



June 28, 2021

Family, Children and Adult Services Manual Transmittal Letter No. 463

TO: Family, Children and Adult Services Manual Holders

FROM: Matt Damschroder, Interim Director

SUBJECT: Amendment of Title IV-E Foster Care Maintenance Rules in Chapter 5101:2-47; 5101:2-47-01, 5101:2-47-09, 5101:2-47-12, 5101:47-13, 5101:2-47-14, 5101:2-47-15, 5101:2-47-16, 5101:2-47-19, 5101:2-47-20, 5101:2-47-21 and 5101:2-47-23 of the Administrative Code.

Background

In accordance with Public Law 115-123, Family First Prevention Services Act (FFPSA) made changes to title IV-B and IV-E of the Social Security Act, for a specific category of a non-foster family home setting, the Qualified residential treatment program (QRTP) placements. Rules have been amended to outline the eligibility and reimbursability requirements for foster care maintenance for a child placed into a QRTP. The rules have also been amended to include FFPSA changes to the eligibility requirement, “living with and removed from a specified relative within the last six months” when a child is removed from a parent and the child is living with a kinship caregiver. These rules will be effective October 1, 2021.

OAC 5101:2-47-01 entitled "**Administration of the Title IV-E Foster Care Maintenance Program.**" This rule sets forth the objectives, goals and responsibilities for the administration of the Title IV-E Foster Care Maintenance (FCM) program. Paragraph (D) added the reference to the QRTP rule 5101:2-47-21 and paragraph (G) added language regarding QRTP aftercare services. Revisions included minor changes to language to add clarity.

OAC 5101:2-47-09 entitled "**Case record requirements for foster care maintenance (FCM)**" sets forth the case record responsibilities for FCM. Paragraph (A) was amended by removing language regarding a hard copy being stored due to agencies utilizing Traverse for document imaging and SACWIS. The use of the Child Support form JFS 01435 was removed due to being automated in an interface between SETS/SACWIS.

OAC 5101:2-47-12 entitled "**Title IV-E Foster care maintenance (FCM): Initial determination of program eligibility and reimbursability**" outlines the requirements for determining FCM eligibility and reimbursement. Paragraph (C) was amended to add language to address the FFPSA changes to the eligibility requirement of “living with a specified relative within the last six months” for a child who is a candidate for FFPS and

in the home of a kinship caregiver at the time of the removal and the removal is from the parents. Revisions included minor changes to language to add clarity.

OAC 5101:2-47-13 entitled "**Title IV-E foster care maintenance (FCM) program eligibility: Legal responsibility requirements**" sets forth the legal responsibility requirements, including judicial determination of best interest and reasonable efforts, for FCM program eligibility. Paragraph (E)(1) was amended to add language to address the FFPSA changes to the eligibility requirement of "living with a specified relative within the last six months" for a child who is a candidate for Family First Prevention Services (FFPS) and in the home of a kinship caregiver at the time of the removal and the removal is from the parents. Revisions included minor changes to language to add clarity.

OAC 5101:2-47-14 entitled "**Title IV-E Foster care maintenance (FCM) program eligibility: ADC-relatedness**" outlines the aid to dependent children (ADC) program requirements for foster care maintenance. Paragraph (D) was amended to add language to address the FFPSA changes to the eligibility requirement of "living with a specified relative within the last six months" for a child who is a candidate for Family First Prevention Services (FFPS) and in the home of a kinship caregiver at the time of the removal and the removal is from the parents. Revisions included minor changes to language to add clarity.

OAC 5101:2-47-15 entitled "**Foster care maintenance program reimbursability: authorization for foster care maintenance and auxiliary payment reimbursements**" outlines the process to receive reimbursement for FCM, difficulty of care auxiliary reimbursements. Paragraph (E) was amended to include residential parenting facilities as a type of FCM reimbursable setting and minor edits to paragraph (J) for clarity.

OAC 5101:2-47-16 entitled "**Title IV-E foster care maintenance (FCM) program: Reimbursable placement settings.**" This rule outlines the requirements for placement settings that are eligible for foster care maintenance reimbursement. The rule has been amended to include a Qualified Residential Treatment Program (QRTP) as defined in rule 5101:2-9-42 of the Administrative Code. Paragraph (B) was amended to add clarity when a child is on a temporary leave from a foster home.

OAC 5101:2-47-19 entitled "**Foster care maintenance program reimbursability: Reimbursements, Graduation Expenses and Personal Incidentals.**" This rule outlines the requirements for reimbursements for graduation expenses and personal incidentals. The rule has been amended to include a Qualified Residential Treatment Program (QRTP) as defined in rule 5101:2-9-42 of the Administrative Code. Paragraph (D) added reference to rule 5101:2-47-10 which outlines the reimbursement for foster homes.

OAC 5101:2-47-20 entitled "**Title IV-E Foster care maintenance (FCM) program reimbursability: Supplemental reimbursement for the cost of care for the child of a Title IV-E recipient parent**" outlines the process to receive reimbursement for a child of a minor parent that is not in the custody of a Title IV-E agency. The rule has been amended to include a Qualified Residential Treatment Program (QRTP) as defined in rule 5101:2-9-42 of the Administrative Code. Paragraphs (A) and (E) were amended to add clarity.

OAC 5101:2-47-21 entitled "**Title IV-E Foster Care Maintenance (FCM) reimbursement for a child placed into a Qualified Residential Treatment Program (QRTP)**" outlines the reimbursement requirements for a child placed into a QRTP. The language in this rule mirrors language in other foster care maintenance eligibility rules, substitute care rule 5101:2-42-12 regarding the assessment and approval process, and the QRTP licensing rule 5101:2-9-42 which includes the requirements for six months of aftercare support.

OAC 5101:2-47-23 entitled "**Beginning date of reimbursability for Title IV-E foster care maintenance (FCM)**" outlines the requirements to begin reimbursement for FCM. Paragraph (A) was amended to add language to address the FFPSA changes to the eligibility requirement of "living with a specified relative within the last six months" for a child who is a candidate for Family First Prevention Services (FFPS) and in the home of a kinship caregiver at the time of the removal and the removal is from the parents.

INSTRUCTION:

The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT	
MANAGEMENT AND ADMINISTRATION	5101:2-47-01	5101:2-47-01	
	5101:2-47-09	5101:2-47-09	
	5101:2-47-12	5101:2-47-12	
	5101:2-47-13	5101:2-47-13	
	5101:2-47-14	5101:2-47-14	
	5101:2-47-15	5101:2-47-15	
	5101:2-47-16	5101:2-47-16	
	5101:2-47-19	5101:2-47-19	
	5101:2-47-20	5101:2-47-20	
			5101:2-47-21
		5101:2-47-23	5101:2-47-23
	TRANSMITTAL LETTERS		FCASMTL No. 463

5101:2-47-09

Case record requirements for Title IV-E foster care maintenance (FCM).

- (A) Each Title IV-E agency shall ~~maintain a separate case record containing~~ make available upon request documentation which supports the Title IV-E agency's actions in the entire process of determining a child's eligibility for FCM.
- (B) Each child's FCM eligibility documentation must include, but is not limited to:
- (1) A completed JFS 01452 "Title IV-E Foster Care Maintenance Application for Initial Eligibility" (~~rev. 12/2005~~) prior to 2010 or a copy of the eligibility determination in the statewide automated child welfare information system (SACWIS).
 - (2) For court-ordered removals, a copy of all court orders including, but not limited to:
 - (a) The complaint, petition, probation violation or motion filed for the purpose of removing a child.
 - (b) The removal order, "Ex Parte," warrant or pick-up order which led to the child's removal from a specified relative and placed into detention or substitute care. The order must contain a judicial determination to the effect that continuation in the home of a specified relative would be contrary to the welfare of the child.
 - (c) The initial court order of custody or commitment giving the Title IV-E agency legal responsibility for the care and placement.
 - (d) The adjudication order.
 - (e) The court order containing the reasonable efforts to prevent the removal as required in rule 5101:2-47-22 of the Administrative Code.
 - (f) The dispositional order.
 - (g) The court orders containing the court's determination of reasonable efforts to finalize the permanency plan as required in rule 5101:2-47-22 of the Administrative Code.
 - (3) If the child entered custody as a result of a JFS 01645 "Agreement for Temporary Custody of a Child" (~~rev. 4/2006~~) a copy of the JFS 01645 and a copy of any court approved JFS 01645 thirty day extensions evidencing the court's determination that placement is in the best interest of the child, as applicable.

- (4) If the child entered custody as a result of a JFS 01666 "Permanent Surrender of Child" (~~rev. 10/2013~~) a copy of the JFS 01666 and a copy of the court order received within one hundred eighty days from the date of placement evidencing the court's determination that placement is in the best interest of the child and that reasonable efforts were made, as applicable.
 - (5) Documentation of citizenship and immigration status for all children in foster care regardless of whether FCM payments are made on their behalf pursuant to rule 5101:2-33-29 of the Administrative Code.
 - (6) Documentation of the verification used to meet all of the FCM eligibility requirements described in Chapter 5101:2-47 of the Administrative Code.
 - (7) A copy of the Title IV-E agency's notification to the county department of job and family services (CDJFS) Title IV-A unit of a child entering custody if not processed through SACWIS.
 - ~~(8) A copy of the Title IV-E agency's JFS 01435 "Title IV-E Agency Application Update for Child Support Services" (rev. 4/2006) for a child entering custody.~~
 - ~~(9)~~(8) Copies of the ODM 06612 "Health Insurance Information Sheet" (~~rev. 9/2016~~), as applicable.
 - ~~(10)~~(9) Copies of the ODM 06613 "Accident/Injury Insurance Information" (~~rev. 12/2016~~), as applicable.
 - ~~(11)~~(10) A copy of the ODM 03528 "Healthcheck and Pregnancy Related Services Information Sheet" (~~rev. 1/2015~~).
- (C) FCM program reimbursability documentation must include, but is not limited to:
- (1) The receipt of supplemental security income (SSI) during the FCM claim period.
 - (2) Documentation of the child's income.
 - (3) A copy of each approval, license, certification, as applicable, for the child's placement during the time FCM reimbursements were made for the child.
 - (4) Documentation for difficulty of care payments:
 - (a) The degree of difficulty of care and supervision required by the special, exceptional or intensive needs child.

- (b) The qualification of and degree of care and supervision provided by the substitute caregiver.
 - (c) Agency-specific emergency foster home criteria.
 - (5) A copy of documentation evidencing repayment of any identified FCM overpayment.
 - (6) A copy of documentation used to receive reimbursements for clothing, personal incidentals and graduation expenses.
- (D) Case records may be maintained as hard copy files, electronic files or as a combination of both. If an electronic copy is kept, upon request a hard copy of the file must be made available for audit purposes.
- (E) Each case record prepared and maintained must be kept permanently and may be integrated into the child's case record pursuant to rule 5101:2-33-23 of the Administrative Code once the child is no longer in the legal responsibility for the care and placement/custody of the Title IV-E agency.

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5101:2-47-12

Title IV-E foster care maintenance (FCM): Initial determination of program eligibility and reimbursability.

- (A) The FCM initial program eligibility shall be determined in the statewide automated child welfare information system (SACWIS) by the Title IV-E agency representative within sixty days of the time the agency receives legal responsibility for the care and placement/custody of the child. If the eligibility determination was made in error the FCM eligibility determination can be corrected.
- (B) FCM program eligibility ~~may be determined~~ remains for a child for whom the responsibility for care and placement/custody has been transferred from another public or private agency to the Title IV-E agency. FCM program eligibility shall be determined once per removal episode based on the original court order which removed the child from a specified relative.
- (C) A child shall be considered FCM program eligible if, at the time the child enters care:
- (1) The Title IV-E agency has legal responsibility for the care and placement/custody of the child as described in rule 5101:2-47-13 of the Administrative Code; and
 - (2) The child met the aid to dependent children (ADC)-relatedness requirements as described in rule 5101:2-47-14 of the Administrative Code ~~unless the child's placement is with a parent in a substance use disorder (SUD) residential facility, as defined in rule 5101:2-1-01 of the Administrative Code, in which case ADC-relatedness is not required.~~ except when:
 - (a) A child's placement is with a parent in a substance use disorder (SUD) residential facility, as defined in rule 5101:2-1-01 of the Administrative Code, in which case ADC-relatedness is not required.
 - (b) A child who is a candidate for Title IV-E prevention services as described in rule 5101:2-45-02 of the Administrative Code is in the home of a kinship caregiver, as defined in rule 5101.85 of the Revised Code, for more than six-months, the ADC requirement of living with a specified relative within the last six months is not required.
- (D) A Title IV-E agency may complete a FCM eligibility determination in SACWIS later than sixty days of the child's entry into the legal responsibility ~~of~~ for the care and placement/custody of the agency if the Title IV-E agency documents that there were extenuating circumstances preventing completion within the sixty day period.
- (E) Once FCM initial eligibility is established, the child remains program eligible for the entire custody episode through the end of the month of the child's eighteenth birthday. The following exceptions may occur:

- (1) FCM eligibility may continue beyond his or her eighteenth birthday if there is documentation from the educational provider that the child is a full-time student reasonably expected to complete high school or equivalent level of vocational or technical training prior to his or her nineteenth birthday.
 - (2) If the child, who was placed with a parent in a SUD residential facility, is no longer placed with the parent and is in any other placement type, eligibility that excluded ADC-relatedness shall be reviewed for continuing eligibility.
- (F) The child is no longer program eligible for FCM when any of the following occur:
- (1) At the end of the month of the child's eighteenth birthday except as stated in paragraph (E) of this rule.
 - (2) The child entered care as a result of a JFS 01645 "Agreement for Temporary Custody of Child" (~~rev. 4/2006~~) pursuant to rules 5101:2-42-06 and 5101:2-42-08 of the Administrative Code and the agency failed to acquire a best interest statement in accordance with rules 5101:2-42-08 and 5101:2-47-13 of the Administrative Code from the juvenile court. Eligibility ends at the end of the thirtieth day of the executed JFS 01645.
 - (3) The child entered care as a result of a JFS 01666 "Permanent Surrender of Child" (~~rev. 10/2013~~) pursuant to rules 5101:2-42-09 and 5101:2-47-13 of the Administrative Code and the agency failed to acquire a judicial determination of best interest and reasonable efforts in accordance with rules 5101:2-39-01, 5101:2-47-13 and 5101:2-47-22 of the Administrative Code. Eligibility ends at the end of the one hundred eightieth day of the executed JFS 01666.
 - (4) The Title IV-E agency's legal responsibility for the child ends. Eligibility ends at the end of the day legal responsibility ends. Any subsequent removal of the child from his home constitutes a new removal episode and will require a new program eligibility determination in accordance with this rule.
 - (5) The child is no longer placed with a parent in a SUD residential facility, unless the child meets the ADC-relatedness eligibility criteria.
 - (6) The child dies. Eligibility ends on the date of death.
- (G) A new FCM eligibility determination in SACWIS shall be completed when any of the following occur:
- (1) The Title IV-E agency's responsibility for the child terminates and the child reenters care through court action or via a JFS 01645 or a JFS 01666 at a later date.

- (2) A trial home visit exceeds six months and has not been authorized by the court, or exceeds the time period the court has deemed appropriate and the child is subsequently returned to foster care. The month the child is returned to foster care is the month in which eligibility shall be determined.
 - (3) A child who was initially determined ineligible based on not meeting ADC-relatedness and is now placed with a parent in SUD residential facility becomes program eligible by excluding the ADC-~~relatedness~~ relatedness factors.
- (H) FCM initial program reimbursability shall be determined for a child who is FCM program eligible at the time the child entered care. A FCM program eligible child shall be reimbursable when both of the following apply:
- (1) The child's countable income is less than the cost of care paid by the agency.
 - (2) The child is placed in a setting which is licensed, certified or approved, by ODJFS or another state agency with such authority as outlined in rule 5101:2-47-16 of the Administrative Code.
- (I) The child is no longer program reimbursable for FCM when any of the following occur:
- (1) Reasonable efforts to finalize the permanency plan are not met in accordance with rule 5101:2-47-22 of the Administrative Code.
 - (2) The child is not placed in a setting that is licensed, certified or approved, as outlined in rule 5101:2-47-16 of the Administrative Code.
- (J) If a child is eligible for both supplemental security income (SSI) and FCM benefits, the Title IV-E agency may choose to do one of the following based on the child's cost of care:
- (1) Receive both benefits concurrently. If the Title IV-E agency chooses to receive both benefits, the FCM payment (including both non-federal and federal dollars) is considered income for the determination of SSI eligibility and reduces the amount of the SSI payment dollar for dollar. If the FCM payment is in excess of the SSI payment, the child will not receive a SSI payment.
 - (2) The Title IV-E agency may pay for the placement cost with local (non-federal) dollars, which are not considered income for SSI eligibility, and receive the SSI benefit for reimbursement of the placement cost.
- (K) If the child receives any type of income or resources while in the legal responsibility of care and placement /custody of a Title IV-E agency, that income or resource shall be entered into SACWIS.

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5101:2-47-13

**Title IV-E foster care maintenance (FCM) program eligibility:
Legal responsibility requirements.**

- (A) "Legal responsibility" means that for the care of the child under the FCM program, the Title IV-E agency has legal responsibility for the care and placement/custody of the child. This can be established through a court order, a JFS 01645 "Agreement for Temporary Custody of Child" or a JFS 01666 "Permanent Surrender of Child."
- (B) If legal responsibility is established through court action, the Title IV-E agency must obtain from the appropriate juvenile court an order:
- (1) Removing the child from the home of a specified relative as defined in rule 5101:2-47-14 of the Administrative Code; ~~and or~~
 - (2) Removing the child, who is a candidate for Title IV-E prevention services, from a parent(s) showing the child has been living with a kinship caregiver, as defined in section 5101.85 of the Revised Code, for more than six months prior to the removal.
 - ~~(2) Showing the agency to be responsible for the child's care and placement/custody. The court order may be one of the following:~~
 - ~~(a) An ex parte emergency court order as defined in rule 5101:2-1-01 of the Administrative Code.~~
 - ~~(b) Temporary custody as defined in rule 5101:2-1-01 of the Administrative Code.~~
 - ~~(c) Permanent custody as defined in rule 5101:2-1-01 of the Administrative Code.~~
 - ~~(d) A planned permanent living arrangement order as defined in rule 5101:2-1-01 of the Administrative Code.~~
- (C) The court order giving the agency legal responsibility for the child's care and placement/custody may be one of the following:
- (1) An ex parte emergency court order as defined in rule 5101:2-1-01 of the Administrative Code.
 - (2) Temporary custody as defined in rule 5101:2-1-01 of the Administrative Code.
 - (3) Permanent custody as defined in rule 5101:2-1-01 of the Administrative Code.

(4) A planned permanent living arrangement order as defined in rule 5101:2-1-01 of the Administrative Code.

~~(C)~~(D) If the Title IV-E agency's legal responsibility for care and placement/custody is obtained by a court order, the order leading to the removal of the child from the home of a specified relative must contain a judicial determination to the effect that continuation in the home would be contrary to the welfare, or that the placement is in the best interest of the child. ~~If one of these statements is not obtained, the child will not be FCM program eligible or reimbursable for this custody episode. In situations where a child is in a detention facility at the time the legal responsibility is directly ordered to the Title IV-E agency, the court order placing the child into detention will serve as the initial court order that removed the child from the specified relative.~~

(E) In situations where a child is in a detention facility at the time the legal responsibility is directly ordered to the Title IV-E agency that begins the removal episode, the court order placing the child into detention or the warrant will serve as the initial court order that removed the child from the specified relative.

(F) If the judicial determination that continuation in the home would be contrary to the welfare, or that the placement is in the best interest of the child is not obtained, the child will not be FCM program eligible or reimbursable for this custody episode.

~~(D)~~(G) If the Title IV-E agency's responsibility for care and placement/custody is obtained by a court order, a judicial determination of reasonable efforts, as described in rule 5101:2-47-22 of the Administrative Code, by a juvenile court of competent jurisdiction shall be obtained no later than sixty days from the date the child is removed from the home of a specified relative. If this determination is not obtained by the sixtieth day, the child will not be FCM program eligible or reimbursable for this custody episode.

~~(E)~~(H) For all children who entered care as the result of a JFS 01645, the JFS 01645 must be executed in accordance with rules 5101:2-42-06 and 5101:2-42-08 of the Administrative Code. A judicial determination specifying that the placement is in the best interest of the child must be obtained when the Title IV-E agency requests an original thirty-day extension of the JFS 01645 pursuant to rule 5101:2-42-08 of the Administrative Code. If the best interest judicial determination is not obtained when an original thirty-day extension is requested, the child will not be FCM program eligible or reimbursable after thirty days, unless prior to the thirty days elapsing the Title IV-E agency obtains the following:

- (1) A court order for care and placement/custody. Under this circumstance the agency must obtain the best interest determination in the court order giving continued custody to the agency.

(2) A JFS 01666. Under this circumstance, the signed, court approved JFS 01666 must contain the best interest determination.

~~(F)~~(I) A JFS 01666 signed by the parent(s) is acceptable as a voluntary placement agreement for FCM program eligibility purposes if it is the event which initially leads to the Title IV-E agency having legal responsibility for the child's care and placement/custody. In such cases, by the one hundred eightieth day from the date of placement, the Title IV-E agency must:

(1) Petition the court for a judicial determination to the effect that continuation in the home of the specified relative is contrary to the welfare or that the placement is in the best interest of the child; and

(2) Obtain the judicial determination of reasonable efforts, as described in rule 5101:2-47-22 of the Administrative Code.

~~(G)~~(J) The judicial determinations required in this rule must be explicitly documented and made on a case by case basis and so stated in the court order. If the reasonable efforts or contrary to the welfare judicial determinations are not included as required in the court order, a transcript of the court proceedings is the only other documentation that will be accepted to verify that these required determinations have been made. An affidavit, amendment or a nunc pro tunc order will not be accepted as verification documentation of these judicial determinations.

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5101:2-47-14

Title IV-E foster care maintenance (FCM) program eligibility: ADC-relatedness.

- (A) In order to meet FCM initial program eligibility, the child must have a relatedness to the aid to dependent children (ADC) program authorized under Title IV-A of the Social Security Act as of July 16, 1996. Each ADC eligibility criteria must be met in the month of, but prior to the child's removal from the home including the date of removal. All applicable ADC eligibility requirements found in the appendix to rule 5101:2-47-14.1 of the Administrative Code shall be applied when determining eligibility for ADC. Attempts must be made to verify all Title IV-E program eligibility requirements. Such attempts must be documented in the child's Title IV-E case record. In situations in which no information is available, eligibility cannot be established.
- (B) The "eligibility month" means:
- (1) The month during which a JFS 01645 "Agreement for Temporary Custody of Child" (~~rev. 4/2006~~) is executed in accordance with rule 5101:2-42-06 of the Administrative Code.
 - (2) The month during which a JFS 01666 "Permanent Surrender" (~~rev. 10/2013~~) is executed in accordance with rule 5101:2-42-09 of the Administrative Code.
 - (3) The month during which the public children services agency (PCSA) or a public entity with whom the Ohio department of job and family services (ODJFS) has a Title IV-E interagency agreement in effect:
 - (a) Files a petition for ~~custody or~~ the legal responsibility for care and placement/ custody of the child which eventually leads to a court ordered removal of the child, or
 - (b) The month in which the court orders the commitment of the child to the Title IV-E agency, or
 - (c) The month in which the child is placed in detention, whichever occurs first.
 - (4) The month the child enters custody is not necessarily the same as the eligibility month.
- (C) The specified relative from which the child was removed is the household which must be examined when determining ADC-relatedness. For purposes of FCM, "removal of the child from the specified relative," as used in paragraph (E) of this rule, means:
- (1) A judicial order for a physical or constructive removal (non-physical, paper removal) of the child from the specified relative has been issued.

- (2) An executed JFS 01645 or JFS 01666 has been entered into which leads to a physical or constructive removal of the child from the specified relative.
- (D) A removal has not occurred in situations where legal custody has been removed from the specified relative and the child remains with the same relative.
- (E) The circumstances which determine ADC eligibility include all of the following:
- (1) Living with a specified relative.
- (a) For purposes of meeting the requirements for living with a specified relative prior to the removal as described in paragraph (C) of this rule, one of the following must apply.
- (i) The child was living with the specified relative and was ADC-related in that household in the eligibility month as defined in paragraph (B) of this rule.
- (ii) The child had been living with the specified relative within six months of the eligibility month, as defined in paragraph (B) of this rule, and would have met the requirements of paragraphs (E)(2) to (E)(5) of this rule in the eligibility month if the child had continued to reside with the specified relative.
- (iii) The ADC requirement of living with a specified relative within the last six months does not apply to a child who is a candidate for Title IV-E prevention services as described in rule 5101:2-45-02 of the Administrative Code and is in the home of a kinship caregiver, as defined in section 5101.85 of the Revised Code.
- (b) The "specified relative," as defined in appendix A of rule 5101:2-47-14.1 of the Administrative Code is a blood relative, including those of half blood, who may be one of the following:
- (i) Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, nephew, niece, half brother, half sister, first cousin, first cousin once removed, or any person of preceding generation denoted by prefix of "grand," "great-grand," "great," "great-great," and "great-great-great."
- (ii) Any person who legally adopted the child or adopted the child's parent, or the natural children or other adopted children of such person.

- (iii) Married spouse of any person named above, even though the marriage had been terminated by death or divorce.
- (iv) Paternal relatives of an out-of-wedlock child are relatives for ADC purposes, provided that the father meets one of the definitions of a parent.

(2) Age

A child is ADC eligible through the month of his or her eighteenth birthday. The following requirements apply for other circumstances:

- (a) A child may remain eligible for ADC beyond his or her eighteenth birthday only if the child is a full-time student reasonably expected to complete a secondary school program or the equivalent of vocational or technical training prior to his or her nineteenth birthday.

A child who will be nineteen the same month in which the child completes the secondary school program or equivalent, is eligible for ADC through that month.

- (b) A child who completes high school prior to his or her eighteenth birthday and is attending college or college-level vocational or technical training is eligible for ADC through the month of his or her eighteenth birthday.
- (c) A child who is not reasonably expected to complete high school or the equivalent training prior to his or her nineteenth birthday is ineligible for ADC the month following the month of his or her eighteenth birthday.
- (d) A child who is eighteen and has completed high school and is now enrolled in a technical program that can be completed before age nineteen is not eligible for ADC.
- (e) In cases where the year and the month in which the child was born can be established, but not the exact day, the first of the month is to be used as the child's birthday.

(3) Deprivation

In the eligibility month, but prior to the child's removal from the home, the child must be deprived of the support of one or both parents as a result of one of the following:

- (a) Death.

- (b) Incapacity.
 - (c) Continued absence from the removal home.
 - (d) Unemployment of the principal wage-earning parent.
- (4) Need
- (a) In the eligibility month, but prior to the child's removal from the specified relative, the income available to the child must be less than the state of Ohio's one hundred eighty-five per cent and the one hundred per cent standard of need for ADC eligibility, in effect on July 16, 1996.
 - (b) In the eligibility month, but prior to the child's removal from the specified relative, the income and resources of the standard filing unit (SFU) as defined in rule 5101:2-47-14.1 of the Administrative Code must be considered in the needs determination.
 - (c) In the eligibility month, but prior to the child's removal from the specified relative, under constructive removal situations, the income and resources of the SFU as defined in rule 5101:2-47-14.1 of the Administrative Code must be considered in the needs determination. The household of the parent or other specified relative that the child is constructively removed from shall be the household in which the SFU will be established.
 - (d) In the eligibility month, but prior to the child's removal from the specified relative, the resources available to the SFU shall not exceed ten thousand dollars.
 - (i) The ten thousand dollar resource limit does not include:
 - (a) Homestead property which is the usual residence of the assistance group.
 - (b) One motor vehicle, the value of which does not exceed one thousand five hundred dollars with consideration of liens or encumbrances. Any excess value over the limit is applied to the overall resource limit.
 - (c) Items or personal property owned by the members of the SFU that are considered as household goods and personal effects.

- (d) The resources of an SSI recipient and the resources of an individual for whom federal, state or local foster care maintenance (FCM) payments are made.
- (e) Funeral arrangements valued at one thousand five hundred dollars or less for each member of the SFU. Equity value for funeral arrangements that exceed the limit shall be counted toward the overall resource limit.
- (f) One burial space for each member of the SFU.
- (g) Bona fide loans from any source.
- (h) Educational grants and scholarships from any source for undergraduate and graduate college expenses.
- (i) Payments received by individuals of Japanese ancestry under section 105 of Public Law 100-383, and payments received by Aleuts under section 206 of Public Law 100-383(1988).
- (j) Payments received under the provisions of the Agent Orange Compensation Exclusion Act of 1989 (Public Law 101-201).
- (k) Earned income tax credit (EITC) payments in the form of a refund of "federal" income taxes or in the form of an advance payment by an employer must be disregarded in the month and the month following the receipt of such payment.
- (l) The resources of an individual on whose behalf federal, state or local FCM payments are made.
- (m) Payments received under the provisions of the Radiation Exposure Compensation Act of 1990 (Public Law 101-246).
- (n) Payments received under the provisions of the Maine Indian Claims Settlement Act of 1980 (Public Law 96-240).
- (o) Payments received under the provisions of Aroostook Band of Micmacs Act of 1991 (Public Law 102-171).
- (p) Payments received under the provisions of the Child Care and development Block Grant (Section 5082 of Public Law 101-508)(1990).

(*q*) Escrow accounts established and credited as the direct result of the SFU's involvement in the family self-sufficiency program. These escrow accounts are only considered available when the SFU is no longer receiving any federal, state, or other public assistance for housing.

(*r*) Payments received under the provisions of the Seneca Nation Settlement Act of 1990 (Public Law 101-503).

(5) The ten-thousand dollar resource limit includes but is not limited to:

- (a) The equity value of real property not used as the residence of the SFU, assessed according to its equity value. Any income received from income-producing property is counted as income to the case.
- (b) The equity value of any burial spaces in excess of one per person.
- (c) The cash value of life insurance policies.
- (d) Household goods and personal effects not considered as exempt resources.
- (e) The amount of cash on hand.
- (f) The current savings and checking account balances.
- (g) The value of any stocks, bonds and trust accounts.
- (h) The value of revocable funeral agreements.
- (i) The value of all vehicles available to the SFU.

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06/23/2018

5101:2-47-15 **Foster care maintenance program reimbursability: authorization for foster care maintenance and auxiliary payment reimbursements.**

- (A) Foster care maintenance (FCM) reimbursements for children placed in licensed or certified placement settings as defined in rule 5101:2-47-16 of the Administrative Code must be authorized in the statewide automated child welfare information system (SACWIS). The reimbursement shall be in the form of a warrant made to the Title IV-E agency having legal responsibility for the care and placement/custody of the child.
- (B) Any change or discontinuation of reimbursement made for a child placed in substitute care, as a result of a change in the child's circumstances, must be made in SACWIS as soon as the Title IV-E agency becomes aware of the change.
- (C) FCM difficulty of care reimbursement for special needs, exceptional needs, intensive needs, and children placed in emergency foster homes as described in rule 5101:2-47-18 of the Administrative Code must be authorized through SACWIS.
- (D) Expenses for foster home, emergency foster home, clothing, difficulty of care, graduation, personal incidentals, medical card issuance, and reimbursable employment-related child care as outlined in rules 5101:2-47-17, 5101:2-47-18, and 5101:2-47-19 of the Administrative Code, for children placed in foster homes, including relative homes or prefinalized adoptive homes that are licensed foster homes, shall be authorized as auxiliary payments through SACWIS.
- (E) Expenses for clothing, graduation and personal incidentals, as described in rule 5101:2-47-19 of the Administrative Code will be reimbursed as auxiliary payments through SACWIS; for children placed in children's residential centers, group homes, purchased foster homes, residential parenting facilities, ~~or maternity homes~~ a substance use disorder (SUD) residential facility or a qualified residential treatment program (QRTP) as described in rule 5101:2-47-11 of the Administrative Code. ~~will be reimbursed as auxiliary payments through SACWIS.~~
- (F) An underpayment for FCM occurs when the eligible Title IV-E agency does not receive a reimbursement to which it is entitled or receives less than the amount to which it is entitled.
- (G) The Title IV-E agency shall take immediate action to adjust the underpayment through SACWIS as soon as information is received that affects reimbursement for FCM effective on the actual day of the month the underpayment occurred.
- (H) An overpayment occurs when a Title IV-E agency receives a reimbursement or an amount of reimbursement to which it is not entitled.

- (I) An overpayment for FCM can occur as a result of either of the following reasons:
- (1) The reimbursement made was in excess of the allowable amount; or
 - (2) The child for whom an FCM reimbursement was made was not eligible for such reimbursement during the month for which reimbursement was made.
- (J) The Title IV-E agency is responsible for reviewing, at the request of Ohio department of job and family services (ODJFS), reimbursement records for Title IV-E cases to determine if an overpayment has occurred.
- (K) The Title IV-E agency shall take immediate action to terminate or adjust the overpayment as soon as information is received that affects reimbursement for FCM effective on the actual day of the month the overpayment occurred.
- (L) A copy of the documentation evidencing repayment of any identified Title IV-E FCM overpayment must be retained in the Title IV-E case record.
- (M) Any adverse action taken regarding the financial status of a FCM case must be made according to the provisions set forth in Chapters 5101:6-1 to 5101:6-9 and rule 5101:6-3-01 of the Administrative Code.

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**Title IV-E foster care maintenance (FCM) program:
Reimbursable placement settings.**

(A) FCM reimbursements may be claimed if the FCM eligible child is placed in one of the following placement settings which is licensed, certified or approved, as appropriate, by the Ohio department of job and family services (ODJFS) or another state agency with such licensure, certification or approval authority:

(1) Foster home, including a relative home licensed as a foster home or a pre-adoptive licensed foster home in which the child continues to receive FCM reimbursements. FCM reimbursements may be claimed from the date the foster home or relative home licensed as a foster home or pre-adoptive licensed foster home satisfies all of the requirements for certification to the date on which the certificate is actually issued, not to exceed sixty days.

(2) Private nonprofit, private for-profit or public group home. As long as the child was placed into the group home was prior to October 1, 2021. Reimbursement ends upon discharge after October 1, 2021. Reimbursement is available for children placed into a group home after October 1, 2021 for up to fourteen days while the placement setting is working towards becoming a qualified residential treatment program (QRTP).

~~(3) Private nonprofit or private for-profit maternity home.~~

~~(4) Public maternity home which accommodates no more than twenty-five children.~~

~~(5)~~(3) Private nonprofit or private for-profit children's residential center (CRC). As long as the child was placed into the CRC prior to October 1, 2021. Reimbursement ends upon discharge after October 1, 2021. Reimbursement is available for children placed into a CRC after October 1, 2021 for up to fourteen days while the setting is working towards becoming a QRTP.

~~(6)~~(4) Public CRC which accommodates no more than twenty-five children. As long as the child was placed into the CRC prior to October 1, 2021. Reimbursement ends upon discharge after October 1, 2021. Reimbursement is available for children placed into a CRC after October 1, 2021 for up to fourteen days while the setting is working towards becoming a QRTP.

~~(7) Residential parenting facility. If the residential parenting facility is a public facility, the facility shall accommodate no more than twenty-five children.~~

~~(8)~~(5) Private foster care from a private child placing agency (PCPA), private noncustodial agency (PNA) or another public children services agency (PCSA).

~~(9)(6)~~ With a parent in a substance use disorder (SUD) residential facility, as defined in rule 5101:2-1-01 of the Administrative Code.

~~(10)(7)~~ Qualified residential treatment program (QRTP), as defined in rule 5101:2-9-42 of the ~~Administrative~~ Administrative Code. A public QRTP cannot accommodate more than twenty-five children.

~~(11) On leave from a family foster home; when a child is temporarily placed into another family foster home at the same level of care as the current family foster home for more than twenty-four hours but for no more than fourteen days, and the child returns to the original family foster home by the end of the fourteenth day. For each leave from a family foster home, the child shall return to the original family foster home prior to beginning another leave to be eligible for FCM reimbursement.~~

(B) A child may be on a temporary leave from a foster home to another foster home without constituting a move, when all of the following are met:

(1) The foster home is licensed at the same level of care as the current foster home.

(2) The temporary leave is more than twenty-four hours but for no more than fourteen days.

(3) The child returns to the original foster home by the end of the fourteenth day.

(4) The child may be in only one temporary leave type during a fourteen day period to be reimbursable without returning to the original foster home before beginning another temporary leave.

(5) A child on leave longer than fourteen days will constitute as a placement move.

~~(B)(C)~~ FCM reimbursement may be claimed for payments made to the provider to hold a bed if the following are met:

(1) The child shall be physically placed into the setting prior to the leave.

(2) The bed shall be available while being held for the child's return.

(3) The leave does not exceed fourteen calendar days.

(4) The child returns to the same placement as he or she was placed into prior to the leave.

(5) The child shall be in one of the following types of leave:

- (a) Absence without leave (AWOL).
- (b) Hospital.
- (c) Trial home visit (for the purpose of reunification).
- (d) Parental, relative or non-relative visit ~~(for purpose of reunification)~~.
- (e) Camp (eg. boy/girl scout camp, 4H camp, band camp, church camp, sports camp).
- (f) Vacation (child only).

~~(C)~~(D) Reimbursable placement facilities located outside of Ohio are limited to the types of homes and ~~institutions~~ a QRTP described in paragraph (A) of this rule which are licensed, certified or approved by the agency responsible for the licensing, certification or approval of such facilities in the state where the placement facility is located. Placements outside of Ohio must be made in accordance with rules contained in Chapter 5101:2-52 of the Administrative Code.

~~(D)~~(E) Children who are otherwise FCM program eligible are not program reimbursable during their period of residence in the following placement settings or placement categories:

- (1) Court-ordered placements with a specific foster care provider. This does not include a court-ordered placement where the Title IV-E court has legal responsibility for the care and placement of the child or a court-ordered placement where the court followed or considered the recommendation of the Title IV-E agency for placement and was so noted in the court order.
- (2) Detention facilities, forestry camps, training schools, or other locked facilities operated primarily for the detention of children who are determined to be delinquent.
- (3) AWOL, hospital or leave except as described in paragraph (B) of this rule.
- (4) A home or facility including a pre-adoptive home not licensed, approved or certified or a pre-adoptive home licensed as a foster home in which the child does not continue to receive Title IV-E FCM payments.
- (5) A relative home neither licensed, certified or approved nor in the process of licensure, certification or approval as a foster home.

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Title IV-E foster care maintenance (FCM) program reimbursability: payments, reimbursements, graduation expenses and personal incidentals.

- (A) Minimum and maximum FCM reimbursement ceiling rates for foster homes, including emergency placements and for supplemental special, exceptional and intensive needs per diems are located in a "Family, Children and Adult Services Procedure Letter" found at <http://emanuals.jfs.ohio.gov> published once a year.
- (B) Minimum and maximum reimbursement ceiling rates for clothing, personal incidentals and graduation expenses located in a "Family, Children and Adult Services Procedure Letter" found at <http://emanuals.jfs.ohio.gov> published once a year. Auxiliary payments for clothing, personal incidentals and graduation expenses cannot exceed the maximum reimbursement ceiling rates.
- (C) Per diem reimbursement for children's residential centers, group homes, ~~maternity homes~~, residential parenting facilities, and purchased foster care homes, substance use disorder (SUD) residential facility or qualified residential treatment program (QRTP) is outlined in rule 5101:2-47-11 of the Administrative Code.
- (D) Per diem reimbursement for purchased foster care homes is outlined in rule 5101:2-47-10 of the Administrative Code.
- ~~(D)~~(E) Supplemental per diems related to difficulty of care are outlined in rule 5101:2-47-18 of the Administrative Code.
- ~~(E)~~(F) Clothing expenses include clothing purchased during the first sixty days of initial substitute care placement as well as ongoing clothing needs as a result of growth, seasonal changes, or attrition.
- ~~(F)~~(G) Graduation expenses are limited to those expenses directly related to the high school graduation events including, but not limited to, class rings, pictures, cap and gown cost, tuxedos, or prom gowns.
- ~~(G)~~(H) Personal incidentals include, but are not limited to:
- (1) Items related to personal hygiene.
 - (2) Cosmetics.
 - (3) Over-the-counter medications.
 - (4) Special dietary foods.
 - (5) Infant and toddler supplies (e.g., high chairs, diapers).

(6) Fees related to activities (e.g., boy/girl scouts, camp, sports, school trips).

(7) Special lessons (e.g., horseback riding, sports, music).

(8) Graduation fees (high school only).

~~(H)~~(I) Payments for clothing, graduation expenses or personal incidentals made by the Title IV-E agency to the substitute care provider providing children's residential center, group home, ~~maternity home, or~~ residential parenting facility or a Q RTP services may be included in the per diem payment as agreed upon in accordance with rule 5101:2-47-23.1 of the Administrative Code. The Title IV-E FCM reimbursement for a child, including the maintenance payment, clothing, graduation expenses and personal incidentals shall not exceed the current per diem reimbursement ceiling established for the substitute care provider from the single cost report filed in accordance with rule 5101:2-47-26.2 of the Administrative Code.

~~(H)~~(J) Reimbursements made under this rule shall be claimed pursuant to rule 5101:2-47-15 of the Administrative Code and reimbursed at the same rate as Title IV-E FCM reimbursements provided such payments are equally available to a non-Title IV-E child as well as to a Title IV-E child. Reimbursements may be authorized for each child for whom Title IV-E FCM reimbursements are being made.

~~(H)~~(K) Documentation of such payments shall be entered into SACWIS and receipts or invoices for the payment shall be made available upon request.

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Title IV-E foster care maintenance (FCM) program reimbursability: Supplemental reimbursements for the cost of care for the child of a ~~Title IV-E recipient~~ minor parent.

- (A) For purposes of this rule, a minor parent in substitute care who is program reimbursable for FCM will be referred to as the "parent," and the child(ren) of this parent will be referred to as the "child."
- (B) A Title IV-E agency need not assume custody of the child of a ~~FCM recipient~~ parent solely for the purpose of receipt of FCM funds to provide for the child's cost of care.
- (C) The cost of care for ~~the~~ a child residing with ~~his/her~~ a parent in a foster home, ~~or~~ residential parenting facility or qualified residential treatment program (QRTP) as described in rule 5101:2-47-11 of the Administrative Code must be included as a supplemental payment to the FCM reimbursement made on behalf of ~~his/her~~ the parent. The child is also eligible for medical services under Title XIX and social services under Title XX.
- (D) If the parent and child no longer reside together in the same foster home, ~~or~~ residential parenting facility or QRTP as described in rule 5101:2-47-11 of the Administrative Code, the cost of care of the child can no longer be included as a supplemental payment to the FCM reimbursement made on behalf of his/her parent.
- (E) For the child to remain in a foster home, the Title IV-E agency must take action to remove the child from the parent. The child's FCM eligibility must be determined based on removal from the parent and his/her parent's current circumstances.
- (F) A child whose cost of care is included as a supplemental payment to the FCM reimbursement made on behalf of ~~his/her~~ the parent based on paragraph (C) of this rule, shall not be included in the count of children in substitute care reported on the 04281 "Children Services Quarterly Statistical Report" in the statewide automated child welfare information system (SACWIS). The child shall be included in the occupancy limitations specified in rules 5101:2-1-01 and 5101:2-5-32 of the Administrative Code.

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Title IV-E foster care maintenance (FCM) reimbursement for a child placed into a qualified residential treatment program (ORTP).

(A) FCM reimbursement begins the actual date of the child's placement in a ORTP, if the child meets all program eligibility and reimbursement criteria in the same month. If the eligibility requirements are not met in the same month, FCM reimbursement may go back to the first day of the month when all eligibility requirements are met.

(B) FCM reimbursement is contingent upon satisfaction of all of the following:

(1) The Title IV-E agency has legal responsibility for the care and placement/custody of the child as described in rule 5101:2-47-13 of the Administrative Code.

(2) Meet the requirements in accordance with rule 5101:2-42-12 of the Administrative Code.

(3) Meet the reasonable efforts requirement that a judicial determination for a court-ordered removal as described in rule 5101:2-47-22 of the Administrative Code, has been obtained.

(4) The child meets the ADC-relatedness requirements as described in rule 5101:2-47-14 of the Administrative Code.

(5) The facility meets the ORTP requirements as described in rule 5101:2-9-42 of the Administrative Code.

(6) A qualified individual, who is a trained professional or licensed clinician that is not an employee of the Title IV-E agency responsible for the placement decision and not connected to or affiliated with any placement setting in which children are placed, is to assess a child placed in a ORTP within thirty-days of the start of each placement as described in rule 5101:2-42-12 of the Administrative Code.

(7) The qualified individual may conduct this assessment prior to the placement in the ORTP, but is to be completed no later than the end of the thirty-day period.

(8) The requirements in rules 5101:2-47-11 and 5101:2-47-11.1 of the Administrative Code, as applicable. Any child placed prior to October 1, 2021 in a residential facility that is not certified as a ORTP is reimbursable until the child is discharged through October 1, 2024.

(C) When a child is placed into a ORTP for less than thirty-days and an assessment has not been completed, the Title IV-E agency may claim FCM for the first fourteen-days of the ORTP placement, regardless of whether the child has had previous placements during the child's foster care episode.

(D) If the assessment is not completed by the thirtieth day of the placement, the Title IV-E agency cannot claim FCM reimbursement for the entirety of the ORTP placement, including the first fourteen-days.

(E) Within sixty-days of the start of each Title IV-E eligible child's placement into the ORTP, the Title IV-E agency is to confirm that the juvenile court:

(1) Considers the assessment, determination, and documentation made by the qualified individual conducting the assessment outlined in paragraph (B) of this rule.

(2) Determined whether the needs of the child can be met through placement in a foster home, or, if not, whether the placement of the child in a ORTP provides the most effective and appropriate level of care for the child in the least restrictive environment and whether that placement is consistent with the short and long-term goals for the child, as specified in the permanency plan.

(3) Approves or disapproves of the placement of the child into a ORTP.

(F) If the court does not approve the placement within the sixty-day timeframe, the Title IV-E agency may only claim FCM for the first sixty-days of the placement in the ORTP.

(G) The Title IV-E agency may claim FCM to transition a child from the ORTP to the next placement or permanent home up to thirty-days after one of following:

(1) The assessment described in paragraph (C) of this rule determines that the ORTP is not appropriate.

(2) A court disapproves such a placement under paragraph (F) of this rule.

(3) A determination is made that a child in an approved ORTP placement is going to return home or be placed with fit and willing relative(s), a legal guardian(s), or an adoptive parent(s), or in a foster family home.

(H) For every ORTP the child is placed in for more than twelve consecutive months or eighteen nonconsecutive months or, in the case of a child who has not attained age thirteen, for more than six consecutive or nonconsecutive months, the Title IV-E agency is to maintain the following:

(1) Documentation submitted at every case review or permanency hearing regarding the child's case plan that supports a continued ORTP placement.

- (2) The signed approval of the Title IV-E agency director for the continued placement of the child in the QRTP pursuant to rule 5101:2-42-12 of the Administrative Code.
- (I) Title IV-E agencies may also claim administrative costs during the twelve month period for the administration of the Title IV-E program, which includes such things as case management as long as they meet the requirements pursuant to rule 5101:2-42-12 of the Administrative Code.
- (J) Title IV-E agencies may claim administrative costs for the duration of the placement in the QRTP regardless of whether the requirements pursuant to rule 5101:2-42-12 of the Administrative Code are met. These include only administrative costs for the administration of the Title IV-E program, and not the costs of the administration and operation of the QRTP.
- (K) If the requirements in rule 5101:2-42-12 of the Administrative Code are not met, the Title IV-E agency may only claim placement administrative costs as defined in 45 C.F.R. 1356.60 (6/2016) for the administration of the Title IV-E program, and not the costs for the administration and operation of the QRTP. Administration and operation costs are only allowable when a Title IV-E FCM is provided for the child in the QRTP.
- (L) A QRTP is to provide family-based aftercare support to any child placed into a QRTP for more than fourteen days if the child, even if the youth reaches the age of majority, is discharged to any family-based setting including those listed in rule 5101:2-9-42 of the Administrative Code.
- (M) A QRTP may provide aftercare services when the permanency planning team, which includes the youth and family agrees to the aftercare services as part of the discharge planning pursuant to rules 5101:2-9-42 and 5101:2-42-12 of the Administrative Code.
- (N) QRTP aftercare support/services as listed on the "schedule B" in the appendix to the "agreement for Title IV-E agencies for the provision of non-placement services" in the statewide automated child welfare information system (SACWIS) may be reimbursed through medicaid, private insurance or paid by the IV-E agency as part of the "schedule B." A child may become eligible for medicaid or other insurance after services begin.
- (O) A child who is discharged from a QRTP may be determined by the IV-E agency to be a candidate for family first prevention services (FFPS) as outlined in Chapter 5101:2-45 of the Administrative Code.
- (P) Each Title IV-E agency is to enter all cases in (SACWIS) including documentation pertaining to the aftercare support/services being provided to the child.

(Q) Each QRTP is to enter all cases in Ohio residential treatment information system (RTIS) including documentation pertaining to the aftercare support/services being provided to the child.

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5101:2-47-23

Beginning date of reimbursability for the Title IV-E foster care maintenance (FCM).

- (A) The beginning date of reimbursability for FCM shall be no earlier than the date of the foster care placement. Reimbursement may begin the actual date of the child's placement, if the child meets all program eligibility and reimbursement criteria. Reimbursability may go back to the first day of the month that all eligibility requirements are met, if they were not met in the month that the child is initially placed. Reimbursement is contingent upon satisfaction of all of the following:
- (1) The Title IV-E agency has legal responsibility for the care and placement/custody of the child as described in rule 5101:2-47-13 of the Administrative Code.
 - (2) The child meets the ADC-relatedness requirements as described in rule 5101:2-47-14 of the Administrative Code unless the child is placed with a parent in a substance use disorder (SUD) residential facility, as defined in rule 5101:2-1-01 of the Administrative Code or the child is a candidate for Title IV-E family first prevention services (FFPS) and was residing with a kinship caregiver as described in rule 5101:2-47-12 of the Administrative Code.
 - (3) Reasonable efforts judicial determination for a ~~court-ordered~~ court-ordered removal as described in rule 5101:2-47-22 of the Administrative Code, has been obtained. Program reimbursability may go back to the first day of the month in which the reasonable efforts judicial determination was obtained as long as all other requirements of Chapter 5101:2-47 of the Administrative Code are met.
 - (4) The child continues to meet the age requirement as described in rule 5101:2-47-14 of the Administrative Code.
 - (5) The child is placed in a reimbursable placement facility as described in rule 5101:2-47-16 of the Administrative Code.
- (B) Reimbursability for FCM payments for children placed in children's residential centers, group homes, residential parenting facilities, ~~maternity homes,~~ a qualified residential treatment program (QRTP) or SUD residential ~~facilities~~ facility may begin the actual date of the child's placement in an eligible placement facility, with an approved Title IV-E rate ceiling, if the child meets all program eligibility and reimbursement criteria. A child placed in a children's residential facility that is not a QRTP prior to October 1, 2021 will remain reimbursable until the child is discharged.

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5101:2-47-01

Administration of the Title IV-E foster care maintenance ~~FCM~~ (FCM) program.

(A) The primary objectives of the FCM program are:

- (1) To reduce the number of children removed and placed in substitute care.
- (2) To improve the quality of care provided to children placed in substitute care.
- (3) To return children from substitute care to their own homes as soon as possible.
- (4) To facilitate the adoption of or other permanent placement for those children who cannot return to their own homes.

(B) The Ohio department of job and family services (ODJFS) is committed to ensuring the maximum number of children receiving assistance under the FCM program at any time, who will remain in foster care after having been in such care for more than twenty-four months, is no more than twenty per cent of the total number of children who are reported in foster care during the preceding calendar year.

- (1) The total number of children who are in foster care shall be determined from data collected by ODJFS in accordance with 45 C.F.R. 1355.40 (~~12/2016~~).
- (2) This goal will be achieved by periodic monitoring and evaluation by ODJFS of Title IV-E agency case records and reports, with full realization no child eligible to receive assistance under the requirements of the Title IV-E program may be denied assistance on the basis of this goal.

(C) The Title IV-E agency is responsible for the administration of the FCM program. The Title IV-E agency may claim administrative expenditures for reimbursement only if FCM is a direct responsibility of the Title IV-E agency. The Title IV-E agency having responsibility for the placement and care/custody of the child shall:

- (1) Ensure the proper administration of funds, allocated or reimbursed.
- (2) Determine eligibility for FCM program services.
- (3) Maintain a separate FCM case record for each program eligible child in the legal responsibility of the Title IV-E agency.
- (4) Assure that each child who has attained the minimum age for compulsory school attendance receiving FCM reimbursement is a full-time elementary or secondary school student. Full-time elementary or secondary school attendance includes the following:

- (a) A child is enrolled, or in the process of enrolling in an institution providing elementary or secondary education.
 - (b) A child is instructed in elementary or secondary education at home in accordance with the home school law of the state where the home is located.
 - (c) A child in an independent study elementary or secondary education program in accordance with the law of the state where the program is located, which is administered by the local school or school district.
 - (d) A child is incapable of attending school on a full-time basis due to the medical condition of the child, and the incapability is supported by regularly updated information in the case plan of the child.
- (5) Facilitate service planning and provision of services under the FCM program. Service planning and provision of services shall include but are not limited to:
- (a) Placement prevention efforts.
 - (b) Determining the appropriateness of placement.
 - (c) Ensuring all procedural safeguards are provided.
 - (d) Case management.
 - (e) Family reunification efforts.
 - (f) Providing support to the child's caregivers.
 - (g) Discharge planning.
 - (h) Independent living.
 - (i) Referral to other programs as required or necessary, which include, but are not limited to supplemental security income (SSI), Title IV-D, Ohio works first, Title XIX (medicaid) and Title XX (social services block grant).
- (D) Program eligibility and program reimbursability shall be concurrently achieved before FCM reimbursement for a child may be issued.
- (1) "Program eligible" means both:

- (a) The child met the ADC-relatedness standards, in effect on July 16, 1996 when he or she entered placement, as required in rules 5101:2-47-12, 5101:2-47-14 and 5101:2-47-14.1 of the Administrative Code.
 - (b) The Title IV-E agency is legally responsible for the child's care in accordance with rule 5101:2-47-13 of the Administrative Code.
- (2) "Program reimbursable" means federal financial participation (FFP) is available for a child meeting the requirements set forth in rules 5101:2-47-13, 5101:2-47-16, 5101:2-47-21 and 5101:2-47-22 of the Administrative Code.
- (E) Reimbursements for FCM shall be at the current rate of federal financial participation (FFP). The Title IV-E agency is responsible for the nonfederal share of all basic FCM payments made by the agency. Local or state funds may be used as the agency's match for the nonfederal share. FFP is available for a portion of the maintenance costs of program eligible and reimbursable children placed in substitute care.
- (F) Maintenance costs include the following:
- (1) Food.
 - (2) Clothing.
 - (3) Shelter.
 - (4) Daily supervision.
 - (5) School supplies.
 - (6) Personal incidentals.
 - (7) Liability insurance with respect to the child.
 - (8) Reasonable cost of travel for the child's visitation with family or other caregivers.
 - (9) Reasonable cost of travel for the child to remain in the school the child was enrolled prior to placement in foster care.
 - (10) In the case of residential facility care, the reasonable costs of administration and operation of such facility as are necessary and required to provide the maintenance costs.
- (G) The Title IV-E agency is responsible for the nonfederal share of certain medicaid administrative costs for children in ~~its~~ its care and Title IV-E administrative and training costs.

- (1) Title IV-E administrative costs are subject to the requirements of rule 5101:9-6-28 of the Administrative Code. Administrative costs charged to Title IV-E shall not be charged concurrently to another federal program. Reimbursement shall be at the prevailing FFP.
- (2) FFP is available for a portion of the administrative costs associated with program eligible and reimbursable children placed in substitute care.
- (3) For six-months of aftercare services when a child is discharged from a qualified residential treatment program (ORTP) as described in rule 5101:2-47-21 of the Administrative Code.
- ~~(3)~~(4) Administration costs include the following:
 - (a) Overhead costs associated with administering the Title IV-E program.
 - (b) The costs of providing case management.
 - (c) The costs of travel for the child's judicial or case review.
- ~~(4)~~(5) To claim reimbursement for Title IV-E administrative costs, each Title IV-E agency shall participate in the social service random moment sample (SSRMS) and child welfare random moment sample (CWRMS) time studies as described in rule 5101:9-7-20 of the Administrative Code.
- (H) Training costs are chargeable to Title IV-E. Training shall be related to child welfare services and charged in proportion to the percentage of Title IV-E eligible children. Reimbursement for training costs will be at the prevailing FFP. Training costs include:
 - (1) Salary.
 - (2) Travel to training.
 - (3) Per diem.
 - (4) Costs associated with a worker engaged in or preparing for training, either as a trainer for other agency staff or a trainee.
- (I) A child receiving FCM reimbursements is eligible for Title XIX and Title XX services in the state he or she resides, regardless of whether it is the same state making the FCM reimbursement.

- (J) A child for whom an FCM reimbursement is received shall be placed in the least restrictive, most family-like setting available and in close proximity to the parental home, consistent with the best interests and special needs of the child.
- (K) The Title IV-E agency shall submit the following information to ODJFS:
- (1) The "Children Services Statistical Report" in the statewide automated child welfare information system (SACWIS).
 - (2) The JFS 02820 "Children Services Quarterly Financial Statement" ~~(rev. 10/2011)~~ and if applicable, a JFS 02827 "CFIS Local Agency Quarterly Financial Statement" ~~(rev. 10/2011)~~.
- (L) If the Title IV-E agency fails to comply with paragraphs (G), (H) and (K) of this rule, then compensation for Title IV-E administrative and training reimbursement will be decreased or delayed.
- (M) The Title IV-E agency should review/update in the statewide automated child welfare information system (SACWIS) for all foster care maintenance per diems by the end of the state fiscal year (June thirtieth). The data in SACWIS will be considered in establishing statewide foster care maintenance reimbursement ceilings and maximums effective the beginning of the following federal fiscal year (FFY) which begins on October first each year.
- (N) Cost reporting and reimbursement procedures contained in Chapters 5101:9-7 and 5101:2-47 of the Administrative Code shall apply with regard to the Title IV-E program. Expenditures are subject to audit and audit findings. Findings due to agency error will result in recovery of funds against the agency.
- (O) The JFS 02911 "Title IV-E Single Cost Report" ~~(rev. 8/2018)~~ is subject to audit and audit findings whether submitted by public or private agencies. Any overpayment or underpayment of federal funds to the Title IV-E agency due to adjustments of cost report amounts as a result of an audit, shall be recovered or paid to the Title IV-E agency utilizing the public or private agency's services.

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