



# TITLE IV-E ELIGIBILITY REQUIREMENTS

## Foster Care Title IV-E Eligibility Requirements

To be eligible for foster care title IV-E assistance, a child:

- Must be in a licensed out-of-home placement due to abuse or neglect
- Removed from families considered “needy” based on 1996 Aid to Families with Dependent Children (AFDC) resource eligibility
- For a household of four, monthly gross income cannot exceed \$1,032
- Have entered foster care by way of a voluntary placement, voluntary relinquishment or through a court order sanctioning the removal and a judicial determination of remaining at home would be contrary to the child’s welfare and
- The state has made reasonable efforts to prevent removal from the home or due to the child’s circumstances no reasonable efforts could be made to prevent removal from the home.

To continue to access title IV-E funds after initial determination:

- Within 12 months after the date the child entered foster care, a judicial determination that the state has made reasonable efforts to finalize the permanency plan for the child and no less than every 12 months afterwards for the foster care episode.
- If a continuance of the hearing does not include the language that the state has made reasonable efforts to finalize the permanency plan, access to title IV-E funds is lost until the court issues a judicial determination and title IV-E funds cannot be claimed retroactively.
- Voluntary placement agreements must have a court order sanctioning the child's removal within 30 days.

## Title IV-E Eligibility Redetermination

Title IV-E eligibility is redetermined when:

- a change placement occurs; or
- When a court hearing is not done in a timely manner, the title IV-E funding for the child is interrupted.



### **Guardianship Assistance Title IV-E Eligibility Requirements:**

The child must have been in a licensed kinship foster care title IV-E eligible placement for at least six months preceding the guardianship agreement. The child must have been removed from families considered “needy” based on 1996 Aid to Families with Dependent Children (AFDC) resource eligibility.

- For a household of four, monthly gross income cannot exceed \$1,032

### **Adoption Assistance Title IV-E Eligibility Requirements:**

The Fostering Connections to Success and Increasing Adoptions Act of 2008 delinked eligibility for the title IV-E adoption assistance program from the Aid to Families with Dependent Children (AFDC) requirements. This was phased in between 2010 and 2018. In 2018 the Family First Prevention Services Act (FFPSA) delayed the Fostering Connections to Success and Increasing Adoptions Act for children under the age of two.

A child with special needs (as defined by each state) is title IV-E eligible if the child was two or older by the end of the federal fiscal year their adoption assistance agreement was entered into and

1. at the time of the initiation of the adoption proceedings, the child was in the care of a child placement agency by way of a voluntary placement, voluntary relinquishment, or a court-ordered removal with a judicial determination that remaining at home would be contrary to the child’s welfare,
2. meets the disability or medical requirements of the Supplemental Security Income (SSI) program,
3. was eligible for adoption assistance in a previous adoption in which the adoptive parents have died or had their parental rights terminated; and
4. the adoptive parents must meet the requirements of the Adam Walsh Child Protection and Safety Act of 2006 which are as follows:
  - a. Fingerprint-based checks of the national crime information databases for prospective adoptive parents, and
  - b. Checks of state child abuse and neglect registries in which the prospective adoptive parents and any other adults living in the home have resided in the preceding five years.

Beginning July 1, 2024, the title IV-E adoption assistance eligibility requirements apply to children of any age.

### *“Special Needs” Definition:*



The definition of a child with special needs is found in [42-10-103, MCA](#) which is defined as a child that is

1. diagnosed as having a physical, mental, or emotional disability,
2. recognized to be at high risk of developing a physical, mental, or emotional disability,
3. a member of a minority group,
4. six years of age or older; or
5. a member of a sibling group to be placed together for adoption.