

<h1 style="font-size: 2em; margin: 0;">ACF</h1> <p style="font-size: 1.2em; margin: 0;">Administration for Children and Families</p>	<p>U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES</p> <p>Administration for Children, Youth and Families</p>	
	<p>1. Log No: ACYF- PI-89-05</p>	<p>2. Issuance Date: June 1, 1989</p>
	<p>3. Originating Office: Children's Bureau</p>	
	<p>4. Key Words: Title IV-E and Redeterminations of Eligibility</p>	

PROGRAM INSTRUCTION

TO: State Agencies Administering or Supervising the Administration of Title IV-E of the Social Security Act, Indian Tribes and Indian Tribal Organizations

SUBJECT: Title IV-E Foster Care Financial Review Procedures Regarding Redeterminations of Eligibility

LEGAL AND RELATED REFERENCES: Sections 406(a), 407, 470, and 472(a) of the Social Security Act; ACYF-PIQ-82-14, dated December 2, 1982, and ACYF-PIQ-85-6, dated June 5, 1985

BACKGROUND: The language in section 470 of the Social Security Act makes clear that Federal financial participation (FFP) is available only for children in foster care who continue to meet the requirements of section 406(a) or 407. It states that foster care maintenance payments may be made "for children who otherwise would be eligible for assistance under the State's plan approved under Part A . . ."

ACYF-PIQ-82-14 states that the title IV-E foster care maintenance payments program requires redetermination of a child's eligibility every six months. (This timeframe was based upon the title IV-A, AFDC requirement for redeterminations no less frequently than once every six months.) A later issuance, ACYF-PIQ-85-6, clarifies that failure to hold a "timely" redetermination of title IV-E eligibility is a State plan issue rather than an issue related to the eligibility of the child for title IV-E foster care maintenance payments. It states that failure to conduct "timely" periodic reviews would not affect the individual child's eligibility under the program. It goes on to say, however, that since section 471(a) allows FFP for foster care maintenance payments only in accordance with the requirements in section 472, the State must assure that the child meets those eligibility requirements.

QUESTION: In the conduct of title IV-E foster care financial reviews, if there has not been a redetermination of eligibility in a particular case for two to three years prior to the month under

review, should the reviewer assume that the child continues to be eligible if the initial determination or the earlier redetermination shows him as eligible'

RESPONSE: No. While the timeliness of the redetermination of eligibility is not an eligibility issue, the State must be able to show that the child continues to meet the eligibility requirements cited in the statute. Therefore, for the purpose of title IV-E foster care financial reviews, if there has not been a redetermination within 12 months prior to the month under review a decision on the allowability of the claim being reviewed will be deferred for a period of 30 days to allow the State time to establish the child's continued eligibility for the time period being reviewed.

If eligibility is not established within that time period, FFP in payments made for or on behalf of that child will not be available and any such payments will be disallowed.