FOSTER CARE HOT SPOTS

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Review some of the difficult areas in foster care case processing

PURPOSE

- ❖ IV-E is a low income-based program
  - ▪ Children must be citizens
- ❖ Non-IVE children are those children who don't qualify for IV-E
- ❖ Child support is automatically assigned to the state in both IV-E & non-IV-E cases

IV-E VS NON-IV-E

Types of kinship care

- ❖ Certified (licensed) kinship care
  - ▪ Referral to CSS through Trails
- ❖ Uncertified (unlicensed) kinship care
- ❖ Informal kinship care
  - ▪ The caretaker in uncertified and informal kinship care may receive TANF or apply for child support services

KINSHIP CARE

Trails refers cases to CSS per 7.001.41(I) UNLESS:

❖ Child has been in placement for less than 31 days

❖ NCP is unknown

❖ "Good Cause" has been determined

❖ Deprivation status for IV-E is "unemployed" or "incapacitated"

REFERRAL

- ❖ If the child is in a "repeat" out of home placement situation, change the child's class without waiting for the 31 days

- ❖ Post MSO to the appropriate class

REFERRAL

CW intake

Child in continuous placement and IVE determine complete

IVE eligible determ should be done

No eligible determ done

Day 1

Day 31

Day 45

Day 46

Day 75

Day 76

Refer to ACSES if determination done

Automatically Refer to ACSES

REFERRAL

Use as many research sources as necessary to verify that the party on the RRL is the child's father, to ensure there is no existing order, to verify locate

- ❖ COVIS
- ❖ Court minutes
- ❖ CBMS
- ❖ QUICK
- ❖ SVES
- ❖ DOLE
- ❖ Non-IV-D on ACSES

RESEARCH

If the child shows active on Trails, but the case did not refer, research why before changing the child's class to a FC class;

- ❖ Contact Child Welfare
- ❖ Did the case meet the referral criteria?
- ❖ Were the Trails screens updated properly?
- ❖ Is it a good cause case?

RESEARCH

The RRL should tell you if the parent is a placing (PP) or noncustodial parent (NCP)

Discuss with Child Welfare if uncertain about parent roles

CASE INITIATION

```
LIST/SELECT RECENTLY REFERRED FOSTER CARE CASES    05/30/14
               REFERRAL/
        TRAILS      FEE/        # OF CHILDREN      APPLICATION
COUNTY  CASE ID  CHLD SUPP    IVE    NON-IVE          DATE


1 82    01234567(*) CHLD SUPP   0        1        05/21/2014
 CP: JOAN DOUGH                          NCP: JOHN DOUGH
 CHILDREN: BOY


2 82    12345678    FEE         1        0        05/21/2014
 CP: FOSTER CARE FEE                     PP: MARY SMITH
 CHILDREN: SAM


3 16    12345678  CHLD SUPP     1        0        05/21/2014
 CP: MARY SMITH                          NCP: GEORGE SMITH
 CHILDREN: SAM



  <-- ENTER # OF CASE OR START DT/TRAILS ID: -->
(*) TRAILS-CASE-ID PREVIOUSLY RECEIVED *** CONTINUED NEXT PAGE ***
A}-INIT FOSTER CARE CASE B}-DELETE FOSTER CARE CASE C}-SHOW DETAIL
```

❖ **If both parents were in the home, each parent is a placing parent and owes a foster care fee**

❖ **If the child was removed from a single-parent household, that parent is the placing parent and owes a fee**

CASE INITIATION

❖ **The placing parent is assessed a fee order, and the case number requires a "25" suffix**

PLACING PARENT

❖ In a single-parent household, the parent absent from the home is the NCP and owes child support

❖ If the child was living with a relative, both parents are NCPs and both owe child support

NONCUSTODIAL PARENT

❖ The NCP is assessed a child support order, and the suffix is assigned by the county (00, 02, 90, 92, etc)

INITIATION

❖ Is parent absent from home?

❖ Was child removed from parent's home?

❖ Was child removed from caretaker's home?

❖ Will child go back home after placement?

FEE OR CHILD SUPPORT

- ❖ Fee orders can NEVER be used as a child support order
- ❖ No support due to the obligee can be included in a fee order
- ❖ TANF debt can never be included in a fee order
- ❖ Current fee stops when child leaves placement

FEE ORDER

- Child support orders can NEVER be used as a fee order
- Order can include foster care debt, TANF debt, & retroactive support
- Current support continues after the child leaves placement

CHILD SUPPORT ORDER

The Obligor shall pay:

❖ **$100 per month when 1 child in placement**
❖ **$200 per month when 2 children in placement**
❖ **$300 per month when 3 children in placement**
❖ **$400 per month when 4 children in placement**
❖ **$500 per month when 5 children in placement**
❖ **$600 per month when 6 children in placement**

NEW PARAGRAPH

- ❖ Foster care debt is calculated the same as TANF debt
- ❖ MSO times number months child in placement before order commenced
- ❖ Debt is established back to the time the child went into placement
- ❖ If both TANF & foster care for same month, TANF trumps

FOSTER CARE DEBT

- ❖ **Limited by total cost of care**
- ❖ **Total cost is entered on both parent's order**
  - ▪ **Collections over the cost will go to Child Welfare as excess over maintenance payments**
  - ▪ **Child Welfare will track excess payments to use for child's benefits according to their regulations**

FOSTER CARE DEBT

Mother has three children with three different fathers

❖ Calculate each debt separately because each father's income is different.

❖ If parties disagree, send all to court for a deviation

FOSTER CARE DEBT

IV-E placement costs are called "maintenance"

❖ Federal gov't shares in these costs

❖ Federally defined; anything not federally defined is not considered reimbursable

❖ ACSES maintains total ("chfinhis")

PLACEMENT COSTS

Non-IV-E costs are "placement costs"

❖ Federal gov't does not share in these costs; state and county only

❖ ACSES does not track because they are not federally mandated

❖ TRAILS has total of placement costs

PLACEMENT COSTS

- ❖ AKA Subsidized Adoption, or sub adopt
- ❖ Program to provide assistance to adoptive parents for a child with special needs
- ❖ Adopted child can go back into placement
- ❖ Case can be referred to CSS even if adoption is subsidized, but counties encourages not to refer

ADOPTION ASSISTANCE

- ❖ Subsidy does not go on the guidelines as income to either party
- ❖ Amount of order established cannot be greater than the amount of subsidy
- ❖ Counties have the option to not enforce medical assistance per volume 6.240.2(D)
  - ▪ As part of subsidy, child is covered by Medicaid

ADOPTION ASSISTANCE

CSS NOT share w/ CW:

- IRS information
- COVIS information
- Genetic tests results
- SIEVS information
- FIDM information

CSS CAN share with CW:

- Info about CP, NCP, or children:
  - Name, address, social security number, employer, day care amount, income, insurance info, date of birth
- Case information
- NDNH, FCR

CONFIDENTIALITY

- ❖ **A valid referral must be received prior to the child's 18th birthday**

- ❖ **County must file motion with court to extend MSO past age of emancipation**

CHILD OVER 18

Depending on the Trails placement code, the money must be handled manually in order to process thru Trails, to reimburse the placement or maintenance costs

CHILD OVER 18

Federal:
- ❖ Social Security Act
  - ▪ Title IV Part E for IV-E children
  - ▪ Title XX for non-IV-E children

Statutory:
- ❖ C.R.S., §26-5-104(2); §26-13-106(1); §26-13-113; §26-5-102

ASSIGNMENT OF RIGHTS

All arrears EXCEPT IV-A are assigned for a child in placement

❖ If existing case, all arrears are moved to the appropriate foster care bucket

❖ if no existing case, all arrears are initiated as a beginning balance in the appropriate foster care bucket

ASSIGNMENT OF RIGHTS

- ❖ **If not all children of the order are in placement, CSS continues to enforce entire order**
- ❖ **Other children are different class:**
  - ▪ **A for active TANF**
  - ▪ **N for active non-TANF**
  - ▪ **Z for non-IV-D**

ASSIGNMENT OF RIGHTS

- ❖ Fee order: MSO stops but arrears are still due
- ❖ Child support order: MSO may continue

- ❖ If child IV-E, the case is a continued services case

CHILD LEAVES PLACEMENT

- ❖ If the child was non-IV-E and there was a CSS case before the child went into placement, the case continues as it was before
- ❖ If the child was non-IV-E and there was NOT a CSS case before the child went into placement, the CP must apply for services before we enforce for her/him

CHILD LEAVES PLACEMENT

- ❖ **BB: Placement terminated**
  - ▪ **NIVE with no application**
    - ○ **First: change case to N/P or A/P, terminate enforcement actions**
    - ○ **Once enforcement actions terminated, change to arrears case; close if no arrears**
- ❖ **60 day closure is not required on fee cases**
- ❖ **CC: Parental rights terminated (60 day)**

CLOSURE