

## SUMMARY OF TITLE IV-E ELIGIBILITY REQUIREMENTS

*Please note: This is a summary of eligibility requirements. The requirements are quite complex and determinations must be made a trained Title IV-E Eligibility Specialist.*

### 1. Eligibility of the Child

- Age: The child must be under age 18. (Most states allow child to be 18 if expected to graduate by age 19.)
- Citizenship: The child must be a United States citizen. (Proof of citizenship may include a birth certificate, baptismal records, hospital records, etc.) **Is there a tribal equivalent??**
- Parental Deprivation: It must be determined that parental deprivation exists. Parental deprivation could include an absent parent, a documented disabled parent, a deceased parent, parents whose rights have been terminated, or parents who are unemployed or underemployed.
- Removal from Specified Relative: A specified relative is a relative at the 5<sup>th</sup> degree of kinship by blood or marriage. The child must have lived with the specified relative within six months of removal. The removal home is the home which must meet AFDC requirements.
- AFDC Income Requirements: The household income for the month the removal petition was filed may not exceed 1996 AFDC standards (*e.g.*, for a household size of 4, the AFDC limit is \$469/month.)

### 2. Approved Foster/Adoptive Home Placement

- Licensed Foster/Adoptive Home: For the child's foster care providers to receive Title IV-E maintenance payments on behalf of an eligible child in their care, they must be *licensed* by either the State or Tribal social services agency.
- Abuse/Neglect Check: By federal law, an abuse/neglect check must be conducted on *all* adults living in the home. If any adult in the home lived in another state in the five years prior to the application for foster home license, that state's abuse/neglect system must be checked as well.
- Criminal Background Check: By federal law, all adults living in the home must have Federal and State criminal records checks. Certain felony convictions are federally mandated automatic disqualifiers, including felony convictions for abuse/neglect, spousal abuse, crimes against children, and crimes involving violence. In addition, a felony conviction for physical assault, battery, or a drug-related offense within the past five years is a disqualifier.

**3. Court Order Language**

- Removal Order: At the *earliest* court hearing authorizing the child's removal from home, the court must make a determination that both:
  - Reasonable efforts have been made to prevent removal (alternatively, the court could determine that reasonable efforts were not possible due to the emergent nature of the situation), and
  - Continuation in the home would be contrary to the welfare of the child.
  - The physical removal of the child from the home must coincide with the court order that authorized the removal.
  
- Subsequent Court Order: Within 12 months of the child's placement, the court shall:
  - Order a permanent plan for child, and
  - Make a determination that continued placement is still in the best interest of the child, and
  - Make a finding that reasonable efforts have been made to achieve permanency for the child.