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Date: October 5, 2010  
Sequence: 2011-02-A  
Topic: **Clarification for SSRMS Reconciliation and COF Changes – Candidate for Foster Care Guidance**

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The purpose of this BCFTA update is to provide further clarification of issues that have arisen regarding BCFTA Update 2011-02 “SSRMS Reconciliation and COF Changes”. The recent update has raised some questions around the amended code 770 “CW Non-Custody Case Management” definition. The code definition and changes in bold are as follows:

#### **Definition for 770 “CW Non-Custody Case Management”**

This code is to be used when completing activities for a child who is not in custody or care and control **but has been determined or re-determined to be a candidate for foster care**. Such activities include but are not limited to development and implementation of a regimen of reasonable efforts which are undertaken to prevent the removal of the child into placement, and/or activities related to the development and implementation of a regimen of services for an adopted child and/or the child’s family which are undertaken to support the maintenance of the adoption and/or prevent the disruption of the adoption. Such activities include supporting the management of care or services referral to, or arranging for, care of services; planning or supervising care or services; supporting access to care or services; assessing results of care or services; and performing a case assessment. **If the child has not been determined or redetermined to be a candidate for foster care, then use code 998.**

#### **Summary of 770 “CW Non-Custody Case Management”**

Because code 770 “CW Non-Custody Case Management” is used to allocate costs to Title IV-E Administrative funds, this code can only be used when providing the identified services and activities on behalf of a child who has been determined to be, or redetermined in a timely manner to be, a Candidate for Foster Care. Regardless of which of the three acceptable methods of documentation your county uses, the documentation should be contained within the child’s case file.

When providing the identified services and activities on behalf of a child who has not been determined to be, redetermined to be, or is no longer considered to be, a Candidate for Foster Care, use code 998 as Title IV-E administrative funds may not be used for activities associated with children who are not Candidates for Foster Care.

ODJFS has developed Q&A on this subject and it is included as an attachment to this BCFTA update. Additional information, along with questions and answers regarding a Candidate for Foster Care can be found in the Federal Child Welfare Policy Manual Section 8.1D at the following link:

[http://www.acf.hhs.gov/j2ee/programs/cb/laws\\_policies/laws/cwpm/policy\\_dsp.jsp?citID=79](http://www.acf.hhs.gov/j2ee/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=79)

ODJFS Office for Children and Families will notify counties of related changes in SACWIS reporting.

Please contact the Office for Children and Families help-desk at [HELP-DESKOCF@jfs.ohio.gov](mailto:HELP-DESKOCF@jfs.ohio.gov) if you have any further questions.

## Candidate for Foster Care Q&A

### 1. Question – Who is a candidate for foster care?

**Answer** - Section 472(i)(2) of the Social Security Act describes a candidate for foster care as a child at imminent or serious risk of removal from their home as evidenced by the State agency either pursuing his/her removal from the home or making reasonable efforts to prevent such removal. Further, the Departmental Appeals Board provided this, "A candidate, in the opinion of the DAB, is a child who is at serious risk of removal from his/her home because the State is either pursuing that removal or attempting to prevent it. A child cannot be considered a candidate for foster care when the State agency has no formal involvement with the child or simply because s/he has been described as "at risk" due to circumstances such as social/interpersonal problems or a dysfunctional home environment."

### 2. Question - At what point may a child be considered a candidate for foster care?

**Answer** - Section 471(a)(15)(B)(i) of the Social Security Act provides the frame of reference for determining the point at which a child becomes a candidate for foster care by requiring a State to make reasonable efforts to prevent a child's removal from home. A child may not be considered a candidate for foster care solely because the State agency is involved with the child and his/her family. In order for the child to be considered a candidate for foster care, the State agency's involvement with the child and family must be for the specific purpose of either removing the child from the home or satisfying the reasonable efforts requirement with regard to preventing removal.

### 3. Question – What are the acceptable methods of documenting a Candidate for Foster Care?

**Answer** - There are three acceptable methods for documenting a child's candidacy for title IV-E foster maintenance payments. The existence of these forms of documentation indicates that a child legitimately may be considered a candidate for foster care:

- 1) ***A defined case plan which clearly indicates that, absent effective preventive services, foster care is the planned arrangement for the child.*** The decision to remove a child from home is a significant legal and practice issue that is not entered into lightly. Therefore, a case plan that sets foster care as the goal for the child absent effective preventive services is an indication that the child is at serious risk of removal from his/her home because the State agency believes that a plan of action is needed to prevent that removal.
- 2) ***An eligibility determination form which has been completed to establish the child's eligibility under title IV-E.*** Completing the documentation to establish a child's title IV-E eligibility is an indication that the State is anticipating the child's entry into foster care and that s/he is at serious risk of removal from home. Eligibility forms used to document a child's candidacy for foster care should include evidence that the child is at serious risk of removal from home. Evidence of AFDC eligibility in and of itself is insufficient to establish a child's candidacy for foster care.
- 3) ***Evidence of court proceedings in relation to the removal of the child from the home, in the form of a petition to the court, a court order or a transcript of the court proceedings.*** Clearly, if the State agency has initiated court proceedings to effect the child's removal from home, s/he is at serious risk of removal from the home.

**4. Question – Are Title IV-E Administrative funds available for a child who has not been determined to be or is no longer considered a Candidate for Foster Care?**

**Answer** - Federal financial participation for administrative costs is limited to those individuals the State reasonably views as candidates for foster care maintenance payments consistent with section 472(i)(2) of the Social Security Act. Should the State determine that the child is no longer a candidate for foster care at any point prior to the removal of the child from his home, subsequent activities will not be allowable for reimbursement of costs under title IV-E.

**5. Question – Are we required to redetermine that a candidate for foster remains at imminent risk of removal?**

**Answer:** The statute is very specific that the State may claim administrative costs for a candidate for foster care only if the State is providing reasonable efforts in accordance with section 471(a)(15) of the Act or pursuing the removal of the child from the home and redetermines at least every six months that the child remains at imminent risk of removal from the home. Therefore, if the State does not make this determination at the six-month point, the State must cease claiming administrative costs on behalf of the child.