

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES  
BISMARCK, NORTH DAKOTA  
APRIL 10, 2018**

**PI 18-09**

**TO:** Regional Supervisors  
County Social Services  
Division of Juvenile Services  
Tribal Social Services  
PATH

**FROM:** Deb Lachenmeier, Title IV-E Eligibility Specialist

**SUBJECT:** Chapter 623-05  
Reimbursability Requirements  
Ongoing Reimbursability

**PROGRAMS:** Foster Care

**EFFECTIVE:** April 1, 2018

**RETENTION:** Until Manualized

NDDHS Children and Family Services revised the foster care initial and ongoing reimbursability requirement sections of Manual Chapter 623-05. Policy has been updated and clarifying language has been added to two sections of the manual.

In January 2017, ND allowed eligibility to be determined so long as a judicial determination of reasonable efforts to prevent removal is obtained within sixty days of removal. The sixty day allowance applies to **eligibility only** and **not reimbursability** of a foster care case. ND law requires contrary to the welfare and reasonable efforts judicial determinations in the initial court order; however the absence of reasonable efforts to prevent removal does not stop the ability to determine foster care eligibility per federal regulation.

If you have any questions or need technical assistance, please contact Deb Lachenmeier at 701-328-1710. Thank you

### ~~Payment Eligibility Requirements 623-05-15-40~~

~~Foster care payment is available to any foster child under 21 years of age who:~~  
~~1. Is determined eligible based on the AFDC eligibility criteria;~~  
~~2. Is under the custody of a public agency, and~~  
~~3. Resides with a licensed provider.~~

### **Reimbursability Requirements 623-05-15-40 (all updated)**

Foster care payments are available to any foster child under 21 years of age who:

1. Is determined eligible based on the AFDC eligibility criteria,
2. Is under the care and control of a public agency with placement authorization,
3. Is placed with a fully licensed provider,
4. Is removed from the home as a result of contrary to the welfare and the court made a judicial determination in the initial order, and
5. The court made a judicial determination of reasonable efforts to prevent removal from the home or the reasonable efforts were not required.

NOTE: Policy allows sixty days to obtain the reasonable efforts judicial determination for eligibility purposes. However, reimbursement cannot begin until the first day of the month in which the reasonable efforts to prevent removal judicial determination is obtained. Lastly, the judicial determination must be obtained within sixty days for the entire foster care episode to remain eligible for reimbursement.

No foster care reimbursement can be made on behalf of any case until all of the above requirements are met.

### **Ongoing Reimbursability 623-05-20-65**

Ongoing foster care maintenance payments require:

1. A current court order, containing judicial determinations of "contrary to the welfare" and "reasonable efforts to prevent removal or return the child home" and timely judicial determination that the agency has made "reasonable effort to finalize the permanency plan".
2. A current provider license, Placement with a fully licensed provider
3. An approved care plan (FC Child & Family Team meetings), and
4. A current group home approval for placements that require prior approval (Ex: Therapeutic foster care, group home, or RCCF placements).