



State of South Carolina

Department of Social Services

Policies and Procedures: Child Welfare Services

Subject:	Title IV-E Foster Care Eligibility
Authority:	S.C. Code Sections 63-7-720; 63-7-1640; 63-7-20; Title IV-E of the Social Security Act; 45 C.F.R. Parts 1355 and 1356; Family First Prevention Services Act of 2018 (P.L. 115-123)
Standards:	Guiding Principles and Standards (GPS) Practice Model
Application:	Foster Care and Adoption Case Managers and Team Leaders, IV-E Coordinators, and County Attorneys
Purpose:	
To provide guidance on establishing Title IV-E eligibility for foster care board payments at the beginning of a child's foster care episode and maintaining eligibility throughout the child's stay in foster care.	
Policy Statement:	
To help meet the individualized needs of children in foster care, DSS determines Title IV-E eligibility for all children who are in foster care. Once DSS establishes a child is eligible for Title IV-E foster care board payments, DSS strives to maintain the child's eligibility during the entire foster care episode.	
Policy Administration:	
The Child Welfare Services Permanency Division is the owner of this policy. The Director of the Child Welfare Services Permanency Division, or the Director's designee, will review this policy within one year of the publication in the Child Welfare Services Policy Manual and will make any necessary amendments to improve its effectiveness.	
Procedures:	
A. Initial Title IV-E Eligibility Determination	1. To establish a child's eligibility for Title IV-E foster care board payments, the following criteria must be met: a. A judicial removal from the home of a parent, or judicial removal from a specified relative with whom the child resided within six months preceding removal, or foster care entry by way of a voluntary placement; b. A judicial determination to the effect that continuation of residence in home from which the child was removed would be contrary to the child's welfare, or that the placement in foster care is in the best interests of the child and a judicial determination that DSS made reasonable efforts to prevent the child's removal from the home or alternatively, that DSS was not required to make reasonable efforts to prevent the child's removal from the home. For purposes of determining Title IV-E eligibility, DSS uses the date of the first court hearing wherein

Subject: Title IV-E Foster Care Eligibility

	the court sanctions the child's physical or constructive removal from the home as the date of removal. The court's oral authorization is binding on DSS upon issuance; i. The family court must make the contrary to the welfare determination in the first court ruling that sanctions (even temporarily) the removal of a child from their home. ii. At a probable cause hearing or within 60 days of a child's entry into foster care, the family court must make the determination of reasonable efforts to prevent removal. iii. The family court may find that reasonable efforts would not have allowed the child to remain safely in the home and were therefore, not required for the following reasons including, but not limited to: • The parent has subjected the child or another child while living in the parent's home to severe or repeated abuse or neglect, sexual abuse, acts the judge finds constitute torture, or abandonment; • The parent has been convicted of or pled guilty or no contest to the murder of another child; • The parent has been convicted of or pled guilty or no contest to voluntary manslaughter of another child; • The parent has been convicted of or pled guilty to or no contest to aiding, abetting, attempting, soliciting, or conspiring to commit murder or voluntary manslaughter of the child or another child while living in the parent's home; • Physical abuse of a child resulted in the death or in-patient hospital admission and the abuse is the act for which the parent has been convicted of or pled guilty or no contest to committing, aiding, abetting, conspiring to commit, or soliciting: an offense against the person, as provided for in Title 16, Chapter 3; criminal domestic violence, as defined in SC State Law 16-25-20; criminal domestic violence of a high and aggravated nature, as defined in SC State Law 16-25-65; or common law offense of assault and battery of a high and aggravated nature; • The parent's rights to another child have been terminated involuntarily; • The parent has a diagnosable condition unlikely to change within a reasonable time including, addiction, mental deficiency, mental illness, or extreme physical incapacity, and the condition makes the parent unlikely to provide minimally acceptable care of the child; or
--	--

Subject: Title IV-E Foster Care Eligibility

	• Other circumstances that support the court's determination that removal of the child without services or without further services was reasonable or that reasonable efforts were not required. c. The child was eligible for Aid to Families with Dependent Children (AFDC) in the removal home, under the standards in effect on July 16, 1996 and during the month DSS initiated removal proceedings in family court; d. DSS has physical or legal custody (i.e., placement and care responsibility of the child); and e. DSS has placed the child in a licensed foster family home, with a parent residing in a licensed residential family-based treatment facility for substance use, or in an IV-E allowable congregate care placement. 2. In the initial determination, there are some exceptions to the required above listed requirements that would still allow a child to be Title IV-E eligible: a. A child who enters foster care by way of a voluntary placement agreement may be eligible for Title IV-E foster care board payments. Refer to the Voluntary Placement Policy for additional guidance. i. A voluntary placement agreement shall not last more than 90 days. ii. The voluntary placement agreement can be renewed for an additional 90 days with the consent of the child's caregiver. iii. The agreement cannot exceed 180 days, unless the court finds the continued placement is in the best interest of the child. b. A child may remain eligible for Title IV-E foster care board payments while the child is on a trial home visit. i. A trial home visit may not exceed six months unless authorized by the court. ii. If the trial home visit exceeds six months or exceeds the time period authorized by the court, any subsequent placement in foster care must be considered a new removal and foster care episode and IV-E eligibility must be established as stated above. iii. A child in the custody of the Department of Juvenile Justice may be transferred to DSS custody and be Title IV-E eligible. However, eligibility is contingent upon compliance with the requirements listed above. 3. When DSS places a child in a congregate care placement, DSS may pay Title IV-E foster care board payments for an eligible child for 14 days. Title IV-E foster care board payments for a child whom DSS places in a congregate care setting terminate after 14 days
--	--

Subject: Title IV-E Foster Care Eligibility

	unless the facility is a: - Qualified Residential Treatment Program (QRTP); or, - DSS licensed congregate care facility specializing in providing prenatal, post-partum, or parenting supports for youth; or, - DSS licensed congregate care facility providing residential care and supportive services to a child who has been found to be, or is at risk of becoming, a sex trafficking victim.
B. Maintaining Title IV-E Eligibility	To maintain the child's Title IV-E eligibility throughout their foster care experience, the following criteria must be met: - Within 12 months of the child's entry into foster care by involuntary removal, the family court must make an explicit judicial determination regarding reasonable efforts to make and finalize a Family Permanency Plan (FPP). The family court must make this judicial determination every twelve months for as long as the child remains in foster care. The permanency planning hearing may serve as the mechanism for obtaining judicial determination of reasonable efforts to make and finalize the permanency plan; however, the family court may make this determination at any hearing concerning abuse or neglect and permanency. For purposes of maintaining a child's Title IV-E eligibility, DSS uses the date of the court hearing wherein the court makes an explicit judicial determination regarding reasonable efforts to make and finalize a permanency plan as the date the appropriate findings were made. - The child must be placed in a foster family home or a Title IV-E allowable congregate care placement. Note: Title IV-E agencies may claim Title IV-E for children placed in a congregate care placement prior to October 1, 2021, for as long as the eligible child continuously remains in that placement setting. If the child later leaves the placement setting and enters a different non-family-based placement setting, the Title IV-E agency must apply the guidelines in this policy.
C. Title IV-E Ineligible Determination	- A child will be determined ineligible if one of the following applies: - A child enters foster care due to a judicial order that does not include a "contrary to the welfare" and "reasonable efforts to prevent removal" finding as described in subsection A of this policy is ineligible for Title IV-E foster care board payments for the entire duration of the foster care episode; - The family court did not remove the child from a parent or specified relative. The child is ineligible for the entire duration of the foster care episode. - The child is not a United States citizen; - A child who does not meet the Aid to Families with Dependent Children (AFDC) requirements is ineligible for the entire duration of the foster care episode;

Subject: Title IV-E Foster Care Eligibility

	e. If there is no deprivation (i.e., absence of a parent, mental incapacity, death, etc.), the child is ineligible for the entire duration of the foster care episode; f. The child's removal from the home was less than 24 hours; g. The child is not placed in a foster family home or a Title IV-E allowable congregate care placement; or h. The family court did not make a judicial determination that DSS is making reasonable efforts to finalize the child's permanency plan within 12 months of the child's removal. The family court must rule upon the DSS efforts to make and finalize the child's permanency plan every 12 months for as long as the child remains in foster care. If the family court does not determine DSS made reasonable efforts to make and finalize the child's permanency plan at any point during the foster care episode, it is possible for the court to make this determination at a subsequent hearing and therefore, maintain the child's eligibility for Title IV-E foster care board payments. 2. The child can regain Title IV-E eligibility if one of the following occurs: a. A child that loses eligibility based on either an untimely permanency planning hearing or not receiving a reasonable effort finding may regain eligibility by curing the defect; or b. A child placed in a Title IV-E non-specified congregate care setting is placed in either a Title IV-E specified congregate care setting or a licensed foster family home.
D. Required Documents	1. The case manager must gather the following items and place the items in the child's foster care file under the Title IV-E tab: a. The child's birth certificate (or other verification of child's familial relationship such as hospital records, school records, green cards, etc.); b. The child's Social Security Card, the application for a social security number, or other verification of the child's social security number; and c. Family and child resource verification such as bank statements, worker observations, etc. 2. The case manager must gather additional documents and place the documents in the child's file, including the following: a. Copies of all court orders; b. Copies of Voluntary Placement Agreements, if applicable; c. Determination of initial eligibility; d. Eligibility determination or circumstances leading to lost eligibility; and e. Eligibility determination or circumstances leading to renewed eligibility.

Subject: Title IV-E Foster Care Eligibility

E. Case Manager and Team Leader Responsibilities	1. Upon receipt of a signed judicial order sanctioning the removal of a child to foster care or upon the signing of a voluntary placement agreement, the case manager shall complete the following DSS forms: a. DSS Form 1905: Referral for Assessment and IV-E Eligibility Determination Form b. DSS Form 1908: Application for Foster Care c. DSS Form 3091: Child Welfare Face Sheet 2. The case manager completes the referral for child support. 3. The team leader reviews all documents for completion prior to the case manager submitting the documents. 4. The case manager submits all the above-listed forms and the signed judicial order sanctioning the removal of a child to foster care or a copy of the voluntary placement agreement to Title IV-E Coordinator. 5. Whenever changes to any of the information mentioned above occur, the case manager completes DSS Form 1903: Annual Review and Change Report and submits the form to the Title IV-E Coordinator within five business days. 6. If a child is determined to be ineligible for Title IV-E foster care board payments, regardless of the reason, the case manager or team leader confirm the reimbursement filed is listed as state funded in CAPSS. 7. When a child is discharged from foster care, the case manager shall notify the Title IV-E Coordinator, staff from Medicaid, child support, and family independence within two business days. 8. The case manager enters all the above actions in CAPSS dictation within three business days.
F. Title IV-E Coordinator Responsibilities	1. The Title IV-E Coordinator reviews all forms and documents received. 2. The Title IV-E Coordinator makes the Title IV-E determination using the following criteria: a. By initiating the Title IV-E wizard program which gathers and answers questions regarding AFDC eligibility, placements, and judicial determination in CAPSS; b. Determining whether the child entered foster care because of a judicial order or voluntary placement agreement that meets the criteria listed above; and c. Determining whether the child meets the eligibility criteria for AFDC. 3. The Title IV-E Coordinator completes the Title IV-E Initial determination fields in CAPSS.

Subject: Title IV-E Foster Care Eligibility

G. Agency Attorney Responsibilities	1. The county attorney must document “contrary to the welfare” determination outlined in subsection A of this policy in the first court order that sanctions the child’s removal. 2. In the probable cause order or other order within 60 days of the child’s removal, the county attorney must document the judicial determination of “reasonable efforts to prevent removal,” or alternatively, the determination that “reasonable efforts to prevent removal” were not required. 3. Within 12 months of removal, the county attorney must document in a court order a judicial determination of the reasonable efforts DSS made to develop and finalize the child’s permanency plan as outlined in subsection B of this policy. 4. The county attorney assists in obtaining court transcripts, as necessary to determine Title IV-E eligibility when court orders do not contain required judicial determinations.
-------------------------------------	---

Forms:	DSS Form 1903: Case Review and Change Report DSS Form 1905: Referral for Assessment and IV-E Eligibility Determination Form DSS Form 1908: Application for Foster Care DSS Form 3091: Child Welfare Face Sheet
Related Management Reports:	

Glossary:
Congregate Care Facility (also known as group home): a residential organization including residential institutions and childcare institutions, licensed by DSS to provide temporary or long-term residential care for children on a year-round basis. The term also includes emergency shelters. Boarding schools that do not operate year-round nor offer services beyond those associated with school programs are not congregate care facilities. DSS further categorizes congregate care facilities into non-specified congregate care settings and specified congregate care settings Foster Care Board Payment: foster care maintenance payments to cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, reasonable travel to the child's home for visitation, and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement. In the case of institutional care, such term includes the reasonable costs of administration and operation of such institution as are necessarily required to provide the items described in the preceding sentence Foster Family Home: the home of an individual or family that is licensed by DSS; in which a child in foster care has been placed in the care of an individual who resides with the child

Subject: Title IV-E Foster Care Eligibility

and who provides 24 hour substitute care for the child; that DSS deems the individual capable of adhering to the Reasonable and Prudent Parenting; and that provides foster care for no more than 5 children, subject to the following exceptions:

- a. to keep a sibling group together
- b. to keep a child in the child's home community
- c. to return a child to a home in which the child was previously placed
- d. to comply with a court order
- e. if it is in the best interests of the child as determined by the court

Legal Custody: the right to the physical custody, care, and control of a child, the right to determine where the child shall live, the right and duty to provide protection, food, clothing, shelter, ordinary medical care, education, supervision, and discipline for a child and in an emergency, to authorize surgery or other extraordinary care. Unless otherwise provided by court order, the parent or guardian retains the right to make decisions of substantial legal significance affecting the child, including consent to marriage, enlistment in the armed forces, and major nonemergency medical and surgical treatment, the obligation to provide financial support or other funds for the care of the child, and other residual rights or obligations as may be provided by order of the court

Non-Specified Congregate Care Facility: a congregate care facility, licensed by DSS and organized into one of three levels, for which Title IV-E does not allow DSS to claim reimbursement for foster care board payments after 14 days in the placement

Physical Custody: the lawful, actual possession and control of a child, but does not include legal custody unless stated in a court order. Refer to SC Code Ann. Section 63-7-20 (19)

Probable Cause Hearing: a hearing in family court, held within 72 hours of a child's entry to foster care by way of emergency protective custody, wherein the family court determines whether facts and circumstances, based upon accurate and reliable information, including hearsay, would justify a reasonable person to believe that a child subject of a report is abused or neglected

Qualified Residential Treatment Program (QRTP): a congregate care facility that has a trauma-informed treatment model designed to address the needs, including clinical needs as appropriate, of children with serious emotional or behavioral disorders or disturbances and is able to implement the treatment identified for the child/youth in the required 30-day assessment of the appropriateness of the QRTP placement:

- a. to the extent appropriate and in accordance with the child's best interest
- b. facilitates participation of family members in the child's treatment program
- c. facilitates outreach to the family members of the child, including siblings, and documents information for any known biological family and fictive kin of the child
- d. documents how family members are integrated into the treatment process for the child, including post-discharge planning and family-based aftercare support for at least 6 months post-discharge
- e. is licensed by DSS and accredited by an approved independent, non-profit organization

Subject: Title IV-E Foster Care Eligibility

- f. has registered or licensed nursing staff and other licensed clinical staff who provide care within the scope of their practice, are on-site according to the treatment model, and are available 24 hours a day and 7 days a week
- g. is not a detention facility, forestry camp, training school, or any other facility operated primarily for the detention of children who are determined to be delinquent
- h. is not a psychiatric residential treatment facility

Removal Home: home of the parent or other specified relative, from which a child in foster care was removed, based upon the judicial determination that it was contrary to the welfare of the child to remain

Specified Congregate Care Facility: a treatment-oriented congregate care facility for which Title IV-E allows DSS to claim reimbursement for foster care board payments

Note: DSS does not currently claim Title IV-E reimbursements for foster care board payments for young adults aged 18-21, DSS treats supervised independent living for this population as specified congregate care settings.

Specified Relative: any relation by blood, marriage, or adoption within the fifth degree of kinship to the child, with whom the child resided for less than six (6) months preceding removal, and who exercised responsibility for the daily care and control of the child