

## REVENUE ENHANCEMENT

### Title IV-E Federal Entitlement Program

16-3

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**Policy** The Department of Children and Families' Revenue Enhancement Division (RED) shall establish Title IV-E eligibility at the time a child enters the care and custody of DCF. For those children determined to be initially eligible, a re-determination of eligibility shall be completed on an annual basis throughout the child's entire placement episode.

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**Definitions** Child care institution means a private child caring facility or a public child caring facility that accommodates no more than 25 children and that is licensed or approved by the state in which it is located. The term includes independent (but supervised) living settings for youth age 18 years and older. The term 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.

Constructive removal means a paper removal of custody from the parents or legal guardian under certain circumstances.

Eligibility month means the month in which a petition or motion was filed that led to the court-ordered removal of a child or the month in which a voluntary placement agreement was signed. This month serves as the starting point to determine whether the child meets eligibility criteria.

Foster family home means a home licensed or approved to provide 24-hour out-of-home care to children. The term includes foster homes, group homes, residential treatment centers and other similar facilities.

Judicial determination means a court ruling or order signed by a judge.

Placement episode means a period of continuous out-of-home placement triggered by the removal of a child.

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**Criteria for Eligibility** Title IV-E eligibility shall be determined by the following factors:

- physical or constructive removal of a child from his or her home;
- age of the child, including verification of birth and citizenship;
- legal authority;
- Aid to Families with Dependent Children (AFDC) criteria test; and
- placement in a foster family home or child care institution.

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#### **Physical or Constructive Removal**

To be Title IV-E-eligible, a child must be physically or constructively removed, as defined by the Code of Federal Regulations, from the home of a specified relative.

Legal reference: [45 CFR 1356](#).

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#### **Age of the Child**

To be Title IV-E-eligible, a child must:

- be under 18 years of age;
- OR
- be committed to DCF prior to his or her 18<sup>th</sup> birthday;
- have reached 18 years of age, but not reached 21 years of age; and
- have consented to remain in the care of the Commissioner; and is
  - participating full time in an approved secondary education program or an approved program leading to an equivalent credential; or
  - is participating full time in an institution that provides post-secondary or vocational education; or
  - is participating full time in a program or activity approved by the Commissioner that is designed to promote or remove barriers to employment.

Note: The Commissioner, at his or her discretion, may waive the provision of full-time participation based on compelling circumstances. This waiver will entitle the child to receipt of services but will not entitle the state to Title IV-E reimbursement.

DCF shall obtain verification of birth for every child who comes into DCF care.

Cross reference: [DCF Policy 16-2, "Responsibilities of the Revenue Enhancement Office."](#)

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#### **Immigration Status**

DCF shall verify the immigration status of children born outside the United States through the Connecticut Department of Social Services' (DSS) records. If a child was not a recipient of any DSS program, DCF shall request that DSS verify the child's immigration status through the Systematic Alien Verification of Eligibility (SAVE) system.

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**Immigration Status (continued)**

Note: In any case in which the child is an alien disqualified under 245A(h) or 210(f) of the Immigration and Nationality Act from receiving aid under the approved Title IV-A State Plan in the month in which the voluntary placement agreement was entered into or court proceedings leading to the judicial determination were instituted, the child shall be considered to satisfy the eligibility requirements for that month, if the child would have satisfied such requirements but for the disqualification.

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**Legal Authority**

For a child to be Title IV-E-eligible, DCF shall have legal responsibility for the care of the child through a court order or a voluntary placement agreement entered into at the time of the removal from the home, and have continuous legal responsibility for the care of the child throughout the entire placement episode.

If there is a lapse in legal responsibility, then the child shall not be Title IV-E-eligible for the duration of the lapse.

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**Contrary to Welfare Finding**

If a child is removed as a result of a judicial determination, the first court order that sanctions, even on a temporary basis, the removal of the child from the home, shall include a finding that continuation in the home is contrary to the welfare of the child.

If the judicial finding of "contrary to the welfare of the child" is not made in the first court ruling pertaining the removal from the home, the child is not Title IV-E-eligible for the duration of that placement episode.

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**Initial Reasonable Efforts**

If a child is removed as a result of a judicial determination, the court must also make a finding that DCF made reasonable efforts to prevent, or eliminate the need for, removal of the child from his or her home. If the initial reasonable efforts finding is not made within 60 days of the child's removal from the home, the child is not Title IV-E-eligible during the duration of that placement episode.

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#### **Obtaining Initial Judicial Findings**

To obtain the "contrary to the welfare" and "reasonable efforts" findings, DCF shall:

- present evidence of its actions to a court of competent jurisdiction;
- obtain a ruling by a judge, at the time of the first judicial determination sanctioning the removal of the child, which states that continuation in the home is contrary to the welfare of the child; and

EITHER

- obtain a ruling by a judge, within 60 days of the date of the child's removal, which states that DCF made reasonable efforts to prevent, or eliminate the need for, removal of the child from the home;

OR

- obtain a ruling by a judge, within 60 days of the date of the child's removal, which states that reasonable efforts to prevent, or eliminate the need for, removal of the child from the home were not possible.

These requirements shall apply each time a new placement episode occurs.

Note: Voluntary Services cases have a different timeline as set forth later in this policy.

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#### **Reasonable Efforts to Finalize Permanency Plan**

DCF shall make:

- reasonable efforts to reunify the child with his or her family; and
- finalize a permanency plan.

A judicial determination that reasonable efforts were made to finalize the permanency plan in effect shall be obtained within 12 months of the date the child entered foster care and every 12 months thereafter while the child is in foster care.

If such a determination is not obtained, the child loses Title IV-E eligibility from:

- the end of the twelfth month following the date the child entered foster care; or
- the end of the month in which the most recent judicial determination of reasonable efforts to finalize a permanency plan was made.

The child remains ineligible until such judicial determination is obtained.

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**Voluntary Placements**

If a child is removed from his or her home as a result of a voluntary placement agreement or as a Voluntary Services Program client, he or she shall be Title IV-E-eligible for the first 180 days of out-of-home care (if all other criteria are met). In order to remain eligible, DCF shall obtain the "best interest" findings from a court within 180 days of the child's placement.

This requirement shall apply each time a new placement episode occurs.

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**Trial Home Visit**

A committed child who is returned home on a trial home visit is considered to be in continuous care. If the trial home visit:

- extends beyond six months without authorization by the court; or
- exceeds the time period the court has deemed appropriate;

AND

- the child is subsequently returned to foster care;

that placement shall then be considered a new placement episode and Title IV-E eligibility shall be newly established. Under these circumstances, new judicial determinations regarding "contrary to the welfare" and "reasonable efforts to prevent eliminate the need for removal" are required.

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**Aid to Families with Dependent Children (AFDC) Criteria Test**

A child meets the Aid to Families with Dependent Children (AFDC) criteria test if the child would have received AFDC (pursuant to Title IV-A eligibility criteria effective July 16, 1996) in the home from which he or she was removed during the eligibility month, which is the month of:

- the filing of the petition or motion that led to the court-ordered removal; or
- the signing of the voluntary placement agreement.

The following conditions must be met at the time the child enters DCF care:

- relatedness: the child has been living with a specified relative, *i.e.*, a natural, adoptive or step-parent or a sibling, aunt, uncle, first cousin or any relative who is in the fifth degree of kinship, during the eligibility month for at least six months prior to the eligibility month;
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#### **Aid to Families with Dependent Children (AFDC) Criteria Test (continued)**

- economic deprivation: the child has been deprived of the support of one or both parents as a result of:
    - death of a parent;
    - continued absence of a parent;
    - incapacity of a parent; or
    - unemployment of a parent (as defined in federal regulations); and
  
  - financial need based on an asset and income test: if the child was removed from a parent or adoptive parent, then the monthly gross income of the household shall be considered; if the child was removed from the home of a non-parent qualifying relative, then only the income of the child and sibling(s) in the same household shall be considered.
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#### **Licensed Placement**

To be Title IV-E-eligible, the child shall enter foster care in one of the following licensed placements:

- kin, fictive kin or non-relative foster family;
- private, non-medical group home or child care institution; or
- public, non-medical group home or child care institution with a capacity for 25 beds or fewer.

A child will be considered to have entered foster care on the earlier of:

- the date of the first judicial finding that the child has been subject to child abuse or neglect; or
- the date that is 60 days after the date on which the child is removed from the home.

Administrative costs associated with an otherwise eligible child who is not placed in a licensed foster care setting, and who is removed from the home of a specified relative shall be considered only for expenditures:

- for a period of not more than five months, during which time the child is in the home of kin or fictive kin and an application is pending for the licensing of the home as a foster family home; or
  - for a period of not more than one calendar month when a child moves from a facility not eligible for payments into a licensed foster family home or child care institution.
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