

## **INITIAL DETERMINATION OF FCM ELIGIBILITY**

### **Program eligibility criteria includes the following:**

#### **Legal Responsibility**

The Title IV-E agency must have care and placement responsibility of the child as a result of one of the following:

- Court order for temporary custody (telephone or written)
- Officer acceptance – a probable cause hearing within 72 hours of removal
- Agreement for Temporary Custody (VAC) – JFS 01645
- Permanent Surrender – JFS 01666

#### **Best Interest/Contrary to the Welfare finding**

The Title IV-E agency must obtain a judicial determination of best interest. The determination must convey that it is in the best interest of the child to be removed from a specified relative or it is contrary to the welfare of the child to remain with a specified relative.

- If the child entered care via a court order or officer acceptance, the best interest finding must be included in the first written court order that sanctions the removal from the home.
- If the child entered care via an Agreement for Temporary Custody, a best interest finding must be received no later than the 30<sup>th</sup> day from the date all parties signed the agreement.
- If the child entered care via a Permanent Surrender, the best interest finding must be received no later than 180 days from the date the child was removed/all parties signed the agreement.

#### **Reasonable Efforts**

The Title IV-E agency must obtain a judicial determination from the court signifying one of the following:

- Reasonable efforts were made prior to the placement of the child to prevent the removal.
- Reasonable efforts to prevent the removal were unable to be made due to the urgent nature of the circumstances which prevented the provision of services to the family prior to removal.
- Reasonable efforts were not required as outlined in rule 5101:2-39-01 of the Social Services division of the Administrative Code.
  
- If the child was removed via a court order, the statement must be obtained by the 60<sup>th</sup> day from the date of the removal.
- If the child is removed via an Agreement for Temporary Custody, no reasonable efforts finding is required.
- If the child is removed via a Permanent Surrender, a reasonable effort finding is due by the 180<sup>th</sup> day from removal.

#### **ADC-Relatedness**

The child must meet the aid to dependent children (ADC) program authorized under Title IV-A e Social Security Act as of July 16, 1996. The circumstances which define ADC eligibility include all of the following:

- Living with a specified relative
  - The child was living with and removed from the specified relative and was ADC-related in that home in the eligibility month or the child had

been living with the specified relative within six months of the eligibility month, and would have met the ADC requirements in the eligibility month if the child had continued to reside with the specified relative.

- Age
  - A child is eligible through the month of their eighteenth birthday, however, a child may remain eligible until their 19th birthday if the child is a full-time student reasonably expected to complete a secondary school program or the equivalent of vocational or technical training prior to the end of the month or their nineteenth birthday.
- Deprivation
  - The child must be deprived of the support of one or both parents as a result of one of the following: death; incapacity; continued absence from the removal home; or unemployment of the principal wage-earning parent.
- Need
  - In the eligibility month, the income available to the child must be less than the state of Ohio's one hundred eighty-five percent and the one hundred percent standard of need for ADC eligibility, in effect on July 16, 1996.
- Resources
  - The resources available to the standard filing unit shall not exceed ten thousand dollars.

**Program reimbursability criteria includes the following:**

**Child's Need**

The child's countable income must be less than the cost of care (placement cost) paid by the agency.

- Child's Placement The child must be placed in a setting that is licensed, certified or approved, as appropriate, by ODJFS. Reimbursable settings include the following:
  - Foster home, including a relative home licensed as a family foster home or a pre-adoptive licensed foster home in which the child continues to receive Title IV-E FCM payments.
  - Private nonprofit, private for-profit or public group home.
  - Private nonprofit or private for-profit maternity home.
  - Public maternity home which accommodates no more than twenty-five children.
  - Private nonprofit or private for-profit children's residential center (CRC).
  - Public CRC which accommodates no more than twenty-five children.
  - Residential parenting facility. If the residential parenting facility is a public facility, the facility shall accommodate no more than twenty-five children.
  - Purchased foster care from a PCPA, PNA or another PCSA.