

## Chapter 6

## EXTENDED FOSTER CARE

6-1. Overview. In 2008, the Fostering Connections to Success and Increasing Adoptions Act (/P.L. 110-351) allowed states to receive federal Title IV-E reimbursement for costs associated with supports for young adults to remain in foster care up to age 21. Florida has offered Extended Foster Care (EFC) services for young adults, age 18-21, funded by state funds (general revenue). As of January 2019, Florida has elected to exercise the option afforded in the Social Security Act to utilize Title IV-E funds to provide foster care services for eligible young adults up to 21 years of age. To be eligible for the program, young adults are required to meet Title IV-E eligibility criteria along with state option requirements (s. [39.6251](#), F.S., and Chapter [65C-41](#), F.A.C.).

a. A young adult's participation in the EFC program may be funded through Title IV-E federal financial participation or state funding through general revenue.

b. Participation in the EFC program authorizes a young adult to receive various program benefits such as foster care maintenance payment, Medicaid, judicial oversight, and case management services.

c. The following sections of this operating procedure apply to young adults participating in the EFC program: Chapter 4, sections 4-3, 4-4, 4-5, 4-6, 4-8, 4-10, 4-13, Attachment 1, Attachment 5, and Attachment 7.

6-2. Program Requirements. The Extended Foster Care program is intended to serve young adults as defined in s. [39.6251](#), F.S. In order for a young adult to participate in EFC, the following requirements must be met:

a. Been in the legal custody of the Department on the date of their 18<sup>th</sup> birthday, has not achieved permanency under s. [39.621](#), F.S., and has not reached the age of 21.

b. Ongoing participation in a qualifying activity. Qualifying activities are as follows:

(1) Completing secondary education or a program leading to an equivalent credential;

(2) Enrolled in an institution that provides postsecondary or vocational education;

(3) Participating in a program or activity designed to promote or eliminate barriers to employment;

(4) Employed for at least 80 hours per month; or

(5) Unable to participate in programs or activities listed in paragraphs (1)-(4) full time due to a physical, intellectual, emotional, or psychiatric condition that limits participation. Any such barrier to participation must be supported by documentation in the young adult's case file or school or medical records of a physical, intellectual, or psychiatric condition that impairs the young adult's ability to perform one or more life activities.

c. Reside in a supervised living arrangement approved by the Department or CBC. A supervised living arrangement may include a foster home, group home, college dormitory, shared housing, apartment, or another housing arrangement if the arrangement is approved by the CBC and is acceptable to the young adult.

d. Participation by young adult in case management and judicial proceedings.

6-3. Program Entry. Per s. [39.6251](#), F.S., a child living in licensed care on his or her 18<sup>th</sup> birthday is automatically opted into the EFC program and remains under the jurisdiction of the court and in the care of the department. If a young adult opts out of the EFC program or is involuntarily terminated, he or she may apply for readmission prior to turning age 21. For re-entry, the young adult and a Department representative must execute an Extended Foster Care Voluntary Placement Agreement (EFC VPA) (form CF-FSP [5377](#), available in DCF Forms), pursuant to s. [39.6251](#), F.S. If the signing occurred on different dates, the date of the final signature is the date of the agreement and the date of removal/entry into EFC.

6-4. Program Funding. Title IV-E federal financial participation is the preferred funding source; therefore, a Title IV-E eligibility determination must be completed for all young adults entering the program. If a young adult is determined not to meet Title IV-E requirements, the young adult's participation in EFC will be state funded. There are two paths to determine Title IV-E eligibility for EFC; the path is determined by the entry method of the young adult into the program.

a. A young adult who exercises the option to remain in foster care, immediately upon turning 18, retains their Title IV-E eligibility status which was made at the time the young adult entered foster care as a child. Therefore, if a child was determined Title IV-E Ineligible for the latest removal episode prior to turning 18, the young adult's EFC eligibility will remain Title IV-E Ineligible. A subsequent Title IV-E Eligibility Determination shall not be completed. A young adult's entry into foster care as a child must have met the requirements outlined in Chapter 4 of this operating procedure regarding Title IV-E eligibility.

b. A young adult who applies to re-enter EFC, after a voluntary opt-out or involuntary termination, must have a Title IV-E EFC Eligibility determination completed based on the circumstances at the time of the removal/re-entry into care as a young adult pursuant to the EFC VPA.

6-5. Title IV-E Eligibility Determination. Upon execution of an EFC Voluntary Placement Agreement (form CF-FSP [5377](#)) for a young adult's re-entry into EFC, a Title IV-E EFC Eligibility Determination must be completed in FSFN within 30 calendar days. Title IV-E EFC eligibility consists of federal Title IV-E and AFDC technical and financial, criteria according to the Title IV-A State Plan in effect on July 16, 1996. The AFDC determination is made without regard to the parent(s)/legal guardian(s) or others in the assistance unit in the home from which the young adult was removed as a younger child, and without regard to the young adult's spouse. To claim Title IV-E funding, the young adult must be determined Title IV-E Eligible, Reimbursable.

a. Title IV-E EFC VPA Requirements.

(1) Age. The young adult must have reached the age of 18, but not yet attained 21 years of age.

(2) Placement and Care Responsibility. The young adult must be in foster care under the placement and care responsibility of the Title IV-E agency.

(a) The EFC VPA authorizes the Department to have placement and care responsibility for the young adult in the EFC program.

(b) The young adult is Title IV-E, Not Reimbursable for any month in which the Department does not have placement and care responsibility.

(3) Best Interest Judicial Finding. Within 180 days of a young adult's entry into foster care pursuant to an EFC VPA, a judicial determination to the effect that such placement is in the best interest of the young adult is required in order for the young adult to be eligible for continued Title IV-E

funding. If the finding is not made within 180 days, the young adult is Title IV-E Ineligible as of the 181<sup>st</sup> day and for the remainder of the foster care episode.

(4) Supervised Independent Living Setting. A young adult must reside in a supervised living arrangement that is approved by the CBC and acceptable to the young adult. The young adult is Title IV-E, Not Reimbursable if not living in an approved supervised living setting.

b. AFDC Technical Requirements. A young adult is Title IV-E Ineligible for the entire foster care episode if any of the AFDC requirements are not met.

(1) Citizenship or Qualified Non-Citizen Status. A young adult must be:

(a) A United States citizen; or,

(b) A qualified non-citizen as defined by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), P.L. 104-193. Under Section 431 of PRWORA, a qualified non-citizen's access to federal public benefits is restricted for five years beginning on the date of entry into the United States, unless subsection (b), (c), or (d) of Section 431 applies. Under PRWORA, a qualified non-citizen is:

1. An alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);

2. An alien granted asylum under section 208 of INA;

3. A refugee admitted to the United States under section 207 of INA;

4. An alien paroled into the United States under section 212(d)(5) of INA for a period of at least one year;

5. An alien whose deportation is being withheld under section 243(h) of INA;

6. An alien granted conditional entry under section 203(a)(7) of INA as in effect prior to April 1, 1980;

7. If the child is a qualified alien who is placed with a qualified alien or United States citizen, the date the child entered the United States is irrelevant and the five-year restriction on federal public benefits does not apply; or,

8. If the child is a qualified alien who entered the United States on or after August 22, 1996, and is placed with an unqualified alien, the child would be subject to the five-year residency requirement for federal public benefits under section 403(a) of PRWORA unless the child is in one of the excepted groups.

(2) Living With/Removed from Home of a Specific Relative. A young adult is considered to be his or her own specified relative, thus meeting the requirement described in section 472(a) of the Act.

(3) Deprivation. A young adult is deemed to be deprived as long as the young adult is not residing with his or her natural or adoptive parent(s).

c. Standard Filing Unit (SFU).

(1) For Title IV-E EFC Eligibility, the SFU consists of the young adult only. The SFU size correlates to the CNS amount that is used in the income limit tests.

SFU Size	1
185% Income Limit	\$1194
100% Income Limit	\$645

(2) If the young adult is a recipient of Supplemental Security Income (SSI), he or she shall be excluded from the SFU and all income and resources are excluded from the income and asset limit calculations.

d. AFDC Financial Requirements. A young adult is Title IV-E Ineligible for the entire foster care episode if any of the AFDC requirements are not met.

(1) Income Limit. This requirement is a two-step process based on the income of the young adult. This determination is calculated by FSN based on the entries made in the FSN Assets and Employment module.

(a) Step One of the Income Test – Gross Income Limitation. Determine if the SFU’s gross countable income is less than 185% of the consolidated need standard (CNS), after applying appropriate disregards. If the SFU’s adjusted gross income is more than 185% of the CNS, the young adult would have been ineligible for AFDC and, thus, is not eligible for Title IV-E. If the SFU’s adjusted gross income does not exceed 185% of the CNS, proceed to the second step.

(b) Step Two of the Income Test – Determination of Need. Compare SFU’s countable income, after applying further appropriate disregards, to 100% of the CNS. If the SFU’s income is in excess of 100% of the CNS, the young adult would not have been eligible for AFDC and, thus, is not eligible for Title IV-E. If the SFU’s adjusted gross income does not exceed 100%, the young adult is Title IV-E eligible.

(2) Asset Limit. The young adult must not have combined assets/resources in excess of \$10,000, after applying appropriate disregards.

6-6. Title IV-E Ongoing Eligibility.

a. Reasonable Efforts to Finalize Permanency Plan. For court-ordered entry into foster care, to continue reimbursable status of Title IV-E eligibility, there must be a judicial finding that reasonable efforts were made to finalize the permanency plan (REFPP) every 12 months. The judicial finding shall be based on the permanency plan that is in effect. For young adults, this may include activities outlined in the young adult’s transition and/or case plan that are intended to prepare the young adult for independence.

(1) For a young adult who remained in foster care continuously upon turning 18 years old, the 12-month timeframe is based upon the last finding prior to the young adult turning 18 years old. Subsequent REFPP judicial findings must be made no later than 12 months from the preceding finding as long as the young adult remains in extended foster care.

(2) Failure to obtain the initial and subsequent judicial findings, as prescribed above, results in the foster care maintenance payment being non-reimbursable for federal financial participation. Title IV-E reimbursement may resume for the month in which the REFPP finding is made.

b. Placement and Care Responsibility. For young adults who remain in foster care continuously via a court order, the court order shall provide the Department with placement and care responsibility.

The young adult is Title IV-E, Not Reimbursable for any month in which the Department does not have placement and care responsibility.

6-7. Termination of Eligibility. A young adult's eligibility continues until one of the following occurs:

- a. Young adult turns 21 years old;
- b. Young adult voluntarily opts out; or,
- c. Young adult is involuntarily terminated.

6-8. Children of Young Adults. Section 475(4)(B) of the Act requires that foster care maintenance payments for a young adult in foster care cover the foster care maintenance costs for the young adult's child if that child is placed with the young adult in the same supervised independent living setting. Further, consistent with section 472(h)(2) of the Act, a child of the young adult in foster care whose costs are covered by the Title IV-E foster care maintenance payment is categorically eligible for the Title XIX Medicaid program.

6-9. Dual Eligibility – Determining Title IV-E Eligibility When a Young Adult Receives Third Party Benefits.

a. A young adult may receive SSA, Veteran's Administration (VA) benefits, or Railroad Retirement (RR) benefits and be determined Title IV-E, Reimbursable. Such benefits shall be considered countable unearned income in a Title IV-E eligibility determination. The young adult's cost of care may be shared between Title IV-E and the federal benefit received and should be pursued when appropriate.

b. A young adult may receive SSI and be determined Title IV-E, Non-Reimbursable. Such benefit is not considered countable income. Cost sharing between the Social Security Administration and Title IV-E is not an option. The state of Florida elects to claim the federal benefit through the Social Security Administration, thus resulting in the cost of care not being reimbursable under Title IV-E.

6-10. FSFN Documentation.

a. Initial Title IV-E EFC Eligibility Determination for Re-Entry.

(1) An initial Title IV-E EFC eligibility determination shall be completed in FSFN within 30 calendar days of the young adult re-entering the EFC program. The appropriate modules of FSFN must be completed for the young adult.

(2) The Title IV-E EFC Eligibility Determination module for a voluntary removal is automatically generated upon the approval of an out-of-home placement with a service category type of Independent Living. The following data must be entered in FSFN for the young adult before working on the Title IV-E EFC Eligibility Determination:

(a) Person Management must document citizenship status and date of birth;

(b) Assets and Employment module must document all income (earned and unearned) and assets/resources for the AFDC eligibility month (at a minimum) for which FSFN provides as an option;

1. The Eff. Start Date and the Effective From must reflect the date in which the first payment was received and the Eff. End Date and Effective To dates must reflect the date

in which the last payment was received. Employment earned twice a month shall be entered as the 1<sup>st</sup> and 15<sup>th</sup> or 15<sup>th</sup> and last day of the month.

2. All known data for the income or asset type must be entered into FSFN. At a minimum, the fields which capture the start date, end date (if applicable), and, as applicable, income, monthly amount, amount, value, estimated value, amount owed, frequency, and number of hours per week are required.

3. Revenue maximization staff shall upload financial documentation supporting the assistance group, removal home, and AFDC factors to the FSFN File Cabinet under the relevant Image Category and Image Type. Then, link the documents to the IV-E Eligibility Determination using the Link Income/Asset Verification or Link Legal Document hyperlink. If documents are not linked to the IV-E Eligibility Determination, the Eligibility Notes must indicate the source and location of supporting documentation.

(c) Education Record, if applicable;

(d) Upload, as a Legal Document, the court order containing Best Interest finding, if determination has been made; and,

(e) The “Do not refer to Child Support Enforcement” checkbox must be marked and the Reason value of “Not Applicable – Young Adult” selected.

b. Ongoing Title IV-E Eligibility Determination for Voluntary Removal. For a young adult who is determined Title IV-E eligible, ongoing eligibility requirements must be documented in FSFN within 30 calendar days of the event.

(1) Best Interest. If a judicial finding that it is in the young adult’s best interest to remain in foster care has not been made by the time the Initial Title IV-E EFC Eligibility Determination was completed, a Redetermination must be completed to document when the Best Interest finding was made or after the 180-day period has lapsed, whichever occurs first. If the Best Interest finding is not made, a young adult becomes Title IV-E Ineligible for the remainder of the removal episode on the 181<sup>st</sup> day from entry into care.

(2) Change in SSI. If a change in the SSI benefit occurs, such as approval or termination of benefits, for a Title IV-E eligible young adult, the FSFN Assets and Employment module must be updated and a Redetermination completed in FSFN to accurately document the change in Title IV-E reimbursability. For benefit amount changes, the Eff. End Date and Eff. Start Date for the Unearned Income entry should be the same date in the month the change was effective.

c. Ongoing Title IV-E Eligibility Determination for Court-Ordered Removal. For a young adult who was determined Title IV-E eligible as a child, ongoing eligibility requirements must be documented in FSFN within 30 calendar days of the event. The following events must be documented on the Redetermination tab of the Title IV-E Eligibility Determination module in FSFN:

(1) Reasonable Efforts to Finalize Permanency Plan (REFPP).

(a) A Redetermination must be completed to document the REFPP judicial finding 12-month requirement. The court order containing the finding must be linked to the Redetermination entry in FSFN. The effective date of the Redetermination should reflect the date of the REFPP judicial finding. The young adult remains Title IV-E Eligible, Reimbursable as long as the young adult is otherwise Title IV-E Eligible, Reimbursable.

(b) If the REFPP judicial finding is not obtained within the 12-month timeframe, based on the month of the last REFPP judicial finding, a Redetermination is completed to reflect the young adult as Title IV-E Eligible, Not Reimbursable effective on the first day of the 13<sup>th</sup> month.

(c) A Redetermination is completed with an effective date on the first day of the month in which the REFPP judicial finding is made to regain Reimbursable status, as long as the young adult is otherwise Title IV-E Eligible, Reimbursable.

(2) Change in SSI. If a change in the SSI benefit occurs, such as approval or termination of benefits, for a Title IV-E eligible young adult, the FSFN Assets and Employment module must be updated and a Redetermination completed in FSFN to accurately document the change in Title IV-E reimbursability. For benefit amount changes, the Eff. End Date and Eff. Start Date for the Unearned Income entry should be the same date in the month the change was effective.