Eligibility Technician believes the value stated by the client is incorrect **AND** it appears that the value of the vehicle will affect the household's eligibility, the Eligibility Technician may require the client to provide verification of the value of the vehicle.

4. Vehicles in Remote Areas

Severe conditions, weather, and terrain in some remote areas make dependability of recreational type vehicles a matter of life or death. Used vehicles that might be salable very quickly as recreational devices in urban Alaska, such as boats, snow machines, ATVs, may not be salable at all in remote villages.

The need for reliability in such situations affects the value of vehicles. It does **not** make such vehicles exempt from consideration as a resource, but it may result in a determination that a vehicle has no market value in the community.

Eligibility Technicians will make fair market and/or equity value

determinations for vehicles in remote areas based on:

- The local market conditions and circumstances which exist in the community, including the presence or absence of a significant cash economy. How much would the vehicle sell for as is, where is? What are other vehicles of its type selling for in the community?, and
- Accessibility of parts and/or repair service, and
- Information provided by the client.

If the ET determines that a vehicle is not salable in the community, it remains a countable resource with a FMV of zero.

5. Procedures for Using the NADA Web Site

Find the fair market value of countable vehicles by using the NADA Appraisal Guides at www.NADAguides.com.

- On the web site, click on the appropriate selection – Automobiles, Classic Cars, Motorcycles, Boats, Recreational Vehicles, or Aircraft.
- If prompted, enter the local zip code and click on the SUBMIT button.
- When prompted, select a Category, Make, Year, and Model.
- If prompted to enter mileage or optional equipment, leave blank.
- Click on the “Get Pricing Report” or “Get Price” button.

The fair market value is the base amount quoted as “Average Trade-in” or “Low Retail”.

The actual prompts may differ depending on the category of vehicle selected.

D. Determining Equity Value

To determine the equity value of a motor vehicle, subtract from the fair market value the amount of any debt or legal encumbrance on the vehicle.

Note: The equity value of a vehicle may increase as the amount owing on the vehicle is reduced. The case must be monitored carefully and the EIS resource screen (VEHI) updated as the equity value of the vehicle changes.

E. \$1500 Equity Value Exclusion

The \$1500 equity value exclusion can be applied to only one motor vehicle. If the equity value in the vehicle to which the \$1500 exclusion is applied exceeds \$1,500, the excess counts toward the resource limit.

F. When Two or More Vehicles Are Owned

If more than 1 motor vehicle is owned, apply the \$1500 exclusion to the motor vehicle with the highest equity value. Count any excess equity value as a resource.

Total the equity value of the other vehicle(s) and add it to any excess equity value of the first vehicle. Apply that total against the \$10,000 resource limit.

G. Verification

1. Ownership

The client's statement regarding the number of vehicles owned, ownership status, and availability is acceptable unless questionable. Jointly owned vehicles are treated like other joint resources.

If questionable, ownership must be verified. Possible sources of verification include a bill of sale or a DMV record that identifies the owner.

2. Fair Market Value

Acceptable evidence for establishing a vehicle's FMV includes:

- NADA Appraisal Guides value,
- Appraisal from a local dealer,
- Local newspaper ads, community bulletin boards and or other local advertisements giving the selling price for similar vehicles,
- In remote areas, collateral contacts from a disinterested knowledgeable source (such as a bank, village council, store owner, merchant or dealer),
- Other reasonable forms of verification.

3. Amount Owed on a Vehicle

If the equity value of a vehicle will affect resource eligibility, the amount of debt or legal encumbrance on the vehicle, if any, must be verified. Acceptable evidence includes: a statement of the amount owing from the lien holder, or other reasonable evidence of the current debt on the vehicle.

H. Documentation

The case record must be documented to show how the Eligibility Technician determined the value of each non-excluded vehicle.

4.7.7 SPECIAL RESOURCE PROVISIONS

4.7.7.1 LUMP SUM PAYMENTS

AFDC clients may occasionally receive a "lump sum" payment, such as a large termination paycheck, insurance policy cash-in, retroactive Social Security benefits, inheritances, etc. These are usually treated as income in the month of receipt, but certain types of these payments may be treated as income for some months after the month of receipt. See the Income Sections. Any lump sum not treated as income will be treated as a resource in the month following the month of receipt.

A. Insurance Settlements

All insurance settlements count as income. Any amounts of any settlement that are designated for resource replacement, burial and funeral expenses, or medical bills that are actually expended for those purposes prior to the excess averaging determination are disregarded, and any remaining amounts will be excess averaged (see section 4.7.12.12). Amounts retained after excess averaging is applied will be counted as a resource.

In effect, this means that the recipient of an insurance settlement usually has no longer than 30 days after receipt to expend all designated funds on the purposes for which they are designated. Eligibility Technicians should advise applicants and recipients to do so quickly, to minimize harm from excess averaging, and should, where possible, delay the excess averaging determination to the latest possible date to allow the client the maximum time to replace lost items, pay bills, etc.

B. Personal Injury Awards, Worker Compensation Awards, and Violent Crimes Compensation Payments

Personal injury awards, worker compensation awards, and Violent Crimes Compensation payments are treated like insurance settlements, above. They must be counted as income in the month of receipt. Excess averaging applies to these types of income (See section 4.7.12.12.)

However, any portion of such payment that is actually used for the purposes for which it is paid is disregarded from income and subtracted from the total payment before excess averaging is applied. Any amounts retained after the month of receipt, or after return to open AFDC status when the excess averaging period of ineligibility has expired, will count as a resource. This is true even if the stated purpose for retaining a portion of the original payment is to expend it for the purpose for which it was paid.

4.7.7.2 CONVERSION OR SALE OF A RESOURCE

- A. Conversion or sale of a resource occurs when a resource of any form is exchanged for a resource of another form (i.e., a liquid resource exchanged

for a non-liquid resource or vice versa). Conversion would also occur by exchanging a non-liquid resource for another non-liquid resource (e.g., an individual may trade an automobile for a pick up truck). Any conversion or sale of a resource does not represent income to the recipient. For example, an individual may have an automobile (non-liquid resource) which he sells for \$300 (liquid resource), or he may have \$300 which he uses to purchase an automobile. In either case, the conversion or sale does not result in income to the recipient. The newly acquired item (whether liquid or non-liquid in nature) is a resource subject to all the resource criteria for continuing eligibility.

- B. "Refunds" or "reimbursements" often appear to produce countable income. However, they may in fact be conversion of resources situations, and the resulting production of cash should be counted only as liquid resources, not as income. This is true whether or not the resource being converted was available and not exempt. Examples of this kind of conversion include:
1. Refund of a rent deposit or rental cleaning deposit. This is an unavailable, uncounted liquid resource that is converted to an available liquid resource when the individual moves.
 2. A piece of merchandise is returned in exchange for refund of the purchase price.
 3. Money paid out for a repair is later refunded by the manufacturer under product warranty provisions.
 4. A person receives a federal or state income tax refund.
 5. An employer reimburses an employee for out-of-pocket expenses related to work.
 6. A person not of retirement age cashes in their paid-up entitlement to a past employer's retirement fund.

4.7.7.3 "PAYEE" ARRANGEMENTS

- A. An AFDC applicant or recipient may be serving as a formal or informal agent, trustee, payee, or financial guardian for another person. Examples of such arrangements include:
1. A client who cashes a severely disabled relative's assistance checks and spends the cash to meet that person's necessities;
 2. An urban client who occasionally receives cash or a money order from a friend who lives in a remote area and needs an intermediary to purchase supplies on his behalf;
 3. A client who has been given signature authority on an institutionalized relative's bank account; or

4. A client accepts a roommate's share of the rent and passes it on to their landlord.

Such arrangements may involve a joint bank account, signature authority, deposits of the non-client's funds into a singly-held account, or simply a hand or mail transfer of cash.

- B. These funds will not count as an AFDC available resource, or as available AFDC income, to the extent that the client can demonstrate that he or she merely passes through the monies, and that they are not used for support of the assistance unit. Prudent judgment will be required in determining whether all or part of such monies can be exempted, as the often-informal nature of many payee arrangements makes documentary proof hard to obtain.

4.7.7.4 RESOURCES OF STEPPARENTS

- A. The resources of a person who legally marries the natural or adoptive parent of a child are not considered available to the child, even if the child and his stepparent live in the same house or the stepparent has assumed the responsibilities of a natural parent, or he has claimed the child as a deduction or exemption for income tax purposes.
- B. However, if the stepparent is the spouse of the natural parent, and if both are living together, all of their separate resources are considered available to each one of them. (Jointly held liquid resources are discussed separately in sections 4.7.5.8 and 4.7.6.6.) If a natural parent and children assistance unit is over resources because the resources of the included adult's spouse are available to the stepchildren, the unit's resource eligibility should be determined leaving out the natural parent. This will exclude the stepparent's resources.
- C. Federal regulations require that portions of the income of a stepparent be considered available to his stepchildren. A stepparent's income is therefore treated differently from his resources, but the exclusion process above can be used to make the stepchildren resource-eligible.

4.7.7.5 RESOURCES OF ALIEN SPONSORS

- A. When aliens legally sponsored and lawfully admitted into the United States or granted color of law status before March 31, 1981 (excluding all Indo-Chinese refugees, some Haitian and some Cubans) apply for AFDC benefits, the sponsor's resources and income must be deemed available to meet the alien's needs for a period of 3 years after entry into the United States. This applies only to aliens who first apply for AFDC after September 30, 1981. It does not apply to aliens who are dependent children of the sponsor or the spouse of the sponsor.

- B. A **"sponsor"** is defined as an individual or individuals, **not** an organization, who agreed to support (by affidavit or similar agreement) an alien as a condition of the alien's entry into the United States. Sponsorship does not stop for AFDC purposes even if a sponsor withdraws his support officially with the Immigration and Naturalization Services (INS). Income and sources of sponsors receiving Supplemental Security Income (SSI) or AFDC are not considered available to an alien.
- C. Resources deemed available to the alien from the sponsor are the total available resources of the sponsor determined as if the sponsor were applying for AFDC less \$1,500 (**not** \$1,000).
- D. In any case where an individual is the sponsor of 2 or more aliens, the income and resources of the sponsor (and the sponsor's spouse, if living with the sponsor) which would otherwise be deemed the income and resources of an alien, would be equally divided between or among the aliens.

4.7.7.6EMPLOYMENT RELATED FUNDS

- A. Most types of pension or retirement funds are exempt resources for in order to be available to meet the needs of an AFDC child, the employed parent would have to be of retirement age or terminate his employment to obtain the funds as cash.
- B. However, IRA and KEOGH accounts are **not exempt**. Since money may be both deposited and withdrawn from most IRA and KEOGH accounts at will and is available to the household, the essential elements of a pension are absent. Such accounts should be considered non-exempt and counted against the resource limitation unless they are otherwise exempt.
- C. The amounts deposited in any type of payroll-related "deferred compensation" plan offered by many large employers (including the State of Alaska) are nonexempt if they are available and not otherwise exempt. To be considered available, the applicant must be able to withdraw these sums without cost or penalty within 30 days of his request.

4.7.7.7APA-SSI-AFDC HOUSEHOLDS

- A. Resources of APA/SSI Recipients Are Disregarded

All resources of any person who is actually receiving Adult Public Assistance (APA), and/or Supplemental Security Income (SSI) benefits and who is living in the home of an AFDC applicant child with or without another specified relative and who is considered legally responsible for either the child or the other specified relative will be **disregarded** in determining the AFDC eligibility of the other family members. For AFDC purposes, **Interim Assistance payments are not considered an APA benefit.**

B. AFDC Households With Potential APA/SSI Eligibility

If APA or SSI eligibility is expected or it has been established but no payments are yet being received by an AFDC household member, AFDC eligibility regarding resources will be determined using normal policies and procedures. The resources of the potential APA/SSI member will be determined as available to the AFDC household under normal policies.

C. APA/SSI Households With Potential AFDC Eligibility

If APA or SSI has already determined a household member to be eligible, the Eligibility Technician must exclude from the AFDC determination all resources APA (not Interim Assistance) or SSI included in determining APA/SSI eligibility, but prorate all jointly held resources as detailed above.

In most cases, the only resources that will be of concern in determining AFDC eligibility will be those that are available, not exempt, and jointly owned by the AFDC applicant or recipient and the APA/SSI recipient. In such cases, the equity value of the resource is prorated.

4.7.7.8 LAND, STOCK, AND PAYMENTS MADE TO NATIVE AMERICANS

The Federal Alaska Native Claims Settlement Act (ANCSA) (Public Law 93-203) conveyed certain real and personal property rights and settlements to most Alaska Native persons (those of one-quarter (1/4) or more Native blood, i. e., Eskimo, Aleut, Athabascan, Tlingit or Haida). Under ANCSA, Native people, children as well as adults, may have received stock in Native corporations, ownership either jointly and with others of land, and occasional cash payments of varying amounts.

A. ANCSA Distributions

Land and stock distributions made by ANCSA corporations are disregarded as resources. The first \$2,000 per individual per calendar year of retained cash payments made by an ANCSA corporation (village or regional) is also excluded from consideration as a resource.

Interest or other earnings from the investment or deposit of excluded ANCSA funds are not exempt. (See section 4.7.12.10.)

If a parent has entered information about received native corporation payments on the Parent's Self-Declaration form, the Eligibility Technician will include the information in the eligibility determination. An Eligibility Technician will not assume that a parent or child has received a payment based solely on a public announcement that a dividend is being paid by a corporation where a parent or child is a shareholder.

B. Verification

ANCSA monies on deposit must be identifiable in order to be exempt.

Separate account is the preferred method of maintaining identifiability, but is not mandatory. Unless questionable, verification of the source of funds represented as retained ANCSA monies is unnecessary.

Verification that stock, land, or monies on deposit is from ANCSA need not be done unless there is good reason to doubt the client's statement.

C. Native Restricted Land

Certain Native peoples may hold land either individually within a rural area or community, or jointly with their tribe or other peoples in their village. If these lands are classified as "Native Restricted Deeds", meaning they cannot be sold without approval of the Bureau of Indian Affairs, they will be considered as exempt. **Verification** of this status is required. Any house permanently attached to Restricted Deed land is exempt, even if it is not used as the home. If such a house is rented, the rental income will count for AFDC purposes.

D. Per Capita Payments

Funds held in trust by the Secretary of the Interior for an Indian tribe and distributed on a per capita basis to members of that tribe are excluded as resources. These distributions may be made by the Secretary of the Interior or by the tribe itself. In Alaska, the only reported distribution of this type has been from the Metlakatla Indian Community.

4.7.8 EXCLUDED RESOURCES

The following sections list exempt resources which are sometimes wholly or sometimes partially exempt. They also discuss certain non-exempt resources that are special in some AFDC-related way. These sections are not intended to list all possible resources clients may have. They do, however, list all resources which can be considered exempt. Unless a resource is listed here as wholly or partially exempt, **it will be considered non-exempt**. Any non-exempt resource may not count in determining resource eligibility if it is unavailable to meet the needs of the AFDC applicant or recipient.

4.7.8.1 THE HOME IN WHICH THE FAMILY RESIDES

The home which is the residence of the applicant or recipient and the land upon which it is situated are both exempt regardless of their value. A home may be permanently affixed to the land, or it may be merely situated on it, as with a mobile home. The home includes related structures such as a garage, tool shed, outhouse, or lean-to.

In order to be exempt, the land that the home is located upon must be a single legally-described piece of property. (Normally, granting an easement or a public or private right-of-way through a single legally-described piece of land does not change the legal description.)

Except for certain houses on Native "Restricted Deed" lands (section 4.7.7.8), all income-producing property counts as resources, unless the property is the home and the single piece of land upon which the home is located.

4.7.8.2 BURIAL PLOTS AND FUNERAL AGREEMENTS

- A. One burial plot for each assistance unit member is an exempt resource, regardless of location, sale-ability, or equity value. "Burial plot" includes a parcel of ground located in a private or public cemetery suitable for the burial of one person, a vault in a mausoleum, a one-person mausoleum or crypt, a niche in a columbarium or a cinerarium, and it includes any markers and maintenance which are conveyed as a natural benefit of ownership.
- B. In addition, the equity value of funeral agreements is excluded up to \$1500 per assistance unit member. Equity value in excess of \$1500 per member counts against the resource limit. The term "funeral agreement" means a legally binding written agreement between the client and a provider of funeral and/or burial or cremation services and goods which provides for prepayment of services to be provided upon death, and includes agreements called "burial contracts" or burial or funeral "trusts".

This \$1500 exclusion is given regardless of whether the equity value of the agreement is salable or transferable, regardless of what services or goods are included in or excluded from the agreement, and regardless of the terms of prepayment.

- C. Burial plots and funeral agreements are rarely encountered in AFDC assistance units. The ET need make no special effort to discover if they exist. If the client volunteers their existence, there is no need to request verification unless there is reason to doubt the client's explanation of details.

4.7.8.3 PERSONAL EFFECTS AND HOUSEHOLD GOODS

Basic items of personal effects and household goods, those which are essential to day-to-day living, are exempt. Luxury items which are not essential to daily life may count against the resource limit. (See Luxury Items, section 4.7.6.3.)

4.7.8.4 ITEMS OF EMPLOYMENT

- A. Tools

Tools and light or farm machinery are exempt as personal effects. Tools required by a school as a condition of enrollment and tools required by an employer as a condition of employment are also exempt as personal property.

- B. Stock and Inventory

Stock and Inventory essential to the production of self-employment income may also be exempt resources, "Stock and Inventory" includes all items necessary to produce gross self-employment income, including fishnets, traps, "motor vehicles" (including fishing boats), and Limited Entry Fishing Permits.

In order to be exempt, such items must be used primarily for income producing purposes. They must also be actually producing income.

- C. Definition Of Producing Income

- 1. "Producing Income" for all self-employed persons:

Means producing gross self-employment income (before any business deductions are given) for a person whose needs are included in the assistance unit or for a person whose net countable income, if any remains after deductions, would be deemed available to the unit.

- 2. "Producing Income" for seasonally self-employed persons:

Means producing income now, or produced income last season and is expected to do so next season.

3. Short-term exception:

A short-term exception may be made in unusual circumstances where the client was prevented from producing by reasons beyond his or her control (such as illness, fisheries closure, strike, or machinery breakdown).

D. Items on Consignment

It is common to encounter situations in which a client carves ivory or makes other items, which he or she then places "on consignment" with one or more retail merchants. If and when an item sells, the client then receives payment from the merchant.

Obviously, there may be one or more months each year in which no sales are made. The "stock and inventory" should be disregarded during such no-income periods, as long as it is actually on consignment and up for sale.

E. Stock and Inventory For Sale

A similar exception may be made for regular stock and inventory not on consignment. If the stock and inventory is actually for sale, offered as part of a legitimate business, it can be considered as exempt resources in any month in which, for reasons beyond the control of the client, there is no gross self-employment income.

4.7.8.5 OTHER EXCLUSIONS

Monies retained from receipt of bona fide loans, restitution payments, or disaster relief funds (as specified in the Income section of this manual) are disregarded as resources. In order to maintain this exclusion, the retained portion of any such funds must be kept identifiable. A separate bank account is the preferred method of maintaining identifiability, but is not mandatory. A client may satisfy the requirement of identifiability by providing reasonable documentation of the amount retained. Verification that monies on deposit are retained from bona fide loans, restitution payments, or disaster relief funds need not be done unless there is good reason to question the source of the funds.

4.7.9 FINANCIAL NEED: INCOME

The determination of whether financial need exists consists of 3 separate but related processes:

1. Determining if an applying specified relative and/or his dependent children have available non-exempt resources that do not exceed the state established resource standards; and if they pass,
2. Determining if these same persons have a total monthly available income, which, after certain amounts (disregards and deductions) are subtracted from this amount, does not exceed the state established 185% Eligibility Standard appropriate to their AFDC family size and type; and if they pass,
3. Determining if these persons' available income after disregards and deductions does not exceed the AFDC "need standard" for their family size and type.

If these determinations show the AFDC "assistance unit" is eligible and it meets all the other AFDC eligibility factors, it is then eligible to receive AFDC benefits.

4.7.9.1 AVAILABILITY OF INCOME

A. Monthly Income

Initially, all the incomes of the applying household must be considered, regardless of their sources or types. In order to be considered as income, monies received by an applying specified relative and the dependent children for whom he is applying must be available to meet their needs in the calendar month for which need on the basis of income is being determined.

B. Income Assumed To Be Available

Availability is measured first in terms of the dependent children, secondly in terms of the specified relative. Availability may be **actual** or **assumed**. Conditions of assumed availability are:

1. Any monies (except for ATAP, TANF, APA, NFAP (Native Family Assistance Payments), or SSI income) received by a natural or adoptive parent who resides with his ATAP, TANF child(ren) are assumed to be totally available to the applying child(ren).
2. Any monies received by any legally married person are assumed to be totally available to the person's spouse if the couple is living together.
3. Portions of any earned or unearned income of a legally married stepparent are assumed to be available to meet the needs of the spouse and stepchild(ren), if the stepparent resides with the applying household. This is true as long as a stepparent does not

receive SSI, APA, ATAP, or TANF income.

4. Deposits made in joint ("or") accounts owned by an ATAP or TANF applicant or recipient adult or child and any other person inside or outside the household are considered as available income in the month of receipt. Ownership will be determined in accordance with sections 4.7.5.8 and 4.7.6.6.
5. Portions of the income and resources of sponsors of certain legal aliens are assumed available for 3 years after the alien enters the United States. This assumption applies to aliens admitted before March 31, 1981 who apply for AFDC, ATAP, or TANF after September 30, 1981. It does not apply to Indochinese refugees or to certain Haitian and Cuban refugees. This assumption of availability applies even if the sponsor agreement is revoked.
6. Payments made to a third party on behalf of a member of the AFDC economic unit are considered to be income to the unit member if that member is able, without penalty, to redirect that the payments come directly to himself or herself.
7. "Lump Sum Non-Recurring Income" is considered as available income, even though it may have been received only once in a past month. (See section 4.7.12.12.)

C. Income From Outside The Economic Unit

Any person not held legally or financially responsible for any applicant family members is not a member of the economic unit. His income is disregarded even if he uses all or part of his money to purchase items for members of the AFDC unit. However, any direct cash contribution he makes to anyone in the economic unit is counted.

D. Definition of Total Gross Monthly Income

"Total gross monthly income" means the total of the gross monthly earned incomes and the gross monthly unearned incomes of all persons in the assistance unit.

E. Garnishments and Recoupments

A garnishment is the withholding of funds from an income source due to an outstanding debt a person is legally obligated to pay. Garnishments are always made by direction of a court order and are **not** excluded in determining the gross countable income from any source.

Recoupments are funds withheld from a benefit program voluntarily or involuntarily, and are used to repay a prior overpayment from that same income source. The countable income amount from any benefit source is reduced by any amount withheld for recoupment.

The amount and the reason for withholding of funds from any source must

be verified in order to determine if the funds were withheld due to a garnishment or a recoupment.

4.7.9.2 TYPES OF INCOME

While there are many sources of income, all income is separated into 2 types for AFDC purposes: **earned** and **unearned**.

A. Earned Income

Earned Income for employees means:

Income earned in cash or in kind from the receipt of wages, salary or commissions in exchange for the performance of services by the employee. It includes payments made at one time for services performed over a long period of time. The term earned income means the total or gross amount of payment, excluding the amounts of certain deductions for the personal or non-personal expenses of earning the income.

Earned Income for self-employed people means:

The amount earned by the obtaining, producing, or purchasing of goods or services **after** all the allowable, non-personal costs (business expenses) of earnings are subtracted.

B. Unearned Income

Unearned Income means:

All income which is not considered earned income. It includes:

- Retirement benefits, Social Security benefits, and Veteran's pensions,
- Dividends and interest,
- Unemployment compensation,
- Strike benefits,
- Direct child support,
- Royalties,
- Contest or lottery prizes and Bingo winnings,
- Payments from any type of cash assistance program,
- Deposits into joint accounts owned by an AFDC applicant or recipient adult or child and any other person inside or outside the

economic unit (see sections 4.7.5.8 and 4.7.6.6), or direct cash gifts by someone who is not in the economic unit are considered unearned income to the assistance unit, and

- Net amounts "deemed" available to the assistance unit from excluded stepparents and alien sponsors are considered unearned income.

C. Determining If Income Is Earned or Unearned

It is important to determine if an income is either earned or unearned, for certain disregards and deductions are permitted to gross amounts of earned income which are not allowed to unearned income.

When an applicant reports income of a type that is not clearly either earned or unearned, the ET must examine the degree of activity the applicant invests or expends in order to generate or receive the income. If **no** direct, personal effort or activity is required, the income is **unearned**.

4.7.9.3THE INCOME PERIOD

AFDC eligibility is determined on a calendar month basis. If a person is eligible for one day of a calendar month, he is eligible for that entire month. In determining if eligibility exists on the factor of income, this calendar month period is used to determine what income may be available to the applicant or recipient. All income which is received in a calendar month is considered to be available (on both actual or assumed availability in that month).

4.7.9.4ACTUALLY RECEIVED INCOME

- A. In determining Title IV-E eligibility, the income that was **actually** received during the month is considered.
- B. If the initial eligibility determination is made prior to the end of the month for which the AFDC eligibility determination was made, then at the first review the Eligibility Technician will verify whether additional income was received during that month. If additional income was received and the Eligibility Technician determines that due to the additional income the child does not meet the AFDC eligibility requirements for that month and that the child does not meet the AFDC eligibility requirements for the month court proceedings leading to the removal of the child from home or the child was removed from home based on a voluntary placement agreement, the Eligibility Technician will reverse the prior determination that the child is eligible for Title IV-E and notify the Title IV-E accounting technician in State Office to ensure that IV-E claims that have been made for the child are backed out.

4.7.9.5 PERMANENT FUND DIVIDENDS

Permanent Fund Dividends are counted as income in the month of receipt (usually October) except for a PFD that is deposited into a trust account for a child in custody (see section 4.7.6.7(C)).

- A. Child's PFD: If AFDC eligibility is determined for the month that the PFD is received then the child's PFD must be counted as income.
- B. Parents' PFD: If AFDC eligibility is determined for the month that the PFD is received and is based on the parents' home then the parents' PFD must be counted in the AFDC eligibility determination.
- C. Verification
 1. Parent: For parent information, the ET will base the AFDC determination on information on the application, information in ORCA, or other provided documentation (see section 4.7.1 Verification of Income and Resources).
 2. Child: For a child in custody, the ET will verify whether the PFD was paid to OCS. If it was paid to a parent/custodian/guardian it is considered available to the child even if the child is in custody and placed out of home.
 3. Date PFD Received: For information about when a PFD was issued, the ET will access the Department of Revenue's PFD web page: <https://www.pfd.state.ak.us/RPFI/Login.aspx>
 - A PFD that was electronically deposited will be considered to be available one day after the deposit. A PFD that was mailed will be considered to be available three days after it was mailed.
 - When a PFD must be counted in a IV-E eligibility determination the ET will print the screen from the PFD database that shows the issuance date, and place the printout in the file.

4.7.9.6 SEPARATING INCOME FROM RESOURCES

- A. In some limited circumstances, money received in a calendar month is considered to be a resource, not income. These circumstances are discussed in section 4.7.7.2, "Conversion or Sale of a Resource", and in section 4.7.7.1, "Lump Sum Payments".

Unless specified as a resource by these sections, any monies received in a calendar month are considered to be income in the month of receipt. If any of that same money remains available to the client in the next month, it is considered to be a resource.

- B. Except in specific situations listed in the following sections, any cash

payment can only be considered as income for one month. When it is to be so considered depends on the day it actually reaches the hands of the client. For an employee's income, it does not matter when a paycheck was earned, only when it was received.

4.7.10 EARNED INCOME

4.7.10.1 GROSS EARNINGS

"Gross income of employees" means the amount of earned income actually received in the month by a person, before any deductions are made for any expenses of earning such as taxes, child care, transportation, etc. "Gross monthly earned income" means the amount of gross income actually received from employment or expected to be received. It includes full or partial in-kind compensation and monies earned directly by the employee such as tips.

4.7.10.2 JURY DUTY PAYMENTS AND WITNESS FEES

Jury duty payments and witness fees count as earned income in the month of receipt and are subject to the earned income disregards. Any portion of a jury duty payment or witness fee that is designated as per diem or as a reimbursement for such items as food, lodging, parking, or transportation is disregarded.

4.7.10.3 EMPLOYEES WORKING ON CONTRACT

Individuals who are employed under a contract and **are not** paid for their contractual work on at least a monthly basis will have their earnings prorated over the number of months covered by the income. However, any draws or wages received in advance of the contractual earnings are treated as earned income in the month of receipt.

The months covered by the contractual income are the months in which the employee is actually working under the terms of the contract.

4.7.10.4 EARNINGS FROM SELF-EMPLOYMENT

Self-employment endeavors vary depending upon the nature of each self-employment enterprise. Exact instructions fitting every situation are impossible to provide. Therefore, Eligibility Technicians must use prudent person judgment in determining all factors related to budgeting self-employment income and must carefully and thoroughly document relevant information.

Relevant information includes the type of verification used to determine adjusted gross self-employment income and allowable costs of doing business (noting expenses which are not allowed), the budgeting method used, and for seasonal self-employment income, the period of self-employment.

A. Definitions

1. Definition of Self-Employment

Self-employment is the process of actively earning income directly

from one's own business, trade, or profession. Persons are considered self-employed if they:

- (a) Are responsible for obtaining or providing a service or product; and
- (b) Earn income directly from their own business; and
- (c) Are not required to have federal income tax and FICA payments withheld from their earnings; and
- (d) Are not required to complete an IRS W4 form for an employer; and
- (e) Are not covered by worker's compensation.

Self-employment may include income from a trade or business, hobby, commercial boarding house, rental property, or other income producing property. Examples of self-employed individuals include:

- Grocers
- Storekeepers
- Craft Persons
- Farmers
- Trappers
- Fisher Persons
- Subcontractors
- Basket Weavers
- Ivory Carvers
- Carpenters
- Day Care Providers
- Artists
- Cosmetic Sales Persons
- Repair Persons
- Door-To-Door Sales Persons
- Persons Providing and Charging Room **and** Board
- Persons that Own and Manage Rental Property
- Crew Members who are involved in a commercial fishing operation and who are paid "shares" are considered to be self-employed.

2. Rental Income

Rental income is treated as self-employment income when the owner of real or personal property performs the managerial responsibilities, earning the income by his or her own efforts. See section 4.7.10.4(E)(3) for treatment of rental income.

3. Self-Employment Definitions

(a) Monthly Self-Employment Income:

Monthly self-employment income is self-employment income which is, or could be, earned on a monthly basis during any or all months throughout the year. Examples of individuals with monthly self-employment income include:

- Day Care Providers
- Artists
- Craft Persons
- Basket Weavers
- Cosmetic Sales Person
- On-Call Service Repair Persons
- Taxi Drivers
- Door-to-Door Sales Persons
- Ivory Carvers
- Rental Property Owners
- Firewood Cutters

Follow the procedures in section 4.7.10.4(B)(1) for budgeting monthly self-employment income.

(b) Seasonal Self-Employment Income

Seasonal self-employment income is self-employment income which is earned during a specified season or during part of a year. Examples of individuals who receive seasonal self-employment income include:

- Fisher Persons
- Trappers
- Farmers
- Xmas Tree Lot Operators
- Crew Members who are involved in a fishing operation and meet the definition of self-employed included in section 4.7.10.4(A)(1) above.

Follow the procedures in section 4.7.10.4(B)(2) for budgeting seasonal self-employment income.

(c) Gross Self-Employment Income

Gross self-employment income means the total amount of money the trade or business produces. Gross self-employment income is computed by totaling the gross business receipts (income) for the business enterprise. Allowable costs of doing business **are not** deducted in determining gross self-employment income.

(d) Adjusted Gross Self-Employment Income

Adjusted gross self-employment income means the gross self-employment income **less** allowable costs of doing business. To determine adjusted gross self-employment income, subtract the total amount of allowable costs of doing business from the gross self-employment income.

The amount of self-employment earnings countable to a self-employed individual is the adjusted gross self-employment income.

4. Self-Employment Costs of Doing Business

Self-employment costs of doing business are those non-personal expenses incurred by the self-employed individual as a direct result of earning the self-employment income.

Section 4.7.10.4(F) describes **allowable** costs of doing business. Section 4.7.10.4(G) describes business deductions which are disallowed (not deductible).

5. Durable Goods

Durable goods are items of value purchased for use in the self-employment enterprise which are normally used for more than one year or season and can usually be sold once the self-employment business ends.

Durable goods include items such as:

- Office equipment
- Transmission gears
- Vehicles
- Floats and buoys
- Spare engines
- Playground equipment
- Boats/skiffs and their engines
- Fishing nets (gill nets, seine nets)
- File cabinets
- Electronic equipment
- Computers
- Photo lab equipment
- Farm equipment
- Livestock

6. Period of Self-Employment

The period of self-employment means the months in which a seasonally self-employed individual is **actively engaged** in producing, or attempting to produce, self-employment income.

The period of self-employment **does not include** months in which maintenance or preparation of tools or equipment is the only self-employment activity performed.

Note: A seasonally self-employed individual may receive self-employment income in a month in which he/she is not actively engaged in the self-employment (such as a settlement, fish price adjustment, bonus payment, etc.). Such income is included in the total amount of income for the season and in the proration calculation. However, the month in which the income is received does not count as part of the period of self-employment.

The period of self-employment for a self-employed fisherman who fishes multiple fisheries/seasons includes each month the individual

actually fishes (each fishery is **not** counted as a separate season). An individual who has multiple seasonal self-employment occupations will have multiple periods of self-employment.

Example:

Mr. Davis fishes for Tanner crab in March, black cod in May, halibut in June, and salmon in July, August, and September. In October he starts working on his trap line as he traps for mink and otter November, December, and January.

Mr. Davis has two periods of self-employment. His period of self-employment for his fishing occupation is 6 months (March and May - September); his period of self-employment for his trapping occupation is 3 months (November - January). October is not part of the period of self-employment because he is not actively engaged in trapping.

B. Budgeting Self-Employment Income

1. Budgeting Monthly Self-Employment Income

Monthly self-employment income is budgeted on a month-to-month basis as the self-employment income is received, even if the self-employment income is not received every month.

Monthly adjusted gross self-employment income is determined by subtracting the allowable costs of doing business incurred from the monthly gross self-employment income. Allowable costs of doing business incurred in months prior to the month the self-employment income is received are deductible, if the costs were not allowed in a previous month's self-employment income determination and the self-employed individual provides adequate documentation.

Example:

A self-employed artist receives \$3,000 in September for painting a mural at a restaurant. The artist spent \$250 in June and \$400 in July on paint and materials and provides proof of these expenses. The artist did not receive any self-employment income in June, July, or August.

In determining the artist's adjusted gross self-employment income for the month of September, the \$650 allowable costs of doing business (\$250 in June and \$400 in July) are deducted. The countable adjusted gross self-employment income received in September is \$2,350.

2. Budgeting Seasonal Self-Employment Income

Seasonal self-employment income is either annualized (prorated over 12 months) or seasonalized (prorated over the period of self-

employment).

Annualize:

Seasonal self-employment income is annualized (prorated over 12 months) when it is intended to meet the needs of the family throughout an entire year. A family's self-employment income is considered to be intended to meet the needs of the family throughout an entire year, and therefore annualized, when the family's annual adjusted gross self-employment income exceeds 185% of the Alaska OMB Poverty Income Standard for the family size.

Seasonalize:

Seasonal self-employment income is seasonalized (prorated over the period of self-employment) when it is intended only to support the family during the period of self-employment. Seasonal self-employment income is considered to be intended only to support the family during the period of self-employment when the family's annual adjusted gross self-employment income is equal to or less than 185% of the Alaska OMB Poverty Income Standard for the family size.

(a) Annualization Test for Seasonal Self-Employment Income

To determine if an individual's seasonal self-employment income is annualized:

- (1) Calculate each self-employed individual's annual adjusted gross seasonal self-employment income using the self-employment income and expenses from the most recently completed period of self-employment.

If a family applies before or during the self-employment period, use the prior period's income and allowable costs of doing business.

If a family applies after the period of self-employment, use the most recently completed period's income and allowable costs of doing business.

If the self-employment enterprise is new and an entire season has not been completed, or if the current circumstances are expected to result in a substantial change in self-employment income from the prior season, projected income is used.

The rationale for using projected income and the method used to calculate the projected amount must

be thoroughly documented in the case file.

- (2) Add together the annual adjusted gross seasonal self-employment income for each seasonally self-employed individual included in the economic unit. The result is the family's adjusted gross seasonal self-employment income.

Note: *When a self-employed individual is engaged in more than one seasonal self-employment enterprise and/or there is more than one type of seasonal self-employment income in the family, each of the adjusted gross seasonal self-employment incomes of all economic unit members are totaled and combined to perform this test.*

Do not include any monthly self-employment income or other earnings of any member to perform this test.

- (3) Compare the family's adjusted gross seasonal self-employment income to the 185% poverty standard for the family size listed in section 4.7.10.4(I) below. All members of the economic unit are included in the family for this test.
- (4) If the family's annual adjusted gross seasonal self-employment income is greater than 185% of the Alaska OMB Poverty Income Standard for the family, each individual's seasonal self-employment income is **annualized** (prorated) over 12 months.

With the possible exception of some families that are subject to special budgeting rules (such as minor parent and stepparent cases), these cases will be ineligible during the period over which the income is prorated, because the family's total gross income will exceed the AFDC 185% gross income eligibility standard.

If the family's annual adjusted gross seasonal self-employment income is equal to or less than 185% of the Alaska OMB Poverty Income Standard for the family, each individual's seasonal self-employment income is **seasonalized** (prorated over the individual's period of self-employment).

(b) "Annualize" Seasonal Self-Employment Income

To annualize seasonal self-employment income, divide each self-employed individual's **annual** adjusted gross seasonal self-employment income by 12. The result is each self-employed individual's prorated adjusted gross seasonal

self-employment income, which counts for 12 months. The 12-month period begins with the first month of each individual's period of self-employment.

Note: *If an individual has annualized self-employment income from more than one seasonal self-employment **occupation**, the adjusted gross self-employment income from each seasonal occupation is prorated over 12 months beginning with the first month of each occupation's period of self-employment.*

Families who are found ineligible when their anticipated seasonal self-employment adjusted gross income exceeds the 185% annualization standard may reapply at any time and have the annualization test recomputed.

(c) "Seasonalize" Seasonal Self-Employment Income

To seasonalize seasonal self-employment income, divide each self-employed individual's adjusted gross seasonal self-employment income by the number of months in the individual's period of self-employment. The result is the self-employed individual's prorated monthly adjusted gross seasonal self-employment income. The monthly adjusted gross income counts during each month in the period of self-employment, beginning with the first month of the period of self-employment.

Note: *If an individual has seasonalized self-employment income from more than one seasonal self-employment **occupation**, the adjusted gross self-employment income from each seasonal occupation is prorated over each occupation's period of self-employment.*

Example:

Mr. Harper is receiving AFDC for himself and his 3 children. Mr. Harper is a self-employed fisherman. He is the only self-employed individual in this family of four.

Mr. Harper fishes for herring in February, halibut in June, and salmon in July, August, and September. His adjusted gross seasonal self-employment fishing income for 1991 is \$7,590.

Mr. Harper's self-employment income is seasonalized because the family's adjusted gross seasonal self-employment income of \$7,590 is less than 185% of the Poverty Income Standard for a family of four.

Mr. Harper's adjusted gross self-employment income is prorated over the 5 month period of self-employment

(February, June, July, August, and September). Mr. Harper's prorated monthly adjusted gross seasonal self-employment income is \$1,518 (\$7,590 divided by 5).

In this example, Mr. Harper's prorated monthly adjusted gross seasonal self-employment income of \$1,518 counts as income in each month of the period of self-employment (February, June, July, August, and September).

C. Changes In Case Budgeting

1. Changes in Monthly Self-Employment Income

Changes in monthly self-employment income are made on a month-to-month basis as changes in income and allowable costs of doing business are reported and verified.

2. Changes in Seasonal Self-Employment Income

Once a family is found eligible for AFDC, the only two situations in which adjustments to seasonal self-employment income are made are when:

- (a) Projected income is used because a seasonally self-employed individual was not self-employed in the same self-employment occupation during the previous period of self-employment **and** the amount of self-employment income reported and verified is substantially different than the anticipated amount, or
- (b) A report of change indicates that there is a substantial decrease in seasonal self-employment income (such as fisheries closure, breakdown or loss of equipment, or prolonged illness).

In either situation, adjustments to seasonal self-employment income are only made when more current information and verification, which supports the change, becomes available.

If an adjustment is made, the ET must document the reason for the adjustment, an explanation of how the adjustment was calculated, and the new monthly seasonal self-employment income amount.

The effective date of the adjustment is the first benefit month which follows the timely report of the change in circumstance. The adjustment continues through the period of self-employment, at which time a redetermination is completed.

The determination of whether seasonal self-employment income is annualized is made at initial application and after completion of each annual cycle thereafter (12 months from the previous year's

annualization test).

Note: *If a new seasonally self-employed individual later becomes part of the family's economic unit, his/her income counts during the period of self-employment. A new annualization determination is not made until the end of the family's annual self-employment income cycle.*

If a seasonally self-employed individual moves out of the home, or is no longer a member of the economic unit, discontinue counting his/her self-employment income beginning with the first full benefit month following the change in circumstance.

For each annualization determination, the ET must take into consideration all changes occurring since the last annualization test was computed (e.g., family size, number of seasonally self-employed individuals, etc.).

D. Seasonal Self-Employment Income Redeterminations - "Settling-Up"

After a seasonally self-employed recipient has received all gross income from a completed period of self-employment, a redetermination must be made. The ET must recalculate the adjusted gross seasonal self-employment income using actual adjusted gross self-employment earnings for the season and prorate the income over the period of self-employment. An overpayment or underpayment is established for any month(s) in which the prorated seasonal self-employment income was different than the anticipated income used.

E. Unique Self-Employment Situations

1. Household Members as Employees

For some families, the self-employment enterprise is a family business, where the adults and children are all involved in the self-employment activities. In some of these cases, family members may be paid a portion of the self-employment proceeds. For example, a self-employed fisherman may consider his wife and children crew members and pay them a portion of the fishing proceeds.

When a self-employment enterprise is a family operation, and an AFDC dependent child living in the home actually works in the self-employment enterprise, the payment of wages or shares to the child is **not** an allowable cost of doing business nor do the wages/shares count as income to the child, **unless** the child is a partner or joint owner of the business.

Example:

An AFDC dependent child owns the fishing permit in a family fishing operation, the child's mother is the skipper and owns the fishing

boat. The dependent child is considered a partner of the business and the amount of wages or shares paid to him are considered his earnings. The amount paid to the dependent child is also considered an allowable cost of doing business in determining the child's mother's seasonal self-employment income.

Note: *There are special earned income exclusions for dependent children. To determine if a child's self-employment income counts in the 185% test, eligibility test, or payment determination, see section 4.7.12.8.*

The amount of wages paid to any other adult or caretaker relative in the family who actively works in the self-employment enterprise is an allowable cost of doing business. The amount paid counts as earned income to the person receiving the pay.

2. Partnerships

A partnership exists when two or more individuals jointly own a self-employment enterprise. Generally, the division or share of income, costs of doing business, and gain or loss to each individual are determined by an oral or written agreement between the partners.

To be considered self-employed, a partner must be actively involved in the self-employment operation and meet the definition of a self-employed individual. If the individual is not actively involved, he/she is not considered self-employed and any payments he/she receives from the partnership are considered unearned income.

When a self-employed individual is a partner in a business, count the share allocated to him/her (after allowable costs of doing business) as adjusted gross self-employment income.

The written partnership agreement is used as verification for determining the share that belongs to the self-employed individual. If the individual does not have a written agreement, a written statement must be obtained from all the partners involved, including the self-employed client, disclosing the agreed upon division of business income and assets.

3. Rental Income

Rental income is treated as self-employment income when the owner of real or personal property performs the managerial responsibilities, earning the income by his/her own efforts. If an individual is not actively involved in the management and maintenance activities associated with generating the rental income and those activities are conducted by an outside agency (such as realtors, rental management firms, and social service agencies), the rental income is treated as unearned income. If an individual is not actively involved in a business and leases business property or

equipment to another individual, the income the property/equipment generates is treated as unearned income.

Rental income includes income received from the lease of a fishing boat or limited entry fishing permit, or other types of property or equipment.

(a) Rental Income Treated As Self-Employment Income

When rental income is treated as self-employment income, allowable costs of doing business are deducted from gross rent receipts.

(b) Rental Income Treated As Unearned Income

When rental income is treated as unearned income, the countable unearned income is the amount of rent paid by the renter less any property management fees incurred.

Note: *Rental property must be evaluated as a resource first. If a family is resource eligible, rental income counts as explained in this section.*

F. Allowable Costs of Doing Business (Deductions)

1. Allowable costs of doing business for a self-employed individual are those non-personal costs of doing business which are directly related to producing the self-employment income, and which are not specifically prohibited. If an expense is determined to be an allowable cost of doing business, the expense is deducted in computing adjusted gross income whether it is paid or not.

Allowable costs of doing business include, but are not limited to:

- (a) **Labor**, including shares, or gross wages for an employee, **excluding** the self-employed individual and any AFDC dependent child living in the home who is **not** a partner or joint owner of the business.
 - (1) Gross wages include employee life or health insurance premiums, and mandatory employer contributions to employee benefit plans such as Unemployment Insurance and Social security.
 - (2) Shares include the amount paid to a self-employed crew member or helper.
- (b) **Stock and Inventory**, the actual price, including taxes, of a product purchased for resale.
- (c) **Raw Materials**.

- (d) **Interest on income-producing property**, such as equipment or capital assets.
- (e) **Insurance premiums, taxes, assessments, and utilities for income-producing property.**

***Note:** If the family's **home** is used as the place of business, a percentage of the mortgage interest, property taxes, insurance costs, and utilities may be allowed as a cost of doing business.*

To be allowed such business costs, the self-employed individual must provide a description of the portion of the home used in the business, proof of the gross amount of the expense(s), and a reasonable method for estimating the proportion of expenses attributed to the business (such as percentage of use, amounts claimed under IRS rules, etc).

- (f) **Service, maintenance, and repair of business property or business equipment.**
- (g) **Rental of business property or business equipment.**
- (h) **Business supplies.**
- (i) **Advertisement.**
- (j) **Licenses and permit fees.**
- (k) **Legal or professional fees**, such as fees paid to lawyers and accountants.
- (l) **Travel**, when the self-employed individual incurs costs for traveling outside of his/her community to work, sell goods or services, purchase business equipment, or seek repair of business equipment. Local commuting costs to and from work are not an allowable cost of doing business.
- (m) **Non-durable items.**
- (n) **Vehicle Expenses.**

- (1) Vehicles used **primarily** for business reasons (50% or more of the time):

If a vehicle is used primarily for self-employment reasons, allowable business-related expenses include gas, oil, necessary service and repairs, replacement of worn items (such as tires), interest on vehicle loans, registration and licensing fees, and insurance. **Do not** allow vehicle depreciation as a business expense.

- (2) Vehicles used for personal reasons and only **incidentally** for business reasons (less than 50% of the time):

If a vehicle is used for personal reasons and only incidentally for business reasons, a flat deduction of \$.30 per mile is allowed. The \$.30 mileage allowance includes all business-related vehicle costs; no other vehicle-related expenses are deductible.

2. Examples of allowable costs of doing business for a self-employed fisher person include:

- Commercial fishing and boat licenses
- Fishing permit renewal fees
- Boat engine fuel and boat engine oil
- Boat and motor repairs and maintenance
- Insurance for a crew member
- Repairs to fishing gear, line, and nets
- Boat moorage, grid, or haul-out fees
- Rain gear and fish cleaning gloves
- Bait
- Utility costs to maintain the boat year round
- Charts
- Labor costs: See section 4.7.10.4(F)(1)(a) above
- Crew food and crew transportation

Note: *If the cost of food for crew members is not identifiable, the allowable cost is determined by prorating the total cost of food by the number of individuals fishing on the boat. The result is the prorated cost for each individual.*

A food deduction is not allowed for the self-employed individual or for any member included in the economic unit.

*If any portion of a food expense is deducted from the amount paid to a crew member, the amount deducted as a food expense is **not** allowed as a cost of doing business to the boat operator.*

- Transportation costs when it is necessary for the self-employed individual to:
 - Travel outside his or her community to fish, or
 - Travel outside the fishing area to purchase business equipment, or seek repair of business equipment.

G. Expenses Not Allowed As Business Deductions

Expenses **not allowed** as costs of doing business are:

1. Payments on the principal of loans to the business or to purchase income producing property (such as boats, fishing permits, real estate).
2. Depreciation.
3. Net losses from previous periods.
4. Federal, state, and local income taxes.
5. Monies set aside for retirement purposes (except when paid for an employee).
6. Personal work-related expenses (such as **local** transportation to and from work and child or dependent care).

Note: *Child care and dependent care is not considered a business expense. However, it is an earned income disregard and may be allowed as such during the period of self-employment.*

Personal work-related costs (such as local transportation driving to and from work) are included in the \$90 standard work expense deduction (earned income disregard) allowed during the period of self-employment.

7. Normal living expenses for the self-employed individual and his or her family (such as shelter and food).
8. Personal costs (such as life or medical insurance for the self-employed individual and his or her family, cigarettes, alcohol, and entertainment).
9. Expenditures for purchasing equipment, machinery, and other durable goods, and payments on the principal of loans to purchase such items. Costs to maintain or repair durable items (such as replacement of an engine propeller, net mending, web replacement, line replacement, etc.) and maintenance or repairs to other business equipment are allowable deductions.

I. Self-Employment Income Annualization

The following income standards are 185% of the Alaska OMB Poverty Income Guidelines for each family size. These standards are used to determine whether a family's **annual** adjusted gross seasonal self-employment income is intended to meet the needs of the family throughout a calendar year.

185% of Alaska's Annual Poverty Income Guidelines
(Effective April 1, 1996)

Family Size		Income Standard	
	1	\$	17,871
	2		23,939
	3		30,007
	4		36,075
	5		42,143
	6		48,211
	7		54,279
	8		60,347
	Each additional member		6,068

Note: *Family size includes all members who are included in the family's economic unit.*

4.7.11 EARNED INCOME DISREGARDS

4.7.11.1 INDIVIDUALS ENTITLED TO EARNED INCOME DISREGARDS

- A. Certain individuals who are employed are entitled to receive earned income disregards. The earned income disregards are:

- The \$90 standard work expense,
- Child/dependent care costs.

Individuals who are entitled to these disregards against their earned income are those who:

1. Are included in the AFDC assistance unit, **OR**
2. Are required to be included in the filing unit, but who are excluded because of a CSED non-cooperation sanction, **OR**
3. Are required to be included in the filing unit, but who are excluded because the individual did not fulfill an eligibility requirement (such as enumeration), **OR**
4. Are required to be included in the filing unit, but refuse the cash grant.

Note: *These disregards are only allowed if the individual **did not** voluntarily terminate or quit a job, refuse to accept employment, or voluntarily reduce gross monthly earnings or hours of employment in the month prior to the benefit month being determined.*

- B. Earned income disregards are allowed to employees and to self-employed persons, even if there are no declared work expenses. For self-employed individuals, the deductions are allowed against self-employment income only in the budget months the self-employed person actually works, not in any other prorated self-employment income months.
- C. The earned income disregards are not given:

1. In determining if a family meets the 185% gross income test, **OR**
2. Against stepparent or minor parent deemed income,

Note: *Stepparents, disqualified alien parents, and parents of minor parents whose income is deemed available to the assistance unit receive certain other work expense deductions (see sections 4.7.12.1, 4.7.12.2, and 4.7.12.3); **OR***

3. Against the earnings of individuals who are specifically excluded by law from receiving AFDC. Individuals excluded by law from

receiving AFDC include disqualified aliens, illegal aliens, individuals who are neither nationals nor citizens of the United States, and strikers.

4.7.11.2 THE TYPES AND APPLICATION OF EARNED INCOME DISREGARDS

The types of earned income disregards that are deducted from an individual's gross countable earnings are listed below. The disregards are applied in the order that they are listed in this section.

A. \$90 Standard Work Expense

The \$90 standard work expense deduction is allowed for full or part-time employment.

B. Child or Dependent Care

Within certain limits, costs incurred and actually paid for the care of a dependent child or an incapacitated adult as a necessary cost of earning income are allowed as a deduction.

The child care and/or incapacitated adult care deductions, when they are reported and verified, are allowed in the budget month in which the expense was paid and are deducted after the \$90 work expense has been applied.

There are no restrictions on who the client may pay for the care of a dependent child or incapacitated adult or upon where the care is provided. An individual may select a care provider and receive the disregard even if the provider lives in the same home as the AFDC family. However, **if the person who is providing the care is a member of the AFDC economic unit, the deduction is not allowed.**

There are limitations upon the amount allowed as an AFDC deduction and upon whether a child or an incapacitated adult qualifies for the deduction:

1. Hours of Care

If the care provider charges by the hour, the deduction cannot include charges beyond the client's actual hours of work, except that a reasonable amount of time for direct commuting between the site where the care is provided and the place of employment may be included.

2. Monthly Maximums

Two different maximum deductions apply, based on the age of the dependent receiving care. The actual cost of care, up to the following maximums, may be deducted:

- (a) \$200 per month for each child under age 2; and
- (b) \$175 per month for each child age 2 or older or incapacitated adult.

The lower standard (\$175) is applied beginning with the benefit month following a child's second birthday.

Refer to the chart below:

DEPENDENT CARE DEDUCTION CHART	
AGE OF PERSON RECEIVING CARE	MONTHLY MAXIMUM
2 AND OLDER	\$175 PER INDIVIDUAL
UNDER AGE 2	\$200 PER CHILD

3. Grant Inclusion

Deductions for child care or incapacitated adult are allowed only for individuals whose needs are included in the assistance unit.

This limitation applies even if an individual claims that he/she cannot work without receiving a deduction for a particular person who is not included in the assistance unit.

If a flat rate is charged for the care of more than one child or incapacitated adult and the person who provides the care does not separate the charges by individual, divide the total amount paid by the number of persons receiving the care. The result is the amount allocated to each individual for whom the deduction is allowed.

4. Verification

Verification of child care and incapacitated adult care costs is always required. Any expenses claimed which are not supported by documents or other verification will not be allowed as deductions.

- (a) **Applicants** who claim they pay for child care or incapacitated adult care must be given a reasonable amount of time (at least 10 days) to provide proof of the actual or anticipated amount(s) paid or expected to be paid. Any expenses claimed which are not verified will not be allowed as deductions.
- (b) Often the ET will find that a close relative or family member is claimed as a provider. This is a common and often legitimate situation. However, the ET should look for verification that money actually changes hands within the

family or household.

In computing net countable earned income the child care and/or incapacitated adult care allowance is the last deduction given and is subtracted after the \$90, \$30 + 1/3 or \$30 work expense disregards have been applied.

4.7.11.3 DENIAL OF EARNED INCOME DISREGARDS

A. Termination, Refusal, Reduction

The \$90 standard work expense deduction and the dependent care deductions are not allowed in determining eligibility for **the benefit month following a month** in which an individual, without good cause:

1. Voluntarily **terminates or quits** a job, **OR**
2. **Refuses** to accept a bona-fide offer of employment, **OR**
3. Voluntarily **reduces gross monthly earnings or hours of employment.**

This denial of disregards policy applies only to the month following the month of termination, reduction, or refusal. Therefore, this denial of disregards will usually be computed "after the fact". This denial applies to the income eligibility determination test.

Verification of termination, reduction, or refusal can be accomplished in most cases through the child's worker. In determining if good cause existed, further collateral verification may be required, such as contacts with other employees, medical practitioners, other family members.

B. Good Cause

1. Termination, refusal, reduction

When an individual terminates or quits employment, refuses to accept employment, or voluntarily reduces hours of employment or gross monthly earnings, the ET must determine whether the individual had good cause for the termination, refusal, or reduction. "Good Cause" is defined as one or a combination of the following:

- (a) The individual was fired or laid off;
- (b) The employer reduced the employee's pay and/or hours for any reason other than at the employee's request;
- (c) The individual has a physical or psychological illness or disability which prevents him/her from satisfactorily performing the work required;

- (d) The individual is unable to get to and from the job without undue cost or hardship;
- (e) The nature of the work is hazardous to the individual;
- (f) The wages do not meet the Alaska state minimum wage requirements or are much lower than those normally offered in the community for similar work;
- (g) The job is available because of, or otherwise involved in, a labor dispute;
- (h) Severe and prolonged physical, mental, or emotional illness of the individual's spouse or child(ren) necessitates the individual's presence in the home;
- (i) If a job has persisted over a 6-month period or longer and it does not provide paid vacations, allow up to 2 weeks leave-without-pay per year before denying disregards;
- (j) The individual quit the job to attend full-time a secondary school, vocational or technical training program, or a G.E.D. program in order to obtain a high school diploma or G.E.D.;
OR
- (k) There is a lack of appropriate child care services in the community, or the family did not have financial resources available to pay for child care necessary for the individual to work.

2. Good Cause Decisions

Prudent judgment must be used when making good cause determinations. The case record must be documented with the information obtained from each collateral contact, the good cause finding, and the reason for the good cause decision.

4.7.12 SPECIAL TREATMENT OF INCOME

4.7.12.1 DEEMING THE INCOME OF A STEPPARENT

- A. Before calculating the amount of the stepparent income that is considered available to the stepchildren, the ET should review preceding sections. Not all cases with stepparents will require this computation. Stepparents receiving SSI are excluded from this process. If the stepparent has income, lives in the home, and **does not** have his needs included in the grant, his income is computed much like the alien sponsor's income (below).
- B. Determine the stepparent's earned income for the month, using the policies just as if the stepparent were an AFDC applicant. If there is earned income from self-employment, allow all proper costs of doing business as deductions.
- C. Subtract \$90 for work expenses from the stepparent's earned income. For self employment income, this deduction is allowed only in the months he or she actually works, not in any other prorated months.
- D. The result of this subtraction is added to the total of all countable unearned income received by the stepparent. Exclude any unearned income excluded for AFDC applicants, but include any income received by the stepparent on behalf of children not in the grant who live in the home.
- E. From the total of earned and unearned income, 3 possible deductions are subtracted if they apply:
 - 1. If the stepparent claims anyone outside the home as a federal income tax dependent, any actual payment made or reasonably expected to be paid is allowed as a deduction; and
 - 2. If the stepparent pays child support or alimony to anyone outside the home, any actual payment made or expected to be made is allowed as an additional deduction; and
 - 3. The stepparent and anyone else in the home are entitled to a deduction for their personal needs, if the stepparent claims them as federal income tax dependents and if they are not included in the AFDC case.

The amount of this deduction is computed by using the appropriate AFDC need standard, usually the AI standard. Second and additional adults are added as if they were additional children. If the stepparent is alone, he receives the single adult standard amount as a deduction.
- F. After all the allowable deductions are totaled, that total is subtracted from the total income.
- G. The net income resulting is the stepparent's net countable income.
- H. The income period used for stepparents is the month used for the applicant

or recipient.

4.7.12.2 DEEMING THE INCOME OF A MINOR PARENT'S PARENT(S)

For the purposes of this section, a minor parent is a parent under eighteen years of age.

If a minor parent of a dependent child lives in the home of his or her own parent(s), and the parent(s) have not applied for and are not receiving AFDC, the income of the parent(s) must be deemed available to the minor parent and his/her child.

This deeming computation continues through the month of a minor parent's eighteenth birthday and is applied in the 185% test, the eligibility determination test, and the payment computation. The disregards given in deeming the income are similar to those given to stepparents.

- A. Determine the earned income of a minor parent's parent for the month, using the income policies just as if the minor parent's parent were an AFDC applicant. If there is earned income from self-employment, follow the self-employment income rules.
- B. Subtract \$90 for work expenses from the income of each parent. For self-employment or contractual income, this deduction is allowed only in the months the self-employed individual actually works.
- C. The result of this subtraction is added to the total of all countable unearned income received by the minor parent's parents. Exclude any unearned income excluded for AFDC applicants, but include any income received by the minor parent's parent(s) on behalf of children who are not in the grant but who live in the home.
- D. From the total of earned and unearned income, 3 possible deductions are allowed:
 1. Amounts paid by the parent(s) to support individuals outside the home who could be claimed as dependents.
 2. Child support and alimony payments by the parent(s) to individuals outside the home.
 3. The parent(s) are entitled to an income deduction for their personal needs. They also receive deductions for anyone else in the home **if** they are dependents of the parent(s) **and if** they are not included in an AFDC case.

The amount of this deduction is computed by using the appropriate AFDC need standard, usually the "AI" standard. Second and additional adults are added as if they were additional children. If there is only one parent, he/she receives the single adult standard as a deduction.

- E. After all the allowable deductions are totaled, that total is subtracted from the total income. The net income resulting, if there is any, is used in determining eligibility through the 185% test, and the eligibility determination.
- F, The income period used for a parent(s) is the month used for the applicant or recipient.

4.7.12.3 DEEMING THE INCOME OF AN ALIEN SPONSOR

Before using EIS to compute the amount of a sponsor's income to consider available income to an alien, the ET should review appropriate preceding sections to be certain the alien applicant or recipient must have this computation made. This procedure applies only to certain aliens and only if these aliens have an individual, agency, or organization sponsor with income and only to those applying after September 30, 1981. Sponsors receiving AFDC or SSI are excluded from this process. If this process applies, the computations are:

A. Individual Sponsors

1. Determine the sponsor's and the sponsor's spouse's gross earned income. Use the policies of this manual just as if the sponsor and spouse had applied for AFDC. If either or both are self-employed, allow all proper costs of doing business as deductions.
2. Sponsor and spouse together are allowed only a 20% deduction from gross earned income. The maximum that is allowed is \$175, even if the 20% amount is more than \$175.
3. The result of subtracting the work deduction from the monthly earned income is added to all amounts of unearned income received by both sponsor and spouse. Include any amounts they receive on behalf of children not in the grant who live with them, such as Social Security. Exclude any unearned income that is excluded for AFDC applicants.
4. From the total earned and unearned income 3 possible deductions must be examined to see if they apply:
 - (a) If the sponsor claims anyone outside his home as a federal income tax dependent, any actual payment made or reasonably anticipated to be made is allowed as a deduction; and
 - (b) If the sponsor pays child support or alimony to anyone outside the home, any actual payment made or reasonably anticipated to be made is allowed as an additional deduction; and

- (c) The sponsor and anyone else who lives with him **and** who he claims as a dependent for federal income tax purposes are entitled to a deduction for their personal needs. This deduction can only be given for people in his home who are not going to be included in the AFDC application.

The amount of this deduction computed by using the appropriate AFDC need standard, usually the AI standard, treats second and additional adults as if they were additional children.

5. All of the allowed deductions are totaled and that total is subtracted from the total income.
6. The net sponsor income, if there is any left after (5), is the available income by this individual to the alien(s). However, if this sponsor sponsors more than one alien, this "net" income amount must be divided equally among all the clients. (See section 4.7.7.5)
7. As with regular AFDC budgets, each amount entered on the worksheet keeps cents.
8. The income period used for sponsors is the month used for the applicant or recipient.

B. Sponsoring Agencies or Organizations

A lawfully admitted alien who is sponsored by an agency or organization is ineligible to receive AFDC benefits for three years from date of entry into the U.S., unless it can be determined that the sponsoring agency or organization is no longer in existence, or that the sponsor does not have the financial ability to meet the alien's needs.

Verifying sponsored cases can be accomplished by contacting the alien's sponsor in order to verify that agency's or organization's continued existence, or financial ability to meet the alien's needs. Sponsoring agencies and organizations are not allowed the income disregards given to individual sponsors above.

4.7.12.4 CERTAIN CHILD SUPPORT INCOME

Child support payments made "in kind" are always disregarded as income. Child support payments made in cash are considered as available income. (See also section 4.7.12.9.)

Any child support payment received by an applicant or recipient must be considered as income in determining eligibility for AFDC. In determining eligibility for Medicaid purposes for months prior to the opening of the AFDC case, the amount of the child support actually received is counted. The amount(s) received must be verified.

In both determinations, the amount counted as income is the amount actually received, less a disregard of up to \$50.

4.7.12.5 IN-KIND INCOME AND VENDOR PAYMENTS

Any earned or unearned income which is paid "in-kind" rather than in cash to any member of the AFDC economic unit is not counted in determining eligibility or payment, except as noted below:

- A. The ET must verify that contributions or gifts are made in such a way that actual cash does not pass through the hands of any member of the AFDC economic unit.
- B. Any cash contribution made directly to any member of an AFDC economic unit is considered as income.
- C. In-kind earned income received as full or partial compensation for services rendered, such as rent reduction in exchange for managing apartments or "working off" a store bill, will be counted as earned income. Verification of circumstances and dollar value must be obtained.
- D. Any direct or vendor payments made to or on behalf of AFDC applicants or recipients by DPA's General Relief program will count as available income.

4.7.12.6 MILITARY BASIC ALLOWANCES

Both the Basic Allowance for Housing (BAH) and the Basic Allowance for Subsistence (BAS) are in-kind income when determining eligibility for Medicaid, including Denali KidCare. The BAH amount must be determined for all applicants who are military personnel.

A housing or food allowance paid to any "employee" is an employment-related **benefit** and countable earned income for Medicaid. Any "free" housing provided by an employer (i.e., the military, church, school district) is also an employment-related benefit that is essentially paid in kind. The value of that benefit is counted as in-kind income for all Medicaid programs.

A. MILITARY HOUSING

There are four housing options typically available to military personnel with dependents living in Alaska.

1. On-Base Housing:

This means living in housing or barracks owned by the military and located on military property. Families do not live in barracks, of course, but typically live in on-base apartments or duplex housing. There is On-Base Housing at Elmendorf, Eielson, Richardson, Greely, and Wainwright.

2. Government Leased Housing:

This means housing owned by a private citizen who has entered into an agreement with the military (not the individual) to lease the property exclusively to the military at a negotiated rate. This property is located in the community. A family living in government leased housing usually pays rent by having an allotment taken out of the military pay as shown on the Leave and Earnings Statement (LES Leave and Earnings Statement). Typically, the family pays no utilities or damage deposit and has limited lease restrictions. The family may only be responsible for TV and telephone costs, if used. Military personnel have to qualify for government leased housing, where preference is given to rank and number of dependents. We know that the USCG uses this type of housing in Juneau since there is no other military owned housing, but it is probably used infrequently by other branches of service.

3. Government Leased "Set Aside" Housing:

This is government leased housing, but it is reserved for families with greater financial need (i.e., larger families) and is used only until base housing becomes available. For example, at Elmendorf AFB, there is such a long waiting list for on base housing that the Air Force has entered into agreements with apartment/home owners who "set aside" a limited number of units for Elmendorf personnel.

4. Private Market Housing:

This means housing owned and maintained by a private citizen and rented or leased at the market influenced rate as determined by the owner. Military personnel use this housing if there is no on-base housing or government leased housing available or if they simply choose to live in private housing. The family pays fair market rent and utilities.

Beginning in 1998, all branches of the military changed the way they compensate military personnel for housing costs. There are two payment methodologies depending upon the type of housing and a number of other factors.

B. MILITARY HOUSING ALLOWANCES

There are two basic types of housing allowances:

1. Basic Allowance for Housing (BAH Basic Allowance for Housing):

This amount is paid to military personnel who live in private market housing and government leased "set aside" housing. The amount is determined by elaborate geographic and market cost studies done for the military. The amount varies by rank and by community, but it is the same for all branches of service. When military personnel elect to live in private market housing, this is the allowance they get.

2. Basic Allowance for Housing II (BAH Basic Allowance for Housing II):

The BAH Basic Allowance for Housing II is the equivalent to what used to be the Basic Allowance for Quarters (BAQ), but without the old VHA adjustment. It does not vary by geographic location. It is the housing allowance given to military personnel in particular circumstances such as a reservist on active duty less than 20 weeks, a soldier subject to court-ordered child support, a soldier in confinement, etc. In Alaska, the BAH Basic Allowance for Housing II is also used by the USCG for individuals in government leased housing. Even though it is significantly lower than the BAH Basic Allowance for Housing amount, a seaman may be financially better off living in government leased housing and taking the BAH Basic Allowance for Housing II amount because they do not have to pay utilities or security deposits and the quality of the housing is often better than what a seaman could afford in the private market.

C. DETERMINING THE VALUE OF MILITARY IN-KIND INCOME

Because the payment systems, accounting systems, and housing options vary depending on the branch of service, caseworkers cannot always rely on the housing allowance reported on the LES to determine the amount of in-kind income the military family receives. In fact, the LES of a soldier living in on-base housing may not show any allowance for housing even though he or she receives that benefit. Use the BAH for all military personnel regardless of the family's housing arrangement.

You can easily determine the value of the BAH for every pay grade (i.e. E7) and duty location (Zip Code) in Alaska using the following military web site:

<https://secureapp2.hqda.pentagon.mil/perdiem/>

Include the BAH amount determined as earned in-kind income along with all other pay or entitlements to determine financial eligibility for Medicaid.

This method assures that military families who live in military provided housing do not have an unfair advantage over families living in private housing.

D. BAH Basic Allowance for Housing AND BAH Basic Allowance for Housing II DIFFERENCES

The following table illustrates the difference between the Anchorage BAH rate and the BAH II rate for a few military pay grades. It is important that the higher BAH rate be use to determine eligibility. Refer to the web site mentioned above for all other current information.

Pay Grade	<u>BAH</u> dependents with Anchorage for	<u>BAH</u> II with dependents
E4	\$789	\$434.40
E6	\$1,002	\$555.60
E8	\$1,224	\$647.70
O1	\$818	\$522.60

E. BASIC ALLOWANCE FOR SUBSISTENCE (BAS)

This allowance is payment for food and should be reflected on the LES Leave and Earnings Statement (typically \$7.50 per day). It is typically given to the enlisted individual only, not to family members. The BAS Basic Allowance for Subsistence is part of the benefit package and is countable in-kind income.

F. NON-MILITARY HOUSING ALLOWANCES

In non-military situations where the employer provides housing, it may be more difficult to determine the value of that income. These situations will have to be treated on a case-by-case basis, in which the caseworker makes a conservative estimate of the value. Temporary housing situations such as a mine worker who lives one week on site, then one week in town, or a fishing boat owner allowing a crew member to temporarily live on the boat while in port, would not be counted as in-kind income since they are not part of the employee benefit package and the employee is expected to provide their own housing while off duty.

4.7.12.7 EDUCATIONAL ASSISTANCE

A. U. S. Commissioner of Education Grants and Awards

The total amount of any grant, scholarship, or award made to an **undergraduate** student for educational purposes under any program administered and/or funded by the U. S. Commissioner of Education is not counted as income in determining eligibility or grant amount for AFDC applicants or recipients.

Money payments which fit this category are usually made at the beginning of the Fall and Spring school semesters. They are usually made under the Basic Education Opportunity Grant (BEOG), Supplemental Education Opportunity Grant (SEOG), or the State Student Incentive Grant Program (SIG).

Verify that a grant is a BEOG, SEOG, or SIG by viewing the client's award letter. In all cases, the ET must also verify that the client is an undergraduate and not a graduate student.

B. Other Educational Grants and Awards

Federal regulations provide that any grant, scholarship, or other award that is **not** made, funded or insured from a program administered by the U. S. Commissioner of Education will not be counted as income to any applicant or recipient if it is made or used "under conditions which preclude its use for current living costs". Under this provision, any educational award from any public or private source which is not exempt will be counted as income only to the extent that it exceeds educational costs.

This computation is done as follows:

1. Total all educational grants, scholarships, fellowships, veteran's educational benefits, etc. Do not add any other type of earned or unearned income unless it is received specifically because of the student's status and must be used to pay tuition and fees.
2. Subtract from the above total that portion of any grant or scholarship used to pay tuition and fees at any institution of education (including correspondence schools, vocational schools, and schools for the handicapped).
3. Subtract the actual amount paid for books, school supplies, and any special clothing, or tools, or other items that are considered normal to the client's course of study.
4. Subtract actual expenses paid and reasonably anticipated to be paid for the child care necessary to attend school. (The child care limits of section 4.7.11.2(B) for earned income cases do not apply.)
5. The remaining amount of the grant or scholarship if any, is considered as available income in the countable month of receipt. Any amount retained in subsequent months is considered as an available resource.

These deductions from grants and scholarships are also given to anyone outside an assistance unit whose income is used to determine AFDC eligibility. Verification of source, amount, duration and deductible expenses is required.

4.7.12.8 EARNED INCOME OF A DEPENDENT CHILD

Federal regulations allow for disregarding the earned income of an AFDC dependent child based on whether or not the child is also a student, and depending in part on what the source of the earned income is. In some circumstances, the length of time the disregard is given is limited. The policies on counting the earned

income of a dependent child in the 185% test, eligibility determination, and payment computations are explained below.

In determining if an assistance unit meets the 185% eligibility test, an AFDC dependent child's earned income may be either counted or disregarded.

Depending on the case circumstances, this income may be treated differently in determining if the household passes the eligibility determination. Consult the chart and definitions below to determine whether to count or to disregard this income in the eligibility determination.

A. Full-Time Students

The earned income of a dependent child who is a full-time student is disregarded in determining eligibility under the 185% test for a period of up to six months each calendar year.

B. The 6-Month Exclusion Period

If a full-time student secures employment, a second six calendar month period could be established. As a result, up to 12 months of disregard are available

The following chart describes how to treat an AFDC dependent child's earned income.

STUDENT STATUS	APPLICANT/RECIPIENT 1st 6 mo. in calendar year *		RECIPIENT 2nd 6 mo. in calendar year *	
	185% Test	Elig. Determin.	185% Test	Elig. Determin.
Full-time Student	Disregard	Disregard	Count	Disregard
Part-time Student Employed Part-time	Count	Count	Count	Disregard
Dependent Child Non-Student	Count	Count	Count	Count

*** The 6 months need not be continuous. See below.**

This chart applies only to AFDC dependent children, including eligible 18-year-old dependent children, who are deprived of parental support and care. **The disregards shown are never allowed against the earned income of a parent or other AFDC specified relative, even if that person is under 19 and deprived.**

C. Definition of a Full-Time Student

A "full-time student" is one who is regularly attending a school, college, university, or course of vocational training which is designed to fit him for gainful employment. "Regularly attending" includes any month in which the student is enrolled but not attending because of official school vacation, illness, convalescence, or family emergency.

Attending "full-time" means enrolled in and regularly going to the following:

1. A trade or technical school 30 clock hours or more per week if the program involves shop practices; if it does not, twenty-five (25) hours per week; or
2. A college or technical school 30 clock hours or more per week if the program involves shop practices; if it does not, twenty-five (25) hours per week; or
3. A high school twenty-five (25) or more clock hours per week, or if in high school cooperative or apprenticeship training, "full time" as that program defines it.

D. Definition of a Part-Time Student

"Part-Time" student means a student attending 50% or more of the preceding definition, rounding down if necessary.

E. Definition of a Part-Time Employee

"Part-Time Employee" means anyone who works fewer than 120 hours per month.

F. Verification

Student status including full or part-time status, must be verified based on information provided by the child's worker. Hours of employment must be verified with the employer in cases in which the full or part-time employee distinction would make the difference between counting and disregarding the income. The gross earned income which is countable under above must be also be verified.

4.7.12.9 CASUAL AND INCONSEQUENTIAL INCOME

A. \$30 Disregard for Gifts

Federal regulations allow for the disregard of unearned income in the form of small cash gifts, not to exceed a total of \$30 per person in any three month period.

B. Definition of Gift

For purposes of this disregard, the term "gift" includes cash presents normally given on ceremonial occasions such as birthdays, graduation, or Christmas, or cash which is not a bona fide loan, i.e., a "loan" for which the lender and the person receiving the loan express no expectations of repayment.

C. Applying the Exclusion

The \$30 disregard limit applies to each person whose needs are included

in the grant and to each person whose needs are excluded but whose income is defined available to the assistance unit.

D. When the 3-Month Period Starts

The three month period starts for each individual with the month in which a disregarded gift is received.

E. Gifts Exceeding \$30

The \$30 disregard is given to any single gift that does not exceed \$30. If a single gift exceeds \$30, the total dollar amount of the gift counts as income. Also, if a person receives, for example, a \$10 gift in March, another \$10 gift in April, and a single \$20 gift in May, each of the first two gifts is totally excluded. The \$20 gift brings the total to over \$30 for the three month period, and the entire \$20 gift is counted as income.

F. Gifts Vs Child Support

In cases where the absent parent (or alleged father) occasionally sends money to the children or the specified relative, it may be difficult to tell whether these payments are gifts, which may be disregarded under this section, or direct child support, which must be counted under section 4.7.12.4. If either one of the parents involved states that a particular payment is for support of the child, the payment must be treated as direct child support.

G. Documentation

Casual and Inconsequential income disregards should be documented in the case file.

4.7.12.10 PAYMENTS TO NATIVE AMERICANS

These types of payments made to American Indians or to Alaska Natives (Eskimos, Aleuts, Athabascans, Tlingits, Haidas, etc.) are not counted as income in determining eligibility for applicants and recipients:

A. Per Capita Payments

All funds held in trust by the Secretary of the Interior for an Indian tribe and distributed on a per capita basis to members of that tribe are excluded as income. These per capita payments may be distributed by the Secretary of the Interior or by the tribe itself. In Alaska, the only reported distribution of this type has been from the Metlakatla Indian Community. These types of distributions are authorized under Public Laws 92-254, 93-134, 94-114 (Section 5 only), and 94-540, as amended by Public Laws 97-458 and 98-64.

B. ANCSA Distributions

The first \$2,000 per year of cash distributions made by Native corporations to Alaska Natives under the Alaska Native Claims Settlement Act (ANCSA) are excluded as income. This \$2,000 exclusion applies to each individual and to each single calendar year. (See section 4.7.7.8 regarding ANCSA payments and resources).

If there is any reason to doubt a client's statement that he or she has received or expects to receive an ANCSA payment, or reason to doubt the amount of that payment, verification must be sought from the client or the client's Native Corporation, which will usually require a specific written release of information.

Cash distributions paid in excess of \$2,000 per calendar year to an individual shareholder by a regional or village Native corporation count as income to the individual shareholder in the month of receipt. Normal AFDC prospective/retrospective budgeting policies apply to any ANCSA cash distributions in excess of \$2,000 per individual per calendar year.

Any income received by an individual applicant or recipient as a result of his own investment of his ANCSA payments counts as income.

4.7.12.11 INCOME OF SSI/APA RECIPIENTS

A. Separate Economic Units

All income of any person who is actually receiving SSI, or SSI and APA, or APA only, and who is living in an AFDC household and a member of the AFDC economic unit will be disregarded in determining eligibility and payment amounts of applicants and recipients. **Interim Assistance payments are not considered an APA benefit for AFDC purposes.**

SSI/APA and AFDC persons living together will be treated as completely separate economic units, regardless of the legal or family relationships between them, except that when a IV-E eligibility determination is made for a child who is an SSI recipient, then the child must be included in the mandatory filing unit, although the child's SSI is not counted in the AFDC eligibility determination. No person may receive SSI/APA and AFDC benefits in the same calendar month.

B. AFDC Applicants With SSI/APA Recipients

The ET will not count as AFDC income the total amount of income determined by SSI/APA as belonging only to the SSI/APA eligible person.

SSI/APA considers portions of the income of the SSI/APA ineligible spouse or ineligible parent of a child under 18 to be available to the SSI/APA applicant. SSI/APA cannot "deem" income that has been considered in determining AFDC. In making the AFDC determination, all income "deemed" by SSI/APA to be available to the SSI/APA recipient will be

considered AFDC income unless it is otherwise not countable. The ET should not concern himself with the net amounts SSI deemed, after deeming disregards, but merely identify the recipient's own income and consider the **gross** amounts of all other deemed income as available to the AFDC unit.

C. Last or Only Dependent Child Who Receives SSI

If the last or only dependent child in an AFDC unit begins receiving SSI benefits, no AFDC eligibility exists for that child. (See section 4.7.14.1) If a stepparent or alien sponsor begins to receive SSI, deeming of income to the stepchildren or alien stops.

4.7.12.12 EXCESS AVERAGING

- A. Each time an applicant or recipient is found to be over income after the income eligibility determination, excess averaging must be considered to see if it applies. If it applies, it means the client may be determined ineligible for a period of more than one month. The excess income must be added to all other countable income for the month and the total must be divided by the need standard. The client will be ineligible for the number of months resulting from this division. Any remainder resulting from the division will be considered available income in the first month after the ineligibility period.
- B. Excess averaging applies only to cases in which the unit's income is over the standard because of receipt of "non-recurring lump sum income". This type of income can be received by anyone whose needs are included in the grant. If anyone whose needs are not included in the assistance unit receives a lump-sum, excess averaging does not apply.
- C. "Lump sum non-recurring income" is any single countable payment, earned or unearned, made from a source that, in the Eligibility Technician's prudent judgment, is not likely in the foreseeable future to make any further payments to the client.

However, retroactive benefits from Social Security, the Department of Veteran's Affairs, or other agencies making ongoing monthly payments to the client will be considered to be lump-sum non-recurring and must be excess-averaged. Non-recurring lump sum payments include such things as an inheritance or substantial cash gift; a large divorce cash settlement; a contest or lottery prize; or an insurance settlement, personal injury, or damage award or settlement. "Recurring lump-sum" payments are not excess-averaged. These include such things as Permanent Fund Dividends, seasonal income, and student grants.

- D. If the source making the payment designates all or part of the payment as being for a specific purpose, such as replacement or repair of a resource, medical bills, or funeral costs, and the client demonstrates that all or part of the payment has been expended for the designated purpose by the time

of the excess-averaging determination, the amount expended is disregarded as income. This amount is subtracted from the countable AFDC income before the remainder is excess-averaged. (See section 4.7.7.1.)

- E. The normal applicant or recipient's right to opt certain individuals out of the assistance unit is not allowed in when ineligibility is caused due to excess averaging, even if the lump sum belongs solely to the individual opted out of the case. Similarly, subsequent departure of the lump sum recipient from the household does not affect excess averaging. Neither does total breaking up of the family unit. The period of ineligibility and availability of any remainder follows and applies to each person who was in the unit and whose income had to be counted as available to the unit when the lump sum was received.
- F. However, if a new member enters the unit after the month of lump sum receipt or during the period of excess averaging ineligibility, that family member can be found eligible for AFDC if a new application is made and he is otherwise eligible. For instance, a one-person ANI case can be opened for a baby born into an ineligible assistance unit.
- G. The period of ineligibility from excess averaging begins with the payment month corresponding to the budget month in which the lump-sum is actually received.
- H. The period of ineligibility is also independent of whether or not the family actually retains any of the lump sum money

The period of ineligibility may be shortened only if the lump-sum or a portion of the lump-sum becomes unavailable to the family for a reason that is beyond the family's control.

The terms "unavailable" and "beyond the family's control" are defined (as liberally and broadly as possible) to mean any circumstances that caused the assistance unit to expend all or any portion of the lump-sum monies under conditions that were beyond the family's control. Examples include loss or theft of income, unexpected repair or replacement of necessary items, or medical services.

4.7.12.13 DEEMING SCENARIOS

A. DEEMING THE INCOME OF A STEPPARENT

Title IV-E Manual References:

- 4.7.2.1 Who must be included in the assistance unit
- 4.7.2.3 Who may not be included in the AFDC Assistance Unit
- 4.7.12.1 Deeming the income of a Stepparent
- 4.7.15.6 AFDC 185% Eligibility Standards
- 4.7.15.8 AFDC Need Standards

Example #1

Ms. Smith is the mother of Jane and Dick, whose father is absent. Ms. Smith marries Mr. Jones and they have a child (Mary) together. The ET is determining eligibility for **Jane**.

- The ET finds that Mr. Jones' income and/or resources is above the AFDC limit and would make Jane ineligible. The ET therefore excludes Mr. Jones and Mary from the mandatory filing unit, and applies stepparent resource and income deeming since Mr. Jones and Ms. Smith are married.
- Household of three (Ms. Smith, Jane, and Dick); household income: Ms. Smith's income and Mr. Jones deemed income.
- Ms. Smith income: unemployment \$400
- Mr. Jones income: earnings \$1200 minus \$90 = \$1110
- AI standard for Mr. Jones & child Mary \$914 subtract from \$1110 = \$196
- Total countable income \$196 + Ms. Smith unemployment \$400 = \$596
- AI 185% HH size 3 1901, AI need standard HH size 3 \$1028

Total countable income \$596 is less than need standard \$1028, income eligible

Example #2

Mr. and Mrs. Harris are married and living together. They each have one child from previous relationships, and both children are living with them. The ET is determining eligibility for Mrs. Harris' son **John**.

- Mr. Harris and his child are not included in the mandatory filing unit, and stepparent deeming applies since Mr. and Mrs. Harris are married.
- Household of two (Mrs. Harris and John); household income: Mrs. Harris' income and Mr. Harris' deemed income.
- Mrs. Harris earnings \$1200 minus \$90 = \$1110
- Mr. Harris earnings \$1500 minus \$90 = \$1410
- AI standard for Mr. Harris & child \$914 subtract from \$1410 = \$496
- Total countable income \$1110 + \$496 = \$1606
- AI 185% HH size \$1901, AI need standard HH size 2 \$914

Total Countable income \$1606 is greater than need standard \$914, over income.

Example # 3

Mr. and Mrs. Doe are married and living together. Mrs. Doe has one child Lilly from a previous relationship. The ET is determining eligibility for **Lilly**.

- Household of two (Mrs. Doe & child) household income: Mrs. Doe's income and Mr. Doe's deemed income. Step parent deeming applies since Mr. and Mrs. Doe are married.
- Mrs. Doe child support \$200 minus \$50 = \$150
- Mr. .Doe earnings \$1200 minus \$90 = \$1110
- AI standard for Mr. Doe \$573 subtract from \$1110 = \$537
- Total countable income \$150 + \$537 = \$687
- AI 185 % 1901, AI need standard \$914

Total countable income \$687 is less than need standard \$914, income eligible.

Example # 4

Angela is the parent of Jennifer. Angela is married to James who is the stepparent to Jennifer. James is the father of Ryan, and Angela is Ryan's stepparent. OCS takes custody of Jennifer. The ET is determining eligibility for **Jennifer**.

- Household size 2, Angela & Jennifer. Step parent deeming applies. Countable income to determine eligibility for IV-E is as follows
- James earns \$2,000.00 per month.
- Subtract \$90 work expense from stepparent's earned income
- \$90 from \$2000.00 = \$1910.00 remaining income
- James pays child support payments of \$400.00 per month for a child who lives outside of the home
- Subtract \$400.00 for actual payment the stepparent pays for child living outside the home
- \$400.00 from \$1910.00 = \$1510.00 remaining income
- Stepparent and child Ryan are entitled to a deduction for their personal needs by using the AFDC need standards
- AFDC need standards household size 2 \$914.00
- Subtract \$914.00 from \$1510.00 = \$596.00 remaining income
- Compare countable income \$596.00 to
- 185% eligibility standard household size 2 \$1690
- AFDC need standards household size 2 \$914.00

Case is income eligible for IV-E

Example # 5

Polly is the mother of Jane & Dick. Polly is married to Wally and they have a child (Sally) together. OCS takes custody of Jane, Dick, & Sally. The ET is determining eligibility for **Jane, Dick, and Sally**.

- Household income is Wally's gross earnings \$1800.00
- When making an IV-E eligibility determination for Jane, Dick, & Sally the ET finds that Wally's income is above the AFDC limit for a household size of 5 and would make them ineligible.
- The ET therefore excludes Wally & Sally from the mandatory filing unit and applies stepparent income deeming.

Eligibility determination for Jane and Dick:

- Countable income to determine eligibility for IV-E household size 3, Polly, Jane, & Dick is as follows
- Subtract \$90 work expense from (Wally) stepparent's earned income
- \$90 from \$1800.00 = \$1710.00 remaining income
- (Wally) stepparent & Sally are entitled to a deduction for their personal needs by using the AFDC need standards
- AFDC need standards household size 2 \$914.00
- Subtract \$914.00 from \$1710.00 = \$796.00 remaining income
- Compare countable income \$796.00 to
- 185% eligibility standard household size 3 \$1901.00
- AFDC need standards household size 3 \$1028.00

Jane and Dick: income eligible for IV-E

Eligibility determination for Sally:

- Household size of 5. Step parent deeming does not apply.
- Countable income is \$1,800
- 185% eligibility standard household size 5 \$2,323
- AFDC need standard household size 5 \$1,256
- Countable income is above the need standard

Sally: not income eligible for AFDC

B. DEEMING THE INCOME OF A MINOR PARENT'S PARENT(S)**Title IV-E Manual References:**

- 4.7.2.4.B Minor parent consideration
- 4.7.12.2 Deeming the Income of a minor parent's parent(s)
- 4.7.12.4 Certain child support income
- 4.7.15.6 AFDC 185% Eligibility Standards
- 4.7.15.8 AFDC Need Standards

Example # 1

Debbie is 17 years old with a 4 month old girl named Daisy living at home with her mother, father & 2 siblings. OCS receives a protective services report that Daisy was injured while in Debbie's care. OCS assumes custody of Daisy and removes her from her mother's home. The ET is determining eligibility for **Daisy**.

- Because Debbie is under 18 and living with her parents, minor parent's parents deeming will apply - the income of the minor parent's parents must be deemed available for both Debbie & Daisy.
- Debbie and Daisy will be the only members of the mandatory filing unit.
- Total income for this household is minor parent's father's earnings \$ 2100
- Minus \$90 work expense = \$ 2010
- Subtract AI standard HH size 4, minor parent's parents & 2 siblings \$1142 = \$ 868
- 185 % standard for HH size 2 \$1690, AI need standard \$914

Total countable income \$ 868 is less than AI need standard \$ 914, income eligible.

Example # 2

Laura is a 17 year old with a 2 month year old boy named John and they are living with Laura's mother. A report of harm is received and Laura is removed from her mother's home by a court order and placed into OCS custody. Both Laura & John are placed into the same foster home. The ET is determining eligibility for **Laura**. A IV-E eligibility determination is not made for John, since he is not in OCS custody.

Scenario 1: the only income is Laura's mother's earnings and child support

- Minor parent deeming will apply
- Laura and John will be the only members of the mandatory filing unit.
- Household size of 2
- Total income for this household is Laura's mother's \$1,100 earnings

- and \$50.00 child support (first \$50 of child support does not count)
- Earnings \$1,100 minus \$90 work expense = \$1,010
 - Subtract AI need standard for Laura's mother \$573 from \$1,010 = \$437
 - 185 % standard for HH size 2 is \$1690, AI need standard \$914

Total countable income is \$437, Laura is income eligible.

John is eligible for Medicaid based on Laura being eligible for IV-E.

Scenario 2: the only income is ATAP and \$50 child support

- **Minor parent deeming will not apply**
- Laura, John, and Laura's mother must be included in the mandatory filing unit.
- Household size of 3
- ATAP and first \$50 of child support is not countable

No countable income, Laura is income eligible

A few weeks later, Laura runs away from the foster home and John is taken into custody. A IV-E eligibility determination must be made for John (application, judicial determinations, etc. for John are required). John is considered to have been constructively removed from his mother and only Laura's income would be counted. Minor parent deeming would not apply, since Laura was not living with her parents at the time that John was removed.

Example # 3

Pamela is a 16 year old with a 3 month old girl named Deborah and they are living with Pamela's father. Both Pamela and Deborah are taken into custody and placed in foster care. A IV-E eligibility determination must be made for both Pamela and Deborah regardless of whether they are placed in the same placement. Minor parent deeming applies, since they were living with the minor parent's parent. The following applies to both eligibility determinations:

- Pamela and Deborah will be the only members of the mandatory filing unit.
- Pamela's father's earnings \$1500
- subtract \$90.00 work expense = \$1410.00
- deduction for Pamela's father's personal needs from AI need standard \$573.00 = \$837.00
- 185% standard for hh size 2 is \$1690.00, AI need standard \$ \$914.00

Total countable income \$837.00, both Pamela and Deborah are income eligible

Example # 4

Sara is a 15 year old with a 4 months old boy named Michael. Sara and Michael lived with Sara's mother until Michael was 2 months old at which time they moved in with Sara's aunt, who is not Sara's legal guardian. When they have been living with the aunt for two months, the aunt decides that she no longer wants Sara and Michael in her home. OCS takes custody of both Sara and Michael, and they are removed from the aunt's home. A IV-E eligibility determination must be made for both Sara and Michael regardless of whether they are placed in the same placement. Since Sara was constructively removed from her mother and Michael was

constructively removed from Sara, when AFDC eligibility is determined for the month of petition, minor parent deeming applies. The following applies to both eligibility determinations:

- Sara and Michael will be the only members of the mandatory filing unit.
- Sara's mother's earnings \$1,650
- subtract \$90.00 work expense = \$1,560.00
- deduction for Sara's mother's personal needs from AI need standard \$573.00 = \$987.00
- 185% standard for hh size 2 is \$1690.00, AI need standard \$ \$914.00

Total countable income \$987.00, neither Sara nor Michael are income ineligible

4.7.12.14 INCOME SCENARIOS

- A. Aaron had been in state custody for 3 years. He was eventually placed in a subsidized guardianship with his Aunt Amy. Two years later OCS assumed custody of Aaron and placed him in a fully licensed foster home. When making a IV-E determination, the ET will not include Amy in the mandatory filing unit nor consider her income and resources. Aaron will be in an ANI household of 1. Only his income and resources, and the guardianship subsidy, may be counted.
- B. Annie had been living with her grandmother, who was not her legal guardian, for three years when OCS received a protective services report that alleged that the grandmother was abusing Annie. Annie was removed from the grandmother's home and placed in OCS' custody. The court order removed Annie from her grandmother's physical custody because of the grandmother's abuse. When making a IV-E determination, the ET will not include the grandmother in the mandatory filing unit nor consider her income and resources. Annie will be in an ANI household of 1, and only her income and resources may be counted.
- C. Mary, who is 8 years old, was living with her mother and her two brothers who are 16 and 20. She was removed from home because her mother abused her. When making a IV-E determination for Mary, the ET will include the Mary, mother and 16 year old brother in the mandatory filing unit, and exclude the 20 year old brother, for a household size of 3.

4.7.13 EXCLUDED INCOME

4.7.13.1 FOODSTUFFS AND FOOD STAMPS

The value of the following items are not counted in determining the initial or continuing eligibility. (The presence of any of these 5 items in an AFDC economic or assistance unit need not be investigated, verified, or documented).

1. The value of any home produce which is consumed by the members of the AFDC household, including farm or garden crops, home canned foods, etc.;
2. The value of any foods which are donated to the AFDC household by the United States Department of Agriculture;
3. The value of any food stamp coupons provided to the AFDC household under the Food Stamp program;
4. The value of any supplemental food assistance provided to the AFDC household under the Child Nutrition Act of 1966 (WIC Program), and the special food service program for children under the National School Lunch Act; and
5. The value of benefits of any type (cash, food, etc.) received by anyone in the AFDC household under the Nutrition Program for the Elderly, Title VII of the Older Americans Act of 1965.

4.7.13.2 PROPERTY ACT PAYMENTS

Payments received under the Uniform and Real Property Acquisition Act of 1970 will not be counted in determining initial and continuing eligibility and payment amounts. These payments may include monies to buy a new home, pay for additional rent, pay for moving costs or to relocate a business. Such payments are generally associated with urban renewal projects and other household programs operated by the Alaska State Housing Authority or other non-profit housing corporations. No verification is required.

4.7.13.3 LOANS

- A. All bonafide loans, including educational, personal, and commercial loans, are disregarded as income. A bona fide loan is a debt that the borrower has an obligation to repay and expresses his or her intention to repay.
 - B. The bonafide nature of a loan must be verified and documented in the case file. Commercial and educational loans can normally be verified by seeing a copy of the written loan agreement or a document identifying the payment as a loan. In the case of personal loans, written documentation from the lender and the borrower must be provided as verification of the bona fide nature of the loan. This verification must

provide, at minimum, acknowledgement by the borrower and lender that an obligation to repay the loan exists, and acknowledgement by the borrower that he or she intends to repay the loan (with or without interest).

- C. If it is determined the funds received are not from a bona fide loan, (there is no repayment obligation or the borrower has no intention of repayment) the amount received potentially may or may not be countable income. (See section 4.7.12.9.)

4.7.13.4 WORK-STUDY EARNED INCOME

College or university students may be enrolled in a Work-Study program in which they attend school part-time and work part-time at a job. Any income an applicant or recipient earns from employment in a work-study program will **not** be counted as income for AFDC purposes.

This disregard applies to both AFDC adults and children. The ET must verify that part-time employment of an applicant or recipient who claims to be in a work-study program is in fact a work-study job and not individually acquired regular part-time job.

4.7.13.5 VOLUNTEER SERVICE PAYMENTS

The following will not be counted as income:

1. Any payment for supportive services or reimbursement of out-of-pocket expenses such as lunches, transportation, etc. to individual volunteers serving under any program of Titles II and III of the Domestic Volunteer Service Act of 1973 (Public Law 93-113) including foster grandparent, senior health aide, senior companion, Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE). No verification of program status or amounts paid any such volunteers needs to be made.
2. Any payments (salary, wages, or reimbursement for expenses) made to any Vista volunteer (Title I of the Domestic volunteer Service Act of 1973, Public Law 93-113). Vista volunteer status must be verified by contacting the client's supervising Vista office.

4.7.13.6 VOCATIONAL REHABILITATION PAYMENTS

Payments made by the:

- U.S. Department of Veterans Affairs (VA), or
- Division of Vocational Rehabilitation (DVR), Alaska Department of Education,

for vocational rehabilitation are considered complimentary program benefits and are disregarded as income.

Note: Any VA payment which is not for vocational rehabilitation is considered unearned income. VA educational assistance is treated as educational income and certain educational costs may be allowed as deductions (see section 4.7.12.7(B)).

4.7.13.7 FOSTER CARE AND BOARDING HOME PAYMENTS, AND ADOPTION AND GUARDIANSHIP SUBSIDIES

- A. Any foster care or adult foster care payment made by any division of the Department of Health and Social Services to a specified relative in order to care for a foster child or foster adult who is not receiving Temporary Assistance benefits will not be counted as income in determining eligibility. A child cannot be included in an Temporary Assistance case and be receiving Title IV-E Foster Care or State-funded foster care benefits in the same calendar month.
- B. Any boarding home payment made by the state, local government, or school board to a specified relative in order to care for a non-AFDC eligible student while that student is attending school will not be counted as income.
- C. Any adoption subsidy payments received for a child will not be counted as income in determining eligibility. However, guardianship subsidy payments **are** counted as income for the child.

4.7.13.8 EARNED INCOME TAX CREDIT

Low income workers who have earned income and are responsible for the care of a dependent child during a tax year may be eligible to receive a payment from the Internal Revenue Service (IRS) in the form of an Earned Income Tax Credit (EITC).

The EITC is an amount an individual may be able to subtract from his or her federal income tax. If the credit is larger than the tax due, they may qualify for a refund even if the employed worker did not pay any taxes during the tax year. It is also possible to obtain the EITC on a monthly basis as an advance direct from an employer.

Any EITC payment is disregarded as income.

4.7.13.9 EXPERIMENTAL HOUSING ALLOWANCE PAYMENTS

The Experimental Housing Allowance Program (EHAP) provides long-range housing assistance to low income families in 12 states (not Alaska). EHAP payments to applicants and recipients are disregarded.

4.7.13.10 HEATING ASSISTANCE PAYMENTS

Any and all payments made to or on behalf of a Temporary Assistance applicant or recipient by the Division of Public Assistance's Heating Assistance program are totally disregarded as income, including annual direct cash payments to Temporary Assistance recipients. Energy assistance monthly payments made by the Alaska State Housing Authority to its tenants are disregarded as income.

4.7.13.11 INCOME OF EXCLUDED CHILDREN

A. The earned or unearned income of any child who is not a part of the AFDC economic unit or is not in the mandatory filing unit is not counted in determining initial or continuing eligibility.

B. It is not necessary to verify earned income sources or amounts belonging to such a child. However, it may be necessary to verify that the amounts of certain types of unearned income the applicant claims belong to the child who is not included are accurate and do in fact belong specifically to that child. This will be particularly necessary in cases of child support payments and Social Security payments.

C. Child Support Payments

If the child is not included in the economic unit, the amount of court ordered child support which the court has ordered for that child is not counted. Verification is available in the court order. If the court only specifies a total amount, the ET must divide the amount actually received by the number of children for whom support was ordered to determine what amount to disregard for each child who is not included in the economic unit.

D. Social Security Payments

Particularly in situations involving deprivation by death, the remaining parent (or other specified relative) may be receiving a single SSA check each month, even though that check includes separate amounts of benefits for him and for each one of his SSA-eligible children. The ET must verify the amount of SSA paid to the survivor as payee for any child who is not included in the assistance unit.

4.7.13.12 RESTITUTION PAYMENTS

Restitution payments made to Aleuts or individuals of Japanese ancestry under Public Law 100-383 are excluded as income.

4.7.13.13 MAJOR DISASTER AND EMERGENCY ASSISTANCE

Any Federal major disaster and emergency assistance or any comparable disaster assistance provided by states, local governments, or disaster assistance

organizations are disregarded as income. Verification is not required unless the source of the funds is questionable.

4.7.13.14 DIVERSION PAYMENTS

Diversion payments made under the Alaska Temporary Assistance Program are not counted as income under AFDC. Such payments are exempt because they are paid in lieu of ATAP payments and are therefore treated as ATAP payments.

4.7.14 SPECIAL TYPES OF CASE PROCESSING

4.7.14.1 SSI CHILD CASES

- A. Social Security Income (SSI) will make monthly payments to disabled or blind children under 18. By separate application, these SSI children also qualify for Medicaid. Once a person is found eligible for SSI, that person can no longer be included in an AFDC grant. However, when initial IV-E eligibility is determined for a child who is receiving SSI at the time of the removal then the child must be included in the mandatory filing unit. In this situation, the SSI is not counted in the AFDC eligibility determination. In some cases, the SSI eligible child may be the last child in the recipient's household or the only child on a new application. In both these circumstances, AFDC eligibility can be found to exist or to continue for the caretaker relative alone.
- B. Income and resources of the SSI child are removed from the AFDC case. Only the resources and income available to the caretaker relative are considered in the eligibility determination. A special need standard are applied these cases.
- C. When an AFDC client has a last or only child who may be blind or disabled, referral may be made to SSI. It may be advantageous to the unit to apply, for both will keep Medicaid eligibility and the total of the on person AFDC payment and the reduced SSI individual payment to the child may be larger than the two-person AI-AFDC payment. In this type of case the choice of programs is totally up to the relative and child. In no way is SSI a prior resource to AFDC.
- D. When a SSI eligible child in custody turns 18, the 18 year old is automatically eligible for APA benefits and eligible for Medicaid based on the APA benefits. IV-E eligibility ends when APA benefits start.
- E. See also sections 4.9.4, 5.4.6.14, 5.9.1(E), and 7.4.1.3.

4.7.15 INCOME ELIGIBILITY

In determining Title IV-E eligibility, the income that was actually received during the month is considered.

4.7.15.1 ELIGIBILITY TEST GROSS INCOME

The preceding sections list incomes which are usually excluded from countable income. The following sections discuss how to compute the countable total gross earned and unearned income with which to determine if the family unit's gross income is above or below the appropriate 185% eligibility standard. Making this determination always involves anticipating next month's income.

4.7.15.2 COMPUTING ELIGIBILITY TEST INCOME

Once the incomes of each member of the economic unit are identified, the appropriate incomes are disregarded, and the gross monthly earned incomes of self-employed and employees are computed, the monthly income of each person in the unit is totaled and entered on the 185% eligibility test budget. Cents are kept on each income entered.

4.7.15.3 APPLICATION PERIODS AND MEDICAID

The AFDC initial month's payment is prorated from the date an identifiable application is received in a district office or from the first day of eligibility, whichever is later. All income received in the first month counts in the eligibility determination and in the payment calculation, even if it was received prior to the first day of eligibility.

4.7.15.4 ELIGIBILITY DECISION

Each identifiable application must be disposed of by a written notice of finding of eligibility or ineligibility. Notice of ineligibility must be adequate. (See Notice Section). If the applicant meets all of the factors of eligibility, adequate notice of eligibility is sent.

4.7.15.5 185% ELIGIBILITY TEST

The 185% eligibility determination test is the first income test and is always used to determine a family's income eligibility. The assistance unit's gross countable income is totaled and compared to the applicable 185% eligibility standard listed in this section.

Note: *The earned income disregards (\$90 and dependent care costs) are never allowed in calculating the amount of income used in the 185% test. However, if there are earnings from self-employment income or income which is deemed*

available to the assistance unit (such as stepparent, disqualified alien parent, and sponsor deeming) the net adjusted income after deducting the allowable costs of doing business from self-employment income or computing the deemed income amount is used when totaling the assistance unit's gross income and comparing it to the 185% standard.

If the assistance unit has countable income **equal to or less than** the 185% eligibility standard for the unit, they **"pass"**. Income eligibility must then be determined again, based on the net income eligibility test (see section 4.7.15.7 & 8).

If the assistance unit has **\$0.01 or more** countable income than the amount of the 185% eligibility standard for the assistance unit, **they "fail"**. The ET should examine the family situation to determine if there is a non-mandatory filing unit member who is included in the application for assistance. If there is, and if exclusion of that person from the assistance unit may remove that person's income from being considered, the non-mandatory filing unit member will be removed and the countable income recomputed and matched against the new standard.

If no recomputation is possible and the AFDC net countable income exceeds the appropriate need standard, or if recomputation has been done and the assistance unit's income still exceeds the new standard, the applicant and child(ren) are not eligible for AFDC even if all other factors of eligibility are met. The Eligibility Technician denies Title IV-E Foster Care and notifies the child's worker. Each time a case fails the 185% test, a determination of whether lump sum excess averaging applies must be done.

4.7.15.6 AFDC 185% ELIGIBILITY STANDARDS**A. Adult Included (AI) 185% Eligibility Standards**

The following eligibility standards are used in cases in which there is **at least one** needy specified relative included in the assistance unit. Family size is determined by adding the needy specified relative(s) included in the assistance unit to the number of dependent children included in the assistance unit. The family size is the total number of individuals included in the assistance unit.

Note: *If deprivation is based on the unemployment or incapacity of a parent and both of the child's parents are included in the AFDC-UP or AFDC-INCAP case, both parents are considered to be specified relatives. This is the only situation in which more than one specified relative may be included in the assistance unit.*

AI FAMILY SIZE	AI 185% ELIGIBILITY STANDARD
2	\$ 1,690.00
3	1,901.00
4	2,112.00
5	2,323.00
6	2,534.00
7	2,745.00
8	2,956.00
9	3,167.00
10	3,378.00

For AI family sizes in excess of 8 people add \$210 for each additional person.

B. Adult Not Included (ANI) 185% Eligibility Standards

The following eligibility standards are used in cases in which no needy specified relative is included in the assistance unit. Family size is the total number of dependent children who are included in the assistance unit:

ANI FAMILY SIZE	ANI 185% ELIGIBILITY STANDARD
1	\$ 930.00
2	1,141.00
3	1,352.00
4	1,563.00
5	1,774.00
6	1,985.00
7	2,195.00
8	2,406.00
9	2,617.00
10	2,828.00

For ANI family sizes in excess of 8 children add \$210 for each additional child.

4.7.15.7 INCOME ELIGIBILITY DETERMINATION

The income eligibility determination test is the second income test and is always used to determine a family's income eligibility. Once the assistance unit's countable gross income from the 185% test determination has been adjusted by allowing any applicable earned income disregards the total amount is compared to the need standard (listed below) for the assistance unit.

Note: *The earned income disregard (\$90) is not allowed against the earnings of certain individuals (see section 4.7.11.3.)*

If the assistance unit has countable income **equal to or less than** the need standard for the assistance unit, **they "pass"**. AFDC eligibility exists if all the other eligibility factors have been met.

If the assistance unit has **\$0.01 or more** countable income than the amount of the need standard for the assistance unit, **they "fail"**. The ET should examine the family situation to determine if there is a non-mandatory filing unit member who is included in the application for assistance. If there is, and if exclusion of that person from the assistance unit may remove that person's income from being considered, the non-mandatory filing unit member will be removed and the countable income recomputed and matched against the new need standard.

If no recomputation is possible and the AFDC net countable income exceeds the appropriate need standard, or if recomputation has been done and the assistance unit's income still exceeds the appropriate need standard, the applicant and child(ren) are not eligible for AFDC even if all other factors of eligibility are met. The Eligibility Technician denies Title IV-E Foster Care and notifies the child's worker.

Each time a client fails the income eligibility determination, a determination of whether lump sum excess averaging applies must be done.

4.7.15.8 AFDC NEED STANDARDS

A. Adult Included (AI) Need Standards

The following need standards are used in cases in which there is **at least one** needy specified relative included in the assistance unit. Family size is determined by adding the needy specified relative(s) included in the assistance unit to the number of dependent children included in the assistance unit. The family size is the total number of individuals included in the assistance unit.

Note: *If deprivation is based on the unemployment or incapacity of a*

parent and both of the child's parents are included in the AFDC-UP or AFDC-INCAP case, both parents are considered to be specified relatives. This is the only situation in which more than one specified relative may be included in the assistance unit.

AI FAMILY SIZE	AI NEED STANDARD
1	\$ 573.00
2	914.00
3	1,028.00
4	1,142.00
5	1,256.00
6	1,370.00
7	1,484.00
8	1,598.00

For AI family sizes in excess of 8 persons, add \$114.00 for each additional person.

B. Adult Not Included (ANI) Need Standards

The following need standards are used in cases in which no needy specified relative is included in the assistance unit. The family size is the total number of dependent children who are included in the assistance unit:

ANI FAMILY SIZE	ANI NEED STANDARD
1	\$ 503.00
2	617.00
3	731.00
4	845.00
5	959.00
6	1,073.00
7	1,187.00
8	1,301.00

For ANI family sizes in excess of 8 children add \$114.00 for each additional child.

D. Personal Allowance Deductions For a Stepparent, Disqualified Alien Parent, Alien Sponsor, & a Minor Parent's Parent

For purposes of this section, a stepparent, disqualified alien parent, alien sponsor, or a parent of a minor parent whose income is deemed available to the assistance unit is referred to as a "deemor".

Deemors are entitled to a deduction from their own income for personal needs, and may also be allowed an additional deduction for each of their dependents in the home who are not included in the AFDC case. See chapter 4.7.12.

The amount of the deduction allowed is the:

1. Adult-Only need standard, if the deemor does not have any other dependents in the home for whom he or she can get a deduction, or
2. Adult Included need standard, if the deemor is entitled to a deduction for himself or herself **and** a deduction for at least one other dependent in the home. Family size is the deemor plus the number of dependents in the home for whom the deemor is entitled to receive a deduction.

4.7.15.9 CHILD'S EARNED INCOME DISREGARDS

The earned income of a dependent child may have been counted or disregarded in determining if the household passed the 185% test, according to the policies set forth in section 4.7.12.8. Regardless of whether the income was counted or disregarded in the 185% test, section 4.7.12.8 specifies whether that income is to be counted or disregarded in determining if the household passes the eligibility determination.

4.7.15.10 ELIGIBILITY TEST

Only one AFDC eligibility test is required for each placement episode, and the 185% eligibility test, the need standard test, and the resources test must be applied to the eligibility test.

A. CHILD PASSES ELIGIBILITY TEST

1. AFDC income/resource eligibility must be determined for the month that court proceedings leading to the removal of the child from home were initiated or the month a voluntary placement agreement was signed (see section 4.7). Court action may be initiated with a petition, memo, or report to the court that asks the court for a judicial determination. If there is no petition, motion, etc that initiated the action, then initial AFDC income/resource eligibility must be determined for the month that the judicial determination was made.
2. If the child passes the 185% eligibility test, the need standard test, and the resources test, then the child meets the income/resource requirements, and if all the other eligibility requirements are also met, the child is eligible for Title IV-E Foster Care and Title IV-E Medicaid coverage. The Eligibility Technician authorizes Title IV-E related Medicaid on EIS and sends a Title IV-E Foster Care and Medicaid eligibility determination notice to the child's worker.

B. CHILD FAILS ELIGIBILITY TEST

If the child fails to pass the 185% eligibility test, the need standard test, or the resources test at the determination of initial eligibility, then the child is not eligible for Title IV-E Foster Care and related Medicaid for that placement episode. The Eligibility Technician denies Title IV-E Foster Care and notifies the child's worker of the decision. The Eligibility Technician determines the child's eligibility for Medicaid coverage under other categories, and if eligible, notifies the child's worker of the Medicaid eligibility decision, as prescribed in the Medical Assistance Manual.

4.8 PLACEMENT REQUIREMENTS

In order to claim Title IV-E Foster Care reimbursement for a child, foster care maintenance payments must be made for the child and the child must be placed in a Title IV-E claimable placement.

4.8.1 DEFINITION OF TITLE IV-E CLAIMABLE PLACEMENT

This is defined as either a "foster family home" (i.e., a licensed foster home), a "child-care institution" (i.e., a private licensed child-care institution), or a public licensed institution which accommodates no more than twenty-five children. "Child-care institution" does not include detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children who are determined to be delinquent. Residential psychiatric treatment centers (RPTC) and hospitals are not Title IV-E claimable placements.

4.8.2. FOSTER CARE MAINTENANCE PAYMENTS

Payments may cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to the child, and reasonable travel to the child's home for visitation. If the child is placed in a residential facility, foster care maintenance payments may include the reasonable costs of administration and operation of such institutions as are necessarily required to provide the items described above.

4.8.3 SAFETY REQUIREMENTS FOR CARE PROVIDER

4.8.3.1 CRIMINAL RECORD CHECK

In order to assure the safety of children who are placed in foster care, Title IV-E rules require that a criminal records check be made on prospective foster parents. This requirement applies to foster homes which became licensed after 7/1/98 (the delayed effective date for Alaska of the federal law which added this requirement). If a child is placed in a foster home where a criminal background check reveals that the foster parents have committed crimes prohibited in the Adoption and Safe Families Act, the child does not meet the Title IV-E placement requirements and therefore is not eligible for IV-E Foster Care when placed in that foster home. The prohibited crimes are:

- A. A felony conviction at any time for:
 - child abuse or neglect;
 - spousal abuse;
 - a crime against children (including child pornography);
 - a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery; or

- B. a felony conviction within the past 5 years, for physical assault, battery, or a drug-related offense.

4.8.3.2 VERIFICATION THAT THE SAFETY REQUIREMENTS ARE MET

- A. In-State Foster Homes

Since a criminal record check is included in the Alaska foster care licensing requirements, Eligibility Technicians are not required to verify that a criminal record check has been done on foster homes licensed in Alaska; and since Alaska statutes and regulations are more restrictive than federal law in regards to criminal background of foster parents, Eligibility Technicians are not required to verify that a foster parent's criminal records do not include crimes prohibited by federal law.

- B. Out-of-State Foster Homes

Eligibility Technicians are not required to verify that a criminal record check has been done on out-of-state foster homes, because this is done by State Office Provider Payment Unit (PPU) staff. PPU staff obtains and reviews criminal background check documentation for out-of-state foster homes, and verifies whether there are criminal records that result in the foster home not meeting the safety requirements in federal law. If the federal safety requirements are not met, the PPU staff will not document the foster home as a fully licensed home in ORCA.

4.8.4 LICENSING REQUIREMENTS

4.8.4.1 "FULLY LICENSED" FOSTER HOME/RESIDENTIAL CHILD CARE FACILITY

In order to make IV-E claims for federal reimbursement of foster care costs, the foster home/residential child care facility must be "fully licensed", i.e. all the requirements, including receipt of the results of a fingerprint check, must be met. Only foster homes with the following types of licenses meet this requirement:

- A. Biennial License with nothing pending and no plan of correction;
- B. Provisional License with nothing pending and no plan of correction.

If there is a plan of correction or if licensing requirements are pending, the foster home/facility cannot be considered "fully licensed" until the plan of correction has been completed or the conditions that were pending have been met and a new license has been issued that reflects the new status. The only condition that does not result in a home/facility not being fully licensed is "extension for licensing evaluation". See Reference Guide for Licensing Terminology in Appendix VI.

4.8.4.2 VERIFICATION THAT LICENSING REQUIREMENTS ARE MET**A. Foster Homes (In-State and Out-of-State)**

1. The Eligibility Technician verifies that a foster home is fully licensed by reviewing the license for all foster homes in which the child has been placed since the removal or most recent review, for the following:
 - a. the license meets the requirements for “fully licensed”; and if
 - b. the license was valid during the placement period.
2. The verification is done by accessing the information in ORCA.. Use the following procedures for verification using ORCA:
 - a. Click on the search button on the toolbar at the top of the ORCA Desktop then click the Provider/Organization tab;
 - b. Enter the provider name or provider number and click search;
 - c. Click on the provider Icon to expand the provider;
 - d. Click on the Licenses Icon to expand the licenses;
 - e. Select the license for the dates you are seeking to verify eligibility;
 - f. Click on the hyperlink for that license;
 - g. On the Basic tab, review the type of license and license period;
 - h. Review the “conditions” section on the Characteristics Tab to determine whether there are any conditions/plans of corrections; and
 - i. Review the status on the License Page in the License Group Box at the top of the page:
 - The status is active if the license selected is the most recent license and if it has been approved by the licensing supervisor. The status is pending if the license has not been approved.
 - If there have been changes to the license since the facility was initially licensed, a license may have the status of converted, renewed, modified or expired.
3. Determination based on ORCA: Verify that the facility is fully licensed if:
 - a. The license is a provisional or biennial license and covers the period of time that the child is placed in the facility.
 - b. The status of the license is “active”.
 - c. There is no plan of correction and no pending licensing requirements, as verified by the review described above.
4. Documentation: The following printouts from ORCA must be filed in the eligibility file as verification that the foster home is fully licensed:
 - a. the Characteristics tab; and

- b. the status section on the License Page Basic Tab.
- 5. A license can be launched for each of the licenses displayed under the expanded Licenses Icon. It may be necessary for launch, print and review two or more licenses if the eligibility period does not fall within the begin and end dates of a single license.

B. Residential Child Care Facilities

- 1. The Eligibility Technician verifies that a residential child care facility is fully licensed by reviewing the license in ORCA for all residential child care facilities in which the child has been placed since the removal or most recent review, for the following:
 - a. the license meets the requirements for “fully licensed”; and if
 - b. the license was valid during the placement period.
 - c. the license is valid for fewer than 25 beds.
- 2. Licenses for residential child care facilities do not reflect whether there is a plan of correction. Plans of correction are addressed in Licensing Activity Notes in ORCA. The Eligibility Technician also reviews Licensing Activity Notes pertaining to the license to determine whether there is a plan of correction and, if applicable, the start date of the plan of correction and the date the plan is completed.
- 3. Determination: If there is a plan of correction, the facility is not fully licensed effective the date of the plan of correction. When the plan of correction is resolved, the facility becomes fully licensed on the first day of that month. However, if a child is placed in the facility during a period that the facility was not fully licensed, the Eligibility Technician will code the case temporarily ineligible for the child's placement in the facility during that period.
- 4. Documentation: The following documents must be filed in the eligibility file as verification that the facility is fully licensed:
 - a. printout of license in ORCA; and
 - b. if applicable, printouts of ORCA Licensing Activity Notes that address plan of correction.

C. Loss of Fully Licensed Status: When a foster home is fully licensed in the beginning of the month but loses its fully licensed status during the month:

- 1. If a IV-E eligible child is placed in that foster home **at the time** fully licensed status is lost, the child becomes temporarily ineligible on the date that the fully licensed status is lost. However, due to ORCA functionality issues, in this situation temporarily ineligible coding must be used effective the first day of the month that the foster home lost

its fully licensed status, unless fully licensed status is reinstated during that month. IV-E claiming cannot be resumed until the first of the month that the foster home regains fully licensed status, except that a foster home cannot be considered fully licensed prior to the effective date of the initial license.

2. If a IV-E eligible child was placed in that foster home in the beginning of the month but was moved to another placement **prior to** when the home lost its fully licensed status, the eligibility code will reflect that the foster home was fully licensed during the child's placement in the foster home. See scenarios in (E) below. Additional scenarios are included in section 5.4.6.6 and in Interim Coding Scenarios Pending ORCA Modifications in Appendix VI.

D. Unlicensed Providers/Initial License/Coding:

1. S code may be used for an unlicensed specified relative starting on the day the relative applies for a license. If the relative does not become fully licensed within 131 days, S code must be changed to A code effective the 132 day. In all other circumstances, A code is the only acceptable code for placement with an unlicensed relative.
2. See scenarios in (E) below. Additional scenarios for placement with an unlicensed relative are included in section 5.4.6.4.

E. Scenarios:

1. Initial License Issued While Child Placed with the Provider:
 - a. On 10/10/11 a child is placed with an unlicensed specified relative, and the relative applies for a license on that same day.
 - An initial license (not fully licensed) is issued effective 1/15/12.
 - The provider became fully licensed effective 2/5/12 (i.e. within 131 days of the application date) and a new license is issued.
 - The other IV-E eligibility requirements are met during the child's placement in the home.The eligibility code would be S for the period 10/10/11 – 1/31/12, and P&S starting 1/12.
 - b. On 10/11/11 a child is placed with an unlicensed specified relative, and the relative applies for a license on that same day.
 - An initial license (fully licensed) is issued effective 1/15/12 (i.e. within 131 days of the application date).

- The other IV-E eligibility requirements are met during the child's placement in the home.
The eligibility code would be S for the period 10/11/11 – 1/14/12, and P&S starting 1/15/12.

- c. On 4/10/12 a child is placed with an unlicensed specified relative. The relative applies for a license on 6/14/12.
- An initial license (not fully licensed) is issued effective 7/15/12.
 - The provider became fully licensed effective 9/5/12 (i.e. past 131 days of the application date).
 - The other IV-E eligibility requirements are met during the child's placement in the home.
- The eligibility code would be A for the period 4/10/12 – 5/13/12, S for the period 6/14/12 – 08/19/12, A for the period of 8/20/12-8/31/12 and P&S starting 9/1/12.

2. Initial License Issued Prior to Child's Placement with the Provider:

- a. A child is placed in a non-relative foster home on 9/10/11.
- The initial license had been issued in 3/2011 and the foster home became fully licensed effective 6/2011.
 - The other IV-E eligibility requirements are met during the child's placement in the home.
- The eligibility code would be P&S starting 9/10/11.
- b. A child is placed in a non-relative foster home on 7/7/12.
- The initial license (not fully licensed) for the foster home had been issued in May.
 - The provider became fully licensed effective 9/14/12.
 - The other IV-E eligibility requirements are met during the child's placement in the foster home.
- The eligibility code would be A for the period 7/7/12 – 8/31/12, and P&S starting 9/1/12.
- c. A child is placed in a foster home on 7/7/12. The foster parent is a specified relative.
- The initial license (not fully licensed) for the foster home had been issued in 6/3/12.
 - The provider became fully licensed effective 9/14/12.
 - The other IV-E eligibility requirements are met during the child's placement in the foster home.
- The eligibility code would be S for the period 7/7/12 – 8/31/12, and P&S starting 9/1/12.

3. A Foster Home Fully Licensed Status Changes:

- a. A child is placed in a foster home for the entire month of April 2014.
- In the beginning of the month the foster home is not fully licensed, but on 4/20/14 the foster home becomes fully

licensed.

- The other IV-E eligibility requirements are met during the child's placement in the home.

The eligibility code would be A starting 4/1/14.

- b. A child is placed in a foster home (foster home A) during the period 4/1 - 4/12/14 and is moved to another placement (foster home B) on 4/13/14.

- In the beginning of the month foster home A is fully licensed, but on 4/20/14 foster home A becomes not fully licensed.
- The other IV-E eligibility requirements are met during the child's placement in foster home A.

The eligibility code would be P&S for the period 4/1/14 – 4/12/14.

- c. A child is placed in a foster home on 4/21/14.

- In the beginning of the month the foster home is fully licensed, but on 4/20/14 the foster home becomes not fully licensed.
- The other IV-E eligibility requirements are met during the child's placement in the home.

The eligibility code would be A starting 4/21/14.

4.8.5 SPECIFIC ISSUES RELATED TO PLACEMENT REQUIREMENTS

4.8.5.1 PLACEMENT WITH BIOLOGICAL PARENT

For Title IV-E eligibility purposes, a biological parent remains the parent even if the legal ties between the parent and the child are severed by a termination of parental rights.

Even if the parent is a licensed foster parent, neither the Title IV-E rules nor Alaska statutes and regulations allow making foster care payments to a parent to care for their own child.

If a child in OCS custody is placed in foster care, and a parent of the child comes into the foster home for an unspecified period of time at a later date, this has no relevance for the child's eligibility for Title IV-E Foster Care and is not considered a return home, unless there is evidence that the parent has moved into the foster home to resume his or her day-to-day care and control over the child.

4.8.5.2 PLACEMENTS WITH UNLICENSED AND NOT FULLY LICENSED RELATIVES

No foster care maintenance payments are made for placements with unlicensed relatives. This includes a child who meets all the IV-E eligibility requirements except placement and is placed with an unlicensed relative.

- A. If the relative chooses not to apply for a license, the eligibility status is

temporary ineligible for the entire placement with the relative.

- B. If the following requirements are met, the child is potentially IV-E eligible (eligible but not reimbursable):
1. The relative caretaker meets the definition of a specified relative (see section 4.4.1 for definition of specified relative); **and**
 2. the relative is in the process of getting licensed as a foster home; **and**
 3. 131 days or less have passed since the relative submitted the application for a foster home license. NOTE: If the home does not become fully licensed by the 131st day, then the child's eligibility status changes from eligible and non-reimbursable to temporarily ineligible on the 132nd day. If the relative becomes fully licensed within the 131 days then the eligibility status changes to eligible and reimbursable starting the first day of the month that the relative becomes fully licensed.
- C. When the license of a specified relative has been closed and the relative applies for a new license, a new 131 day period starts on the date of the application. Review the license status in ORCA and use the following process for verifying whether the license has been closed:
1. Closed, Denied, or Revoked License:
 - a. If the most recent license status shows it has been closed, denied, or revoked the fact that the license status is "closed", "denied", or "revoked" constitutes verification.
 - b. If the provider submits a new application following the closure, denial or revocation of a license a new 131 day period starts on the new application date.
 2. Expired License:
 - a. If the most recent license in ORCA is expired but the provider status is still active, contact the licensing worker for verification of whether the license actually is closed.
 - b. If the licensing worker verifies that the license is closed, and a new application has been submitted, a new 131 day period starts on the application date.
 - c. Emailed response from the licensing worker or ET documentation of conversation with the licensing worker constitutes verification of closure or submittal of a new application.

NOTE: A license expiring may be due to oversight or worker vacancy (such as unexpected annual leave) but the provider may have wanted to remain licensed.

3. Modified or Converted License: If the most current license in ORCA shows it has been modified or converted contact the licensing worker to verify what the status of the new license will be.

- D. An e-mail from a licensing worker that includes the following information may be used as verification of the date an unlicensed relative applied for a license:
 1. the unlicensed relative's name; and,
 2. the date the application was received.

NOTE: If a license is issued (including a provisional license issued under emergency conditions), foster care payments may be made, regardless of the relative status. However, federal reimbursement for the foster care payments cannot be claimed until the foster home becomes fully licensed.

No foster care maintenance payments are made for a child who meets all the IV-E eligibility requirements except placement and is placed with an unlicensed relative, but the child is potentially IV-E eligible and certain specified administrative costs may be reimbursed through a request for special needs funds.

4.8.5.3 PLACEMENT IN TREATMENT FACILITY

If OCS places an Alaska Title IV-E Foster care Child in an in-state or out-of-state treatment facility which is enrolled in the Alaska Medicaid program, the child no longer meets the placement requirements for Title IV-E Foster care and related Medicaid.

The child's eligibility for Alaska Medicaid in another Medicaid eligibility group is determined for Medicaid coverage while the child is placed in the facility. When the child returns to foster care, either in Alaska or out-of-state, the child's eligibility for Title IV-E Foster care is reinstated. A new application is not required.

If a child in DHSS custody who receives Alaska Medicaid but is not Title IV-E Foster Care eligible is placed in an out-of-state treatment facility that is enrolled in the Alaska Medicaid program, the child's eligibility for Alaska Medicaid continues while the child is placed in the facility.

For verification of whether a facility is a treatment facility or a residential child care facility, the Eligibility Technician may contact the Medical Assistance Administrator in the Federal Finance Unit in State Office.

See also sections 4.9.1, 5.5.1, and 5.4.6.10.

4.8.5.4 TRIAL HOME VISIT VERSUS RETURN HOME

- A. It is OCS policy that while OCS has full (c1) custody of a child, a placement in the child's own home following an out-of-home placement is considered a trial home visit for the first six months or the time period ordered by a court. If the visit lasts for longer than six months or the period ordered by the court,

or if the child's custody status is changed from full custody (c1) to supervision (c2) or expires during the trial home visit, the child is considered to have been returned home.

- B. Return Home: If a child is returned home, the placement episode ends. Consequently, if the child subsequently is removed from the home, this would be considered a second removal and require an new initial eligibility determination and a new court order which addresses the removal.
- C. Trial Home Visit: If a child is placed at home for a trial home visit the child's remains potentially IV-E eligible and if the child is placed in out-of-home care again new judicial determinations and a new eligibility determination are not required. A trial home visit cannot exceed six months in duration unless a court orders a longer one. A trial home visit also cannot exceed the time period the court has deemed appropriate. In either case, if the limit is exceeded and the child is subsequently returned to foster care, a new placement episode must begin and title IV-E eligibility must be established again, including new contrary to the welfare and reasonable efforts findings.
- D. For placements in the child's home that occurred prior to 10/1/01, the placement was considered either a return home or a trial home visit, depending on what the intent of the placement was: if the child was placed at home and the intent was a return home, the placement was considered a return home and the placement episode ended. However, if the intent was a trial home visit (as documented in the case file), then the placement was considered a trial home visit and the time frames in C. above apply.
- E. A IV-E eligible child who is placed at home for a trial home visit becomes IV-E eligible and non-reimbursable (S) on the first day of the visit.

4.8.5.5 RUNAWAYS

- A. If a Title IV-E Foster Care eligible child is in runaway status, Title IV-E potential eligibility continues as long as the child is in OCS custody. However, if the child runs to the parents and OCS retains custody, then the "placement" with the parents is considered a trial home visit and the procedures and time lines in section 4.8.5.4 are followed. If OCS custody is released, the placement episode ends.
- B. The child foster care payments regulations allows that a foster care bed is kept open for up to five days for a child who has run away from a foster home. Claims for reimbursement of foster care maintenance costs may be made for payments which are made in accordance with the payment regulations.
- C. The child may continue to be coded as IV-E eligible for 5 days after the date that the child runs, but after 5 days, the code must be changed to a non-IV-E eligible code. However, the child remains potentially IV-E eligible, except in situations where the child runs to a parent and the time limit for a trial home visit is exceeded. If a child in runaway status runs to a parent, but resides in

another location than the parent for part of the runaway episode, then the time limit for trial home visits applies only to the time period when the child resides with the parent. When the child is found and placed in out-of-home care again, initial eligibility does not need to be redetermined as long as the child is still in OCS custody and, when the trial home visit policy applies, the time limit for trial home visit is not exceeded.

- D. When a child is taken into custody but runs away before being placed in out-of-home care, the eligibility determination will be documented in ORCA once the child is found and placed in out-of-home care. The eligibility start date is the date of placement since that is the earliest date that all the eligibility requirements were met.

4.9 MISCELLANEOUS ELIGIBILITY ISSUES

4.9.1 BREAKS IN ELIGIBILITY

4.9.1.1 NON-IV-E CLAIMABLE PLACEMENTS

Residential psychiatric treatment facilities, hospital or detention facilities do not meet the definition of a Title IV-E claimable placement. When a IV-E eligible child is placed in this type of facility, and the child meets all the other IV-E eligibility requirements except placement, the child must be coded Ineligible – Unclaimable (M) effective the date of the placement in the facility

4.9.1.2 BREAK IN CUSTODY

If there is a break in OCS' full (c1) custody of a Title IV-E eligible child, but the child remains in placement, the child remains potentially eligible for Title IV-E Foster Care. However, the child is not Title IV-E eligible for the period of time when OCS does not have custody (see section 4.1.2 regarding the one day – one month policy).

If a court appoints a guardian for the child during the break in OCS custody, the placement episode ends, and if the child is placed in OCS custody again a new IV-E eligibility determination must be made.

If c1 custody ends while the child is on a trial home visit, then the placement episode ends and the child is considered to have been returned home.

4.9.1.3 LATE ANNUAL REASONABLE EFFORTS FINDING

If the annual judicial determination of reasonable efforts is not made within the deadline, the child becomes ineligible from the end of the twelfth month following the date the child entered foster care, or the date the subsequent annual reasonable efforts determination was due. (Please note that if the RE determination is made earlier than when it is due, the next determination is due within 12 months of when the determination was made). The child remains potentially IV-E eligible, and when the judicial determination is made, the child is again eligible effective the first of the month that the judicial determination is made.

4.9.2. CONTESTED PATERNITY

If an alleged father denies paternity, he is not considered the father for Title IV-E Foster Care eligibility determination purposes, unless it is established formally. Paternity is considered established, even if the alleged father denies it, if one of the three conditions below are met:

- A. the alleged father was married to the child's mother at the time of the child's birth; or
- B. the alleged father's name is on the child's birth certificate; or

- C. there is a court order finding that the alleged father is the father based on either blood tests or an investigation by the court (please note that a court order which only refers to the alleged father as the child's father does not mean that the alleged father has been legally recognized as the father).

4.9.3 EXTENSION OF TITLE IV-E FOSTER CARE ELIGIBILITY TO AGE 19

A child's Title IV-E eligibility can be extended to the child's 19th birthday if the child is still in school and is expected to graduate from high school by his/her 19th birthday. Graduation should be considered to occur when the semester is over during which the child has completed all the class work needed for graduation. Title IV-E claiming must stop at the end of the month that the child graduates, even if foster care payments continue after graduation. If it turns out that the child does not graduate before his 19th birthday, as was expected, IV-E claiming should stop at the end of the month during which it becomes clear that the child won't graduate before his 19th birthday. Title IV-E eligibility cannot be extended if the child already has graduated from high school and is attending college. Annual judicial determinations of reasonable efforts must continue to be made until the IV-E case is closed.

4.9.4 RECEIPT OF SSI

- A. While in OCS custody: A SSI eligible child may receive Title IV-E Foster Care payments concurrent with the SSI payments. However, in that situation the child's SSI payment is reduced dollar for dollar by the amount of the Title IV-E Foster Care payment. As a result, because the Alaska cost of care is so high, concurrent receipt of SSI and Title IV-E Foster Care is not possible for children in Alaska foster care. OCS' policy is to keep the SSI payments and not claim Title IV-E Foster Care.
- B. At the Time of the Removal from Home: The rule about concurrent eligibility for SSI and IV-E Foster Care applies both in situations where a IV-E eligible child becomes eligible for SSI while in OCS custody and where the child is receiving SSI at the time of removal. If a child is receiving SSI at the time of removal and all the other IV-E eligibility requirements are met, then the child must be included in the mandatory filing unit but the child's SSI is not counted in the AFDC eligibility determination. If the determination is made that the child would be eligible for AFDC, then the child is potentially eligible for IV-E Foster Care but the child would not be fully IV-E eligible until the SSI payments end.
- C. SSI Eligible Child Turning 18: A SSI eligible child turning 18 is automatically eligible for Adult Public Assistance (APA). IV-E eligibility ends when APA benefits start. See sections 4.7.14.1, 5.9.1(E), and 7.4.1.3.
- D. See also sections 4.7.14.1, 5.4.6.14, 5.9.1(E), and 7.4.1.3.

4.9.5 RECEIPT OF TEMPORARY ASSISTANCE

When a child is removed from a home receiving Temporary Assistance (ATAP), Title IV-E can be claimed from the first day that all Title IV-E eligibility criteria are met regardless of whether an ATAP payment has been made on the child's behalf for that month. If an ATAP

payment has been made on behalf of the child, DPA determines whether or not the payment should be considered an overpayment which needs to be recovered. It is important that the child's worker and OCS Eligibility Technician notify DPA of a child's removal in a timely manner. (See section 7.4 Coordination with DPA)

5.0 ELIGIBILITY DETERMINATION PROCESS

5.1 REVIEW OF INFORMATION

5.1.1 APPLICATION AND SUPPORTING DOCUMENTATION

The Eligibility Technician will review placement and legal information in ORCA, the application, and supporting documentation, and use the information to determine eligibility.

5.1.2 CASE INFORMATION ON EIS

See the EIS Instructions in Appendix VII.

5.1.3 ACCESSING ADDITIONAL INFORMATION THROUGH INTERFACES

When appropriate, the Eligibility Technician will access additional information through interfaces. See Appendix VII.

5.2 DOCUMENTATION OF ELIGIBILITY DETERMINATION

5.2.1 DOCUMENTATION IN ORCA

The Eligibility Technician will document the Title IV-E eligibility determination on the Eligibility Page in ORCA, on the Initial Determination and Redetermination tabs.

A. INITIAL DETERMINATION:

The Eligibility Technician will:

1. Answer the questions on the tab and complete the AFDC Worksheet in ORCA; and
2. Fill out the comments below (see 5.2.1(C) for instructions) and paste them into the Comments section on the Initial Determination tab (the comments are available in the ET Forms Subdirectory of the Statewide Forms Directory). Items that do not apply to the case being worked may be deleted:

DENIED SECONDARY REVIEW BY:
ELIG CODE AND DATES AUTH: WORKED BY:
IV-E ELIG SINCE:
DATE LEGAL/VP REQ MET:
CUSTODY REQ MET:
CUSTODY THRU DATE:
AGE REQ:

HH COMP:
REMOVAL HOME:
EXPLANATION OF HH COMP/REMOVAL HOME:

DEPRIVATION:
HOW DEPRIVATION IS VERIFIED:

INTERFACES CHECKED:

AFDC MONTH USED:

COUNTABLE INCOME SUMMARY
EAIN:
UNIN:
SEEI:
RESOURCES:
TOTAL INCOME:
DEDUCTIONS:
NET INCOME:
SSI ELIG:
185% ELIG:
NEED STD ELIG:
EXPLANATION OF INCOME DEVELOPMENT:

PLACEMENT REVIEW
UNCLAIMABLE PLACEMENT:
DATE BEGAN:

RUNAWAY BEGAN:
6 DAYS IN RUNAWAY:

THV:
DATE BEGAN:
EXCEEDS 6 MONTHS:

RELATIVE FH PLACEMENTS
SPECIFIED RELATIVE:
LIC APP DATE:
132 DAYS:
UNLICENSED:
DRA:

NON RELATIVE FH PLACEMENTS
FULLY LICENSED:
DRA:

EXPLANATION OF PLACEMENT AND/OR LICENSE STATUS:

B. REDETERMINATION:

The Eligibility Technician will:

1. Answer the questions on the tab; and
2. Fill out the comments below (see 5.2.1(C) for instructions) and paste them into the Comments section on the Redetermination tab (the comments are available in the ET Forms Subdirectory of the Statewide Forms Directory). Items that do not apply to the case being worked may be deleted:

ELIG CODE AND DATES AUTH: WORKED BY:
CUSTODY THRU DATE:
ARE DUE DATE:
AGE REQ:

SSI ELIG/SOLQ CHECK: YES; NONE

PLACEMENT REVIEW
UNCLAIMABLE PLACEMENT:
DATE BEGAN:

THV:
DATE BEGAN:
6 MONTHS:

RUNAWAY BEGAN:
6 DAYS IN RUNAWAY:

RELATIVE FH PLACEMENTS
SPECIFIED RELATIVE:
LIC APP DATE:
132 DAYS:
UNLICENSED:
DRA:

NON RELATIVE FH PLACEMENTS
FULLY LICENSED:
DRA:

EXPLANATION OF ELIGIBILITY STATUS:

C. Instructions for Comments section:

Acronym	Explanation	Entry	IV-E Manual Cite
DENIED SECONDARY REVIEW BY:	Used to identify that this is a secondary review of a denied case.	Enter the reviewer's name if this is a secondary review of a denied case; Delete If it is not a secondary review.	
ELIG CODE AND DATES AUTH:	Coding and full dates always including from and thru dates. Exact dates (month/day/year) must be used.	Eligibility code and date for the review period, and the ET's initials	
IV-E ELIG SINCE:	IV-E ELIG SINCE = date child's initial eligibility for Title IV-E Foster Care started (exact dates (month/day/year) must be used). If PE or DE, explain reason.	Date (= <i>date child's initial eligibility started</i>) PE; DE	5.6
DATE LEGAL/VP REQ MET:	LEGAL/VP REQ MET = IV-E legal requirements met for removal based on court order or voluntary placement agreement. (exact date (month/day/year) must be used). If NO or PE, explain why not met/what is missing.	Date (= <i>date met - if met</i>); N (<i>if not met</i>); PE	4.5

Acronym	Explanation	Entry	IV-E Manual Cite
CUSTODY REQ MET:	CUSTODY REQ = Child is in OCS custody per AS 47.10.080(c)(1)	Y; N	4.1
CUSTODY THRU DATE:	CUSTODY THRU DATE = custody through date on court order, <u>or</u> court proceeding (if custody is ordered until a specific court proceeding)	Date or court proceeding	4.1
ARE DUE DATE:	ARE DUE = the date that the next annual reasonable efforts finding is due (exact dates (month/day/year) must be used).	Date (= <i>date RE is due</i>)	4.5.3 & 4.5.5
AGE REQ:	AGE REQ = the age requirement for Title IV-E is met.	Y; N	4.2
SSI ELIG/SOLQ CHECK:	SSI ELIG/SOLQ CHECK: Check has been completed and funds are received. If YES, include type and amount received.	Y; NONE	
HH COMP:	HH COMP = the household composition of the mandatory filing unit	(<i>e.g. mother, father, 2 children; or grandmother, 2 children – indicate if non-relative</i>)	4.7.2 & 4.7.3
REMOVAL HOME:	REMOVAL HOME = from whom child removed	Specified relationship (if applicable); None	4.4.4
EXPLANATION OF HH COMP/REMOVAL HOME:	Complete if necessary to explain why there is or is not a removal home		4.7.2 & 4.7.3
DEPRIVATION:	DEPRIVATION = IV-E deprivation requirement met If YES, include the deprivation criteria (AP, EMP, INCAP, DEATH)	Y; N; PE	4.6
HOW DEPRIVATION IS VERIFIED:	Explain	DOL, ORCA ADDRESS SCREENS, ETC.	4.6
INTERFACES CHECKED:	DCSS = Division of Child Support Services interface (NSTAR) DOL = Department of Labor interface INGENS = INGENS database	Y; N	4.7

Acronym	Explanation	Entry	IV-E Manual Cite
AFDC MONTH USED:	AFDC MONTH = the month in which a voluntary placement agreement was signed or court proceedings leading to the removal of the child from the home were initiated.	Month/Year	4.6 & 4.7
COUNTABLE INCOME SUMMARY		\$ AMOUNT; no income found	
EAIN:	EAIN = earned income	\$ AMOUNT delete if \$0	4.7.10
UNIN:	UNIN = unearned income	\$ AMOUNT delete if \$0	4.7
SEEI:	SEEI = income from self employment	\$ AMOUNT delete if \$0	4.7.10.4
RESOURCES:		\$ AMOUNT; no resources found	4.7.5 – 4.7.8
TOTAL INCOME:		\$ AMOUNT	
DEDUCTIONS:		\$ AMOUNT	4.7.10 – 4.7.13
NET INCOME:		\$ AMOUNT	
SSI ELIG:	If SSI/SSA, explain if the benefit is paid to OCS.	Y (and where is sent); N	4.14.1
185% ELIG:	185 %, Net Income , met. If NO, explain why.	Y; N	4.7.15.5
NEED STD ELIG:	AFDC Need Standard test met. The test applies only to initial eligibility determinations.	Y; N	4.7.15.7
EXPLANATION OF INCOME DEVELOPMENT:	Describe how income was calculated and what interfaces or data bases information was discovered (EIS, DOL, CSSD, INGENS, ORCA activity notes); or describe how the family was supporting themselves (i.e., family received TA/FS in the amounts of 464/261 (05555555) in month of petition. Or, lived w/different friends, at shelter, etc.)		

Acronym	Explanation	Entry	IV-E Manual Cite
PLACEMENT REVIEW	Address for each placement during the review period.		4.8
UNCLAIMABLE PLACEMENT:	Answer yes if child was placed in an unclaimable placement during the review period.	Yes; Delete (if not applicable)	
DATE BEGAN:	DATE BEGAN = Start date of the unclaimable placement. Exact date (month/day/year) must be used.	Date (<i>date unclaimable placement started</i>) (if applicable); Delete (if not applicable)	
RUNAWAY BEGAN	Start date of runaway status	Date (<i>date runaway status started</i>) (if applicable); Delete (if not applicable) (
6 DAYS IN RUNAWAY	6 or more days have passed since child ran away	Y; N; Delete (if not applicable)	
THV:	Answer yes if child was on a trial home visit during the review period.	Yes; Delete (if not applicable)	4.8.5.4
DATE BEGAN:	DATE BEGAN = date that the trial home visit began. Exact date (month/day/year) must be used.	Date (<i>date trial home visit began</i>) (if applicable); Delete (if not applicable)	
6 MONTHS:	6 MONTHS = 6 months after the trial home visit began. Exact date (month/day/year) must be used.	Date (<i>6 months after the trial home visit began</i>) (if applicable); Delete (if not applicable)	
RELATIVE PLACEMENTS			4.8.5.2
SPECIFIED RELATIVE:	Indicate the specified relationship, e.g. grandparent, uncle, sister, etc	Specified relationship	
LIC APP DATE:	LIC APP DATE = the date the relative applied for a foster home license. Exact date (month/day/year) must be used.	Date (<i>date of application</i>), if applicable).	
132DAYS:	132 DAYS = 132 days after the application date. Exact date (month/day/year) must be used.	Date (<i>date of application + 131 days</i>), if applicable).	

Acronym	Explanation	Entry	IV-E Manual Cite
UNLICENSED:	Answer yes if the relative is not in the process of getting licensed, or is not fully licensed	Y OR N	
DRA:	Answer yes if the relative is not a specified relative, or is not in the process of getting licensed, or more than 131 days have passed since the application date and still not fully licensed.	Y OR N	
NON RELATIVE FH PLACEMENTS			
FULLY LICENSED:	Answer yes if the foster home is fully licensed.	Y OR N	
DRA:	Answer yes if the foster home is not fully licensed.	Y OR N	
EXPLANATION OF PLACEMENT AND/OR LICENSE STATUS:	Explain		
EXPLANATION OF ELIGIBILITY STATUS:	Explain. Include the licensing status and the reason for 'A' coding description – such as “FH is FL however ARE expired on 5/10/12. Hearing is not scheduled until 12/6/2012 “		

See section 5.5.6 for scenarios.

5.2.2 TITLE IV-E ELIGIBILITY DETERMINATION OPTIONAL FORMS

The following optional forms may be used by the Eligibility Technician to document the eligibility determination, in addition to documentation in ORCA. They are available in the ET Forms Subdirectory of the Statewide Forms Directory.

For initial eligibility determinations: Determination: Title IV-E Initial Eligibility (06-9790A) or Determination: Title IV-E Initial Eligibility Summary (06-9790B).

For redeterminations of eligibility: Redetermination: Title IV-E Continuing Eligibility (06-9791A) or Redetermination: Title IV-E Continuing Eligibility Summary (06-9791B).

5.2.3 EIS NOTICES

EIS notices are used by Eligibility Technicians to provide notification to child's workers regarding Medicaid eligibility. Medicaid notices are addressed in the Medicaid Manual.

In addition, the EIS automated notice X007 IV-E Child in Custody - Review Due is sent to the child's worker the month before a Medicaid review is due. A Review for Medicaid and/or Title IV-E (06-3679A) is enclosed).

5.3 COORDINATION WITH MEDICAID ELIGIBILITY DETERMINATION

The Eligibility Technician uses the information provided on the application form and supporting documentation to make a Medicaid eligibility determination based on the eligibility criteria and procedures in the Medicaid Manual. After the initial eligibility determination, Medicaid eligibility is reviewed at least every twelve months, and Title IV-E eligibility should be reviewed on an as-needed basis (i.e. if eligibility status changes and at least every 12 months).

While Title IV-E eligibility ends when a placement episode ends, and a final eligibility redetermination needs to be completed (see ORCA Worksheet #7), Medicaid eligibility may continue for some time after a child has been returned home (see section 7.4.1.13). Medicaid eligibility continues for children in adoption subsidies which include Medicaid benefits, and the OCS Eligibility Technician continues to handle the Medicaid for these children if the family resides in Alaska. If the family moves out-of-state, Alaska Medicaid is closed and Medicaid is opened in the state where the family resides.

5.4 BEGINNING AND END OF POTENTIAL ELIGIBILITY AND ELIGIBILITY

A child must be Title IV-E potentially eligible to be Title IV-E eligible, but in some situations a child is Title IV-E potentially eligible but not Title IV-E eligible.

5.4.1 BEGINNING OF TITLE IV-E FOSTER CARE POTENTIAL ELIGIBILITY

1. Title IV-E potential eligibility begins the earliest date in the month in which all potential eligibility criteria are met, with the exception that potential eligibility can start prior to the date of the judicial determination (see below):
 - A. the child has been physically or constructively removed from the home of a specified relative; and
 - B. at the first court hearing after the removal a judicial determination was made that remaining in the home would be contrary to the child's welfare, and within 60 days of the removal a judicial determination was made that reasonable efforts were made to prevent or eliminate the need for removal; **or** a voluntary placement agreement has been signed. If a child is taken into emergency custody, but the child is returned home without the court awarding custody to the department, then the child is not considered a child in foster care (see ORCA Worksheet #3 for procedures).
 - C. the child meets citizenship/qualified alien status requirements (see section 4.3).
 - D. the child meets the age requirements (see section 4.2).
 - E. the child meets the AFDC eligibility criteria.

The date of the judicial determination for an initial removal is the date of the hearing. For second and subsequent removals the date of the judicial determination is either the date of the hearing or the date that the judge signs the court order (if there is no hearing and the court order is based on a report to the court). If the judicial determination is made during the month that all the other potential eligibility requirements are met. Potential eligibility starts on the date that those requirements are met, even if that date precedes the date of the judicial determination. If the judicial determination is not made during the same month as the removal but during a following month, the potential eligibility date is the first of the month in which the judicial determination is made. For cases which start with a Voluntary Placement Agreement (VPA), potential eligibility and eligibility starts on the first of the month that the VPA is signed or the date the child is placed, whichever of the two is latest, assuming that all other eligibility criteria also are met.

2. Following are some scenarios:
 - A. Child is removed from home 3/29, a court hearing is held on 3/31 and a contrary to the welfare finding and an initial reasonable efforts finding is

made at the hearing, and the child meets all the other potential eligibility criteria effective 3/29.

Potential eligibility starts on 3/29, because although the hearing was not held until 2 days after the removal, the required judicial determinations were made during the same month as the removal, and in that situation the legal requirements are met on the date that the other potential eligibility criteria are met.

- B. Child is removed from home 3/29, a court hearing is held on 4/1 and a contrary to the welfare finding and an initial reasonable efforts finding is made at the hearing, and the child meets all the other potential eligibility criteria effective 3/29.

Potential eligibility starts on 4/1, because although all the other potential eligibility criteria were met on 3/29, legal requirements cannot be met any earlier than the first day of the month that the required judicial determinations are made.

- C. Child is removed from home 3/29, a court hearing is held on 4/1 and a contrary to the welfare is made at the hearing, and the child meets all the other potential eligibility criteria effective 3/29, except the initial reasonable efforts finding. That finding is not made until 5/20.

Potential eligibility starts on 5/1, because although all the other potential eligibility criteria were met on 3/29, legal requirements cannot be met any earlier than the first day of the month that all the required judicial determinations are made.

- D. Child is removed from home 3/5, a court hearing is held on 3/7 and a contrary to the welfare finding is made at the hearing, and the child meets all the other potential eligibility criteria except the initial reasonable efforts finding. That finding is not made until 3/25.

Potential eligibility starts on 3/5, because although the initial reasonable efforts finding was not made until 3/25, it was made during the same month as the removal, and in that situation the legal requirements are met on the date that the other potential eligibility criteria are met (= the date of the removal).

- E. Child was on a trial home visit that exceeded six months, and custody was retained. On 3/10 (= nine months after the trial home visit started) the child is removed from home again, but because OCS already had custody, no hearing was held. A motion for removal findings was submitted to the court and on 5/4 the judge signed the order, which included a contrary to the welfare finding and an initial reasonable efforts finding. The child met all the other potential eligibility criteria effective 3/10.

Potential eligibility starts on 5/1, because potential eligibility cannot start any earlier than the first of the month that the required judicial determinations are made.

- F. A Voluntary Placement Agreement is signed on 3/29 and the child is removed from home the same day. The child meets all the other potential eligibility criteria effective 3/29.

Potential eligibility starts on 3/29, since the agreement was signed on the same date as the removal occurred.

- G. A Voluntary Placement Agreement is signed on 3/29, but the child is not removed from home until 4/2. The child meets all the other potential eligibility criteria.

Potential eligibility starts on 4/2, since when a child is removed from home based on a Voluntary Placement agreement potential eligibility cannot start until the child is placed out-of-home.

5.4.2 END OF TITLE IV-E FOSTER CARE POTENTIAL ELIGIBILITY

Title IV-E potential eligibility for the entire placement episode ends:

- A. on the 61st day of the removal for a court ordered removal, if a judicial determination was not made that reasonable efforts were made to prevent or eliminate the need for removal; **or**
on the 181st day for a placement which started with a voluntary placement agreement, if a judicial determination of best interest is not made within 180 days of the placement.
- B. When a trial home visit exceeds six months or the time period the court has deemed appropriate, or custody expires or is released or c1 custody is changed to supervision under AS 47.10.080(c)(2) while a child is placed at home for a trial home visit. (This is considered a return home - see section 4.8.5.4).
- C. When a child is returned home. (If OCS retains custody and subsequently removes the child, it is a second removal, and the Title IV-E application process has to start from the beginning again.)
- D. At the end of the month that a child turns 18, unless the child is still attending school and is expected to graduate by his/her 19th birthday. In this case potential eligibility can be extended to the child's 19th birthday. If the child's 19th birthday falls before the graduation date, potential eligibility cannot be extended past the child's 18th birthday.
- E. When an adoption or guardianship subsidy starts for a child.

5.4.3 BEGINNING OF TITLE IV-E FOSTER CARE ELIGIBILITY

- A. Title IV-E eligibility begins in the month that all eligibility criteria are met. These criteria include the following:
1. The child has been physically or constructively removed from the home of a

- specified relative who is the child's legal guardian; and
2. the child is in the legal custody of OCS; and
 3. the child meets citizenship/qualified alien status requirements; and
 4. a judicial determination was made at the first court hearing after the removal that it would be contrary to the child's welfare to remain in the home, or a voluntary placement agreement has been signed; and
 5. within 60 days of the removal, a judicial determination was made that reasonable efforts have been made to prevent or eliminate the need for removal; and
 6. the child meets the AFDC eligibility criteria; and
 7. the child is under age 18 (there are some exceptions); and
 8. the child is in a Title IV-E claimable placement, and foster care payments are made for the child.
- B. The date of the judicial determination is the date of the hearing, if there is a hearing. If a court order is based on a petition, motion, or report to the court, the date of the judicial determination is the date the judge signs the order.
- C. Eligibility starts on the earliest date in the month that all eligibility criteria are met, with the exception that eligibility can start before the judicial determination is made regarding contrary to the welfare and reasonable efforts. Usually, the eligibility date is the first day of the placement episode. If the judicial determination is not made during the same month as the removal, but later, the eligibility date is the first of the month that the judicial determination is made, assuming that all other eligibility criteria also are met. If a child is placed in a non Title IV-E claimable placement (e.g. an unlicensed relative) and then placed back in a Title IV-E claimable placement during the same placement episode, and the child meets all eligibility criteria, the child becomes eligible on the day of placement in the Title IV-E claimable placement.
- D. If a foster home is not fully licensed on the first of a month that a child is placed in the foster home, but becomes fully licensed later that month, the home is considered to be fully licensed starting the first of the month. ("One day – one month" principle). The "one day – one month" principle does not apply when an unlicensed relative becomes a fully licensed foster home – in this situation eligibility starts on the effective date of the license. See section 4.8.4.2(C).

5.4.4 END OF TITLE IV-E FOSTER CARE ELIGIBILITY FOR FOSTER CARE MAINTENANCE CLAIM

Title IV-E eligibility for foster care maintenance claim ends when Title IV-E potential eligibility ends. In the following circumstances, eligibility for Title IV-E foster care maintenance claim ends temporarily, but the placement episode continues and the child becomes Title IV-E Foster Care eligible again as soon as the eligibility requirements are met (a new application

and eligibility determination is not required). (NOTE: the rules for payments may differ from the rules for claiming Title IV-E reimbursement. See section 5.4.6):

- A. if the annual judicial determination of reasonable efforts is not made within the deadline, the child becomes ineligible from the end of the twelfth month following the date the child is considered to have entered foster care or the date of the previous annual reasonable efforts determination.
- B. when a child has been placed in a non Title IV-E claimable placement (detention, hospital, in-state or out-of-state residential psychiatric treatment facility, or other placement which is not similar to foster care), eligibility ends when the foster care placement ends.
- C. when a child is placed in a fully licensed foster home and the foster home becomes not fully licensed during the child's placement in the foster home the child becomes temporarily ineligible effective that date and remains temporarily ineligible for the remainder of the child's placement in that foster home until the first of the month that the foster home's fully licensed status is reinstated. NOTE: Due to ORCA functionality issues, in this situation temporarily ineligible coding must be used effective the first day of the month that the foster home lost its fully licensed status (see scenarios in sections 4.8.4.2(E)(3) and 5.4.6.6 and in Interim Coding Scenarios Pending ORCA Modifications in Appendix VI).
- D. when a child is placed at home for a trial home visit eligibility ends when the foster care placement ends.
- E. when a child has run away (see section 4.8.5.5, and please note that the foster care payment regulations allow foster care payments to continue for five days after the child runs away);
- F. during a break in OCS' custody of a Title IV-E eligible child who remains in out-of-home placement (please note that if custody expires, the child becomes temporarily ineligible effective that date and remains temporarily ineligible until the first of the month that custody is reinstated) - however, due to ORCA functionality issues temporarily ineligible coding must be used effective the first day of the month custody expires, unless custody is reinstated in the same month in which case there is no gap in eligibility (see scenarios in section 5.4.6.7 and in Interim Coding Scenarios Pending ORCA Modifications in Appendix VI);
- G. For periods prior to 4/1/10: during a time period when a child does not meet deprivation or AFDC income/resource requirements.

5.4.5 TITLE IV-E ADMINISTRATIVE CLAIM:

Title IV-E administrative claim can be made in the following two scenarios:

- A. Title IV-E administrative claim can be made for children who meet all the Title IV-E Foster Care eligibility requirements (eligibility status IV-E eligible and reimbursable/code P&S). Eligibility for Title IV-E administrative claim ends when eligibility for Title IV-E Foster Care maintenance ends.
- B. Title IV-E administrative claim can be made for children with eligibility status IV-E

eligible and non-reimbursable/code S, i.e. children who:

1. are eligible for both Title IV-E Foster Care and SSI, when OCS has elected to receive SSI instead of IV-E.
2. meet all other IV-E eligibility requirements except for placement in fully licensed foster care, and who are placed with a specified relative who is in the process of becoming licensed but is not yet fully licensed. Claims may be made for the first 131 days after the license application was submitted, but if the home does not become fully licensed within that period, claims must cease on the 132nd day. (please note that although IV-E administrative claim may be made for this type of placement, IV-E foster care maintenance claim may not be made for such placements).
3. meet all other IV-E eligibility requirements except for placement in licensed foster care, and are placed at home for a trial home visit. If custody expires or is released or custody changes to supervision or if the trial home visit exceeds six months or other period determined by the court, the placement episode ends.
4. are in runaway status and were IV-E eligible before they ran away and continue to meet all the IV-E eligibility requirements except placement.

5.4.6 TITLE IV-E ELIGIBILITY CODING - SCENARIOS

Title IV-E Eligibility codes/status and dates of eligibility are recorded in the Initial Determination and Redetermination in ORCA, and specific circumstances that effects the child's IV-E eligibility and the grounds for eligibility decisions are recorded in the Comments section of the Initial Determination and Redetermination. See section 5.2.1 for the standardized format for the Comments section of the Initial Determination and Redetermination in ORCA), and section 5.6.1 for definitions of the eligibility codes/ORCA eligibility status. This section only addresses documentation regarding eligibility codes. See section 5.7.1 for timelines for completing redeterminations.

At the writing of this Manual the scenarios continue to include the eligibility codes previously in use. The ET will complete the redetermination(s) in ORCA and ORCA should derive eligibility statutes corresponding to the codes:

- P&S = IV-E eligible and reimbursable
- S = IV-E eligible and non-reimbursable
- Z = Ineligible – Denied
- A = Ineligible – Temporary
- M = Ineligible – Unclaimable
- F = Ineligible – Fostering independence
- W = Pending

5.4.6.1 TITLE IV-E ELIGIBLE CHILD PLACED IN PSYCHIATRIC OR MEDICAL HOSPITAL, DETENTION, MILITARY ACADEMY, SUPERVISED INDEPENDENT LIVING, ASSISTED LIVING HOME, OR BOARDING

SCHOOL (NON-IV-E CLAIMABLE PLACEMENT)

- The foster care payment regulations allow continuation of **foster care payments** for up to 14 days after placement. If, at the time that the child is placed in the non-IV-E claimable placement, the plan is to not return the child to the same foster home within 14 days of placement, foster care payments are discontinued the day the child is moved to the new placement. If the decision is made within the 14 days that the child will not return to that foster home, payments will discontinue on the day notice is given to the foster parent.
- **IV-E maintenance claim** ends when the claimable placement ends.
- **IV-E administrative claim** ends when the claimable placement ends.

See also sections 4.8.1, 4.8.5.3, and 5.4.4(B).

NOTE: In all three scenarios the child was placed in a IV-E claimable placement prior to the placement in a non-IV-E claimable placement (P&S code).

Scenario #1: The non-IV-E claimable placement occurred since the most recent redetermination and the child is now back in a IV-E claimable placement and continues to meet all the other IV-E eligibility requirements.

Two redeterminations are required to address the placement:

Documentation in the ORCA Comments section:

Redetermination #1:	
Psychiatric/medical hospital/detention for <i>(dates)</i>	<i>Dates = first day of placement – last day of placement</i>
M <i>(dates)</i>	<i>Dates = first day of placement – last day of placement</i>
Redetermination #2:	
P&S <i>(dates)</i>	<i>Dates = 1st day of child's return to a IV-E claimable placement</i>

Scenario #2: The placement occurred since the most recent redetermination and the child is still in the non-IV-E claimable placement at the time of the review: and continues to meet all the other IV-E eligibility requirements:

One redetermination is required to address the placement:

ORCA Documentation in the ORCA Comments section:

Redetermination:	
Psychiatric/medical hospital/detention from <i>(date)</i>	<i>Date = first day of placement</i>
M starts <i>(date)</i>	<i>Date = first day of placement</i>

5.4.6.2 TITLE IV-E ELIGIBLE CHILD PLACED AT HOME FOR A TRIAL HOME VISIT

- The foster care payment regulations allow continuation of **foster care payments** for up to 14 days after placement. If, at the time that the child is placed at home for a trial home visit, the intent is to not return the child to the same foster home within 14 days of the visit, foster care payments are discontinued the day the child is

placed at home for the visit. If the decision is made within the 14 days that the child will not return to that foster home, payments will discontinue on the day notice is given to the foster parent.

- **IV-E maintenance claim** ends when the out-of-home placement ends.
- **IV-E administrative claim** ends 6 months after placement (or, when applicable, another time period determined by the court). In the instructions below, if another period than six months has been determined by the court, replace "6 months" with that period.

See also sections 4.8.5.4, 5.4.4(D), and 7.4.1.7.

NOTE: In all four scenarios the child was placed in a IV-E claimable placement prior to the trial home visit (P&S code) and custody was retained throughout the trial home visit.

Scenario #1: The trial home visit lasted less than 6 months and occurred since the most recent redetermination and the child is now back in a IV-E claimable placement and continues to meet all the other IV-E eligibility requirements:

Two redeterminations are required to address the trial home visit:

Documentation in the ORCA Comments section:

Redetermination #1:	
Trial home visit for (dates)	<i>Dates = first day of visit – last day of visit</i>
S (date)	<i>Dates = first day of visit – last day of visit</i>
Redetermination #2:	
P&S (dates)	<i>Dates = 1st day of child's return to a IV-E claimable placement.</i>

Scenario #2: The trial home visit started since the most recent redetermination (less than 6 months before the review) and the child is still on a trial home visit at the time of the review and continues to meet all the other IV-E eligibility requirements:

One redetermination is required to address the trial home visit:

Documentation in the ORCA Comments section:

Redetermination:	
Trial home visit from (date)	<i>Date = first day of visit</i>
S starts (date)	<i>Date = first day of visit</i>

Scenario #3: The child was placed at home for a trial home visit, and custody expired four months after the trial home visit started. (*Since custody expired, IV-E eligibility ends and if the child is placed out-of-home again a new application, judicial determinations, and eligibility determination are required*).

Two redeterminations are required to address the trial home visit:

Documentation in the ORCA Comments section:

Redetermination #1:	
Custody expired on (date)	<i>Date = date custody expired</i>
S (dates)	<i>Dates = first day of visit – the day before custody expired.</i>

Redetermination #2 (Final redetermination):	
Custody expired on (date) = the end of the placement episode	Date = date custody expired
Eligibility end date = the last day of the placement episode.	

Scenario #4: The child was placed at home for a trial home visit, and custody was changed to supervision four months after the trial home visit started. (Since custody was changed to supervision, IV-E eligibility ends and if the child is placed out-of-home again a new application, judicial determinations, and eligibility determination are required).

Two redeterminations are required to address the trial home visit:

Documentation in the ORCA Comments section:

Redetermination #1:	
Custody was changed to supervision on (date)	Date = date custody was changed to supervision
S (dates)	Dates = first day of visit – the day before custody was changed to supervision.
Redetermination #2 (Final redetermination):	
Custody was changed to supervision on (date) = the end of the placement episode	Date = date custody was changed to supervision
Eligibility end date = the last day of the placement episode.	

Scenario #5: The child was placed at home for a trial home visit, and at the time of the review the visit has exceeded six months or, when applicable, the time period determined by the court. (Since the time limit for a trial home visit has been exceeded, IV-E eligibility ends and if the child is placed out-of-home again a new application, judicial determinations, and eligibility determination are required).

Two redeterminations are required to address the trial home visit:

Documentation in the ORCA Comments section:

Redetermination #1:	
Trial home visit exceeded 6 months on (date)	Date = 6 months after the home visit started
S (dates)	Dates = first day of visit – six months after the visit started.
Redetermination #2 (Final redetermination):	
Trial home visit exceeded 6 months on (date) = the end of the placement episode	Date = 6 months after the home visit started
Eligibility end date = the last day of the placement episode.	

See **ORCA Worksheet #7 Case Closure: Final Redetermination of Eligibility**.

If the child re-enters out-of-home care, a new placement episode starts, new findings are required, and a new initial determination must be made (see 4.8.5.4 Trial Home Visit versus Return Home)

5.4.6.3 TITLE IV-E ELIGIBLE CHILD RUNS AWAY

- The foster care payment regulations allow continuation of **foster care payments** for 5 days after the child ran away if the foster parent has notified the child's worker

that the child ran away.

- **IV-E maintenance claim** may start on the earliest date in the month that all the eligibility requirements, including placement, are met. When a Title IV-E eligible child runs away from a IV-E claimable placement, IV-E maintenance claim may be made for 5 days after the child ran away.
- **IV-E administrative claim** can be made for as long as OCS has custody and all the other IV-E eligibility requirements are met.

See also sections 4.8.5.5, 5.4.4(E), and 7.4.1.8.

NOTE: In scenarios #1 and #2 the child was placed in a IV-E claimable placement prior to running away (P&S code).

Scenario #1: The child ran away since the most recent redetermination and was in runaway status for 5 days. At the time of the review the child is back in a IV-E claimable placement and continues to meet all the other IV-E eligibility requirements.

No redetermination is required since the child was in runaway status for less than 6 days.

Scenario #2: The child ran away since the most recent redetermination and was in runaway status for more than 5 days. At the time of the review the child is back in a IV-E claimable placement and continues to meet all the other IV-E eligibility requirements.

Two redeterminations are required to address the runaway episode.

Documentation in the ORCA Comments section:

Redetermination #1:	
Runaway for (dates)	<i>Dates = first day of runaway episode – last day of runaway episode</i>
S (dates)	<i>Dates = 6th day after child ran away – last day of runaway episode</i>
Redetermination #2:	
Placement in IV-E claimable placement (date)	
P&S start (date)	<i>Dates = 1st day of return to IV-E claimable placement</i>

Scenario #3: The child was taken into custody but ran away before the worker could place the child. A few days later the child was found and placed in a fully licensed foster home. The placement episode started on the date the child was placed out-of-home since that was the earliest date that all the eligibility requirements were met. Later, the child ran away again and is still in runaway status at the time of the review which takes place more than 5 days after the child ran away. The child met the initial IV-E eligibility requirements at the time of placement and continues to meet all the other IV-E eligibility requirements.

Documentation in the ORCA Comments section for the initial determination:

P&S starts (date)	<i>Date = date of placement</i>
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Two redeterminations are required to address the initial placement and the runaway episode.

Documentation in the ORCA Comments section:

Redetermination #1:	
Placement in IV-E claimable placement (date)	

<i>P&S (dates)</i>	<i>Dates = 1st day of placement – 5th day after runaway episode started</i>
Redetermination #2:	
<i>Runaway since (date)</i>	<i>Date = first day of runaway episode</i>
<i>S start (date)</i>	<i>Dates = 6th day after child ran away</i>

5.4.6.4 TITLE IV-E ELIGIBLE CHILD PLACED WITH AN UNLICENSED RELATIVE

- The foster care payment regulations allow **foster care payments** for all placements in licensed foster homes, regardless of whether the foster home meets the federal definition of “fully licensed” for IV-E eligibility purposes.
- **IV-E maintenance claim** may not be made for foster care payments for placements in a foster home that does not meet the IV-E definition of “fully licensed”.
- **IV-E administrative claim** may be made for a child who is placed with a specified relative who is in the process of getting licensed, for the first 131 days after the placement. If the relative home does not become fully licensed within 131 days, administrative claiming must cease on the 132nd day.

See also section 4.8.4.2(D) and (E).

NOTE: In all five scenarios the child was placed in a IV-E claimable placement prior to the placement with the specified relative (P&S code).

Scenario #1: The child was placed with an unlicensed relative who has no intention of getting licensed. The placement occurred since the most recent redetermination and the child is now back in a IV-E claimable placement and continues to meet all the other IV-E eligibility requirements.

Two redeterminations are required to address the placement:

Documentation in the ORCA Comments section:

Redetermination #1:	
Placement with unlicensed relative (dates)	<i>Dates = date of placement – last day of placement</i>
A (dates)	<i>Dates = first day of placement with the unlicensed relative – last day of placement</i>
Redetermination #2:	
Placement in IV-E claimable placement (date)	<i>Dates = date of placement</i>
P&S start (date)	<i>Date = first day of placement in IV-E claimable placement</i>

Scenario #2: The child was placed with a specified relative who submitted a foster home application the same day that the child was placed in the home. The placement occurred since the most recent redetermination, less than 131 days have passed since the application was submitted, and the child is still in that placement at the time of the review. The child continues to meet all the other IV-E eligibility requirements.

One redetermination is required to address the placement:

Documentation in the ORCA Comments section:

Redetermination:	
Submittal of foster home application (date)	<i>Date = application date</i>
S (dates)	<i>Dates = first day of placement in the home of the specified relative</i>

Scenario #3: The child is placed with a specified relative who submitted a foster home application three weeks after the child was placed in the home. The placement occurred since the most recent redetermination, less than 131 days have passed since the application was submitted and the child is still in that placement at the time of the review. The child continues to meet all the other IV-E eligibility requirements.

Two redeterminations are required to address the placement:

Documentation in the ORCA Comments section:

Redetermination #1:	
Unlicensed relative placement (dates)	<i>Date = 1st day of placement – the day before the application date</i>
A (dates)	<i>Dates = first day of placement with the unlicensed relative – the day before the application date</i>
Redetermination #2:	
Relative in process of getting licensed (date)	<i>Date = application date</i>
S start (date)	<i>Date = application date</i>

Scenario #4: The child is placed with a specified relative who submitted a foster home application on the same day that the child was placed in the home. The placement occurred since the most recent redetermination, more than 131 days have passed since the application was submitted, the relative is still not fully licensed and the child is still in that placement at the time of the review. The child continues to meet all the other IV-E eligibility requirements.

Two redeterminations are required to address the placement:

Documentation in the ORCA Comments section:

Redetermination #1:	
Relative in process of getting licensed (date)	<i>Date = application date</i>
S (dates)	<i>Dates = application date</i>
Redetermination #2:	
DRA (relative) (date)	<i>132nd day after the application date</i>
A start (date)	<i>Date = 132nd day after the application date</i>

Scenario #5: The child is placed with a specified relative who submitted a foster home application on the same day that the child was placed in the home. The placement occurred since the most recent redetermination, the relative became fully licensed 6 months after the application was submitted, and the child is still in that placement at the time of the review. The child continues to meet all the other IV-E eligibility requirements.

Two redeterminations are required to address the placement:

Documentation in the ORCA Comments section:

Redetermination #1:	
Relative in process of getting licensed (date)	Date = application date
S (dates)	Dates = application date – the day prior to the effective date of the full license
Redetermination #2:	
Fully licensed (date)	Date = effective date of the full license
P&S start (date)	Date = effective date of the full license

Scenario #6: The child is placed with a specified relative who submitted a foster home application on the same day that the child was placed in the home. The placement occurred since the most recent redetermination, the relative became licensed 3 months after the application was submitted but did not become fully licensed until 6 months after the application was submitted, and the child is still in that placement at the time of the review. The child continues to meet all the other IV-E eligibility requirements.

Two redeterminations are required to address the placement:

Documentation in the ORCA Comments section:

Redetermination #1:	
Relative in process of getting licensed (date)	Date = application date
S (dates)	Dates = application date – the day prior to the effective date of the full license
Redetermination #2:	
Fully licensed (date)	Date = effective date of the full license
P&S start (date)	Date = effective date of the full license

5.4.6.5 TITLE IV-E ELIGIBLE CHILD PLACED IN NON-RELATIVE FOSTER HOME THAT IS NOT “FULLY LICENSED”

- The foster care payment regulations allow **foster care payments** for all placements in licensed foster homes, regardless of whether the foster home meets the federal definition of “fully licensed” for IV-E eligibility purposes.
- **IV-E maintenance claim** may not be made for foster care payments for placements in a foster home that does not meet the IV-E definition of “fully licensed”.
- **IV-E administrative claim** may not be made for a child who is placed in a non-relative foster home that does not meet the IV-E definition of “fully licensed”.

See also section 4.8.4.2(C) and (E).

NOTE: In both scenarios the child was placed in a IV-E claimable placement prior to the placement in the not fully licensed foster home (P&S code).

Scenario #1: The placement occurred since the most recent redetermination, the foster home did not become fully licensed during the child’s placement in the home, and the child is now back in

a IV-E claimable placement and continues to meet all the other IV-E eligibility requirements.

Two redeterminations are required to address the placement:

Documentation in the ORCA Comments section:

Redetermination #1:	
License that does not meet "fully licensed requirements (dates)	<i>Dates = first day of placement – last day of placement</i>
A (dates)	<i>Dates = first day of placement in foster home that is not fully licensed – last day of placement</i>
Redetermination #2:	
Placement in IV-E claimable placement (date)	<i>Date = first day of placement</i>
P&S start (date)	<i>Dates = first day of placement in IV-E claimable placement</i>

Scenario #2: The placement occurred since the most recent redetermination, and the child is still in the foster home and continues to meet all the other IV-E eligibility requirements. The foster home became fully licensed three months after the child was placed there:

Two redeterminations are required to address the placement:

Documentation in the ORCA Comments section:

Redetermination #1:	
License that does not meet "fully licensed requirements (dates)	<i>Dates = first day of placement – last day of the month prior to the effective date of the full license</i>
A (dates)	<i>Dates = first day of placement in foster home that is not fully licensed – last day of the month prior to the effective date of the full license</i>
Redetermination #2:	
Fully licensed (date)	<i>Date = effective date of the full license</i>
P&S start (date)	<i>Date = 1st day of the month that the full license became effective</i>

5.4.6.6 TITLE IV-E ELIGIBLE CHILD PLACED IN A FULLY LICENSED FOSTER HOME WHOSE LICENSING STATUS CHANGES DURING THE CHILD'S PLACEMENT IN THE HOME

- The foster care payment regulations allow **foster care payments** for all placements in licensed foster homes, regardless of whether the foster home meets the federal definition of "fully licensed" for IV-E eligibility purposes.
- IV-E maintenance claim** may not be made for foster care payments for placements in a foster home that does not meet the IV-E definition of "fully licensed":
 - When the foster home's licensing status changes from fully licensed to not fully licensed, technically IV-E claiming would not need to stop effective the date of the not fully licensed status. However, due to ORCA functionality issues, in **some** situations (addressed in the scenarios below) IV-E claiming must stop effective the first of the month that the home's licensing status changes to not fully licensed.
 - If the licensing status changes from not fully licensed to fully licensed, IV-E claiming may start the first of the month that the home achieved fully licensed

status.

See also sections 4.8.4.2(C) and (E), 5.4.4(C), and Interim Coding Scenarios Pending ORCA Modifications in Appendix VI.

Scenario #1: A child is placed in a foster home that is fully licensed. However, a few months after the placement the foster home's licensing status changes to not fully licensed and the status is still not fully licensed at the time of the review. The child remains placed in the home and meets all the other IV-E eligibility requirements.

One redetermination is required to address the licensing status change:

Documentation in the ORCA Comments section:

Redetermination:	
Foster home no longer meets "fully licensed" requirements (date)	<i>Date = effective date of the license</i>
A (date)	<i>Date = 1st of the month that the license becomes effective</i>

Scenario #2: A child is placed in a foster home that was fully licensed at the time of the placement but later became not fully licensed. However, five weeks later the foster home becomes fully licensed again and is still fully licensed at the time of the review. The child remains placed in the home and meets all the other IV-E eligibility requirements.

Two redeterminations are required to address the changes in licensing status:

Documentation in the ORCA Comments section:

Redetermination #1:	
Foster home no longer meets "fully licensed" requirements (date)	<i>Date = effective date of the license</i>
A (dates)	<i>Dates = 1st of the month that the license becomes effective – the last day of the month prior to the effective date of the full license</i>
Redetermination #2:	
Fully licensed (date)	<i>Date = effective date of the full license</i>
P&S start (date)	<i>Date = 1st day of the month that the full license became effective</i>

Scenario #3: A child is placed in a foster home that was fully licensed at the time of the placement but later became not fully licensed. However, later in the same month that the foster home became not fully licensed, the foster home becomes fully licensed again and is still fully licensed at the time of the review. The child remains placed in the home and meets all the other IV-E eligibility requirements.

No redetermination is required since the licensing status was fully licensed both at the beginning of the month and at the end of the month.

Scenario #4: A child is placed in a foster home (foster home A) on the 1st day of a month and is moved to another fully licensed foster home (foster home B) on the 12th day of the month. In the beginning of the month foster home A is fully licensed, but on 20th day of the month foster home A becomes not fully licensed. The child meets all the IV-E eligibility requirements during the placement in the foster home.

No redetermination is required since the foster home A was fully licensed during the period the child was placed in the home, and the second foster home is also fully licensed.

Scenario #5: A child is moved from a fully licensed foster home to another foster home which had lost its fully licensed status a few days before the child's placement in the home. The child meets all the IV-E other eligibility requirements.

One redetermination is required to address the placement:

Documentation in the ORCA Comments section:

Redetermination:	
License that does not meet "fully licensed requirements (date)	<i>Date = first day of placement</i>
A start (date)	<i>Date = first day of placement in foster home that is not fully licensed</i>

5.4.6.7 A TITLE IV-E ELIGIBLE CHILD'S CUSTODY STATUS CHANGES

- The foster care payment regulations allow **foster care payments** for children who are in state custody.
- **IV-E maintenance claim** may be made for a child in OCS custody. IV-E claims may not be made for a period during which OCS does not have custody of the child:
 - If OCS custody ends, technically IV-E claiming would not need to stop until effective the date that the state's custody ended. However, due to ORCA functionality issues, in **some** situations (addressed in the scenarios below) IV-E claiming must stop effective the first of the month that OCS custody ends.
 - If OCS regains custody, IV-E claiming may start the first of the month that custody was regained.

See also section 4.5.4.3(E)(4) and Interim Coding Scenarios Pending ORCA Modifications in Appendix VI.

Scenario #1: A child was in OCS and out-of-home placement and at the time of the review the child is still in an out-of-home placement but OCS custody expired five weeks earlier. The child meets all the other IV-E eligibility requirements.

One redetermination is required to address the custody status change:

Documentation in the ORCA Comments section:

Redetermination:	
Child no longer meets custody requirement (date)	<i>Date = date custody expired</i>
A start (date)	<i>Date = 1st of the month that custody expired</i>

Scenario #2: A child was in OCS custody and out-of-home placement, but OCS custody expired. The case worker took action to reinstate custody, and five weeks later the court reinstates OCS custody and the child is still in custody at the time of the review. The child meets all the other IV-E eligibility requirements.

Two redeterminations are required to address the changes in custody status:

Documentation in the ORCA Comments section:

Redetermination #1:	
Child no longer meets custody requirement (date)	<i>Date = date custody expired</i>
A (dates)	<i>Dates = 1st of the month that custody expired – the last day of the month prior to when custody was regained</i>
Redetermination #2:	
Custody requirement met (date)	<i>Date = effective date of the judicial determination to reinstate custody</i>
P&S start (date)	<i>Date = 1st of the month that custody was reinstated</i>

Scenario #3: A child was in OCS custody and out-of-home placement, but OCS custody expired. The case worker quickly took action to reinstate custody, and the court reinstated custody in the same month as it expired, and the child is still in custody at the time of the review. The child meets all the other IV-E eligibility requirements.

No redetermination is required since the child was in OCS custody both at the beginning of the month and at the end of the month.

Scenario #4: A child was in OCS custody and out-of-home placement, and the court inadvertently changed OCS custody to supervision. The case worker quickly took action to reinstate custody, and five weeks later the court reinstated OCS custody and the child is still in custody at the time of the review. The child meets all the other IV-E eligibility requirements.

Two redeterminations are required to address the changes in custody status:

Documentation in the ORCA Comments section:

Redetermination #1:	
Child no longer meets custody requirement (date)	<i>Date = date custody was changed to supervision</i>
A (dates)	<i>Dates = 1st of the month that custody was changed to supervision – the last day of the month prior to when custody was regained</i>
Redetermination #2:	
Custody requirement met (date)	<i>Date = effective date of the judicial determination to reinstate custody</i>
P&S start (date)	<i>Date = 1st of the month that custody was reinstated</i>

5.4.6.8 TITLE IV-E ELIGIBLE CHILD IS IN DUAL OCS-DJJ CUSTODY

- The foster care payment regulations allow **foster care payments** for children who are in state custody.
- **IV-E maintenance claim** may be made for a child in OCS custody.
- **No IV-E Claims (IV-E maintenance or IV-E administrative claim)** may be made when a child in dual OCS-DJJ custody is placed in an out-of-home placement by DJJ.

See also section 5.5.2.

Scenario #1: A Title IV-E eligible child is in both OCS and DJJ custody and DJJ placed the child.

One redetermination is required to address the placement change:

Documentation in the ORCA Comments section:

Redetermination:	
Child in dual OCS-DJJ custody placed out-of-home by DJJ (<i>date</i>)	<i>Date = date of placement</i>
M (<i>date</i>)	<i>Date = date of placement</i>

Scenario #2: A child is in both OCS and DJJ custody and at the time of the previous review the child had been placed in a detention facility by DJJ (M code). OCS has now placed the child in a fully licensed foster home and all the other IV-E eligibility requirements are also met.

One redetermination is required to address the placement change:

Documentation in the ORCA Comments section:

Redetermination:	
Child in dual OCS-DJJ custody placed out-of-home by OCS (<i>date</i>)	<i>Date = date of placement</i>
P&S (<i>date</i>)	<i>Date = date of placement</i>

5.4.6.9 THE ANNUAL JUDICIAL DETERMINATION THAT REASONABLE EFFORTS WERE MADE TO IMPLEMENT THE PERMANENCY PLAN WAS NOT MADE WITHIN THE DEADLINE FOR A TITLE IV-E ELIGIBLE CHILD

- Foster care payments are not affected since the foster care payment regulations allow **foster care payments** for as long as the child is in foster care.
- **IV-E maintenance claim** may be made through the end of the month that the annual reasonable efforts finding was due, and be resumed on the first of the month that the finding is made.
- **IV-E administrative claim** ends at the end of the month that the annual reasonable efforts finding was due, and may be resumed on the first of the month that the finding is made.

See also section 4.5.3.

NOTE: In all three scenarios the eligibility code at the time of the review was P&S code.

Scenario #1: The annual reasonable efforts finding became due since the most recent redetermination and was made the month after it was due, and the child continues to meet all the other IV-E eligibility requirements.

A redetermination is not required since the finding was made the month after it was due.

Documentation in the ORCA Comments section:

Annual RE finding due on (<i>date #1</i>) and made on (<i>date #2</i>)	<i>Date #1 = date judicial determination due</i> <i>Date #2 = date of judicial determination</i>
--	---

Scenario #2: The annual reasonable efforts finding became due since the most recent redetermination and was not made until three months after it was due, and the child continues to meet all the other IV-E eligibility requirements.

Two redeterminations are required to address the status of the annual reasonable efforts finding.

Documentation in the ORCA Comments section:

Redetermination #1:	
Annual RE finding due on (date #1) and made on (date #2)	<i>Date #1 = date judicial determination due Date #2 = date of judicial determination</i>
A (dates)	<i>Date = first of the month after the RE finding was due – last of the month before the finding was made.</i>
Redetermination #2:	
Annual RE finding made on (date)	<i>Date = date judicial determination due</i>
P&S start (date)	<i>Date = the first of the month that the RE finding was made.</i>

Scenario #3: The annual reasonable efforts finding became due since the most recent redetermination and has not yet been made at the time of the review which is taking place two or more months after the finding was due. The child continues to meet all the other IV-E eligibility requirements.

One redetermination is required to address the status of the annual reasonable efforts finding.

Documentation in the ORCA Comments section:

Redetermination:	
Annual RE requirement not met starting (date)	<i>Date = first of the month after the RE finding was due.</i>
A starting (date)	<i>Date = first of the month after the RE finding was due</i>

5.4.6.10 TITLE IV-E ELIGIBLE CHILD PLACED IN PSYCHIATRIC OR MEDICAL HOSPITAL OR DETENTION (NON-IV-E CLAIMABLE PLACEMENT) AND THE ANNUAL REASONABLE EFFORTS FINDING NOT MADE WITHIN THE DEADLINE

- For a child in OCS custody M code may be used only when all the IV-E eligibility requirements except the placement requirement are met.
- **No IV-E Claims (IV-E maintenance or IV-E administrative claim)** may be made when a child is placed in a non-IV-E claimable placement.

Scenario #1: At the time of the review, the annual reasonable efforts requirement was not met (A code), and the child is placed in a non-IV-E claimable placement. The child continues to meet all the other IV-E eligibility requirements except the annual reasonable efforts and placement requirement.

A redetermination is not required since the child does not meet all the IV-E eligibility requirements and the case consequently continues to be coded A.

Scenario #2: At the time of the previous review, all the IV-E eligibility requirements except the

placement requirement were met and the child had been placed in a non-IV-E claimable placement (M code). Since then, the annual reasonable efforts finding has become due and has not yet been made at the time of the review which is taking place two or more months after the finding was due. The child is still placed in a non-IV-E claimable placement.

One redetermination is required to address that the annual reasonable efforts requirement is not met.

Documentation in the ORCA Comments section:

Redetermination:	
Annual RE requirement not met starting (date)	<i>Date = first of the month after the RE finding was due.</i>
A starting (date)	<i>Date = first of the month after the RE finding was due</i>

The annual reasonable efforts finding was made two months later, and the child now meets all the IV-E eligibility requirements except the placement requirement – the child is still placed in a non-IV-E claimable placement .

One redetermination is required to address that all the IV-E eligibility requirements except the placement requirement now are met.

Documentation in the ORCA Comments section:

Redetermination:	
Annual RE finding made on (date)	<i>Date = date judicial determination made</i>
M start (date)	<i>Date = the first of the month that the RE finding was made.</i>

Scenario #3: At the time of the previous review the case was coded A because the annual reasonable requirement was not met. The child was placed in a non-IV-E claimable placement. The child has now been placed in a fully licensed foster home and the annual reasonable efforts requirement is still not met.

A redetermination is not required since the child does not meet all the IV-E eligibility requirements and the case consequently continues to be coded A.

The annual reasonable efforts finding was made two months later, and the child now meets all the IV-E eligibility requirements.

Documentation in the ORCA Comments section:

Redetermination:	
Annual RE finding made on (date)	<i>Date = date judicial determination made</i>
P&S start (date)	<i>Date = the first of the month that the RE finding was made.</i>

5.4.6.11 THE PLACEMENT EPISODE STARTED WITH A VOLUNTARY PLACEMENT AGREEMENT (VPA), AND THE CHILD MEETS ALL THE TITLE IV-E ELIGIBILITY REQUIREMENTS

- The foster care payment regulations allow **foster care payments** for as long as the

child is in foster care.

- **IV-E maintenance claim** may be made for 180 days after the placement, but if a judicial determination of best interest is not made within 180 days of the placement, claims may not be made after the 180th day.
- **IV-E administrative claim** may be made for 180 days after the placement, but if a judicial determination of best interest is not made within 180 days of the placement, claims may not be made after the 180th day.

See also section 4.5.2.

NOTE: In both scenarios the VPA meets the requirements in 4.5.2 Voluntary Placements, and the eligibility code at the time of the review was P&S code.

Scenario #1: The VPA was signed and child was placed in out-of-home care, 180 days have not yet elapsed since the placement, and the child continues to meet all the other IV-E eligibility requirements.

Documentation in the ORCA Comments section for the initial determination:

VPA started on (date)	<i>Date = date of placement</i>
P&S start (date)	<i>Date = of placement</i>

Documentation in the ORCA Comments section for the first redetermination:

VPA started on (date)	<i>Date = date of placement</i>
P&S start (date)	<i>Date = of placement</i>

Eligibility Technicians are encouraged to send an e-mail to the child's worker with a reminder that a best interest finding is due within 180 days of the placement.

Scenario #2: The best interest finding became due since the most recent redetermination and was made within 180 days of the placement, and the child continues to meet all the other IV-E eligibility requirements.

A redetermination is required to document that the finding was made within the deadline.

Documentation in the ORCA Comments section:

VPA started on (date)	<i>Date = date of placement</i>
Best Interest finding on (date)	<i>Date = date of judicial determination</i>
P&S (dates)	<i>Dates = Period under review effective date - thru date</i>

Scenario #3: The best interest finding was not made within 180 days of the placement, and the child continues to meet all the other IV-E eligibility requirements.

Two redeterminations are required.

Documentation in the ORCA Comments section:

Redetermination #1:	
VPA started on (date)	<i>Date = date of placement</i>
Best Interest finding on (date)	<i>Date = date of judicial determination</i>
P&S dates (dates)	<i>Date = first day of placement – 180th day of placement</i>

Redetermination #2:	
VPA started on <i>(date)</i>	<i>Date = date of placement</i>
Best Interest finding on <i>(date)</i>	<i>Date = date of judicial determination</i>
Z start <i>(date)</i>	<i>Date = 181st day of placement</i>

5.4.6.12 AN ADOPTION OR GUARDIANSHIP SUBSIDY HAS STARTED FOR A TITLE IV-E FOSTER CARE ELIGIBLE CHILD

- The foster care payment regulations allow **foster care payments** for as long as the child is in foster care. Ending of foster care payments and starting of adoption or guardianship subsidy payments must be coordinated so there is no overlap* in payments. **IV-E maintenance claim** for IV-E Foster Care may be made for as long as foster care payments are made. Once subsidy payments start, the IV-E foster care case is closed.
- **IV-E administrative claim** for IV-E Foster Care may be made for as long as foster care payments are made. Once subsidy payments start, the IV-E foster care case is closed.
- **Adoption or guardianship subsidy payments** are made based on an approved subsidy agreement, and subsidy payments continue until the agreement is terminated.

See also sections 6.4.1 and 7.4.1.11.

Scenario: An adoption or guardianship subsidy started since the most recent redetermination, and the child continued to meet all the IV-E eligibility requirements until the subsidy started.

A final redetermination is required - refer to ORCA Worksheet #7.

(*NOTE: As clarified above, there may be an overlap in payments in situations where a child who is receiving an adoption subsidy is taken into OCS custody and placed in foster care. See 5.4.6.13 below.)

5.4.6.13 A CHILD WITH AN ADOPTION OR GUARDIANSHIP SUBSIDY IS REMOVED FROM HOME

- The foster care payment regulations allow **foster care payments** for as long as the child is in foster care. **IV-E maintenance claim** for IV-E Foster Care may be made for as long as foster care payments are made.
- **IV-E administrative claim** for IV-E Foster Care may be made for as long as foster care payments are made.
- **Adoption or guardianship subsidy payments** are made based on an approved subsidy agreement, and subsidy payments continue until the agreement is terminated. Agreements may not be unilaterally terminated by OCS unless it is determined that the adoptive/guardian parents are no longer legally responsible for the child or the child is no longer receiving support from the parents. Consequently, subsidies may continue when an adoptive/guardian child has been removed from

home and placed in foster care and subsidy payments and foster care payments may be made simultaneously.

See also sections 5.9.7 and 6.4.4.

NOTE: As clarified above, there may be an overlap in payments in situations where a child who is receiving an adoption subsidy is taken into OCS custody and placed in foster care. In that situation, the subsidy payments continue as long as the subsidy agreement is in effect, and foster care payments are made as long as the child remains in OCS custody and in foster care. When determining whether IV-E Foster Care claims may be made for the foster care payments, the following applies:

- If the adoption has been finalized, an eligibility determination for IV-E Foster Care is made based on the removal from the adoptive home.
- If the adoption has not been finalized, the placement in the adoptive home is viewed as a placement with an unlicensed relative, and a new eligibility determination based on the removal from the adoptive home is not required. See section 5.9.7)
- If a child who is receiving a guardianship subsidy is removed from home, the eligibility determination for IV-E Foster Care is based on the removal from the guardian home.
NOTE: If the guardian is not a specified relative the child is not eligible.

5.4.6.14 CHILD IS ELIGIBLE FOR BOTH TITLE IV-E FOSTER CARE AND SSI.

- The foster care payment regulations allow **foster care payments** for all placements in licensed foster homes.
- **IV-E maintenance claim** may be made for children who are eligible for both Title IV-E Foster Care and SSI, but OCS policy is to select SSI over IV-E.
- **IV-E administrative claim** may be made for a child who is eligible for both Title IV-E Foster Care and SSI, regardless of whether OCS elected SSI payments or IV-E maintenance claim.

See also 4.7.14.1, 4.9.4, 5.9.1(E), and 7.4.1.3.

Scenario #1: The child was receiving SSI at the time of removal, and continues to receive benefits. The child meets all the IV-E eligibility requirements.

A redetermination is not required since there is no change in eligibility status.

Documentation in the ORCA Comments section:

SSI since removal (date)	Date = date of removal
S starting (date)	Date =date of removal

Scenario #2: An SSI application is submitted for a IV-E eligible child (P&S code), and it is determined that the child is eligible for SSI. SSI payments have been selected over IV-E claiming.

One redetermination is required to address that SSI payments have started.

Documentation in the ORCA Comments section:

Redetermination:	
SSI starting (date)	Date = the date SSI payments start, unless provided a different start date by State Office
S starting (date)	<i>Date = the date SSI payments start, unless provided a different start date by State Office</i>

NOTE: The eligibility coding for a child who is receiving SSI is S only for periods that the child meets all the IV-E eligibility requirements. Consequently, if there is a lapse in the annual reasonable efforts or custody requirements, or if the child is placed in a non-IV-E claimable placement, the coding in the redetermination must reflect the requirement that is not met.

Scenario #3: The child has turned 18 and has started receiving Adult Public Assistance (APA).

One redetermination (a final redetermination) is required to address that the child turned 18.

Documentation in the ORCA Comments section:

Redetermination (Final redetermination):	
Child turned 18 on (date)	Date = child's 18 th birthday
F (Ineligible-Fostering Independence) starts on (date)	<i>Date = the first day of the month following the month that the child turned 18</i>

5.4.6.15 A TITLE IV-E FOSTER CARE ELIGIBLE CHILD AGES OUT

- The foster care payment regulations allow **foster care payments** for as long as the child is in foster care.
- IV-E maintenance claim** for IV-E Foster Care may be made through the end of the month that the child turns 18. If an 18-year-old is enrolled full-time in a high school or GED program, or a high school or GED correspondence course, **and** he or she is expected to graduate or complete the course of study in or before the month of his or her 19th birthday; or the 18-year-old has not completed high school or a GED and is enrolled full-time in a course of study in a vocational or technical training program which will lead to a high school diploma or GED and is expected to complete the course of study in or before the month of his or her 19th birthday; then claiming may continue through the end of the month of course completion, withdrawal of the child from enrollment, or the child's 19th birthday, whichever occurs first. IV-E eligibility ends on that date and the IV-E case is closed.
- IV-E administrative claim** ends when IV-E Foster Care eligibility ends.

See also sections 4.2, 4.9.3, 5.4.2(D), and 7.4.1.11(D).

NOTES:

- In all five scenarios the eligibility code at the time of the review was P&S code.
- Regarding children who are eligible for both Title IV-E and SSI - see 5.4.6.10.

Scenario #1: The child has dropped out of high school and did not graduate before his/her 18th birthday, which occurred since the most recent redetermination. The child met all the IV-E eligibility requirements until then.

One redetermination (a final redetermination) is required to address that the child dropped out.

Documentation in the ORCA Comments section:

Redetermination (Final redetermination):	
Child turned 18 on <i>(date)</i>	<i>Date = child's 18th birthday</i>
F (Ineligible-Fostering independence) starts on <i>(date)</i>	<i>Date = the first day of the month following the month that the child turned 18</i>

Scenario #2: At the most recent redetermination the child was 18, enrolled full time in high school, and is expected to graduate before his/her 19th birthday. The social worker just informed the ET that the child will not graduate by his /her 19th birthday. The child continued to meet all the IV-E eligibility requirements until then.

One redetermination (a final redetermination) is required to address that the child will not graduate.

Documentation in the ORCA Comments section:

Redetermination (Final redetermination):	
Social worker informed the ET on <i>(date)</i>	<i>Date = date the social worker informed the ET that child will not graduate by the 19th birthday</i>
F (Ineligible-Fostering Independence) starts on <i>(date)</i>	<i>Date = the first day of the month following the month that the social worker informed the ET</i>

Scenario #3: The child has turned 18, but is enrolled full time in high school and expected to graduate before his/her 19th birthday. The child continues to meet all the IV-E eligibility requirements.

A redetermination is not required since there is no change in eligibility status.

Documentation in the ORCA Comments section:

Child is turning 19 on <i>(date)</i>	<i>Date = child's 19th birthday</i>
Child is expected to graduate on <i>(date)</i>	<i>Date = date child is expected to graduate</i>

Scenario #4: At the most recent redetermination the child was 18, enrolled full time in high school, and expected to graduate before his/her 19th birthday. The child has now graduated from high school and has not yet turned 19. The child continued to meet all the IV-E eligibility requirements until the graduation.

One redetermination (a final redetermination) is required to address that the child graduated.

Documentation in the ORCA Comments section:

Redetermination (Final redetermination):	
Child graduated on <i>(date)</i>	<i>Date = date child graduated</i>

F (Ineligible-Fostering independence) starts on (date)	<i>Date = the first day of the month following the month that the child graduated</i>
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Scenario #5: The child graduated from high school at age 17.5. The child has now turned 18 and is still in custody and in foster care and continues to meet all the IV-E eligibility requirements.

P&S coding continues until the child turns 18. One redetermination (a final redetermination) is required to address that the child turned 18.

Documentation in the ORCA Comments section:

Redetermination (Final redetermination):	
Child turned 18 on (date)	<i>Date = child's 18th birthday</i>
F (Ineligible-Fostering independence) starts on (date)	<i>Date = the first day of the month following the month that the child turned 18.</i>

Scenario #6: At the most recent redetermination the child was 18, enrolled full time in high school, and expected to graduate before his/her 19th birthday. The child has now graduated from high school and has not yet turned 19. Custody was released on the last day of the month of graduation. The child continued to meet all the IV-E eligibility requirements until the graduation.

One redetermination (a final redetermination) is required to address that the child graduated and released from custody.

Documentation in the ORCA Comments section:

Redetermination (Final redetermination):	
Child graduated on (date)	<i>Date = date child graduated</i>
F (Ineligible-Fostering independence) starts on (date)	<i>Date = the first day of the month following the month that the child graduated</i>

5.4.6.16 CHILD IS DETERMINED NOT IV-E FOSTER CARE ELIGIBLE IN THE INITIAL ELIGIBILITY DETERMINATION

- The foster care payment regulations allow **foster care payments** for as long as the child is in foster care.
- **IV-E maintenance claim** may not be made for a child who has been determined not to be eligible for IV-E Foster Care.
- **IV-E administrative claim** may not be made for a child who has been determined not to meet the initial eligibility requirements for IV-E Foster Care.

Scenario #1: Eligibility was denied in the initial determination, the child has not yet turned 18, and the case is ready to be closed.

A final redetermination is required.

Documentation in the ORCA Comments section:

Redetermination (Final redetermination):	
Z (dates)	<i>Dates = the first day of the placement episode - the last day of the placement episode.</i>

Scenario #2: Eligibility was denied in the initial determination and the child has turned 18, is enrolled full time in high school, and was expected to graduate before his/her 19th birthday. The social worker just informed the ET that the child will not graduate by his /her 19th birthday.

A final redetermination is required to address that the child will not graduate.

Documentation in the ORCA Comments section:

Redetermination (Final redetermination):	
Social worker informed the ET on (date)	<i>Date = date the social worker informed the ET that child will not graduate by the 19th birthday</i>
F (Ineligible-Fostering Independence) starts on (date)	<i>Date = the first day of the month following the month that the social worker informed the ET</i>

Scenario #3: Eligibility was denied in the initial determination and the child is still in custody, had not graduated from high school by his/her 18th birthday, but has now graduated from high school and has not yet turned 19.

A final redetermination is required to address that the child graduated.

Documentation in the ORCA Comments section:

Redetermination (Final redetermination):	
Child graduated on (date)	<i>Date = date child graduated</i>
F (Ineligible-Fostering Independence) starts on (date)	<i>Date = the first day of the month following the month that the child graduated</i>

Refer to ORCA Worksheet #6 IV-E Denied Cases (needs to be updated).

Scenario #4: The child was taken into emergency custody, and at the first hearing the court did not award custody to the department, and the child was returned to the parent/guardian. An application is not required, but ORCA requires an initial determination and at least one redetermination for all removals from home.

Documentation in the ORCA Comments section:

M starts (date)	<i>Date = the first day of the placement episode.</i>
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Refer to ORCA Worksheet #3 Shelter Care.

5.4.6.17 YOUTH WHO WAS RELEASED TO HIS/HER OWN CUSTODY RE-ENTERS CUSTODY

- A youth is released to his/her own custody when state custody expires or is released after the youth turned 18 or when the youth is legally emancipated prior to turning 18 or when a youth who has not yet turned 18 based on AS 47.10.080(v).
- The foster care payment regulations allow **foster care payments** for as long as the child is in foster care.
- **IV-E maintenance claim** may not be made for a youth who re-enters custody based on AS 47.10.080(v).

- **IV-E administrative claim** may not be made for a youth who re-enters custody based on AS 47.10.080(v).

See also sections 5.9.8 and 7.4.1.12.

Scenario: A youth re-enters custody based on AS 47.10.080(v).

- In the initial determination, eligibility will be coded F.
- In addition to the initial determination, a final redetermination is required to address that the youth who re-entered custody is not IV-E eligible.

Documentation in the ORCA Comments section:

Redetermination (Final redetermination):	
F (Ineligible-Fostering independence) starts on <i>(date)</i>	<i>Date = date of placement</i>

5.4.6.17 CITIZENSHIP REQUIREMENT

- The foster care payment regulations allow **foster care payments** for as long as the child is in foster care.
- **IV-E maintenance claim** may not be made for foster care payments for a child who does not meet the IV-E citizenship requirements.
- **IV-E administrative claim** may not be made for a child who temporarily ineligible for Title IV-E Foster Care.

See also section 4.3.

Scenario: At the beginning of the placement episode, the child was determined to meet all the IV-E eligibility requirements except that the information was not available to verify whether the child met the citizenship requirement (see 4.3 Citizenship and Qualified Alien Status). The Eligibility Technician pends the initial determination until it has been determined whether the child meets the requirement. If the child does not meet the requirement in the month of petition, the case is denied (see 5.4.6.15 above).

5.5 ELIGIBILITY STATUS/CODES

In order to insure proper fiscal management and maximize federal funding, it is essential that the correct eligibility status is derived for all cases in ORCA.

5.5.1 DEFINITIONS

The following eligibility statuses are used. The letter code that was used prior to ORCA is included after the ORCA status:

Pending (W)

Used to identify OCS clients who are pending IV-E determination. The code is used when a client enters foster care placement for the first time or returns to care after having been returned home. The code must be converted to "Z", "P + S", "S", "A", or "M" once a IV-E eligibility determination has been made.

IV-E eligible and non-reimbursable (S)

Used to identify the following groups of clients who have been determined potentially eligible for Title IV-E Foster Care:

- Children who are eligible for both Title IV-E Foster Care and SSI, when OCS has elected to receive SSI instead of IV-E and all other IV-E eligibility requirements are met.
- Children who meet all other IV-E eligibility requirements except for placement in fully licensed foster care, and who are placed with a specified relative who is in the process of becoming licensed but is not yet fully licensed. The code may be used for the first 131 days after the license application was submitted, but if the home does not become fully licensed within that period, the eligibility status changes to temporarily ineligible on the 132nd day.

This code may not be used for

- *Children placed in detention, hospital, and other types of placements which are not claimable under Title IV-E.*
- *Children placed with a non-relative who is not fully licensed.*
- *Children placed with an unlicensed relative who is not in the process of getting licensed or a specified relative who is in the process of getting licensed but did not get fully licensed within 272 days of application.*
- *Children placed with a non-specified relative in the process of getting licensed*
- Children who meet all other IV-E eligibility requirements except for placement in a residential child care facility for 15 or more days. (must be converted on the 15th day of placement).
- Children who meet all other IV-E eligibility requirements except for placement in licensed foster care, and who are placed at home for a trial home visit. If custody expires or is released or custody changes to supervision or if the trial home visit exceeds six months or other period determined by the court, the placement episode ends and a final redetermination is completed.
- Children in runaway status who were IV-E eligible before they ran away (the IV-E code may continue for the first 5 days of the runaway episode, but must be converted to "S" code on the 6th day of the runaway episode).

IV-E eligible and reimbursable (P + S)

- This combination of codes is used for clients who have been determined both potentially eligible and eligible for Title IV-E and are placed in fully licensed foster care.
- Children who meet all eligibility requirements and are placed in a residential child care facility for up to 14 days. Must be converted to S code on the 15th day.

Ineligible – Unclaimable (M)

Used to identify the following groups of clients:

- Children who meet all other IV-E eligibility requirements except for placement in licensed foster care, and who are placed in detention, hospital, in-state or out-of-state residential psychiatric treatment facility, boarding school, military academy, supervised independent living, assisted living homes, or other placement which is not claimable under Title IV-E.
- Children who were identified as being in shelter care (i.e. child taken into emergency custody and either returned home without a petition being filed, or a petition was filed and the court did not award custody to OCS and ordered that the child be returned to the custody of the child's parent or guardian).
- Children who are in dual OCS-DJJ custody and have been placed in an out-of-home placement by DJJ.

Ineligible – Temporary (A)

Used to identify the following groups of clients:

- Children who have been determined eligible for IV-E Foster Care (court-ordered removal), but the annual judicial determination of reasonable efforts is not made within the deadline (= within 12 months of when the child entered out-of-home care and at least every twelve months thereafter). The child becomes ineligible from the end of the twelfth month following the date the child entered foster care or the date of the previous annual reasonable efforts determination, and remains ineligible until the judicial determination is made. The IV-E code must be converted to "A" code effective the first of the month after the judicial determination was due, and converted back to the IV-E code effective the first of the month that the judicial determination is made. If the judicial determination is made prior to when it is due, the next annual determination of reasonable efforts is due one year from when the determination was made. The requirement for an annual reasonable efforts finding does not apply to cases where the placement episode started with a Voluntary Placement Agreement.
- Children whose U.S citizenship or qualified alien status has not been verified.
- Children for whom department custody expires or cannot be verified (the eligibility status changes to temporarily ineligible on the date custody expires. See section 4.1.2).
- Children who are placed with
 - an unlicensed relative who is not in the process of getting licensed; or
 - a specified relative who is in the process of getting licensed but does not become fully licensed within 131 days of when the license application was submitted (the eligibility status changes from eligible and non-reimbursable (S) to temporarily eligible on the 132nd day); or
 - a non-relative who is not fully licensed (the eligibility status changes to temporarily ineligible on the date the licensing status changes to not fully licensed. See section 4.8.4.2 and 5.4.6.6).

Ineligible – Fostering Independence (F)

Used to identify the following groups of clients:

- Children who were initially determined eligible for Title IV-E Foster Care for the placement episode, but the child's Title IV-E Foster Care eligibility ends because the child ages out of Title IV-E Foster eligibility (see section 4.2 Age).
- Children who were initially denied, have turned 18, and do not meet the age requirements for a dependent child described in 4.2.1(A).
- Youth who re-entered custody after having been released to their own custody or, in some situations, having been released to the custody of their parents after turning 16. See section 5.9.8)

Ineligible – Denied (Z)

Used for the following groups of clients who are placed in an out-of-home placement and who have been determined not eligible for Title IV-E Foster Care. This includes:

- Children whose removal from home was court-ordered and the initial legal requirements were not met.
- Children whose removal from home was based on a voluntary placement agreement and a best interest finding was not made within 180 day's of the placement.
- Children who did not meet the removal requirements for the placement episode.
- Children who did not meet the initial AFDC eligibility requirements for the placement episode.

Children in DJJ cases: An eligibility record is created in ORCA for children in DJJ custody, and it must be killed. See ORCA Worksheet # 5.

In the following situations, a final redetermination needs to be prepared with the effective from date and eligibility end date being the last day of potential eligibility. The ORCA eligibility status is the eligibility status that was last verified for this period.

- the child is returned home (see section 4.8.5.4);
- a trial home visit exceeds six months or other time period determined by the court;
- (c1) custody expires or is released during a trial home visit;
- an adoption or guardianship subsidy starts (see section 3.8.3).

Placement episodes with mixed eligibility statuses:

- potential IV-E eligibility changing to ineligible - denied (e.g. VPA exceeds 180 days, child aging out);
- Ineligible – temporary changing to potential IV-E eligibility (e.g. citizenship)
- Ineligible – unclaimable changing to potential IV-E eligible (e.g. hospitalization)

5.5.2 CASES WITH DUAL RESPONSIBILITY

For cases that have both OCS and DJJ involvement, the placement authority is the determining factor in the eligibility status of the case. For example, for a child who is under DJJ placement authority and is placed in an out-of-home placement, the child would have a separate DJJ case but IV-E eligibility status would be maintained/updated in the OCS case as ineligible – unclaimable during that time period. The OCS child's worker should have ended placements in the OCS case with placement ending reason custody transferred to DJJ or other agency. An eligibility record is created in ORCA for children in DJJ custody, and it must be killed. See ORCA Worksheet # 5.

5.5.3 CHANGE IN ELIGIBILITY STATUS

- A. When a child is initially placed in out-of-home care, the eligibility status in ORCA appears as Pending until the Eligibility Technician has made the initial eligibility determination.
- B. A child's eligibility status in ORCA is derived from the answers to the questions on the initial determination and redetermination tabs. The ET needs to review the effective from date to verify the date of potential IV-E eligibility.
- C. In cases where there is a change in custody and/or placement authority from OCS to DJJ or vice versa, the division which attains custody authority is responsible for making sure that a Medicaid or Medicaid/Title IV-E application is submitted.

5.6 INITIAL DETERMINATION

- A. Potential Eligibility: Upon receipt of a completed **Application for Medicaid and Title IV-E Foster Care for a Child in DHSS Custody** (GEN #33, 06-3679), the Eligibility Technician reviews the application and submitted documentation, and determines whether the child meets the Title IV-E potential eligibility requirements.
- B. Eligibility: After determining whether the potential eligibility requirements are met, the Eligibility Technician determines whether the child is in a Title IV-E claimable placement.
- C. Documentation: The Eligibility Technician documents the eligibility determination, following the procedures described in section 5.2, and for cases with time periods preceding 1/1/05 submits IV-E claiming documentation to the Title IV-E Accounting Technician in State Office, following the procedures described in section 7.2.1.
- D. Notification: The Eligibility Technician notifies the child's worker of the eligibility determination by sending an e-mail to the worker stating that an initial IV-E eligibility determination has been completed and the determination can be reviewed in ORCA.
- E. Pending Cases/Request for Additional Information: If an eligibility determination cannot be made because all the needed information is not yet available, ORCA will pend the case (see section 5.6.2). When appropriate, the ET will request additional information (see section 5.6.3)

5.6.1 TIME LINE FOR DETERMINATION

The Eligibility Technician will process the application for Title IV-E Foster Care within thirty days of receiving the application, and for Medicaid eligibility according to the time frame in the Medicaid Manual.

5.6.2 PENDING CASES

If additional information is needed to make the Title IV-E eligibility determination, the case remains in pending status in ORCA until an initial eligibility determination and first redetermination has been completed. The Eligibility Technician creates a Financial Note in ORCA explaining the reason why the case is in pending status. The Eligibility Technician will make the eligibility determination upon receipt of the requested information.

5.6.3 REQUESTING ADDITIONAL INFORMATION

A. The Eligibility Technician's Responsibilities

When additional information is needed to make a Title IV-E eligibility determination, the Eligibility Technician will request the information from the child's worker within three weeks of receiving the application, using e-mail. The first e-mail request will allow ten working days for a response and should be directed to the child's worker

and their unit administrative support staff or the child's worker's immediate supervisor.

If the child's worker and/or supervisor does not respond to the first request, the Eligibility Technician will send a second request, by e-mail, to the child's worker and the supervisor, with copies to the Eligibility Supervisor (ET IV/III). The request will be sent certified (by using the "request a read receipt" option) and include a five day deadline for providing the requested information.

If there is no response to the second request within the deadline, the Eligibility Technician will send a third request, by e-mail, to the child's worker and the supervisor, with copies to the staff manager and the Eligibility Supervisor (ET IV/III). The request will be sent certified and include a five day deadline for providing the requested information. If there is no response the Eligibility Technician will staff the case with the Eligibility Supervisor.

B. The Eligibility Supervisor's (ET IV/III) Responsibilities

The Eligibility Supervisor may follow up with a fourth request to the Children's Services Manager, with a copy to the Program Coordinator.

If there is no response to the fourth request, the Program Coordinator will send a fifth request to the Field Administrator, with a copy to the Eligibility Supervisor.

C. Prudent Person Judgment

The use of Prudent Person Judgment (PPJ) should be applied to the number of days allowed for a response to the first request for additional information in certain situations. Under some circumstances, ten working days may not be a reasonable timeframe. For example, an application for Medicaid/Title IV-E Foster Care is received under emergency conditions and the first hearing was held only a few days before, or has not yet been held. It is unreasonable to expect a signed court order within ten working days. The Eligibility Technician should use PPJ when deciding the number of days allowed with their first request for additional information. In the situation described, 30 days is more reasonable and likely to produce results. When requesting additional information concerning the removal household (such as income, resources, household composition, etc.) ten working days is adequate and reasonable.

5.7 REDETERMINATION

- A. If the initial eligibility determination was done incorrectly or with incorrect information, the ET will void the initial determination and prepare a new determination with corresponding redeterminations. The new redetermination with effective dates supersedes the incorrect one.
- B. First redetermination: Immediately following the initial determination, the ET will complete the first redetermination with the effective from date being the same as the initial determination.
- C. When the Eligibility Technician assigned to the case receives an automated message in ORCA regarding a change that may effect Title IV-E eligibility or that a IV-E eligibility redetermination is due, or receives documentation that impacts the child's existing eligibility status, the Eligibility Technician will review information in ORCA and supportive information and determine if the child continues to meet the requirements for the existing eligibility status.
- D. Upon notification (ORCA report/alert in EIS) that a case needs to be reviewed, the ET will do a redetermination in a timely manner (see section 5.7.1 Time line for Determination).
- E. The Eligibility Technician will do a separate redetermination for each period with a different eligibility status.
- F. Documentation: The Eligibility Technician documents the eligibility determination, following the procedures described in section 5.2, and for periods of time predating 1/1/05 submits IV-E claiming documentation to the Title IV-E Accounting Technician in State Office, following the procedures described in section 7.2.1.

5.7.1 TIME LINE FOR DETERMINATION

- A. Placement Changes
 - 1. The Eligibility Technician will do a redetermination for Title IV-E Foster Care within 45 days of receiving notification of a placement or license status change that impacts the child's eligibility status, and for Medicaid eligibility according to the time frame in the Medicaid Manual. The Eligibility Technician will place a copy of the notification in their Ready-to-Work Drawer (see Appendix V, General Worksheet #1).
 - 2. 45 days is a general guide, however, the redetermination(s) should be completed before the first day of the second month following the receipt of the notification. For example, an automated ORCA email is received on 2/20/2007 that states a child's placement has been ended with a reason of "Trial Home Visit" effective as of 2/19/2007 (child had been in fully licensed foster home). The Eligibility Technician prints the email and places it in the "Following Month" hang file. On 3/1/07 the email is then placed in the "19" hang file. Although 45 days from 2/19/07 would be 4/5/07, the

redetermination on this case should be completed no later than 3/31/07.

B. Expiration of Annual Reasonable Efforts

The Eligibility Technician will do a redetermination for Title IV-E Foster Care within 45 days of when the annual reasonable efforts requirement no longer is met. (the one day – one month principle applies to annual reasonable efforts findings, so the requirement is met through the end of the month that the finding is due). For example:

- The annual reasonable efforts finding is due 3/16/07 so the requirement is met through 3/31/07, and the Eligibility Technician will do a redetermination by 5/15/07.
- The annual reasonable efforts finding is due 4/1/07 so the requirement is met through 4/30/07, and the Eligibility Technician will do a redetermination by 6/15/07.
- The annual reasonable efforts finding is due 4/30/07 so the requirement is met through 4/30/07, and the Eligibility Technician will do a redetermination by 6/15/07.

5.7.2 SUSPENDING CASES

If a Eligibility Technician determines that a child who was determined to be eligible for Title IV-E Foster Care at the time of removal is temporarily not IV-E eligible at the time of a review (for example due to placement in a non-IV-E claimable facility or that a annual reasonable efforts finding was due during the review period and has not yet been made), the Eligibility Technician will suspend the child's IV-E eligibility until the child again meets the eligibility requirements.

5.8 ACTION BASED ON REPORTS OF CHANGE OR MISSING DOCUMENTATION PROVIDED BEFORE A REVIEW IS DUE

5.8.1 REPORTED CHANGES

A. Title IV-E Foster Care

When an Eligibility Technician is notified of a change that effects a child's eligibility status for Title IV-E Foster Care, the Eligibility Technician will place a copy of the notification in their Ready-to-Work Drawer (see Appendix V, General Worksheet #1) The Eligibility Technician will take the appropriate action to update the child's Title IV-E eligibility status within 45 days.

45 days is a general guide, however, the redetermination(s) should be completed before the first day of the second month following the receipt of the notification. For example, an automated ORCA email is received on 2/20/2007 that states a child's placement has been ended with a reason of "Trial Home Visit" effective as of 2/19/2007 (child had been in fully licensed foster home). The Eligibility Technician prints the email and places it in the "Following Month" hang file. On 3/1/07 the email is then placed in the "19" hang file. Although 45 days from 2/19/07 would be 4/5/07, the redetermination on this case should be completed no later than 3/31/07.

A. Medicaid

When an Eligibility Technician is notified of a change that effects a child's Medicaid eligibility status, the Eligibility Technician will take the appropriate action within the timelines specified in the Medicaid Manual based on the circumstances of the case.

5.8.2 MISSING DOCUMENTATION

When, prior to when the next review is due, an Eligibility Technician receives notification (i.e. ORCA automated message, ORCA report, etc) or missing documentation such as a court order that may effect a child's IV-E eligibility, the Eligibility Technician will review the notification and/or missing documentation and, when applicable, complete the initial determination or redetermination in ORCA. For periods preceding 1/1/05 the Eligibility Technician should document the redetermination in an ORCA financial note followed by submission to the Title IV-E Accounting Technician in State Office (see section 7.2.1.1).

5.9 SPECIAL TYPES OF CASE PROCESSING

5.9.1 CHILD ELIGIBLE FOR BOTH TITLE IV-E AND SSI

- A. If a child is receiving SSI at the time of removal and all the other IV-E eligibility requirements are met, if the determination is made that the child would be eligible for AFDC if SSI had not been received, then the child is potentially eligible for IV-E Foster Care. The child would not be fully IV-E eligible until the SSI payments end.
- B. A SSI eligible child may receive Title IV-E Foster Care payments concurrent with the SSI payments. However, in that situation the child's SSI payment is reduced dollar for dollar by the amount of the Title IV-E Foster Care payment. As a result, because the Alaska cost of care is so high, concurrent receipt of SSI and Title IV-E Foster Care is not possible for children in Alaska foster care. OCS policy is that for a child who is eligible for both SSI and IV-E, SSI is selected over IV-E and IV-E is not claimed.
- C. Initial Title IV-E Eligibility Determination: When a child who is receiving SSI also is eligible for Title IV-E Foster Care, the eligibility status will be IV-E eligible and non-reimbursable.
- D. When Child Starts Receiving SSI after the Initial IV-E Eligibility Determination: If the Eligibility Technician becomes aware of that a Title IV-E Foster Care eligible child starts receiving SSI after the initial IV-E eligibility determination has been made, the Eligibility Technician will do a redetermination with an effective date of when SSI payments started. The eligibility status will be changed from IV-E eligible and reimbursable to IV-E eligible and non-reimbursable.
- E. When a SSI eligible child in custody turns 18, the Eligibility Technician follows the procedures in section 7.4.1.3 . The 18 year old is automatically eligible for APA benefits and eligible for Medicaid based on the APA benefits. APA benefits start the day before the child's 18th birthday, and IV-E eligibility ends when APA benefits start.
- D. See also sections 4.7.14.1, 4.9.4, and 5.4.6.14.

5.9.2 CHILD OF MINOR PARENT IN OCS CUSTODY

If a teenage Title IV-E eligible parent has a child who is placed in the same placement with the parent, different rules apply depending on whether the child and/or parent are in custody:

5.9.2.1 BOTH MINOR PARENT AND CHILD IN CUSTODY

- A. If the child and minor parent are both in custody, then:
 - 1. a IV-E eligibility determination must be made individually for the minor

parent and for the child even if they are placed together in out of home care; and

2. separate foster care payments must be made for the minor parent and for the child, even if they are both placed in the same foster home.
- B. If the minor parent and child were placed together in out of home care directly when custody was taken, then the child is considered to have been constructively removed from the minor parent. The AFDC eligibility determinations for the minor parent and for the child are based on different households:
1. if the minor parent did not live with another specified relative within six month of when the petition was filed, then the minor parent's eligibility is based on the household of her parents. Consequently, the child's income and resources are not counted for this eligibility determination.
 2. if the child did not live with another specified relative within six month of when the petition was filed, then the child's eligibility is based on the minor parent's household, so the minor parent's and the child's income and resources are counted. If the child's AFDC eligibility is determined for a month when the child and the minor parent lived with the minor parent's parent(s), then the income of the minor parent's parent(s) must be deemed available to the minor parent and the child (see IV-E Manual section 4.7.12.2 Deeming the Income of a Minor Parent's Parent(s)).
- C. The same placement episode continues if the child and minor parent are placed in separate placements, so a new eligibility determination for the child is not required. Since the foster parent, not the minor parent, has care and responsibility of the child, the minor parent's presence in the foster home has no effect on the child's IV-E eligibility. From a IV-E perspective, the child's placement status is foster care placement, not trial home visit, so consequently the length of time that the child and minor parent are placed together has no effect on the child's eligibility.

5.9.2.2 MINOR PARENT IN CUSTODY AND CHILD NOT IN CUSTODY

- A. If the minor parent and child are placed together in the same foster home, and the minor parent is in custody and IV-E eligible but the child is not in custody, a IV-E eligibility determination is not made for the child but the child is eligible for IV-E Medicaid (but not IV-E administrative costs) based on the minor parent's IV-E eligibility. Federal IV-E reimbursement for the child's maintenance costs is provided only while the child is placed in foster care with the IV-E eligible minor parent.
- B. The maintenance cost for the child is covered by augmenting the minor parent's foster care payment with the maintenance cost for the child – separate payments for the minor parent and the child cannot be made.
- C. If the child is later taken into custody an eligibility determination must be made for the child in accordance with 5.9.2.1 above.

5.9.2.3 CHILD IN CUSTODY AND MINOR PARENT NOT IN CUSTODY

If the child is in custody and IV-E eligible and the minor parent is not in custody, and they are placed in the same foster home, if the child's foster care payment is augmented with the maintenance costs for the minor parent, IV-E reimbursement cannot be claimed for the costs for the minor parent.

5.9.3 CHILD IN OCS CUSTODY PLACED OUT-OF-STATE**5.9.3.1 PLACEMENT IN OUT-OF-STATE FOSTER CARE**

When a child in OCS custody is placed in out-of-state foster care, either when the foster parents or unlicensed relatives caring for the child moves out-of-state and the child remains in their care, or when the child moves out-of-state to a new placement without the foster parents, the following procedures are followed which are intended to prevent interruption or delay of Medicaid services to the child.

- A. When the placement takes place and the child's worker updates the child's placement in ORCA, the Eligibility Technician is notified through ORCA.
- B. Upon notification that the child has been placed in the other state, the ICPC Deputy Compact Administrator in OCS State Office will ask the ICPC office in the receiving state for the following information:
 - 1. What is the process for applying for Medicaid?
 - 2. Who applies for Medicaid for the child – the state agency or, for unlicensed relative caregivers, the relative?
 - 3. Who is the Medicaid contact person in the receiving state?
- C. If the receiving state informs the OCS ICPC Deputy Compact Administrator that the state agency in the receiving state is responsible for applying for Medicaid:
 - 1. the OCS ICPC Deputy Compact Administrator will notify the OCS Eligibility Technician and provide the Eligibility Technician with the Medicaid contact information for the other state; and
 - 2. the Eligibility Technician will coordinate Medicaid opening and closure with the other state.
- D. If the receiving state informs the OCS ICPC Deputy Compact Administrator that the relative caregiver is responsible for applying for Medicaid:
 - 1. the OCS ICPC Deputy Compact Administrator will notify the assigned OCS worker by e-mail, with a copy to the OCS Eligibility Technician, and clarify that the worker needs to contact the relative

- and make sure that the relative applies for Medicaid for the child;
and
- 2. the Eligibility Technician will check with the OCS worker about the status of the Medicaid application to ensure that the Eligibility Technician closes the Alaska Medicaid case at the right time.
- E. Information about the child's Title IV-E eligibility status is included in the ICPC referral that is sent to the other state.
- F. Reporting Changes:
 - 1. All Children in Out-of-State Placement: When one of the following changes occurs for a child in OCS custody who has been placed out-of-state the worker updates ORCA, and for most of the changes the Eligibility Technician is notified through ORCA that a change has occurred: Changes that the Eligibility Technician needs to be notified of include changes in the child's placement (e.g. change from one placement type to another, return home, or visit to the removal home), or custody status (e.g. when custody is released or custody is changed to supervision). This includes notification when a child emancipates or ages out of foster care.
 - 2. Title IV-E Foster Care Eligible Child: For a Title IV-E Foster Care eligible child, Title IV-E reviews continue to be required during the out-of-state placement. The child receives Medicaid from the other state, and Alaska Medicaid is, therefore, closed. When the child returns to Alaska, the worker needs to update the placement information in ORCA so the Eligibility Technician will be notified of the change and be alerted to that Alaska Medicaid needs to be reopened.

5.9.3.2 PLACEMENT IN OUT-OF-STATE TREATMENT FACILITY

If OCS places an Alaska Title IV-E Foster care Child in an out-of-state treatment facility which is enrolled in the Alaska Medicaid program, the child no longer meets the placement requirements for Title IV-E Foster care and related Medicaid.

The child's eligibility for Alaska Medicaid in another Medicaid eligibility group is determined for Medicaid coverage while the child is placed in the facility. When the child returns to foster care, either in Alaska or out-of-state, the child's eligibility for Title IV-E Foster care is reinstated. A new application is not required.

If a child in DHSS custody who receives Alaska Medicaid but is not Title IV-E Foster Care eligible is placed in an out-of-state treatment facility that is enrolled in the Alaska Medicaid program, the child's eligibility for Alaska Medicaid continues while the child is placed in the facility.

5.9.3.3 REVIEWS FOR CHILDREN PLACED OUT-OF-STATE

- A. Title IV-E Foster Care eligibility is redetermined in accordance with the time

lines in section 5.7. Medicaid reviews are due every twelve months if the child is receiving Alaska Medicaid.

- B. The Eligibility Technician completes the redetermination in accordance with section 5.7 and sends a notice to the worker, with a copy to the ICPC Administrator in OCS State Office.

5.9.4 CHILDREN IN THE CUSTODY OF ANOTHER STATE PLACED IN ALASKA

When a Title IV-E Foster Care eligible child in the custody of another state is placed in Alaska, the following procedures apply:

- A. Placement with Specified Relative:
 - 1. If the child is placed with a specified relative and the relative is licensed for foster care and is receiving foster care payments from the other state, the Alaska worker who is providing supervision applies for Medicaid for the child.
 - 2. The relative could choose to apply for benefits through the Alaska Temporary Assistance Program (ATAP) instead of receiving foster care payments. If the child is in the custody of a state that does not pay relatives for providing foster care, the foster parent has no other option for getting financial assistance for caring for the child. The relative would be responsible for applying for ATAP/Medicaid for the child. The child would obviously not be Title IV-E eligible while in that placement, since the requirement of being placed in licensed foster care would not be met.
- B. Placement with Non-Specified Unlicensed Relative: If the sending state's laws allow placement of a child with a non-specified relative who is not licensed for foster care, the child may receive Medicaid in Alaska. The relative must apply for Medicaid on behalf of the child. If the relative is unable to apply, the worker may apply on behalf of the child.
- C. Placement in Licensed, Non-Relative Foster Care: If the child is placed in licensed, non-relative foster care, the child receives Title IV-E Medicaid in Alaska. The Alaska worker is responsible for applying for Medicaid for the child.
- D. In no case is Alaska Medicaid opened for children from other states until a completed Medicaid application has been received by OCS Eligibility Technician.
- E. When the child is placed in licensed foster care, and the Alaska worker applies for Medicaid for the child, a Title IV-E eligibility certification must be provided by the state which has custody of the child. If the state which has custody of the child has not sent a Title IV-E certification, the Eligibility Technician asks the OCS worker who is providing supervision of the placement to request a certification from the local worker in the other state. If a certification from the other state has not been received at the time that a Medicaid eligibility review is due, the OCS worker should send the review

form to the worker in the other state to alert them to the need for a IV-E certification.

- F. Reporting Changes: For a Title IV-E Foster Care eligible child who is placed in Alaska by another state and receiving Medicaid from Alaska, the Alaska worker notifies the Eligibility Technician of changes in the child's placement or custody within 10 days of the change, with a copy to the ICPC Administrator in OCS State Office.
- G. When receiving an application for a Title IV-E Foster Care eligible child in the custody of another state who is placed in Alaska, the Eligibility Technician will follow the following procedures:
1. Placement in Licensed Foster Care:
 - If the child is placed in licensed foster care, the Alaska worker is responsible for applying for Medicaid for the child.
 - A Title IV-E eligibility certification must be provided by the state which has custody of the child. If the state which has custody of the child has not sent a Title IV-E certification, the Eligibility Technician asks the OCS worker who is providing supervision of the placement to request a certification from the local worker in the other state.
 - The Eligibility Technician opens Alaska Medicaid for the child.
 2. Placement with Specified Relative:

If the child is placed with a specified relative who is not licensed for foster care or if the relative is licensed for foster care but the child is in the custody of a state that does not pay relatives for providing foster care, ATAP is the only option for getting financial assistance for caring for the child. The relative is responsible for applying for ATAP/Medicaid for the child.
 3. Placement with Non-Specified Unlicensed Relative:

If the sending state's laws allow placement of a child with a non-specified relative who is not licensed for foster care, the child may receive Medicaid in Alaska. The relative must apply for Medicaid on behalf of the child. If the relative is unable to apply, the worker may apply on behalf of the child.

5.9.5 WHEN OCS TAKES CUSTODY OF A CHILD WHO WAS PLACED IN ALASKA BY ANOTHER STATE

If a Title IV-E eligible child is placed in Alaska by another state, and the other state subsequently releases custody and OCS takes custody without the child having been returned home, the other state's Title IV-E Foster Care eligibility determination cannot be used for Title IV-E claiming. A new eligibility determination must be made, and the determination must be based on the circumstances of the removal in the other state. A new application must be submitted, and the eligibility determination includes review of the removal order from the other state. The beginning date for Alaska Title Foster Care eligibility is the date that OCS was awarded custody of the child.

5.9.6 VOLUNTARY PLACEMENTS

- A. If a placement begins with a voluntary placement agreement, federal rules treat it as a voluntary placement (VP) case during the whole placement episode even after the required court order is issued.
- B. For VP cases a judicial determination that continued placement is in the best interest of the child must be made within 180 days of the beginning of the placement. Please note, however, that OCS policy discourages lengthy voluntary placements and Alaska statutes limits voluntary placements to a period up to six months. If a judicial determination of best interest is not made within 180 days, the child becomes ineligible for Title IV-E Foster Care on the 181st day and is ineligible for the remainder of the placement episode. Annual reasonable efforts findings are not required for children who are removed from home under a voluntary placement agreement.
- C. The routing, review schedule and procedures for VP cases are the same as for non-VP cases.
- D. At the initial eligibility determination for these cases the Eligibility Technician treats the case as any Title IV-E Foster Care case, with the exception of certifying that court language is present.
- E. The Technician monitors the case for appropriate court action within 180 days. If there is no court action within 180 days, the child's Title IV-E eligibility ends on the 181st day.

5.9.7 FAILED ADOPTIVE PLACEMENTS

A. Adoption Not Finalized:

For Title IV-E purposes, an adoptive home is not considered the child's home until the adoption has been finalized. Consequently, when a Title IV-E subsidized adoptive placement fails before finalization, the placement in the adoptive home is treated as a placement in an unlicensed foster care facility. When the child is placed back in foster care a new application and determination is not required, only a review application and determination.

B. Adoption Finalized:

- 1. If an adoptive placement fails after finalization, a new application must be completed and eligibility for Title IV-E Foster Care must be determined based on the removal from the adoptive home, but under some circumstances the child remains eligible for a Title IV-E adoption subsidy (see section 6.1).
- 2. Subsidy agreements may not be unilaterally terminated by OCS unless it is determined that the adoptive/guardian parents are no longer legally

responsible for the child or the child is no longer receiving support from the parents. Consequently, subsidies may continue when an adoptive/guardian child has been removed from home and placed in foster care and subsidy payments and foster care payments may be made simultaneously.

5.9.8 RESUMPTION OF CUSTODY

- A. A youth who is released to his or her own custody or, in some situations, released to the custody of a parent or guardian, may later re-enter custody based on AS 47.10.080(v). A youth who re-enters custody is not eligible for IV-E Foster Care for the new placement episode.
1. Youth Age 18 or Older:
- If the youth has reached the age of majority at the time of re-entry, the youth does not meet the requirement of having been removed from a specified relative who is the child's legal guardian.
2. Youth Age 16 – 18:
- A youth who has not yet reached the age of majority may re-enter custody based on AS 47.10.080(v) only if grounds to file a child in need of aid petition do not exist.
- C. The youth's initial eligibility status is Ineligible – Unclaimable Placement Fostering Independence (F), and a final redetermination with the same eligibility code is completed immediately after the initial determination has been completed.
- D. When a youth has re-entered custody, the child's worker will ask the Eligibility Technician whether the youth currently is receiving Medicaid.
- E. The Eligibility Technician will look up the youth in EIS to determine whether the youth currently is receiving Medicaid, and will inform the worker about the next steps:
1. If the youth is currently receiving Medicaid, a new application is not needed.
- a. The Eligibility Technician will request that the worker provide the Eligibility Technician with a copy of the resumption court order. If the youth's Medicaid certification period is ending and a Medicaid Review is due, the Eligibility Technician will request that the worker complete a Medicaid review form in ORCA.
- b. The Eligibility Technician will coordinate with Division of Public Assistance by following the procedures in section 7.4.1.13.
2. If the youth is not currently receiving Medicaid, a IV-E/Medicaid application and a Self-Declaration of Income and Resources for Youth Who Voluntarily Re-Entered Custody (06-9675) must be completed.
- a. The Eligibility Technician will request that the worker:
- ensures that the Self-Declaration form is completed by the youth; and
 - completes a Title IV-E /Medicaid application in ORCA and refers it; and
 - provides the Eligibility Technician with the completed Self-Declaration form and a copy of the custody resumption court order.

- b. Upon receipt of the documents, the Eligibility Technician will update the youth's income/assets information in ORCA.

6.0 SUBSIDIES

If the permanency plan for a special needs child is adoption or guardianship and it is determined that the child is in need of a subsidy, then a subsidy is provided for the child. Guardianship and adoption subsidies are either state funded or partially federally funded through Title IV-E.

Once a guardianship or adoption subsidy starts the IV-E Foster Care case needs to be closed. See ORCA Worksheet #7.

6.1 ELIGIBILITY CRITERIA FOR ADOPTION SUBSIDIES

- A. Under federal and state law, a subsidy may be provided to families who would not be able to offer an adoptive home to a hard-to-place/special needs child without continuing financial and/or medical assistance. The federal adoption subsidy benefits may include
 - 1. A monthly payment to the adoptive parents on either a short or long-term basis, to assist the adoptive family with meeting the special needs costs for the child;
 - 2. Medicaid coverage for the adoptive child; and
 - 3. Reimbursement for non-recurring costs for the finalization of the adoption.
- B. In order for a child to qualify for a federal adoption subsidy, the child must:
 - 1. have a determination of special needs; and
 - 2. have a determination of eligibility for Title IV-E adoption subsidy.
- C. Both for the determination of special needs and for the eligibility determination, the requirements differ depending on whether or not the child is an "applicable child". The term "applicable child" means:
 - 1. a child for whom an adoption assistance agreement is entered into during any federal fiscal year described below if the child attained the applicable age for that fiscal year before the end of that fiscal year. The applicable age for a fiscal year is as follows:

In the case of fiscal year:	The applicable age is:
2010 (10/1/09 – 9/30/10)	16
2011 (10/1/10 – 9/30/11)	14
2012 (10/1/11 – 9/30/12)	12
2013 (10/1/12 – 9/30/13)	10
2014 (10/1/13 – 9/30/14)	8
2015 (10/1/14 – 9/30/15)	6
2016 (10/1/15 – 9/30/16)	4
2017 (10/1/16 – 9/30/17)	2
2018 (10/1/17 or later)	any age

Or

2. Beginning 10/1/09 a child of any age who
 - has been in foster care under the responsibility of the State for at least 60 consecutive months; and
 - meets the eligibility requirements for an applicable child outlined in (E) below; or
3. Beginning 10/1/09 a child of any age who
 - is a sibling of a child who is an applicable child for the fiscal year;
 - is to be placed in the same adoption placement as an applicable child for the fiscal year who is their sibling; and
 - meets the eligibility requirements for an applicable child outlined in (E) below.

NOTE: Regarding the 60 consecutive month requirement:

- The 60 consecutive month period is any 60 consecutive months in foster care prior to the finalization of the adoption.
- Foster care is defined as 24-hour substitute care for children in OCS custody placed away from their parents or guardians. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential child care facilities, and pre-adoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by OCS or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching of any payments that are made. Foster care does not include detention facilities or psychiatric hospitals.
- A child must be in foster care, as defined above, for at least one day of a month.
- A runaway episode is counted towards calculating the 60 consecutive month period if OCS retains custody of the child during the runaway episode because a child in this situation is considered to be in foster care.

- D. Special Needs Determination: The following three criteria must be met for a child to be determined as a special needs child eligible for an adoption subsidy (federal or state), or for reimbursement of non-recurring adoption expenses:

1. A reasonable, but unsuccessful, effort has been made to place the child without providing a subsidy except where it would be against the best interest of the child due to such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child. (By OCS policy, documentation of these efforts includes, but is not limited to:
 - A relative search;
 - Child-specific recruitment efforts;
 - If the child is Alaska Native, Tribal searches for possible adoptive/guardianship parents;
 - Listing the child on adoption exchanges (Alaska Adoption Exchange, Northwest Adoption Exchange and AdoptUsKids)); and
2. The State has determined that a specific factor or condition exists with respect to the child because of which it is reasonable to conclude that the child cannot be placed for adoption without adoption assistance. Factors/conditions may include:
 - ethnic background;
 - age;
 - membership in a minority or sibling group;
 - the presence of factors such as medical conditions or physical, mental, or emotional handicaps; or
 - high risk of such factors e.g. due to alcohol or cocaine being present when the child was born or mental illness of the child's parent(s); or

For and applicable child, this requirement is also met if the child meets all medical or disability requirements for Supplemental Security Income (SSI). An "applicable child" does not have to meet the needs-based requirements for SSI, and OCS may make the determination that the child meets the medical or disability requirements for SSI. In making this determination, OCS is not determining that the child is eligible for SSI payments, but is determining that the child meets the medical or disability requirements for SSI benefits for title IV-E adoption assistance eligibility purposes; and

3. The State has determined that the child cannot or should not be returned to the home of her/his parents, which, in Alaska is determined by a court order.

E. Eligibility Requirements for an Applicable Child: An applicable child is eligible for a Title IV-E adoption subsidy if the division has determined that the child is a special needs child, as defined above, the child is either a United States citizen or a qualified alien, and one of the following situations applies:

1. Meets All Medical or Disability Requirements for SSI Benefits:
 - The child meets the requirements at the time the adoption proceedings are initiated; and
 - prior to the finalization of the adoption, the State has determined that the child is a child with special needs; or

2. Removed under a Voluntary Placement Agreement:
 - at the time of initiation of adoption proceedings was in the care of a public or licensed private child placement agency or Indian tribal organization pursuant to a voluntary placement agreement; and
 - prior to the finalization of the adoption, the State has determined that the child is a child with special needs; or
 3. Removed Based on Court Order:
 - at the time of initiation of adoption proceedings was in the care of a public or licensed private child placement agency or Indian tribal organization pursuant to an involuntary removal of the child from the home in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; and
 - prior to the finalization of the adoption, the State has determined that the child is a child with special needs; or
 4. Eligible as a Child of a Minor Parent: was residing in a foster family home or child care institution with the child's minor parent, and the child's minor parent was in such foster family home or child care institution pursuant to
 - an involuntary removal of the child from the home in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; or
 - a voluntary placement agreement or voluntary relinquishment.

(Note: If the child and minor parent have been separated in foster care prior to the time that the adoption petition is filed, the child's eligibility for title IV-E adoption assistance must be determined based on the child's current and individual circumstances); or
 5. Eligible Due to Prior Eligibility for a Title IV-E Adoption Subsidy:
 - the child is adopted and receives title IV-E adoption assistance, but the adoption later dissolves or the adoptive parents die, and
 - prior to signing the subsidy agreement for the subsequent adoption, the State determines that the child is a child with special needs.
- F. Eligibility Requirements for a Child who is Not an Applicable Child: A child who not an applicable child is eligible for a Title IV-E adoption subsidy if the division has determined that the child is a special needs child, as defined above, the child is either a United States citizen or a qualified alien, and one of the following situations applies:
1. Eligible for Supplemental Security Income (SSI) Benefits:
 - The child is eligible for SSI at the time the adoption proceedings are initiated; and
 - prior to the finalization of the adoption, the State has determined that the child is a child with special needs; or
 2. Removed under a Voluntary Placement Agreement:
 - the child was removed from the home of a parent or other specified relative (i.e. a relative by blood, marriage or adoption who is within the

- fifth degree of kinship to the dependent child) who is the child's legal guardian pursuant to a voluntary placement agreement; and
- the child lived with the specified relative from whom removed within 6 months of the most recent removal from home; and
- at least one title IV-E foster care payment was made for the child; and
- the child would have been eligible for AFDC (according to the AFDC rules in effect 7/16/96) in the home of the specified relative at the time of the removal; and
- prior to the finalization of the adoption, the State has determined that the child is a child with special needs; or

3. Relinquished to OCS:

- The child has been placed with the State agency or another public agency (including Tribes) with whom the State has a title IV-E agreement via a voluntary relinquishment; and
- the child was not already in division custody at the time of the relinquishment; and
- the child lived with the parent or other specified relative (i.e. a relative by blood, marriage or adoption who is within the fifth degree of kinship to the dependent child) within 6 months of the most recent removal from home; and
- the State petitions the court within six months of the child living with the specified relative and obtains a judicial determination to the effect that remaining in the home would be contrary to the child's welfare. (Note: If the court merely sanctions the voluntary relinquishment without making a determination that it is contrary to the child's welfare to remain in the home, the child is not eligible for title IV-E adoption assistance); and
- the child would have been eligible for AFDC (according to the AFDC rules in effect 7/16/96) in the home of the specified relative at the time of the petition for a judicial determination; and
- prior to the finalization of the adoption, the State has determined that the child is a child with special needs; or

4. Removed Based on Court Order:

- The child was removed from the home of a parent or other specified relative (i.e. a relative by blood, marriage or adoption who is within the fifth degree of kinship to the dependent child) who is the child's legal guardian pursuant to a judicial determination that it was contrary to the child's welfare to remain in the home (reasonable efforts findings are not included in the eligibility requirements for a IV-E adoption subsidy) (Note: for children who were removed from home prior to 1/23/01 the judicial determination of contrary to the welfare must be made within six months of the removal from home; and for children removed from home on or after 1/23/01 the judicial determination must be made in the first court ruling that sanctions (even temporarily) the removal of a child from the home. If, for children removed on or after 1/23/01, the determination is not made in the first court ruling pertaining to removal from the home, the child is not eligible for title IV-E adoption assistance); and

- the child lived with the specified relative within 6 months of the most recent removal from home; and
 - the child would have been eligible for AFDC (according to the AFDC rules in effect 7/16/96) in the home of the specified relative in the month that court proceedings were initiated which led to the removal; and
 - prior to the finalization of the adoption, the State has determined that the child is a child with special needs; or
5. Eligible as a Child of a Minor Parent:
- the child's parent is in foster care and receiving title IV-E foster care maintenance payments that cover both the minor parent and the child at the time the adoption petition is filed; and
 - prior to the finalization of the adoption, the child of the minor parent is determined by the State to meet the definition of a child with special needs. (Note: If the child and minor parent have been separated in foster care prior to the time that the adoption petition is filed, the child's eligibility for title IV-E adoption assistance must be determined based on the child's current and individual circumstances); or
6. Eligible Due to Prior Eligibility for a Title IV-E Adoption Subsidy:
- the child is adopted and receives title IV-E adoption assistance, but the adoption later dissolves or the adoptive parents die, and
 - prior to signing the subsidy agreement for the subsequent adoption, the State determines that the child is a child with special needs.
- G. In determining eligibility for a Title IV-E adoption subsidy for a child in a IV-E subsidy guardianship placement, the placement with the relative guardian and any guardianship subsidy payments made on behalf of the child are considered never to have been made.
- H. International Adoptions:
1. Applicable Child:
- No IV-E adoption assistance payments or reimbursements for non-recurring adoption expenses may be made for an applicable child who met the definition of a special needs child and is not a citizen or resident of the United States and was adopted outside of the United States or was brought into the United States for the purpose of being adopted.
 - However, if the initial adoption fails and the child is placed in foster care, IV-E adoption assistance payments or reimbursements for non-recurring adoption expenses may be made for a subsequent adoption.
2. Not Applicable Child:
- While a child who is not an applicable child and is adopted through an inter-country adoption is not categorically excluded from the Title IV-E adoption assistance program, it is highly improbable that the child would meet the eligibility requirements for IV-E adoption assistance.
 - A child who not an applicable child and is adopted from abroad and meets the definition of a special needs child is eligible for reimbursement for non-recurring adoption expenses.

- I. Criminal Record Check Requirements for Foster Parents, Adoptive Parents, Guardians, and Adults Living in the Foster/Adoptive/Guardian Home:
1. Fingerprint-based criminal records checks must be completed for prospective foster parents, adoptive parents, relative guardians, and adults living in the guardian's home. If the check is not fingerprint based it is acceptable only if the individual has unreadable or missing fingerprints due to their age, disability, or occupation, and a fingerprint specialist or physician has documented the individual's disabling condition. If a name-based criminal background check is done due to rejected fingerprint cards and the fingerprints were rejected solely because the fingerprint impressions were of low quality due to lack of technological capacity or use of improper techniques, the federal requirement for a criminal background check is not met.
 2. If a child is placed in a foster, adoptive, or guardian home where a criminal background check reveals that the foster parents, adoptive parents, guardian, or adults living in the guardian's home have been convicted of any of the crimes listed below, the child does not meet the Title IV-E placement requirements and therefore is not eligible for IV-E Foster Care or IV-E subsidy payments when placed in that home. The prohibited crimes are:
 - A felony conviction at any time for:
 - child abuse or neglect;
 - spousal abuse;
 - a crime against children (including child pornography);
 - a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery; or
 - a felony conviction within the past 5 years, for physical assault, battery, or a drug-related offense.
- J. State Subsidy: A special needs child who does not meet the eligibility requirements for a Title IV-E adoption subsidy would be eligible for a state subsidy. State-funded subsidies do not have Medicaid benefits attached.
- K. State Subsidy with Medicaid: If a special needs child who is eligible for a state adoption subsidy is also eligible for Medicaid immediately prior to the signing of the subsidy agreement, the child is eligible for a State Subsidy with Medicaid.
- L. Adoption Subsidies and Non-Recurring Adoption Expenses Reimbursement for Private or Independent Adoptions: Children who are determined to meet the Special Needs criteria and are adopted through private adoption agencies or independently are eligible for a Title IV-E adoption subsidy if they meet the following criteria:
1. The child is eligible for Supplemental Security Income (SSI) benefits at the time the adoption proceedings are initiated.
 2. The child is eligible due to prior eligibility for a Title IV-E adoption subsidy, in which the child is adopted and receives title IV-E adoption assistance, but the adoption later dissolves or the adoptive parents die.
(NOTE: This continued eligibility applies only to IV-E adoption

assistance. If the child is removed from the adoptive home and placed in out-of-home care, an eligibility determination for IV-E Foster Care must be made based on the removal from the adoptive home).

M. Adoption Subsidies for Non-Custody Children:

1. Adoption subsidies for non-custody children are generally approved only for children who meet the eligibility criteria for a Title IV-E adoption subsidy. Exceptions to this policy may be made in hardship situations, on a case-by-case basis, for special needs children who meet the eligibility criteria for a state adoption subsidy. Examples of hardship situations include the following:
 - where a sibling of the child has already been adopted by the adoptive family; or
 - the lack of a subsidy might prevent the adoption.
2. To qualify for state-funded adoption subsidy for a non-custody child, the adoptive parent must apply for Supplemental Security Income (SSI) for the child, and if SSI is denied, the parent must pursue the SSI appeal process. The state subsidy may be approved at the time that the SSI appeal is submitted to the Social Security Administration. The adoptive parent is responsible for notifying the State Office Resource Family Section of the outcome of the appeal. If SSI is approved, the state subsidy will be changed to a IV-E subsidy.

N. The eligibility determination must be made before the adoption is finalized.

O. Adoption subsidy payments are made to adoptive parents who have entered into an adoption subsidy agreement. The adoption subsidy agreement is a written agreement, binding on all parties, between the OCS and the prospective adoptive parents. Adoption subsidy payments will terminate when the child reaches age 18. Payments must also terminate if the parents cease supporting the child prior to age 18 or if the parents are no longer legally responsible for the child, and the parents must inform the agency if they become ineligible for further payments. The only two conditions under which a subsidy agreement may be unilaterally terminated are when

1. The State determines that the parents are no longer legally responsible for the child; and
2. The State determines that the child is no longer receiving any support from such parents.

P. If the child is placed in foster or residential care, the state may not automatically suspend or terminate the subsidy payment. However, due to the change in the child's circumstances, the state may re-negotiate the agreement and change the payment with the concurrence of the adoptive parent, which may include the suspension or termination of the subsidy. Re-negotiation and adjustment of the payment must consider the specific needs of the adoptive child and the circumstances of the family at the time of the subsidy re-negotiation.

Q. If the child is eligible for a Title IV-E subsidy, Medicaid will continue for the child,

regardless of the state of residence. Medicaid eligibility continues as long as the subsidy agreement is in effect. A state adoption subsidy does not include automatic Medicaid coverage. If a child is determined eligible for Medicaid under a state subsidy, there is no guarantee that the child will continue to receive Medicaid if the family moves to another state. The adoptive family's health insurance resources will be considered in the provision of Medicaid benefits.

6.2 ELIGIBILITY CRITERIA FOR GUARDIANSHIP SUBSIDIES

- A. Under federal and state law, a subsidy may be provided to families who would not be able to offer an guardian home to an eligible child without continuing financial and/or medical assistance. The guardianship subsidy benefits may include
1. A monthly payment to the guardian on either a short or long-term basis, to assist the guardian with meeting the special needs costs for the child;
 2. Medicaid coverage for the child (always included for IV-E subsidies); and
 3. Reimbursement for non-recurring costs for the finalization of the guardianship.
- B. Title IV-E Subsidy:
1. In order for a child to qualify for a federal guardianship subsidy, the child must meet the following requirements:
 - a. The child has been removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; and
 - b. The child was eligible for IV-E foster care maintenance payments while residing for at least 6 consecutive months in the home of the prospective relative guardian; and
 - c. Being returned home or adopted are not appropriate permanency options for the child; and
 - d. The child demonstrates a strong attachment to the prospective relative guardian and the relative guardian has a strong commitment to caring permanently for the child; and
 - e. With respect to a child who has attained 14 years of age, the child has been consulted regarding the kinship guardianship arrangement; **or**
 - f. The child is a sibling of a child who meets the requirements under (B)(1)(a - e) above and is placed with the same guardian; **or**
 - g. The child was receiving a federal guardianship subsidy, but the guardian dies or is no longer able to remain the guardian due to incapacity and a successor guardian named in the guardianship subsidy agreement, or in an amendment to the agreement, becomes the child's legal guardian.
 2. In addition, the prospective relative guardian must meet the following requirements:

- a. The guardian is related to a child by blood, marriage, fictive kin, or tribal custom; for purposes of this paragraph, "fictive kin" means an individual who is unrelated by birth or marriage, but has an emotionally significant relationship with a child that has the characteristics of a family relationship;
 - b. The guardian has a strong commitment to caring permanently for the child;
 - c. The guardian has an approved home study that includes fingerprint-based criminal records checks and CPS checks on the guardian and other adults living in the guardian's home; and
 - d. The guardian was fully licensed for at least 6 consecutive months while the child was placed in the guardian's home.
3. Criminal Record Check Requirements for Foster Parents, Adoptive Parents, Guardians, and Adults Living in the Foster/Adoptive/Guardian Home:
- a. Fingerprint-based criminal records checks must be completed for prospective foster parents, adoptive parents, relative guardians, and adults living in the guardian's home. If the check is not fingerprint based it is acceptable only if the guardian has unreadable or missing fingerprints due to their age, disability, or occupation, and a fingerprint specialist or physician has documented the parent's disabling condition. If a name-based criminal background check is done due to rejected fingerprint cards and the fingerprints were rejected solely because the fingerprint impressions were of low quality due to lack of technological capacity or use of improper techniques, the federal requirement for a criminal background check is not met.
 - b. If a child is placed in a foster, adoptive, or guardian home where a criminal background check reveals that the foster parents, adoptive parents, guardian, or adults living in the guardian's home have been convicted of any of the crimes listed below, the child does not meet the Title IV-E placement requirements and therefore is not eligible for IV-E Foster Care or IV-E subsidy payments when placed in that home. The prohibited crimes are:
 - A felony conviction at any time for:
 - child abuse or neglect;
 - spousal abuse;
 - a crime against children (including child pornography);
 - a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery;
 or
 - a felony conviction within the past 5 years, for physical assault, battery, or a drug-related offense.

C. State Subsidy:

1. A child who does not meet the eligibility requirements for a Title IV-E guardianship subsidy would be eligible for a state subsidy, if the following requirements are met:
 - a. child is a special needs/hard to place child. The following three criteria must be met for a child to be determined as a special needs child:
 - 1) A reasonable, but unsuccessful, effort has been made to place the child without providing a subsidy except where it would be against the best interest of the child due to such factors as the existence of significant emotional ties with prospective guardian while in the care of such parents as a foster child. (By OCS policy, documentation of these efforts includes, but is not limited to:
 - A relative search;
 - Child-specific recruitment efforts;
 - If the child is Alaska Native, Tribal searches for possible adoptive/guardianship parents;
 - Listing the child on adoption exchanges (Alaska Adoption Exchange, Northwest Adoption Exchange and AdoptUsKids)); and
 - 2) The State has determined that a specific factor or condition exists with respect to the child because of which it is reasonable to conclude that the child cannot be placed with a guardian without guardianship assistance. Factors/conditions may include:
 - ethnic background;
 - age;
 - membership in a minority or sibling group;
 - the presence of factors such as medical conditions or physical, mental, or emotional handicaps; or
 - high risk of such factors e.g. due to alcohol or cocaine being present when the child was born or mental illness of the child's parent(s); and
 - 3) The State has determined that the child cannot or should not be returned to the home of her/his parents.
 - b. The guardian has an approved guardian home study.
2. State-funded subsidies do not have Medicaid benefits attached.

6.3 APPLICATION AND ELIGIBILITY DETERMINATION PROCESS

6.3.1 APPLICATION FOR CHILD IN OCS CUSTODY

When it has been determined that a child is eligible for an adoption or guardianship subsidy, the worker completes and submits an Adoption/Guardianship Referral in ORCA.

6.3.2 ELIGIBILITY DETERMINATION

The Eligibility Technician in State Office reviews the request and determines what kind of subsidy the child is eligible for. The Eligibility Technician will request additional information from the worker if information is missing. A state adoption or guardianship subsidy will not be considered until it has been determined that the child is not eligible for a Title IV-E subsidy.

6.3.3 ROLE OF THE REGIONAL ELIGIBILITY TECHNICIANS

- A. Eligibility Determination for an Adoption or Guardianship Subsidy: The Regional Eligibility Technicians are not involved in making the eligibility determination for adoption or guardianship subsidies.
- B. Medicaid Eligibility: Upon receipt of a IV-E Adoption or Guardianship Subsidy Agreement or a State Adoption Subsidy with Medicaid agreement, the Eligibility Technician will take action in accordance with the procedures in the Medicaid Manual.

6.3.4 TERMINATION OF A SUBSIDY

Subsidized adoption and guardianship payments will terminate when the child reaches age 18. Payments must also terminate if the parents/guardian cease supporting the child prior to age 18 or if the parents/guardian are no longer legally responsible for the child, and the parents/guardian must inform the agency if they become ineligible for further payments.

6.3.5 APPLICATION FOR A CHILD ADOPTED THROUGH A PRIVATE ADOPTION AGENCY OR INDEPENDENTLY

Requests are submitted by the adoption agency or adoptive parent directly to State Office Resource Family staff.

6.3.6 POST ADOPTION SUBSIDIES

Adoption subsidies must be approved before the adoption hearing. However, post-adoption subsidies may be approved both for children who were in OCS custody at the time of adoption and for non-custody children, in situations which meet the federal requirements for extenuating circumstances for the purpose of a fair hearing in regards to Title IV-E adoption assistance. Requests for post -adoption subsidies for non-custody children who do not meet the federal requirements will not be approved.

6.4 TITLE IV-E FOSTER CARE AND ADOPTION/GUARDIANSHIP SUBSIDIES - COORDINATION

6.4.1 INITIATION OF SUBSIDY

- A. When the subsidy has been approved and signed, State Office Resource Family staff will initiate the subsidy.
 - 1. Adoption: It is not necessary to wait for finalization of the adoption. However, subsidy payments cannot start until parental rights have been terminated or the court has determined that the child cannot return home and a home study completed.
 - 2. Guardianship: Subsidy payments cannot start until the effective date of the guardianship order.
 - 3. If foster care payments have been paid to the adoptive/guardian family, State Office Resource Family staff will coordinate the timing of the closing of foster care and starting the subsidy, and will close foster care on the provider payment system.
- B. State Office Resource Family staff sends a copy of the subsidy agreement to the OCS Eligibility Technician with a request that the Medicaid coupons be sent to the adoptive parents/guardian.
- C. When a child has been determined eligible for a Title IV-E adoption subsidy, a State subsidy with Medicaid, or a Title IV-E guardianship subsidy and the Eligibility Technician is notified that subsidy payments have started:
 - 1. If the child is already receiving Medicaid, the Eligibility Technician changes the Medicaid code, except for children receiving SSI or HCB waiver services. The Eligibility Technician IV will maintain all cases of children receiving waiver services. The child continues to receive Medicaid coupons without interruption.
 - 2. If the child is not currently receiving Medicaid, but a Medicaid application has been submitted, the Eligibility Technician opens Medicaid.
 - 3. When notified by State Office Resource Family staff that the adoption has been finalized, the Eligibility Technician will change the child's name in EIS, if applicable.
- D. If a child was receiving Medicaid under a Title IV-E adoption or guardianship subsidy but the Medicaid has lapsed due to the adoptive parents/guardian previously requesting closure of Medicaid or address changes from a family move, and the adoptive parents/guardian are requesting that Medicaid coverage for the child be reinstituted State Office Resource Family staff will contact the Eligibility Technician certifying that the child is receiving a Title IV-E subsidy and requesting that Medicaid be restored for the child.

- E. If Medicaid was not applied for at the time that a Title IV-E adoption or guardianship subsidy agreement was signed, and the adoptive parents/guardians are requesting Medicaid coverage for the child, the adoptive parents/guardian complete an Alaska Medicaid application (GEN #50) or State Office Resource Family staff completes an Application for Medicaid and Title IV-E Foster Care for a Child in OCS Custody (06-3679), and submits it to the Eligibility Technician with a copy of the IV-E subsidy agreement. The only information needed on the application (GEN # 50 or 06-3679) is the adoptive parents'/guardian's names and address, and information about insurance coverage for the child.

6.4.2 ANNUAL CERTIFICATION THAT SUBSIDY AGREEMENT CONTINUES

Annually, prior to the beginning of the state fiscal year, State Office Resource Family staff notifies the Eligibility Technician of all open subsidies with Alaska Medicaid benefits, and upon receipt of the notification, the Eligibility Technician certifies Medicaid for the next year for children who are eligible for Medicaid based on the subsidy (Title IV-E and State with Medicaid benefits subsidies).

6.4.3 TERMINATION OF A SUBSIDY AGREEMENT

State Office Resource Family staff notifies the Eligibility Technician if the subsidy agreement is terminated. In that situation, the Eligibility Technician will follow the procedures in sections 7.4.1.11(B) and 7.4.1.11(C) to ensure that the child continues to receive Medicaid for the remainder of the 12-month continuous Medicaid eligibility period.

6.4.4 CHILD WITH AN ADOPTION OR GUARDIANSHIP SUBSIDY TAKEN INTO OCS CUSTODY

- A. If a child who is receiving an adoption or guardianship subsidy is taken into OCS custody and placed in foster care, the subsidy agreement continues unless there are grounds for terminating it. Subsidy payments may be made concurrently with the foster care payment. The Eligibility Technician will continue Medicaid for the child based on the subsidy agreement, retaining the adoption or guardianship subsidy Medicaid code, if the agreement is not terminated. If the agreement is terminated, the Eligibility Technician will issue Medicaid based on the Medicaid eligibility determination which is made with the Title IV-E Foster Care eligibility determination.
- B. Eligibility for Title IV-E Foster Care must be determined:
 - 1. If the adoption has been finalized, a new placement episode is initiated with the removal from the adoptive home. An initial determination must be made based on the removal from the adoptive parents.
 - 2. If the adoption has not been finalized, there is no break in the placement episode so a new eligibility determination is not required.
- C. Since the Medicaid case would remain in the adoption CARC and automatic review

notices therefore would not be issued, the Eligibility Technician needs to track the case manually.

6.4.5 INTERSTATE PLACEMENTS

ICAMA, Adoption Subsidies, and Medicaid: The OCS will follow the procedures established by the Interstate Compact on Adoption and Medical Assistance (ICAMA) to facilitate the interstate coordination of Medicaid benefits. The state with whom an adoption or guardianship subsidy agreement is signed remains responsible for paying the subsidy to the adoptive family/guardian when the adoptive family/guardian moves to another state. For Title IV-E adoption or guardianship subsidies, where the child also receives Medicaid, the state where the child resides is responsible for providing Medicaid services to the child. For state subsidies with Medicaid benefits, Alaska Medicaid eligibility ends if the child moves from Alaska. The following procedures apply:

A. Alaska child moving to another state:

1. When an adoptive child receiving an adoption subsidy moves from Alaska to another state, the adoptive parents should notify the Adoption Unit in State Office. The adoptive parents do not need to do anything other than notifying the State Office Resource Family Section of the family's planned move.
2. After having received notification, State Office Resource Family staff notifies the Eligibility Technician and sends information about the move to the other state with standardized ICAMA forms.
3. The Eligibility Technician closes Alaska Medicaid, and the other state opens Medicaid for the child.

B. Alaska child who moved to another state and then returns to Alaska:

1. When an adoptive child who is receiving a Title IV-E or state with Medicaid adoption subsidy from Alaska has moved from Alaska to another state and subsequently returns to Alaska, State Office Resource Family staff notifies the OCS Eligibility Technician of the need to reopen Medicaid and provides the Technician with the adoptive family's new address, a copy of the current Title IV-E adoption subsidy agreement, and the most updated information on insurance coverage.
2. Upon receipt of the documentation, the Eligibility Technician opens Medicaid for the child.

C. Out-of-state Child moves to Alaska:

1. When an adoptive child receiving an adoption subsidy with Medicaid benefits from another state moves to Alaska, the sending state notifies the State Office Resource Family section, and the State Office Resource Family staff notifies the Eligibility Technician, by forwarding the ICAMA forms. The adoptive parents are required to submit a Medicaid application, but the required information is limited to the following: names of the adoptive parents and the child, address, health

insurance coverage, and signature.

2. The Eligibility Technician processes the Medicaid and issues Alaska Medicaid coupons.
3. Annual Medicaid Review: If the Eligibility Technician does not receive a certification from the other state that eligibility for the subsidy continues, the Eligibility will send a "Certification of Continued Eligibility for Adoption Subsidy with Medicaid Benefits" form letter to the other state to request a certification (see Appendix II).

7.0 CASE MANAGEMENT

7.1 CASE RESPONSIBILITY

7.1.1 INITIAL ELIGIBILITY DETERMINATION

Eligibility Technicians are responsible for processing Title IV-E and Medicaid applications for children whose cases are handled by OCS and DJJ offices in their region, including children in OCS custody who are placed at home for a trial home visit (see section 7.4.1.7 IV-E Child Home for Trial Home Visit). When IV-E adoption subsidies are approved for children who are adopted through a private agency or independently, State Office adoption staff refers the adoptive parent to the regional Eligibility Technician in the OCS region where the family resides, to apply for Medicaid for the child.

7.1.2 CASE TRANSFER

When a case venue is transferred to another region, the current Eligibility Technician transfers the case to the Eligibility Technician in the other region.

If a child who is receiving Medicaid under a IV-E or State with Medicaid subsidy moves to another region, the current Eligibility Technician transfers the case to the Eligibility Technician in the other region.

7.2 TITLE IV-E CLAIMING AND TRACKING

7.2.1 TITLE IV-E CLAIMING

The ORCA client eligibility information is the basis for federal reimbursement for both the Title IV-E and Medicaid programs and reimburses the State of Alaska for both maintenance and administrative costs for children in custody.

7.2.1.1 SUBMITTING DOCUMENTATION TO STATE OFFICE

When an Eligibility Technician has completed an initial Title IV-E eligibility determination or a review, or the Eligibility Technician has made eligibility status changes from IV-E eligible to ineligible retrospective to 1/1/05, the Eligibility Technician will send the following documentation to the Title IV-E accounting technician in State Office:

- EIS CANO (in standardized format); or
- Determination/Redetermination form

Regardless of which changes are made – if the change is retrospective and predates 1/1/05, the Eligibility Technician will document in EIS and follow the conversion instructions for documentation in ORCA. The eligibility record in ORCA needs to start at the latest 1/1/05.

7.2.2 TRACKING TITLE IV-E CASES:

EIS automatically sends out review notices every twelve months for all children in OCS custody who are receiving Alaska Medicaid (including children who are placed in out-of-state treatment facilities and continue to receive Alaska Medicaid coverage), except for children who are receiving Medicaid based on an adoption subsidy, where the review is done following different procedures (see section 6.3.2).

For children residing in Alaska and/or receiving Alaska Medicaid, including children who are placed in out-of-state treatment facilities and remain on Alaska Medicaid, IV-E cases can be tracked in ORCA and through EIS. (Caseload Report).

For children who are not on an open Alaska Medicaid case, the **ET Alerts Due Today or Overdue** function in EIS can be used for tracking.

7.3 EIS PROCEDURES FOR TITLE IV-E

While all Title IV-E Foster Care eligible children who are receiving Alaska Medicaid are registered on EIS and have EIS case numbers due to their Medicaid eligibility, Title IV-E is not one of the benefit programs for which eligibility is determined using EIS. Title IV-E Foster Care eligibility determinations are made outside of EIS and documented in ORCA.

7.4 COORDINATION WITH DPA (DPA/OCS PROTOCOL)

7.4.1 TITLE IV- E / DPA TRANSFER PROTOCOLS

7.4.1.1 FAMILY ON ATAP AND FAMILY MEDICAID AND CHILD(REN) TAKEN INTO CUSTODY

Step #1:

OCS Eligibility Technician notifies the DPA team or caseworker responsible for handling the ATAP and Family Medicaid cases, via email, that child(ren) no longer in home and effective date. The DPA caseworker will end the child(ren)'s ATAP and Family Medicaid eligibility with 10-day adverse action notice.

Step #2:

OCS Eligibility Technician registers a Medicaid case for each child, with child as PI (Primary Information Person) in Full Service Office (FSO) 060. The benefit start date would be the 1st day of the month after the last paid Medicaid benefit for the child on the Family Medicaid case.

Step #3:

If the child is returned home and the placement in the home is not a trial home visit (i.e. the child is released from custody) the OCS Eligibility Technician will:

- close the 060 Medicaid case;
- post a Cano in EIS with the following information:

CASE NOTE TITLE: ARO/NRO/SCRO/SERO MED CLOSED-
RELEASED/REFER'D DKC

DATE RCV'D: ORCA ID
ACTION: VERIFIED MINOR RELEASED FROM CUSTODY 00/00/00; PER
ORCA
PERIOD OF CONTINUOUS COVERAGE THRU: 00/00
MINOR RELEASED TO :
MAILING ADDRESS:
REFERRAL TO DKC ET FOR CONT. MED COVERAGE FOR REMAINING
PERIOD.
SET TO CLOSE EFFECTIVE:
CARC'D 99

NOTICE : M413; COPY TO PARENT/GUARDIAN.

- send a referral to the DKC Designee (see DPA Contact List in Appendix VI) via e-mail, with the following content:

The following children have been released from State's custody effective: 00/00/00

Child's Name: OCS Case #:

All children have been released to the home of: ...(relationship to child)

OCS Medicaid ends: (month/year)

Please see EIS Cano for most recent mailing address.

The DKC Designee will ensure that a Medicaid case is opened with the same Medicaid code and that the case is maintained for the remainder of the child's 12-month continuous eligibility period.

Note:

- All this will be electronic, there will be no physical transferring or copying of DPA files or IV-E files.
- Cases registered to 060 will always remain a 060 number, no other DPA office should use that number, and the same is true for DPA Full Service Office number and IV-E. For example, a IV-E worker will never recycle or use an 072 (DKC) case number and vice versa.

7.4.1.2 CHILD(REN) RECEIVING DKC (Denali KidCare) MEDICAID TAKEN INTO OCS CUSTODY

Step #1:

OCS Eligibility Technician contacts the DKC team or caseworker, via email, that child(ren) taken into custody. If additional children remain in the home, the DKC worker will code the custody child out (OU) of the DKC case. If there are no remaining eligible children in the DKC caseworker will close the DKC case giving timely notice of adverse action.

Step #2:

OCS Eligibility Technician registers a Medicaid case for each child, with child as PI in Full Service Office 060 (or whatever number is selected). The benefit start date is the 1st day of the month after the last paid Medicaid benefit for the child on the DKC case.

Step #3: If custody ends, the OCS Eligibility Technician will

- close the 060 Medicaid case;
- post a Cano in EIS with the following information:

CASE NOTE TITLE: ARO/NRO/SCRO/SERO MED CLOSED-
RELEASED/REFER'D DKC

DATE RCV'D: ORCA ID :
ACTION: VERIFIED MINOR RELEASED FROM CUSTODY 00/00/00; PER
ORCA
PERIOD OF CONTINUOUS COVERAGE THRU: 00/00

MINOR RELEASED TO:

MAILING ADDRESS:

REFERRAL TO DKC ET FOR CONT. MED COVERAGE FOR REMAINING PERIOD.

SET TO CLOSE EFFECTIVE:

CARC'D 99

NOTICE : M413; COPY TO PARENT/GUARDIAN.

- send a referral to the DKC Designee (see DPA Contact List in Appendix VI) via e-mail, with the following content:

The following children have been released from State's custody effective: 00/00/00

Child's Name: OCS Case #:

All children have been released to the home of: (relationship to child)

OCS Medicaid ends: (month/year)

Please see EIS Cano for most recent mailing address.

The DKC Designee will ensure that a Medicaid case is opened with the same Medicaid code and that the case is maintained for the remainder of the 12-month continuous eligibility period.

Note:

- The process of transferring cases between DKC and the IV-E will be strictly electronic.
- The DKC caseworker will maintain all pertinent information from a DKC case in the Case Notes for the DKC case and the OCS Eligibility Technician will document all pertinent information for a Medicaid case maintained by OCS in the Case Notes for that Medicaid case.

7.4.1.3SSI CHILDREN

SSI children are categorically eligible for Medicaid and are registered as Medicaid-only (ME-AD) cases in EIS. These Medicaid-only cases are normally handled by a DPA caseworker in the District Office responsible for the area where the child resides. When an SSI child is taken into OCS custody, the child's DPA Medicaid case must be closed and a separate Medicaid case established and handled by OCS Full Service Office 060.

A. SSI CHILD Taken into Custody

Step #1:

The OCS Eligibility Technician will email the DPA team or caseworker responsible for handling the SSI child's ME-AD case. The DPA team or caseworker will close the child's existing ME-AD case as soon as possible, preferable by the end of the month in which the child entered OCS custody.

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OCS Medicaid ends: (month/year)

Please see EIS Cano for most recent mailing address.

The DPA Designee will contact the most appropriate DPA District Office so that the Medicaid case may be established or resumed within that office.

C. SSI Child Reaches Age 18 and Leaves OCS Custody

An SSI child who receives Medicaid becomes eligible for Adult Public Assistance benefits upon reaching age 18. These children do not need to apply for Adult Public Assistance (APA). Instead, an APA/Medicaid case must be opened for these children beginning with the date the child reaches age 18.

When an SSI child is released from OCS custody upon reaching age 18, the following procedures apply:

Prior to closing out the OCS SSI case, the assigned OCS social worker will:

- Petition the court to establish an adult guardian for the SSI child if it is determined that a guardian is necessary.
- If the court has appointed an adult guardian, notify the OCS Eligibility Technician who the adult guardian is.
- If an adult guardian is not appointed, notify the OCS Eligibility Technician that an adult guardian has not been appointed;
- Establish a good physical mailing address for Medicaid coupons, APA benefits, and potential FS benefits;
- If a Special Needs Trust is needed due to PFD income or other monies, advise the youth, or the youth's representative, about the possibility of continued SSI, APA, and Medicaid benefits through the use of a Special Needs Trust.
- If a Special Needs Trust is established, notify the OCS Eligibility Technician. The assigned OCS social worker and/or the adult guardian will forward all trust paperwork to DPA Policy in Juneau at DPAPolicy@alaska.gov.

Only after all processes above are completed, the OCS Eligibility Technician will:

- Close the case in FSO 060;
- post a Cano in EIS with the following information:

CASE NOTE TITLE: ARO/NRO/SCRO/SERO MED CLOSED-
RELEASED/REFER'D DPA

DATE RCVD: ORCA ID:
ACTION: VERIFIED MINOR RELEASED FROM CUSTODY 00/00/00; PER
ORCA
PERIOD OF CONTINUOUS COVERAGE THRU: 00/00
MAILING ADDRESS:
ADULT GUARDIAN HAS BEEN/HAS NOT BEEN APPOINTED
NAME OF ADULT GUARDIAN:

SPECIAL NEEDS TRUST HAS BEEN/HAS NOT BEEN ESTABLISHED
REFERRAL TO DPA ET FOR OPENING AN APA/MEDICAID CASE
SET TO CLOSE EFFECTIVE:
CARC'D 99

NOTICE: M413 COPY TO CHILD/ADULT GUARDIAN

- post a CANO in EIS with the following information that verifies that the child meets the eligibility requirements for the Former Foster Care Medicaid category:

CASE NOTE TITLE: FFC – AGED OUT

FOSTER CARE AT AGE 18: YES
MEDICAID RECIPIENT AT AGE 18: YES
AGED OUT DATE: xx/xx/xx

Note: the aged out date would be the date the 18+ youth was released from custody.

- send an e-mail message to the DPA Designee (see DPA Contact List in Appendix VI) with the following content:

The following child has been released from State's custody effective: 00/00/00

Child's Name: OCS Case #:

Adult Guardian: (name of guardian or N/A)

OCS Medicaid ends: (month/year)

Please see EIS Cano for most recent mailing address.

Please establish a new APA/ME case for this child.

- The DPA Designee will register and authorize APA/ME on a new case number and then CARC the case to the appropriate field office.

D. SSI Child Reaches Age 18 But Remains in OCS Custody

In some cases, an SSI child may voluntarily remain in OCS custody beyond the age of 18. In these situations, a separate APA/Medicaid case must still be established by DPA for the individual, but OCS remains responsible for reporting any changes and completing any paperwork requested by the DPA team or caseworker. The following procedures apply:

Step #1:

The OCS Eligibility Technician will:

- close the child's Medicaid case in Full Service Office 060;

- post a Cano in EIS with the following information:

CASE NOTE TITLE: ARO/NRO/SCRO/SERO MED CLOSED- SSI CHILD
TURNED 18 - REFER'D DPA

DATE RCV'D: ORCA ID:
ACTION: VERIFIED SSI ELIGIBLE MINOR TURNED 18 ON 00/00/00
AND REMAINS IN OCS CUSTODY
PERIOD OF CONTINUOUS COVERAGE THRU: 00/00
MAILING ADDRESS:
REFERRAL TO DPA ET FOR OPENING AN APA/MEDICAID CASE
SET TO CLOSE EFFECTIVE:
CARC'D 99

NOTICE: M413 COPY TO CHILD/ADULT GUARDIAN.

- notify the DPA Designee of the case closure by email (see DPA Contact List in Appendix VI) with the following content:

The following SSI eligible child turned 18 on: 00/00/00 and remains in OCS custody.

Child's Name: OCS Case #:

OCS Medicaid ends: (month/year)

Please see EIS Cano for most recent mailing address.

Please establish a new APA/ME case for this child.

Step #2:

The DPA Designee will CARC the case to a specialized case load.

Step #3:

Once a separate APA/Medicaid case is registered for the individual in EIS, the DPA team or caseworker assigned to the case will contact the previous OCS Eligibility Technician to confirm information needed to process and maintain the individual's APA/Medicaid cases with DPA. This information includes

- APA Payment. While the individual remains in custody, OCS is the payee for the individual's APA payment. A Protective Payee Agreement (APA 14) is not needed because OCS is legally responsible for the individual's while he or she remains in OCS custody. The individual's APA payment must be issued to:

Office of Children's Services
PO Box 110630
Juneau, AK 99811

- **Notices.** Notices and requests for information should be directed the mailing address used for the individual's previous Medicaid case in Full Service Office 060.
- **Medicaid Coupons.** Medicaid coupons should continue to be sent to the Medicaid Benefit Address used for the individual's previous Medicaid case in Full Service Office 060.

Step 4

When the individual is eventually released from OCS custody, the following procedures apply:

Prior to closing out the OCS SSI case, the assigned OCS social worker will:

- Petition to court to establish an adult guardian for the SSI child if it is determined that a guardian is necessary.
- If the court has appointed an adult guardian, notify the OCS Eligibility Technician who the adult guardian is.
- If an adult guardian is not appointed, notify the OCS Eligibility Technician that an adult guardian has not been appointed;
- Establish a good physical mailing address for Medicaid coupons; APA benefits, and potential FS benefits;
- If a Special Needs Trust is needed due to PFD income or other monies, advise the youth, or the youth's representative, about the possibility of continued SSI, APA, and Medicaid benefits through the use of a Special Needs Trust.
- If a Special Needs Trust is established, notify the OCS Eligibility Technician. The assigned OCS social worker and/or the adult guardian will forward all trust paperwork to DPA Policy in Juneau at DPAPolicy@alaska.gov.

Only after all processes in Step 4 above are completed, the OCS Eligibility Technician will:

- post a Cano in EIS with the following information:

CASE NOTE TITLE: ARO/NRO/SCRO/SERO - SSI YOUTH RELEASED FROM CUSTODY

DATE RCV'D: ORCA ID:

ACTION: VERIFIED SSI ELIGIBLE YOUTH RELEASED FROM CUSTODY 00/00/00; PER ORCA

MAILING ADDRESS:

ADULT GUARDIAN HAS BEEN/HAS NOT BEEN APPOINTED

NAME OF ADULT GUARDIAN:

SPECIAL NEEDS TRUST HAS BEEN/HAS NOT BEEN ESTABLISHED

- post a CANO in EIS with the following information that verifies that the child meets the eligibility requirements for the Former Foster Care Medicaid category:

CASE NOTE TITLE: FFC – AGED OUT

FOSTER CARE AT AGE 18: YES
MEDICAID RECIPIENT AT AGE 18: YES
AGED OUT DATE: xx/xx/xx

Note: the aged out date would be the date the 18+ youth was released from custody.

- send an e-mail message to DPA team or caseworker assigned to the case with the following content:

The following child has been released from State's custody effective : 0/00/00

Child's Name: OCS Case #:

OCS Medicaid ends: (month/year)

Adult guardian: (name of guardian or N/A)

Please see EIS Cano for most recent mailing address.

Note:

- This process will strictly be electronic, there will be no physical transfer of files between offices, except for Special Needs Trust documentation.

E. SSI Youth over 18 Re-Enters OCS Custody

In some cases, a youth who is receiving SSI may re-enter OCS custody after their 18th birthday (or before their 18th birthday if they were emancipated). In these situations, the DPA caseworker continues to maintain the APA/Medicaid case, and OCS is responsible for reporting any changes and completing any paperwork requested by the DPA caseworker. The following procedures apply:

Step #1:

OCS Eligibility Technician notifies the DPA caseworker responsible for handling the youth's Medicaid case, via email, that the youth has been taken into custody.

Step #2:

The DPA caseworker will continue to maintain the Medicaid case.

Step #3:

The DPA caseworker assigned to the case will contact the OCS Eligibility Technician to confirm information needed to process and maintain the individual's APA/Medicaid cases with DPA. This information includes

- APA Payment.
 - If OCS has cost of care for the youth, the OCS caseworker will ask the youth to sign a Protective Payee Agreement (APA 14) that OCS

is the representative payee for APA benefits. OCS will forward the signed agreement to the DPA caseworker. When the signed agreement is received by DPA, the individual's APA payment must be issued to:

Office of Children's Services
PO Box 110630
Juneau, AK 99811

- If OCS does not have cost of care for the youth, the individual's APA payment will be issued directly to the youth.
- Notices. Notices and requests for information should be directed the mailing address used for the individual's previous Medicaid case in Full Service Office 060.
- Medicaid Coupons. Medicaid coupons should continue to be sent to the Medicaid Benefit Address used for the individual's previous Medicaid case in Full Service Office 060.

Step 4

When the individual is eventually released from OCS custody, the following procedures apply:

Prior to closing out the OCS SSI case, the assigned OCS social worker will:

- Petition the court to establish an adult guardian for the SSI child if it is determined that a guardian is necessary.
- If the court has appointed an adult guardian, notify the OCS Eligibility Technician who the adult guardian is.
- If an adult guardian is not appointed, notify the OCS Eligibility Technician that an adult guardian has not been appointed;
- Establish a good physical mailing address for Medicaid coupons; APA benefits, and potential FS benefits;
- If a Special Needs Trust is needed due to PFD income or other monies, advise the youth, or the youth's representative, about the possibility of continued SSI, APA, and Medicaid benefits through the use of a Special Needs Trust.
- If a Special Needs Trust is established, notify the OCS Eligibility Technician. The assigned OCS social worker and/or the adult guardian will forward all trust paperwork to DPA Policy in Juneau at DPAPolicy@alaska.gov.

Only after all processes in Step 4 above are completed, the OCS Eligibility Technician will:

- post a Cano in EIS with the following information:

CASE NOTE TITLE: ARO/NRO/SCRO/SERO - SSI YOUTH RELEASED FROM CUSTODY

DATE RCV'D:

ORCA ID:

ACTION: VERIFIED SSI ELIGIBLE YOUTH RELEASED FROM
CUSTODY 00/00/00; PER ORCA
MAILING ADDRESS:
ADULT GUARDIAN HAS BEEN/HAS NOT BEEN APPOINTED
NAME OF ADULT GUARDIAN:
SPECIAL NEEDS TRUST HAS BEEN/HAS NOT BEEN ESTABLISHED

- send an e-mail message to DPA team or Eligibility Technician assigned to the case with the following content:

The following child has been released from State's custody effective : 0/00/00

Child's Name: OCS Case #:

OCS Medicaid ends: (month/year)

Adult guardian: (name of guardian or N/A)

Please see EIS Cano for most recent mailing address.

Note:

- This process will strictly be electronic, there will be no physical transfer of files between offices, except for Special Needs Trust documentation.

7.4.1.4 CHILDREN IN CUSTODY FOUND ELIGIBLE FOR HCB (Home and Community Based) WAIVER SERVICES

Note: Due to the complexity and specialization of their caseload, LTC (Long Term Care) caseworkers have statewide access, meaning they can access and update cases CARC'd to any Full Service Office.

Also, HCB Waiver cases are generally ME-AD cases not ME-AF cases.

Step #1:

The OCS Eligibility Technician will maintain the Medicaid case in FSO 060. Prior to working the case, the OCS Eligibility Technician will check the MERE coding set up by the LTC caseworker and will make sure that the code remains the same after the case has been worked. If there is a question about the coding, the OCS Eligibility Technician will send an e-mail to the LTC caseworker.

Step #2:

When Division of Senior and Disabilities Services (DSDS) notifies the appropriate DPA team or LTC caseworker of a waiver start, the LTC Worker will:

- register a separate case number,
- pend the case, when necessary, and
- send notice for the necessary waiver information (MED 3, information for a DDS (Disability Determination Service) decision – if needed, etc)

Step #3:

When DSDS notifies the LTC caseworker of waiver approval the LTC caseworker

will:

- Access the 060 case number and enter the appropriate waiver codes and MEMC coupons for past months.
- The LTC worker will CANO the actions on both the 060 case and on the LTC case.
- The LTC worker will close down the waiver case.
- The LTC worker will email the OCS Eligibility Technician regarding what actions were taken.

Step #4:

The OCS Eligibility Technician will maintain the case, and when the child is released from custody the OCS Eligibility Technician will:

- close the child's Medicaid case in Full Service Office 060;
- post a Cano in EIS with the following information:

CASE NOTE TITLE: ARO/NRO/SCRO/SERO MED CLOSED-
RELEASED/REFER'D DPA

DATE RCV'D: ORCA ID:
ACTION: VERIFIED MINOR RELEASED FROM CUSTODY 00/00/00; PER
ORCA
PERIOD OF CONTINUOUS COVERAGE THRU: 00/00
MINOR RELEASED TO:
MAILING ADDRESS:
REFERRAL TO DPA ET FOR CONT. MED COVERAGE FOR REMAINING
PERIOD.
SET TO CLOSE EFFECTIVE:
CARC'D 99

NOTICE: M413; COPY TO PARENT/GUARDIAN.

- notify the DPA Designee (see DPA Contact List in Appendix VI) by sending an e-mail with the following content:

The following children have been released from State's custody effective: 00/00/00

Child's Name: OCS Case #:

All children have been released to the home of:..... (relationship to child)

OCS Medicaid ends: (month/year)

Please see EIS Cano for most recent mailing address.

If the child starts receiving an adoption subsidy, the OCS Eligibility Technician IV will maintain the Medicaid case.

Step #5:

If a child loses waiver eligibility, the LTC worker will access the 060 number, take

the appropriate actions, and send the adverse action notice on the 060 number.

Note:

- All communication will be electronic via email and case notes.

7.4.1.5PREGNANT CHILD IN CUSTODY ON IV, JC, TO

Step #1:

If a minor female in custody becomes pregnant, the OCS Eligibility Technician will change the eligibility code on the MERE screen to 11. The 11 code will remain through the post partum period.

Note:

- The OCS Eligibility Technician will set an ETAL to change the code after port partum period ends.

Step #2:

Once the baby is born, the baby will be eligible for 13 months of Newborn Medicaid coverage, even if child is subsequently separated from the mother. Due to the many changes that can occur in this situation (i.e. the minor's child being taken into custody), the OCS Eligibility Technician will set up and maintain the Newborn Medicaid case, regardless of whether OCS takes custody of the baby. As the baby's situation changes the OCS Eligibility Technician will change the Medicaid coding according to the circumstance (i.e. Newborn Medicaid to IV-E Medicaid).

The baby should be added as an additional participant to the minor mother's OCS Medicaid case even if the baby is not in OCS custody. Participant code should be CH. This will ensure a Medicaid review for the baby is completed by the minor parent's case worker. When the minor parent is released from custody and applies for benefits through DPA, this will facilitate a smooth transition and ensure the baby is kept on the parent's case.

7.4.1.6PREGNANT CHILD NOT IN CUSTODY RECEIVING AN ADOPTION SUBSIDY WITH MEDICAID BENEFITS

Step #1:

If a minor female who is receiving Medicaid benefits based on an adoption subsidy becomes pregnant, the OCS Eligibility Technician will change the eligibility code on the MERE screen to 11. The 11 code will remain through the post partum period.

Note:

- The OCS Eligibility Technician will set an ETAL to change the code after port partum period ends.

Step #2:

Once the baby is born, the baby will be automatically eligible for 13 months of Newborn Medicaid coverage based on the mother's Medicaid eligibility. The OCS Eligibility Technician will set up and maintain the Newborn Medicaid case with the

baby as PI.

Step #3:

If the minor parent's subsidy ends before the baby's Medicaid eligibility ends and the minor parent's Medicaid case consequently is transferred to DPA for the remainder of the 12-months continuous eligibility period, the OCS Eligibility Technician will transfer the baby's Medicaid case at the same time. The OCS Eligibility Technician will:

- For the minor parent's Medicaid case, follow the procedures under 7.4.1.11(B)(1) Step 2.
- For the baby's Medicaid case:
 - close the baby's Medicaid case;
 - post a Cano in EIS for the with the following information:

CASE NOTE TITLE: ARO/NRO/SCRO/SERO MED CLOSED-/REFER'D DKC

DATE RCV'D:

ORCA ID:

ACTION: BABY ELIGIBLE FOR NEWBORN MEDICAID BASED ON MINOR PARENT'S ELIGIBILITY FOR AN ADOPTION SUBSIDY WITH MEDICAID BENEFITS. BABY IS NOT IN OCS CUSTODY. NEWBORN MEDICAID CASE CLOSED 00/00/00 BECAUSE MINOR PARENT'S MEDICAID CLOSED DUE TO TERMINATION OF THE ADOPTION SUBSIDY AGREEMENT.

PERIOD OF CONTINUOUS COVERAGE THRU: 00/00

MINOR'S MAILING ADDRESS:

REFERRAL TO DKC ET FOR CONT. MED COVERAGE FOR REMAINING PERIOD.

SET TO CLOSE EFFECTIVE:

CARC'D 99

NOTICE: M413; COPY TO PARENT/GUARDIAN.

- send a referral to the DKC Designee (see DPA Contact List in Appendix VI) via e-mail, with the following content:

The Medicaid case for the following child has been closed because eligibility was based on Medicaid eligibility of the child's minor parent who was receiving an adoption subsidy with Medicaid benefits, and the adoption subsidy agreement has now been terminated.

Child's Name:

OCS Case #:

OCS Medicaid ends:

(month/year)

Please see EIS Cano for most recent mailing address.

7.4.1.7 CHILD HOME FOR TRIAL HOME VISIT

Sometimes children in OCS custody are placed at home for a trial home visit. A trial home visit can last up to six months or a different time period ordered by the court. During this time OCS maintains custody of the child and monitors the child and family situation.

At the point that a placement in the home exceeds six month or a different time period ordered by the court or custody is released or changed to supervision before six months have elapsed, the child is considered to have returned home, according to the Title IV-E eligibility rules. The child may remain in OCS custody after the trial home visit has ended, however, the OCS Eligibility Technician closes the 060 Medicaid case when the trial home visit ends and transfers the case to DPA. The parent(s) may choose to apply for ATAP and Family Medicaid when the child is placed at home for a trial home visit (or there may be an ongoing ATAP/Family Medicaid case if other minor children are present in the home). In this situation the following will happen:

Step #1:

The child who is placed at home for a trial home visit (i.e. a placement in the home that does not exceed six months or a different time period ordered by the court) will continue to receive Medicaid under the Title IV-E case number and the Medicaid will be maintained by the OCS Eligibility Technician for as long as OCS has custody.

Note:

- If custody is changed to supervision during the trial home visit, the OCS Eligibility Technician will follow the procedures in Step #3..

Step #2:

The child can be added to the ATAP/Food Stamp case, but will be coded "OUT" of the Family Medicaid. This will allow the parents to access Family Medicaid benefits for themselves.

Step #3:

If the child is returned to the home and released from custody, or the trial home visit has ended because it has lasted for six months or a different time period ordered by the court, the OCS Eligibility Technician will:

- close the 060 Medicaid case; and

When custody has been released:

- post a Cano in EIS with the following information:

CASE NOTE TITLE: ARO/NRO/SCRO/SERO MED CLOSED-
RELEASED/REFER'D DKC

DATE RCV'D:

ORCA ID:

ACTION: VERIFIED MINOR RELEASED FROM CUSTODY 00/00/00; PER
ORCA

PERIOD OF CONTINUOUS COVERAGE THRU: 00/00

MINOR RELEASED TO:

MAILING ADDRESS:

REFERRAL TO DKC ET FOR CONT. MED COVERAGE FOR REMAINING PERIOD.

SET TO CLOSE EFFECTIVE:

CARC'D 99

NOTICE: M413; COPY TO PARENT/GUARDIAN.

- send a referral to the DKC Designee (see DPA Contact List in Appendix VI) via e-mail. with the following content:

The following children have been released from State's custody effective: 00/00/00

Child's Name: OCS Case #:

All children have been released to the home of : (relationship to child)

OCS Medicaid ends: (month/year)

Please see EIS Cano for most recent mailing address.

When the trial home visit has ended:

- post a Cano in EIS with the following information:

CASE NOTE TITLE: ARO/NRO/SCRO/SERO MED CLOSED- TRIAL HOME VISIT ENDED/REFER'D DKC

DATE RCV'D: ORCA ID:

ACTION: VERIFIED TRIAL HOME VISIT ENDED 00/00/00

PERIOD OF CONTINUOUS COVERAGE THRU: 00/00

MINOR RESIDING WITH:

MAILING ADDRESS:

REFERRAL TO DKC ET FOR CONT. MED COVERAGE FOR REMAINING PERIOD.

SET TO CLOSE EFFECTIVE:

CARC'D 99

NOTICE: M413; COPY TO PARENT/GUARDIAN.

- send a referral to the DKC Designee (see DPA Contact List in Appendix VI) via e-mail. with the following content:

The trial home visit for following children has ended effective: 00/00/00

Child's Name: OCS Case #:

All children are residing with: (relationship to child)

OCS Medicaid ends: (month/year)

Please see EIS Cano for most recent mailing address.

If there is no Family Medicaid or DKC case to which the child may be added, the DKC ET IV will ensure that a Medicaid case is opened with the same Medicaid code and that the case is maintained for the remainder of the 12-month continuous eligibility period.

If there is an existing Family Medicaid or DKC case to which the child may be added, the DKC ET IV will take appropriate action to get the child added to the existing case.

The following policy applies for Medicaid eligibility for a child in OCS custody who is placed with a parent for a trial home visit and a Medicaid review is due during the trial home visit:

- When a Medicaid review is due for a Title IV-E eligible minor who remains in state custody on a trial home visit that has not reached 6 months the OCS Eligibility Technician will process the Medicaid review budgeting only the minor's income and resources.
- For a child who is not eligible for Title IV-E Foster Care at the time that the trial home visit starts, the child remains Medicaid eligible throughout the remainder of his or her twelve-month eligibility period.
- When a Medicaid review is due for a child who is not Title IV-E eligible and remains in state custody on a trial home visit, the parents' income/resources must be counted at the time of review regardless of the length of the trial home visit.
 - The OCS Eligibility Technician will determine if the income and resources of the parent's have been provided with the review.
 - If the financial income for the household is not listed on the review form the OCS Eligibility Technician will pend the case and send a M301 notice to the OCS Social Worker requesting current income and resource information for the household allowing a 10 day response time back to the ET.
 - If no response is received within the timeframe the ET will verify income and resources by following procedures listed in 4.7.1 C, D, and E.

7.4.1.8 CHILD IN RUNAWAY STATUS

When a Title IV-E Foster Care eligible child is in runaway status, the child remains potentially Title IV-E eligible as long as the child remains in OCS custody and meets all the IV-E eligibility requirements (except placement). If the child runs to a parent and OCS retains custody, the placement with the parents is considered a trial home visit (see section 7.4.1.7 for time lines and procedures).

The OCS Eligibility Technician will continue to maintain the Medicaid case during the runaway episode, and 12-months continuous eligibility applies. If the assigned

OCS social worker fails to submit a Medicaid review for the child, the Eligibility Technician will request that the social worker submit a review.

7.4.1.9 CHILD RECEIVING TEFRA (Tax Equity and Fiscal Responsibility Act) MEDICAID TAKEN INTO OCS CUSTODY

In the rare instance that a child receiving TEFRA Medicaid is taken into custody the child's TEFRA Medicaid case should be changed to a IV-E case if the child is eligible for Title IV-E Foster Care. It is very important for the OCS Eligibility Technician to communicate with the TEFRA worker when it is anticipated the child will return home. The OCS Eligibility Technician should give the TEFRA team or caseworker as much notice as possible so that the TEFRA caseworker can review the past Medicaid case and determine what is needed to re-open the TEFRA Medicaid case, such as a level of care determination by Qualis Health or a disability decision by DDS (Disability Determination Service).

7.4.1.10 CARETAKER RELATIVE WITH EXISTING ATAP CASE CHOOSES TO RECEIVE FOSTER CARE PAYMENTS FOR CHILD(REN) IN OCS CUSTODY INSTEAD OF ATAP

Step #1:

When the OCS Eligibility Technician is notified via a placement change notification in ORCA that an unlicensed relative for a child in custody has become a licensed foster parent, the Eligibility Technician will review EIS to determine if any open ATAP cases exist, and if that is the case notify the DPA team or caseworker responsible for handling the child's ATAP case,

Step #2:

If there are no other dependent children except those in OCS custody, the DPA caseworker closes the ATAP case effective the end of the month preceding the month the caretaker will start to receive foster care payments instead of ATAP. If there are other children, the DPA caseworker will only end the foster child's ATAP eligibility. Since the change is at the caretaker relative's request, only adequate notice is required to close the ATAP case or end ATAP eligibility for a particular child.

Note: If, for some reason, the caretaker relative receives an ATAP payment and a foster care payment in the same month, the ATAP payment may be considered an overpayment, but only if the relative failed to report the change and the DPA caseworker would have had time to end the child's ATAP eligibility.

7.4.1.11 CHILD IS RELEASED FROM OCS OR DJJ CUSTODY OR STARTS RECEIVING AN ADOPTION OR GUARDIANSHIP SUBSIDY PRIOR TO RELEASE FROM CUSTODY

Children may leave OCS/DJJ custody, resulting in closure of the IV-E Foster Care

case, when

- Child is returned to the parent/guardian/Indian custodian;
- Child is released to the custody of a tribe;
- Child is adopted;
- The court appoints a legal guardian for the child;
- Child ages out of foster care (at age 18 or at a later time if custody is extended past the child's 18th birthday);
- Child reaches the age of majority based on emancipation;

The IV-E Foster Care case also ends when a child starts receiving an adoption subsidy prior to release from custody (i.e. prior to finalization of the adoption).

Procedures for OCS and DPA coordination vary depending on the reason why the child leaves custody. NOTE: Twelve-months guaranteed continuous eligibility applies to all children under 19 (see section 7.4.1.12 for additional information).

A. Child is returned to the parent/guardian/Indian custodian or released to the custody of a tribe

Step #1:

When custody is released, the OCS Eligibility Technician will follow the procedures under Step #3 in section 7.4.1.1. If the child is on HCB waiver the OCS Eligibility Technician will follow the procedures in section 7.4.1.4.

Step #2:

The DKC ET IV or DPA Field Services will ensure that a Medicaid case is opened with the same Medicaid code and that the case is maintained for the remainder of the 12-month continuous eligibility period.

B. Child is adopted or starts receiving an adoption subsidy prior to release from custody

1. Child starts receiving an adoption subsidy with Medicaid benefits:

Step #1:

When a child starts receiving a Title IV-E adoption subsidy or state-funded adoption subsidy with Medicaid benefits, the OCS Eligibility Technician will change the Medicaid code to IV or SO, except for children receiving SSI or HCB waiver services. The assigned OCS Eligibility Technician will maintain the Medicaid case, except that the OCS Eligibility Technician IV will maintain all Medicaid cases for children receiving waiver services.

For children receiving waiver services, the OCS Eligibility Technician IV will set the following alerts:

- an alert to have the adoptive parents apply for SSI as soon as the child turns 18; and
- an alert to send an e-mail to the Waiver worker stating the month Title IV-E Medicaid will end so the Waiver worker can also follow up with the parent to ensure Medicaid coverage continues after the child turns 18.

2. Child starts receiving an adoption subsidy without Medicaid benefits, or an adoption is finalized without an adoption subsidy:

Step #1:

When a child starts receiving a state-funded adoption subsidy without Medicaid benefits or an adoption is finalized without a subsidy, the OCS Eligibility Technician will:

- close the 060 Medicaid case;
- post a Cano in EIS with the following information:

CASE NOTE TITLE: ARO/NRO/SCRO/SERO MED CLOSED-REFER'D DPA

DATE RCV'D: ORCA ID:

ACTION: CHILD STARTED RECEIVING A STATE-FUNDED ADOPTION SUBSIDY WITHOUT MEDICAID BENEFITS 00/00/00/ ADOPTION OF CHILD HAS BEEN FINALIZED WITHOUT A SUBSIDY AND OCS CUSTODY WAS RELEASED 00/00/00.

PERIOD OF CONTINUOUS COVERAGE THRU: 00/00

MAILING ADDRESS:

REFERRAL TO DPA ET FOR CONT. MED COVERAGE FOR REMAINING PERIOD.

SET TO CLOSE EFFECTIVE:

CARC'D 99

NOTICE : M413; COPY TO PARENT.

- and send a referral to the DKC Designee (see DPA contact list in Appendix VI) via e-mail with the following content:

Child started receiving a state-funded adoption subsidy without Medicaid benefits on 00/00/00 / adoption of child has been finalized without a subsidy and OCS custody was released **effective: 00/00/00**

Child's Name: OCS Case #:

OCS Medicaid ends: (month/year)

Please see EIS Cano for most recent mailing address..

Step #2:

The DKC Designee will ensure that a Medicaid case is opened with the same Medicaid code and that the case is maintained for the remainder of the 12-month continuous eligibility period.

C. The court appoints a legal guardian for the child**1. Guardianship with IV-E guardianship subsidy payments****Step #1:**

When a child starts receiving a Title IV-E guardianship subsidy the OCS Eligibility Technician will change the Medicaid code to IV,

except for children receiving SSI or HCB waiver services. The assigned OCS Eligibility Technician will maintain the Medicaid case, except that the OCS Eligibility Technician IV will maintain all Medicaid cases for children receiving waiver services.

For children receiving waiver services, the OCS Eligibility Technician IV will set the following alerts:

- *an alert to have the guardian apply for SSI as soon as the child turns 18; and*
- an alert to send an e-mail to the DPA Waiver worker stating the month Title IV-E Medicaid will end so the Waiver worker can also follow up with the guardian to ensure Medicaid coverage continues after the child turns 18.

Step #2:

When a guardianship subsidy agreement is terminated because the child turns 18 or because the guardianship is dissolved by the court, the OCS Eligibility Technician will:

- close the 060 Medicaid case
- post a Cano in EIS with the following information:

CASE NOTE TITLE: ARO/NRO/SCRO/SERO MED CLOSED-REFER'D DPA

DATE RCV'D: ORCA ID:
ACTION: VERIFIED GUARDIANSHIP SUBSIDY AGREEMENT
WAS TERMINATED 00/00/00.
PERIOD OF CONTINUOUS COVERAGE THRU: 00/00
MAILING ADDRESS:
REFERRAL TO DPA ET FOR CONT. MED COVERAGE FOR
REMAINING PERIOD.
SET TO CLOSE EFFECTIVE:
CARC'D 99

NOTICE: M413; COPY TO PARENT/CHILD.

- send a referral to the DKC Designee (see DPA contact list in Appendix VI) via e-mail with the following content:

The guardianship subsidy for the following child has been terminated effective: 00/00/00

Child's Name: OCS Case #:

OCS Medicaid ends: (month/year)

Please see EIS Cano for most recent mailing address.

Step #3:

The DKC Designee will ensure that a Medicaid case is opened with the same Medicaid code and that the case is maintained for the remainder of the 12-month continuous eligibility period.

2. Guardianship with state guardianship subsidy payments or no subsidy payments

Step #1:

When custody is released because the court appoints a legal guardian for the child, the OCS Eligibility Technician will:

- close the 060 Medicaid case;
- post a Cano in EIS with the following information:

CASE NOTE TITLE: ARO/NRO/SCRO/SERO MED CLOSED-RELEASED/REFER'D DPA

DATE RCV'D: ORCA ID:
ACTION: VERIFIED MINOR RELEASED FROM CUSTODY
00/00/00; PER ORCA
PERIOD OF CONTINUOUS COVERAGE THRU: 00/00
MINOR RELEASED TO: (guardian)
MAILING ADDRESS:
REFERRAL TO DPA ET FOR CONT. MED COVERAGE FOR
REMAINING PERIOD.
SET TO CLOSE EFFECTIVE:
CARC'D 99

NOTICE : M413; COPY TO GUARDIAN.

- send a referral to the DKC Designee (see DPA contact list in Appendix VI) via e-mail, with the following content:

The following child has been released from State's custody
effective: 00/00/00

Child's Name: OCS Case #:

The child has been released to the home of his/her guardian:

OCS Medicaid ends: (month/year)

Please see EIS Cano for most recent mailing address.

Step #2:

The DKC Designee will ensure that a Medicaid case is opened with the same Medicaid code and that the case is maintained for the remainder of the 12-month continuous eligibility period.

D. Child ages out of foster care and is released from custody (at age 18, or at a later time if custody is extended past the child's 18th birthday)

1. Child receiving SSI: See section 7.4.1.3

2. Child not receiving SSI:

Step #1:

When a child ages out of foster care and custody is released, the OCS Eligibility Technician will:

- close the 060 Medicaid case;
- post a Cano in EIS with the following information:

CASE NOTE TITLE: ARO/NRO/SCRO/SERO MED CLOSED-RELEASED/REFER'D DPA

DATE RCV'D: ORCA ID:
ACTION: VERIFIED MINOR RELEASED FROM CUSTODY
00/00/00; PER ORCA
PERIOD OF CONTINUOUS COVERAGE THRU: 00/00
MAILING ADDRESS:
REFERRAL TO DPA ET FOR CONT. MED COVERAGE FOR
REMAINING PERIOD.
SET TO CLOSE EFFECTIVE:
CARC'D 99

NOTICE : M413. COPY TO CHILD

- post a CANO in EIS with the following information that verifies that the child meets the eligibility requirements for the Former Foster Care Medicaid category:

CASE NOTE TITLE: FFC – AGED OUT

FOSTER CARE AT AGE 18: YES
MEDICAID RECIPIENT AT AGE 18: YES
AGED OUT DATE: xx/xx/xx

Note: the aged out date would be the date the 18+ youth was released from custody.

- send a referral to the DKC Designee (see DPA contact list in Appendix VI) via e-mail, with the following content:

The following child has been released from State's custody
effective: 00/00/00

Child's Name: OCS Case #:

OCS Medicaid ends: (month/year)

Please see EIS Cano for most recent mailing address.

Step #2:

The DKC Designee will ensure that a Medicaid case is opened with the same Medicaid code and that the case is maintained for the remainder of the 12-month continuous eligibility period. If the child is over 19 and 12-month continuous eligibility does not apply, the DKC Designee will determine whether the child is eligible for another type of Medicaid.

E. Child reaches the age of majority based on emancipation

Step #1:

When a child reaches the age of majority prior to the child's 18th birthday based on legal emancipation, the OCS Eligibility Technician will:

- close the 060 Medicaid case;
- post a Cano in EIS with the following information:

CASE NOTE TITLE: ARO/NRO/SCRO/SERO MED CLOSED-RELEASED/REFER'D DPA

DATE RCV'D: ORCA ID:

ACTION: VERIFIED MINOR HAS BEEN EMANCIPATED AND RELEASED FROM CUSTODY 00/00/00; PER ORCA

PERIOD OF CONTINUOUS COVERAGE THRU: 00/00

MAILING ADDRESS:

REFERRAL TO DPA ET FOR CONT. MED COVERAGE FOR REMAINING PERIOD.

SET TO CLOSE EFFECTIVE:

CARC'D 99

NOTICE: M413. COPY TO CHILD

- send a referral to the DKC Designee (see DPA contact list in Appendix VI) via e-mail, with the following content:

The following child has been emancipated and released from State's custody effective: 00/00/00

Child's Name OCS Case #

OCS Medicaid ends: (month/year)

Please see EIS Cano for most recent mailing address.

Step #2:

The DKC Designee will ensure that a Medicaid case is opened with the

same Medicaid code and that the case is maintained for the remainder of the 12-month continuous eligibility period. If the child is over 19 and 12-month continuous eligibility does not apply, the DKC Designee will determine whether the child is eligible for another type of Medicaid.

7.4.1.12 YOUTH OVER 18 WHO IS RECEIVING MEDICAID RE-ENTERS OCS CUSTODY

In some cases, a youth who was in state custody and was released to their own custody may re-enter OCS custody after their 18th birthday (or before their 18th birthday if they were emancipated). Youth age 18 or older who re-enter custody are not eligible for IV-E Foster Care.

1. Youth receiving SSI: See section 7.4.1.3.E
2. Youth not receiving SSI:

Step #1:

OCS Eligibility Technician notifies the DPA caseworker responsible for handling the Medicaid case, via email, that the youth is in OCS custody and effective date of custody. The DPA caseworker will end the youth's Medicaid eligibility with 10-day adverse action notice.

Step #2:

OCS Eligibility Technician registers a Medicaid case for the youth, with the youth as PI (Primary Information Person) in Full Service Office (FSO) 060. The benefit start date would be the 1st day of the month after the last paid Medicaid benefit for the youth on the DPA Medicaid case.

Step #3:

If the youth is released from custody, the OCS Eligibility Technician will follow the procedures in 7.4.1.11.D.

7.4.1.13 IMPORTANT CONSIDERATIONS REGARDING TWELVE-MONTH CONTINUOUS MEDICAID ELIGIBILITY

Children under 19 years of age are guaranteed twelve months continued Medicaid eligibility, and during this 12-month period a child continues to be eligible regardless of changes in income, resources, family status, or household composition. The continuous period of eligibility ends:

- at the end of the twelfth month of continuous eligibility;
- at the end of the month the child reaches age 19;
- at the end of the month the child is incarcerated in a penal institution;
- with the death of the child;
- when a case is closed due to loss of contact with the client (for example, coupon is returned in the mail with no forwarding address); or
- when the child loses Alaska residency.

A consequence of the twelve-months continuing eligibility is that a child may

remain Medicaid eligible for up to eleven months after being released from custody or after an adoption subsidy with Medicaid benefits is terminated. In order to ensure that the child continues to receive the Medicaid benefits that the child is eligible for, the OCS eligibility technician will send a referral to DPA when closing the 060 Medicaid case. DPA will ensure that a Medicaid case is opened and maintained for the remainder of the 12-month continuous eligibility period.

Example:

18 year old, not eligible for SSI, working Full-Time at McDonalds, and released from OCS custody. The income places the child over the DKC limit on a child-only case. There are 4 months left of continuous eligibility. In this situation, the OCS Eligibility Technician will close the 060 Medicaid case and send a referral to DPA when custody is released. DPA will open a Medicaid case and maintain the case for the 4 months remaining of the continuous eligibility period.

7.4.2 EMAIL COMMUNICATION STANDARDS

The following standards will be used when OCS and DPA staff are communicating via email:

A Social Security Number or full client name will never be included in an e-mail message, neither in the subject line nor in the body of the text.

Subject Line:

The subject line will never contain the name of the client - instead the following statements (or similar) should be used:

- Child in OCS Custody code out of EIS Client #060xxxxxx
- Child coded out of EIS Client #060xxxxxx
- EIS Case #

Body of Text:

In the body of the email the worker should state:

- The initials or first name of the child and the child's EIS Case #; and
- Specific information as addressed in sections 7.4.1.1 – 7.4.1.12 above.

8.0 FILE MANAGEMENT

8.1 CASE RECORDING

A. Title IV-E Foster Care

Eligibility determinations for Title IV-E must be based on certain required documentation. When Title IV-E Foster Care cases are audited, eligibility files and licensing files are reviewed, and the required documentation must be available in these files combined. Some of the documentation might be in more than one file. Sometimes documentation from the case file also needs to be obtained. Following is a summary of documentation that must be retained in the eligibility file. The documentation is organized by types of eligibility requirement.

1. Application and Review:
 - Application for Medicaid and Title IV-E Foster Care (06-3679)
 - Review for Medicaid (06-3679A)
 - ORCA Legal and Placement History and
 - ORCA Placement Records screen print or Placement History template)
 - For pre-ORCA periods: Prober Custody and Placement History (printouts used at initial eligibility determination and review)
2. Verification of Eligibility Requirements:
 - Legal status requirements:
 - ORCA Legal and Placement History or ORCA Legal Action and Legal Status screen prints (to verify legal history)
 - If applicable, JOMIS Legal and Placement History
 - Examples of documentation include: court petitions, court orders, stipulations, affidavits, motions, court tapes/CDs or transcripts of court tapes/CDs (for nunc pro tunc, amended, or corrected court orders), reports/memos to the court, voluntary placement agreements.
 - All legal status requirements documentation provided by the child's worker to the Eligibility Technician.
 - Placement Requirements:
 - ORCA Legal and Placement History (or ORCA Placement Records screen print or Placement History template (to verify placement history)
 - If applicable, JOMIS Legal and Placement History
 - Documentation of "fully licensed" (see section 4.8.4):
 - ORCA screen prints: "conditions" on the Characteristics" tab; and the status section on the License Pager Basic Tab.
 - For pre-ORCA periods: License Action Recommendation form (06-9124),
 - For prior to 10/2013 for out-state foster homes: copy of the license from the other state and verification of the results of criminal background check.
 - Verification of AFDC Requirements:
 - AFDC Worksheet
 - Supporting documentation, e.g. Parent's Self-Declaration of Income

and Resources (06-9794), printouts from EIS, Department of Labor database, Ingens, etc.

3. Documentation of Eligibility Determination:

- ORCA printouts:
 - Initial determination and the comments section after determination completed
 - Redetermination and the comments section after each redetermination completed
 - AFDC Worksheet in ORCA (after 4/10 implementation)
- Prior to 4/10 implementation of AFDC Worksheet in ORCA: AFDC Worksheet (06-9792 A or 06-9792B)
- Determination: Title IV-E Foster Care Initial Eligibility (06-9790A or 06-9790B) (if completed)
- Redetermination: Title IV-E Foster Care Continuing Eligibility (06-9791A or 06-9791B) (if completed)
- Prior to the 12/07 ORCA release: CANO printouts; for initial eligibility determination and reviews, and changes
- EIS screen prints: REAP, MIBW, MIAU, APMM, CAP1, and CAP2 for initial eligibility determination, and MIBW, MIAU, MIRE, RERE, APMM, CAP1, and CAP2 for reviews

- B. Title IV-E Adoption or Guardianship Assistance: When Title IV-E Adoption or Guardianship Assistance cases are audited, the subsidy files maintained by the Adoption Unit in State Office and the OCS eligibility files are reviewed. If the child was in Title IV-E Foster Care before the adoptive or guardian placement and a OCS eligibility file consequently exists, and the child is eligible for Title IV-E Adoption or Guardianship Assistance, the eligibility file is sent to the Adoption Unit when the Medicaid case closes. The eligibility file is then filed in the subsidy file and is consequently also reviewed at an audit.

8.2 FILE ORGANIZATION

A file must be set up for each application that is received. The files are maintained by the Eligibility Technicians.

Four-part file folders are used, and the files are organized as follows. On each page of the file, the documentation is filed by sub-category and in chronological order within each sub-category with the most recent documentation on top.

Part 1: Legal

- Legal documents are tabbed and filed chronologically by date of hearing/effective date. Most recent orders on top. Colored divider sheet used to mark different removal episodes.
 - Petition (Emergency/Non-Emergency)
 - Custody/Continued Custody
 - Stipulation to Adjudication/Order of Adjudication
 - Disposition
 - Permanency
 - Extension of Custody
 - Termination of Parental Rights
 - Order of Release / Dismissal
 - Orders establishing/disestablishing Paternity
 - Change of Venue
 - Decree of Adoption
- Court CDs/tapes and transcripts
- Adoption/ guardianship subsidy memo

Part 2: Placement

Colored divider sheet used to mark different removal episodes.

- ORCA Legal and Placement History
- License documentation for fully licensed foster homes
 - Foster Homes: Print of Licensing Basic & Characteristics tabs
 - Verification of Specified Relative if applicable
 - Date calculation if relative in process of application
- *Pre-ORCA: Reports of Change*
- Correspondence
- *Pre-ORCA: Prober Placement and custody history*

Part 3: IV-E Eligibility Determination

Colored divider sheet used to mark different removal episodes.

- Redetermination of Continued IV-E Eligibility with all supporting documentation used to determine claim
 - ORCA Notices, Activity Notes, EIS CANOs;
 - SOLQ Prints;
 - verification of age and/or continued education requirements;
 - Prior to 4/1/10: AFDC documentation if.
 - *Pre-ORCA: F1G printouts*
- Initial Determination
 - AFDC Worksheet
 - Documentation of Initial eligibility; documentation used to complete initial claim

- ORCA prints
- *Interface prints (EIS/DOL/CSSD/Ingens/NADA/etc)*
- *Parental Self Declaration or financial notes*
- *E-mail or other correspondence verifying eligibility criteria*

Part 4: Medicaid Eligibility Documentation

- EIS screen prints filed with Application/Review:
 - CAP1
 - CAP2
 - CANO
 - MIBW
 - MIAU
- DOL prints (if age 14+)*
- SOLQ
- Review
- Application

*File with application/review unless processed with Title IV-E Initial or Redetermination

8.3 TRANSFER OF ELIGIBILITY FILES

Case Transfer: When a case venue is transferred to another region, the Eligibility Technician sends the eligibility file to the appropriate regional office following the steps in EIS Worksheet #10. If the eligibility file consists of more than one volume, all the volumes are sent. Eligibility files are always sent via certified mail.

Change from Title IV-E Foster Care to Title IV-E Adoption or Guardianship Assistance: When notified that a Title IV-E adoption or guardianship subsidy starts on a case for which there is a eligibility file, the Eligibility Technician closes the IV-E Foster Care case and continues the Medicaid case if the child is eligible for Alaska Medicaid. The Eligibility Technician retains the file for as long as the Medicaid case is open.

If the Medicaid case closes because the family moves out of state or the subsidy agreement is terminated, the Eligibility Technician sends the eligibility file to the Adoption Unit in State Office.

If an Eligibility Technician needs a file that has been sent to the Adoption Unit, the Eligibility Technician will contact the Adoption Unit and request the file.

8.4 RETENTION OF FILES

Except for files which are sent to the Adoption Unit in State Office (see section 8.3), eligibility files are retained in the office for two years and then transferred to the Records Center for storage for another three years.