



**JUSTICE AND PUBLIC  
SAFETY CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**AUTHORITY and  
REFERENCES:  
505 KAR 1:130,  
KRS 15A.0652  
2-JPAS-2-7116**

**CHAPTER: Juvenile Services in Community**

**SUBJECT: Title IV-E  
Federal Foster Care Maintenance Payments**

**POLICY NUMBER: DJJ 609.1**

**TOTAL PAGES: 4**

**EFFECTIVE DATE: February 2, 2018**

**APPROVAL: Carey D. Cockerell**

**COMMISSIONER**

**I. POLICY**

The Department of Juvenile Justice (DJJ) shall apply for reimbursement for eligible placements under Title IV-E of the Social Security Act for all qualifying youth. DJJ shall work cooperatively with the Cabinet for Health and Family Services, Division of Protection and Permanency (DPP) in regards to application for and reimbursement through Title IV-E.

**II. APPLICABILITY**

This policy and procedure shall apply to all DJJ staff.

**III. DEFINITIONS**

Refer to Chapter 600.

**IV. PROCEDURES**

**A. Eligibility:**

1. Eligibility is determined on a one (1)-time basis when the youth enters care.
  - a. Once established, a youth's eligibility continues as long as the youth remains under the care and responsibility of DJJ, with the exception of a youth placed on supervised placement in excess of 6 months. At the 6-month point, either a court order granting placement extension shall be obtained or the juvenile is no longer Title IV-E Eligible.
  - b. If youth is re-committed and subsequently placed in a facility, then a new Title IV-E determination shall be completed and all eligibility criteria reestablished including a new removal order with a Best Interest/Reasonable Efforts finding.
2. A youth shall meet two (2) eligibility requirements for Title IV-E foster care:
  - a. The youth shall have entered care as the result of a court order with a judicial determination. Title IV-E regulations require physical removal from the home at the time the initial court order is obtained with

<b>POLICY NUMBER</b> <b>DJJ 609.1</b>	<b>EFFECTIVE DATE</b> <b>02/02/18</b>	<b>PAGE NUMBER</b> <b>2 of 4</b>
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judicial determination that it is in the best interest of the youth to be removed or that it is contrary to the welfare of the youth to remain in the home. If physical and Legal Removal do not coincide, the juvenile would be “Non Title IV-E” Eligible unless the Judge notates on the removal order the juvenile has permission to remain in the home until placement is arranged by DJJ.

- b. The youth shall have had a relationship to the Aid to Families with Dependent Children (AFDC) program in the month the petition that led to the youth’s removal from the home was filed.
3. When the youth reaches the age limit for the program he or she shall lose eligibility for Title IV-E.
4. Title IV-E eligibility shall be determined by the DPP Benefits Worker in the district that has family case responsibility. When a youth is placed in another district, the Title IV-E case shall be maintained in the district that has family case responsibility.
5. The circumstances which define AFDC eligibility, or hypothetical AFDC eligibility, for Title IV-E purposes are:
  - a. Living with a specified relative;
  - b. Deprived of support of one (1) or both parents;
  - c. Need;
  - d. US citizen or legal alien; and
  - e. Age.
6. Once eligibility is established, DJJ shall determine for every month that a youth is in care whether the youth’s care was reimbursable by the Federal government. A youth may lose and regain reimbursability on a frequent basis depending on changes in the youth’s circumstances. Conditions of reimbursability may vary from month to month. A redetermination shall occur annually to establish whether the reimbursability criteria are met on a month-to-month basis. The reimbursability criteria are:
  - a. Legal responsibility for the youth is with the Title IV-E agency;
  - b. Court certification of reasonable efforts to prevent or eliminate the need for removal for youth removed from their home as the result of a court order;
  - c. A court order, which contains the appropriate judicial determination, obtained within 180 days for youth removed as a result of voluntary commitment;
  - d. Reimbursable placement, such as approved foster family home; private, non-profit, non-medical group home licensed by the state; public non-medical group home or child-care facility which has a licensed capacity of less than twenty-six (26) beds; relative foster home; or pre-adoptive placement; and

<b>POLICY NUMBER</b> <b>DJJ 609.1</b>	<b>EFFECTIVE DATE</b> <b>02/02/18</b>	<b>PAGE NUMBER</b> <b>3 of 4</b>
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- e. Age under eighteen (18) or under nineteen (19) for youth in school that will graduate before their nineteenth (19th) birthday.
- B. The Social Security Act allows reimbursement of foster care payments under Title IV-E in any month in which a youth receives SSI benefits. However, both IV-E and SSI shall not be claimed concurrently.
- C. Parents shall be held responsible for the financial and medical support of their youth in accordance with their ability to do so even when the youth is found eligible for Title IV-E.
- D. The DJJ Benefits Specialist shall be responsible for:
  1. Submitting the completed DSS-1260, Title IV-E and Child Support Referral Form to the appropriate Department of Protection and Permanency children's benefits worker on youth believed to be Title IV-E eligible and to the appropriate Child Support Office on youth not believed to be Title IV-E eligible.
  2. Submitting the completed DSS-1263, Title IV-E and Child Support Change of Status to the appropriate Department of Protection and Permanency children's benefits worker on youth believed to be Title IV-E eligible to the appropriate Child Support Office on youth not believed to be Title IV-E eligible.
- E. DJJ shall be responsible for maintaining compliance with Medicaid requirements pursuant to KRS 205.510 through 205.630.
- F. The Juvenile Service Worker (JSW) shall complete the DSS-1260, Title IV-E Referral packet and attach it to the petition and commitment order for submission to the DJJ Regional Benefits Specialist within ten (10) business days of commitment.
- G. The JSW shall:
  1. Schedule Annual Permanency and Dispositional reviews within the month due after receiving notification via a monthly report compiled by DJJ Regional Benefits Specialist and sent to all JSDSs for follow up and scheduling by the JSW;
  2. Complete the dispositional review report and file with the court three (3) days prior to the scheduled court date;
  3. Ensure the completion of the AOC Permanency Hearing form provided by the court with the judge's original signature and Reasonable Efforts determination;
  4. Submit court order to the DJJ Regional Benefits Specialist within ten (10) business days following the court date; and
  5. As a result of any placement change, ensure completion and submission of the DSS-1263 Title IV-E Change of Status to the DJJ Regional Benefits Specialist within ten (10) business days reporting changes that may affect reimbursement.

<b>POLICY NUMBER</b> <b>DJJ 609.1</b>	<b>EFFECTIVE DATE</b> <b>02/02/18</b>	<b>PAGE NUMBER</b> <b>4 of 4</b>
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**V. STAFF TRAINING**

- A. The Benefits Specialist shall train new employees within three (3) months of their hire date.
- B. The Benefits Specialist shall train all staff on any changes within three (3) months of the date of change.
- C. The Juvenile Services District Supervisor shall conduct annual reviews with all staff.

**VI. MONITORING MECHANISM**

The Division Director of Community and Mental Health Services or designee and Fiscal Branch Manager, in conjunction with the Regional Benefits Specialist, shall develop monitoring protocols.