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Ohio Administrative Code

Rule 5180:2-47-12 Title IV-E foster care maintenance (FCM): Initial determination of program eligibility and reimbursability.

Effective: October 1, 2021

(A) The FCM initial program eligibility shall be determined in the statewide automated child welfare information system (SACWIS) by the Title IV-E agency representative within sixty days of the time the agency receives legal responsibility for the care and placement/custody of the child. If the eligibility determination was made in error the FCM eligibility determination can be corrected.

(B) FCM program eligibility remains for a child for whom the responsibility for care and placement/custody has been transferred from another public or private agency to the Title IV-E agency. FCM program eligibility shall be determined once per removal episode based on the original court order which removed the child from a specified relative.

(C) A child shall be considered FCM program eligible if, at the time the child enters care:

(1) The Title IV-E agency has legal responsibility for the care and placement/custody of the child as described in rule 5101:2-47-13 of the Administrative Code; and

(2) The child met the aid to dependent children (ADC)-relatedness requirements as described in rule 5101:2-47-14 of the Administrative Code except when:

(a) A child's placement is with a parent in asubstance use disorder (SUD) residential facility, as defined in rule5101:2-1-01 of the Administrative Code, in which case ADC-relatedness is not required.

(b) A child who is a candidate for Title IV-E preventionservices as described in rule 5101:2-45-02 of the Administrative Code is in thehome of a kinship caregiver, as defined in section 5101.85 of the Revised Code,for more than six-months, the ADC requirement of living with a specifiedrelative within the last six months is not required.

(D) A Title IV-E agency may complete a FCM eligibility determination in SACWIS later than sixty

days of the child's entry into the legal responsibility for the care and placement/custody of the agency if the Title IV-E agency documents that there were extenuating circumstances preventing completion within the sixty day period.

(E) Once FCM initial eligibility is established, the child remains program eligible for the entire custody episode through the end of the month of the child's eighteenth birthday. The following exceptions may occur:

(1) FCM eligibility may continue beyond his or her eighteenth birthday if there is documentation from the educational provider that the child is a full-time student reasonably expected to complete high school or equivalent level of vocational or technical training prior to his or her nineteenth birthday.

(2) If the child, who was placed with a parent in a SUD residential facility, is no longer placed with the parent and is in any other placement type, eligibility that excluded ADC-relatedness shall be reviewed for continuing eligibility.

(F) The child is no longer program eligible for FCM when any of the following occur:

(1) At the end of the month of the child's eighteenth birthday except as stated in paragraph (E) of this rule.

(2) The child entered care as a result of a JFS 01645 "Agreement for Temporary Custody of Child" pursuant to rules 5101:2-42-06 and 5101:2-42-08 of the Administrative Code and the agency failed to acquire a best interest statement in accordance with rules 5101:2-42-08 and 5101:2-47-13 of the Administrative Code from the juvenile court. Eligibility ends at the end of the thirtieth day of the executed JFS 01645.

(3) The child entered care as a result of a JFS 01666 "Permanent Surrender of Child" pursuant to rules 5101:2-42-09 and 5101:2-47-13 of the Administrative Code and the agency failed to acquire a judicial determination of best interest and reasonable efforts in accordance with rules 5101:2-39-01, 5101:2-47-13 and 5101:2-47-22 of the Administrative Code. Eligibility ends at the end of the one hundred eightieth day of the executed JFS 01666.

(4) The Title IV-E agency's legal responsibility for the child ends. Eligibility ends at the end of the day legal responsibility ends. Any subsequent removal of the child from his home constitutes a new removal episode and will require a new program eligibility determination in accordance with this rule.

(5) The child is no longer placed with a parent in a SUD residential facility, unless the child meets the ADC-relatedness eligibility criteria.

(6) The child dies. Eligibility ends on the date of death.

(G) A new FCM eligibility determination in SACWIS shall be completed when any of the following occur:

(1) The Title IV-E agency's responsibility for the child terminates and the child reenters care through court action or via a JFS 01645 or a JFS 01666 at a later date.

(2) A trial home visit exceeds six months and has not been authorized by the court, or exceeds the time period the court has deemed appropriate and the child is subsequently returned to foster care. The month the child is returned to foster care is the month in which eligibility shall be determined.

(3) A child who was initially determined ineligible based on not meeting ADC-relatedness and is now placed with a parent in SUD residential facility becomes program eligible by excluding the ADC- relatedness factors.

(H) FCM initial program reimbursability shall be determined for a child who is FCM program eligible at the time the child entered care. A FCM program eligible child shall be reimbursable when both of the following apply:

(1) The child's countable income is less than the cost of care paid by the agency.

(2) The child is placed in a setting which is licensed, certified or approved, by ODJFS or another state agency with such authority as outlined in rule 5101:2-47-16 of the Administrative Code.

(I) The child is no longer program reimbursable for FCM when any of the following occur:

(1) Reasonable efforts to finalize the permanency plan are not met in accordance with rule 5101:2-47-22 of the Administrative Code.

(2) The child is not placed in a setting that is licensed, certified or approved, as outlined in rule 5101:2-47-16 of the Administrative Code.

(J) If a child is eligible for both supplemental security income (SSI) and FCM benefits, the Title IV-E agency may choose to do one of the following based on the child's cost of care:

(1) Receive both benefits concurrently. If the Title IV-E agency chooses to receive both benefits, the FCM payment (including both non-federal and federal dollars) is considered income for the determination of SSI eligibility and reduces the amount of the SSI payment dollar for dollar. If the FCM payment is in excess of the SSI payment, the child will not receive a SSI payment.

(2) The Title IV-E agency may pay for the placement cost with local (non-federal) dollars, which are not considered income for SSI eligibility, and receive the SSI benefit for reimbursement of the placement cost.

(K) If the child receives any type of income or resources while in the legal responsibility of care and placement /custody of a Title IV-E agency, that income or resource shall be entered into SACWIS.