

Title IV-E

- ▶ Federal Dollars for Assurances
Which Protect Children Who are in Foster Care

IV-E Federal Dollars

- ▶ Foster care maintenance
- ▶ Adoption assistance,
- ▶ Administrative support, and
- ▶ Training

Foster Care (federal definition)

- ▶ Certified, 24 hour substitute care for whom the State agency has placement and care responsibility.
- ▶ Does not include jails, hospitals, detention or the Boys' and Girls' Schools.

Responsibility for placement and care of the Child

- ▶ Voluntary placement, or
- ▶ Voluntary relinquishment, or
- ▶ Judicial hearing.

Voluntary Placement Agreement

- ▶ Essential elements:
 - It is a written agreement
 - It is dated
 - It is signed by DFS and the parent/guardian
 - By the 180 day the court must make the contrary to the welfare finding or the case is no longer eligible.

Voluntary Placement continued

- ▶ By the 180 day must have court finding for contrary to the welfare or best interests
- ▶ Reasonable efforts to prevent or to reunify are not needed
- ▶ 180 day time limit is absolute.

Relinquishment Prior to placement

The court must issue an order within two months of placement that includes the “contrary to the welfare” or “best interest” finding and reasonable efforts language.

The court order cannot merely validate the voluntary relinquishment of parental rights.

IV-E eligibility becomes effective the first day of the month the court makes the judicial “contrary to the welfare” or “best interest” and reasonable efforts findings.

Court Orders

- ▶ Custody and control
- ▶ Best interests or contrary to the welfare
- ▶ Reasonable efforts to prevent placement
- ▶ Reasonable efforts to finalize the permanency plan

Responsibility for placement and care

- ▶ If the court names the placement, the order must state that DFS had input into the placement decision and why DFS' recommendation was rejected.
- ▶ The case may be made reimbursable if a new court order is issued with this statement or giving the agency responsibility for placement and care.

Time Periods

2 different starting points in defining time periods:

(1) Actual Removal

(date the child is removed from the home)

(2) Foster Care Entry

defined as the *earlier* of:

- the date the court found the child neglected or abused; or
- 60 days after the child's actual removal.

Time Periods

Requirement	Deadline	Starting Date
Case Plan	60 days	Actual Removal
Reasonable Efforts to Prevent Removal	60 days	Actual Removal
Six-Month Periodic Review	6 months	Foster Care Entry
Permanency Hearing	12 months	Foster Care Entry
Reasonable Efforts to Finalize Permanency Plan	12 months	Foster Care Entry
Mandatory Termination Petition Filing	15 of the last 22 months	Foster Care Entry

Wyoming Time Periods

W.S. 14-3-431

Requirement	Deadline	Starting Date
Case Plan	60 days	Actual Removal
Reasonable Efforts to Prevent Removal	60 days	Actual Removal
Six-Month Periodic Review	6 months	<i>Actual Removal</i>
Permanency Hearing	12 months	<i>Actual Removal</i>
Reasonable Efforts to Finalize Permanency Plan	12 months	<i>Actual Removal</i>
Mandatory Termination Petition Filing	15 of the last 22 months	Foster Care Entry

Initial Placement Order

- ▶ Must contain contrary to the welfare or best interests language
- ▶ Hearing held within 60 days of placement
- ▶ Order should not name the placement
- ▶ If the placement is named, it must state DFS recommended the placement or participated in the decision

Contrary to the Welfare or Best Interest Findings

- ▶ Must be made in the first court order that sanctions, even temporarily, the removal of a child from home.
- ▶ Court orders need to be precise, specific, detailed and timely
- ▶ If the finding is not made in the first order, the agency will NOT receive IV-E dollars for the entire length of the child's stay in foster care
- ▶ The initial placement hearing must be within 60 days of removal.
- ▶ The finding must be made in both emergency and non-emergency removals.

Placement Order

- ▶ The shelter care order is most often the first order of removal. When this order addresses placement, it must contain the contrary to the welfare finding.
- ▶ The 48 hours time frame for a shelter care hearing has nothing to do with Title IV-E.

Contrary to Welfare Language

- ▶ Ideally, orders will read as follows: It is contrary to the welfare of the child to remain in the home and it is in the best interest of the child to be placed in protective custody because:.....

Reasonable Efforts Requirement

- ▶ There must be a judicial determination that:
 - (a) Reasonable efforts were made to prevent a child from being removed from the home OR;
 - (b) Due to an emergency situation that amounts to aggravated circumstances, the lack of reasonable efforts was reasonable.

Reasonable Efforts

2 types

Reasonable Efforts to Prevent Placement

- ▶ **W.S. 14-3-440**
- ▶ The court must make a finding that the agency made reasonable efforts to prevent placement
- ▶ Finding must be made within 60 days of the child's removal
- ▶ If the court does not make the finding, the agency will not receive IV-E dollars for the child's entire stay in foster care
- ▶ The finding must be detailed and child specific - not just a reference to state law
- ▶ **Court orders need to be precise, specific, detailed, and timely**

Reasonable Efforts to prevent placement

- ▶ A judicial findings must be made no later than 60 days from the date the child is removed from the home or the case is ineligible for IV-E

When reasonable efforts to reunify are not required

- A permanency hearing must be held within 30 days of the initial court findings and a finding that “reasonable efforts have been made to finalize the permanency plan”.

Reasonable Efforts to Finalize the Permanency Plan

- ▶ Within 12 months of the date the child is placed into foster care and not less frequently than every 12 months thereafter after a judicial finding is required that reasonable efforts have been made to finalize the permanency plan.

Reasonable Efforts to Finalize the Permanency Plan continued

- ▶ Any judicial determination that names the permanency goal and finds reasonable efforts were made to finalize the permanency goal meets this requirement and resets the 12 month periodicity time frame.
- ▶ These findings do not have to be made on anniversary dates but must be within 12 months

Reasonable Efforts to Finalize the Permanency Plan continued

- ▶ IV-E re-imbursability may be reinstated on the first day of the month in which the required judicial determination is made.
- ▶ Eligibility is based upon the one day one month rule.

Voluntary Relinquishment or TPR While in Care

- ▶ After parental rights are terminated, deprivation is permanently present for a IV-E eligible child while continuing in State custody.

Summary

- ▶ Initial Placement Order must contain best interests or contrary to the welfare language
- ▶ Within 60 Days court order with findings that reasonable efforts to prevent or reunify
- ▶ Within 12 months, court finding that reasonable efforts were made to finalize the permanency plan and 12 month periodicity there after