

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
BISMARCK, NORTH DAKOTA**

August 30, 2019

PI 19-18

TO: County Social Services
Regional Supervisors
Division of Juvenile Services
Tribal Social Services
PATH-North Dakota

FROM: Kelsey Bless, Permanency Administrator

SUBJECT: **18+ Continued Care**

PROGRAMS: Permanency Planning: 624-05-23
Foster Care Eligibility: 447-10-52 (New Section) and 447-10-70-25
Foster Care Maintenance: Revised Sections 623-05-15-40 and 623-05-25, New Section 623-05-20-33
Updated State Forms <https://www.nd.gov/eforms>

- [SFN 60](#) "18+ Continued Foster Care Agreement"
- [SFN 1612](#) "Foster Care Verification"
- [SFN 494](#) "Foster Care Youth Transition Checklist"
- [SFN 45](#) "Notice of Change"
- [SFN 869](#) "Title IV-E Initial Eligibility"
- [SFN 870](#) "Title IV-E 18+ Continued Care Eligibility"
- [SFN 873](#) "Title IV-E Income Calculation Worksheet"

RETENTION: Until manualized

EFFECTIVE: **September 1, 2019**

Children and Family Services removed 18+ Continued Care program payment and eligibility information from the 624-05 Permanency Chapter and placed relevant detail into the 447-10 Foster Eligibility Chapter and 623-05 Maintenance Chapter where it is more applicable for policy interpretation.

North Dakota has received federal approval to expand criteria to determine eligibility for children who are not Title IV-E eligible prior to aging out of foster care. Effective September 1, 2019, a non-IV-E eligible child aging out of foster care must be discharged from foster care and the foster care episode closed. The day following the child's 18th birthday or expiration date of the court order custody, they would be eligible to return to 18+ Continued Care if desired. They will be required to complete an [SFN 641](#) Title IV-E Title XIX Application to determine their eligibility. The new eligibility determination may result in the child meeting the Title IV-E requirements.

Questions regarding policy changes; contact Kelsey Bless kmbless@nd.gov or 701-328-3581 or Deb Lachenmeier dlachenmeier@nd.gov or 701-328-1710.

- Note: The 624-05-03 section was revised in full and will be replaced.
- Attached: 18+ Brochure (no changes required)

18+ Continued Care 624-05-23

A child in 18+ Continued Care is still considered to be a “child” for the purposes of foster care as noted in [NDCC 27-20](#). The child is considered an adult in all other systems; therefore, relevant releases of information are needed.

Program Qualifications

18+ Continued Care is available to eligible foster care children up to the age of 21 if the child meets certain criteria. 18+ child must:

1. Have aged out of foster care while under a valid court order granted to a North Dakota public agency; County Social Services, Department of Human Services, Tribal Social Services and the Division of Juvenile Services (DJS).
2. Not have obtained the age of 21.
3. Need continued foster care services.
4. Qualify in at least one of the participation categories.
5. Sign the 18+ Continued Foster Care Agreement ([SFN 60](#)).
6. Return to foster care within six months of their last discharge date.

The length of time that a child is in foster care does not determine their eligibility for 18+ Continued Care.

A child, who ages out of foster care under the custody of another state, is not eligible for North Dakota 18+ Continued Care even if they move to North Dakota. Interstate Compact Placement of Children (ICPC) does not apply to those over the age of 18.

Return to Foster Care

18+ Continued Care participants must have been discharged from foster care at the age of 18 or greater from a North Dakota public agency. The agency where the child last exited foster care will be the point of contact for the child requesting a return to foster care. The child has six months to return to foster care from their last discharge date. There is no limit to the number of times a child can return to foster care.

Children under the custody of Division of Juvenile Services

The North Dakota Department of Human Services has a formal agreement with the ND Division of Juvenile Services (DJS) to offer foster care

placements for children in need of out of home care. ND law prohibits DJS from case managing a child who is not in their court ordered custody. If a DJS child ages out of foster care and requests to continue in 18+ Continued Care, the DJS case manager is responsible to refer the case and discuss transfer details with the county social service office.

Children under the custody of Tribal Social Services

The North Dakota Department of Human Services has a formal agreement with Standing Rock Sioux Tribe, Three Affiliated Tribes, Turtle Mountain Band of Chippewa and Spirit Lake Sioux Tribe. The Title IV-E agreements allow the Tribe to retain jurisdiction of children interested in participating in the 18+ Continued Care program. The Tribe remains responsible for providing full case management to the foster child and all documentation for eligibility determination and case management to the county. Eligible maintenance payments for the care of an 18+ child will be authorized by the county and paid by the state.

1. **Tribal Title IV-E:** A child under the custody of Tribal Social Services, who was Title IV-E eligible and meets the criteria of "aging out", is eligible for 18+ Continued Care.
2. **Tribal Non-Title IV-E:** A child under the custody of Tribal Social Services, who was not Title IV-E eligible upon "aging out", may qualify for 18+ Continued Care. The child must apply and have their eligibility determined. If found to be Title IV-E eligible as "child only", the child would be eligible to participate in the 18+ Continued Care program. If the child loses Title IV-E eligibility or reimbursability while participating in the 18+ Continued Care program, the county will close the case and the state will no longer be financially responsible.

Participation Categories

Verification of initial and ongoing eligibility for program participation is the responsibility of the foster care case manager or the agency's agreed upon designee. A release of information between the agency, child and verifying entity (school, employer, etc.) is needed.

Verification documentation is required in the child's foster care file, however, is not required in the eligibility file for payments. The child is expected to meet the criteria in one or a combination of the following categories in order to participate in 18+ Continued Care:

1. Education

Eligibility: The child must participate in secondary, post-secondary or vocational education on a full or part time basis. A child who is attending school on a part time basis is encouraged to also work or

volunteer. Arrangements should be negotiated between the child and the case manager. If the child is on an extended school break (i.e. summer break) or if the next school session is more than 30 days away, the child should work or volunteer until the session begins.

Verification: Verification must be provided in the form of an enrollment or acceptance letter, copy of grades, a letter from the school, class schedule, tuition receipt, etc. The frequency of verification must be every 9 weeks, quarter, or semester depending on the program in which the child is involved or more often if required by the case manager. Compliance of continued eligibility must be discussed at the monthly case manager visitation meeting and at every quarterly Child and Family Team Meeting.

2. Employment

Eligibility: The child must work at least 80 hours per month.

Verification: Verification must be provided in the form of a pay stub, letter from employer, a copy of an application for employment, etc. The frequency of verification must be monthly or more often if required by the case manager. Compliance of continued eligibility must be discussed at the monthly case manager visitation meeting and at every quarterly Child and Family Team Meeting.

3. Employment Preparatory Program

Eligibility: The child must attend a program that is designed to promote or remove barriers to employment. There could also be educational components tied to this type of programming; for example, Job Corps or a welding certificate training program. If the start of the next program session is more than 30 days away, the child should work or volunteer until the program begins.

Verification: Verification must be provided in the form of an application, enrollment or acceptance letter, copy of grades, a letter from the program, program schedule, tuition receipt, etc. The frequency of verification must be every 9 weeks, quarter or semester depending on the program in which the child is involved or more often if required by the case manager. Compliance of continued eligibility must be discussed at the monthly case manager visitation meeting and at every quarterly Child and Family Team Meeting.

4. Medical Condition or Disability

Eligibility: The child must be unable to participate in educational or employment activities stated above due to a medical condition or disability. A medical condition or disability would have likely been identified long before a child enters 18+ Continued Care. If a child is incapacitated and unable to sign the documentation required to participate in 18+ Continued Care; a public agency case manager can sign on their behalf if the program is explained to the child and relevant parties.

Verification: A statement signed by a licensed physician, physician's assistant, psychologist, or Vocational Rehabilitation Counselor that documents the child's medical condition or disability (which can include a mental health diagnosis) and their inability to go to school, work, or participate in job training. Compliance of continued eligibility must be discussed at the monthly case manager visitation meeting and at every quarterly Child and Family Team Meeting or more often if required by the case manager.

Grace Period

In the event a child does not fully meet a category set forth above, a 30-day grace period is allowable to maintain program eligibility. During the grace period, the child should engage in volunteer work while he/she awaits an offer for employment or acceptance to an educational program.

18+ Child Living Arrangements

The 18+ Continued Care program encourages youth to stay in family foster care while they continue to pursue independence.

The following types of living arrangements are allowable:

- Licensed Foster Home;
- Licensed Supervised Independent Living (SIL) program;
- College Dorms;
- Job Corps; or
- Residential Treatment Facility (if pre-approved).

A child generally will not be eligible for 18+ Continued Care if they are living in an apartment not connected to a supervised independent living program. Special circumstances to allow this will need to be discussed and approved by the central office.

Higher level of care pre-approval: 18+ children in need of a higher level of care (therapeutic or facility placement) will require a group home approval. Facility placements require pre-approval from the central office.

Out of State: A child may be placed out of state providing there is a signed SFN 60. Courtesy case management requests of out of state partners is allowable and encouraged. Interstate Compact on the Placement of Children does not apply to those over the age of 18.

18 + Continued Foster Care Agreement

The 18+ Continued Foster Care Agreement ([SFN 60](#)) is a provider specific three-party agreement signed by the agency, the child, and the foster care provider. A change in foster care provider requires a new 18+ Continued Foster Care agreement.

Custody that extends beyond the child's 18th birthday will remain in effect and foster care will continue until the court order expires or is vacated. **An 18+ Continued Foster Care Agreement is not required if a custody order is in effect.**

18+ Permanency Court Order Requirements

The 18+ Continued Foster Care Agreement ([SFN 60](#)) allows for a bridge in service and payment authorizing the agency placement and care responsibility until a formal court order can be obtained. Upon receipt of the signed three-party agreement, the agency will complete a detailed 18+ affidavit seeking the required judicial determinations including reasonable efforts to finalize a permanency plan.

An 18+ permanency court order with required judicial determinations must be obtained within 90 days of the effective date of the 18+ Continued Foster Care Agreement ([SFN 60](#)). The 18+ permanency court order must be the result of an actual hearing. Permanency hearings are required initially upon entry into 18+ Continued Care program and every 12 months thereafter.

- Special attention should be given to children who "remain" in foster care. The permanency hearing may be on a different track than a child that "returns to" foster care. In effort to avoid error; all 18+ Continued Care cases will receive a permanency hearing within 90 days of signing the three-party agreement.
- Title IV-E eligible children continuing in 18+ Continued Care require permanency findings within 12 months of the last permanency hearing, which may require court action before the 90 days.

18+ Court Order Highlights:

1. The agency must notify the foster care provider of any hearing held with respect to the child. A copy of the written notification should be kept in the child's case file.
2. Majority of the cases will have a permanency plan of Another Planned Permanent Living Arrangement (APPLA). The court order must address

the agency's efforts to prepare the child to meet the permanency goal and ask the child if he/she agrees with the goal.

3. Every child age 18 to 21, remaining or returning to foster care, must have the required permanency judicial findings noted on the Hard Card – 18+ ([DN 752](#)).
4. No foster care payment can be made to support an 18+ child in care without the required permanency judicial determinations.
5. It is highly recommended the foster care case manager request the affidavit containing the case details be "incorporate by reference" and made part of the final court order.
6. ICWA requirements do not apply in 18+ Continued Care.

Criminal Background Checks

A child who remains in or returns to foster care in 18+ Continued Care is considered a "child" for the purposes of foster care as noted in NDCC 27-20. A child remaining in foster care is not required to complete a fingerprint-based criminal background check. However, it is encouraged for agencies to conduct a free web-based search on the 18+ child if he/she is returning to foster care.

- <http://www.ndcourts.gov/Search/Query.asp>
- <http://publicsearch.ndcourts.gov/default.aspx>
- <http://pa.courts.state.mn.us/default.aspx>

Case Management Responsibilities

All case management responsibilities applicable to children under the age of 18 in foster care will continue for a child participating in 18+ Continued Care. Case management requirements continue regardless of the child's eligibility and program category engaged in for participation. The case is subject to quality assurance reviews as guided by state or federal regulations.

Case Management Highlights:

1. Transition Plan: The case manager must develop the required transition plan ([SFN 494](#)) within 90 days of the child's 18th birthday. The case manager must advise the child of the availability to continue in foster care and receive benefits until they reach the age of 21. To assist with educating the child, an 18+ brochure ([DN 1174](#)) is available on the Children and Family Services website. Transition planning must continue throughout the life of the 18+ case.
2. If a child currently in foster care notifies the agency of their intent to participate in 18+ Continued Care, the agency will work with the child's foster care provider to determine if the continued placement would be

appropriate. If the placement is not appropriate, recruitment efforts for a new placement resource should begin.

3. For a child returning to 18+ Continued Care, the case manager must complete a safety and risk assessment. If the child is in crisis, the case manager should provide crisis intervention services (i.e. connecting the child with resources that provide temporary housing, food, emergency medical care, etc.). If a foster care placement is not available at the time the child requests to return to foster care, the agency will begin recruitment efforts immediately. A child is not in 18+ foster care until a placement resource is identified and all three parties sign the 18+ Continued Foster Care Agreement ([SFN 60](#)).
4. The foster care case manager must provide and ensure the child completes the required documents required to continue or return to care:
 - a. If the child was previously Title IV-E eligible and child wishes to continue in foster care, no redetermination is necessary. The However, income and assets must be reviewed to determine the child's reimbursability.
 - b. If the child was not previously Title IV-E eligible, an eligibility determination is required specific to the child.
 - c. The 18+ child must complete the documentation and the case manager must provide it to the eligibility worker. After the determination is made, the eligibility worker will notify the case manager of the eligibility determination outcome for the child.
5. School District Notification: 18+ Continued Care requires agencies to follow existing policy on school district notifications. Communication with the Department of Public Instruction is encouraged to determine tuition standards.
6. Family Connections: Agencies must document the child's interest in pursuing involvement with their family after they turn age 18. If the child is interested in maintaining family connections, the agency must provide for visitation or other ongoing interactions, unless such interaction would be harmful to the child. Documentation in the case file regarding family connections must meet the requirements of all quality assurance case file reviews.
7. Chafee Transition Program: Participation in the voluntary Chafee Transition Program is encouraged. Chafee Transition program eligibility criteria and program standards can be found in policy chapter 624-10.

8. Foster Care Recruitment: 18+ Continued Care may require specialized recruitment efforts for foster homes. Agencies are encouraged to include these efforts in their recruitment and retention plan as well as complete statewide search to locate the best provider match if needed.
9. Substitute Care: When a foster child placed in a foster home is in need of temporary care when the licensed provider is unavailable to care for the child, substitute care is arranged. Substitute care arrangements for 18+ participants must be reviewed on a case by case basis. A review of the child's developmental abilities, decision making skills, as well as the length of time the foster parents will be unavailable must be taken into consideration when determining if the child requires ongoing supervision by a licensed provider. Case managers must authorize substitute care arrangements. The approval for 18+ substitute care arrangements must meet the safety needs and best interest of the child.
10. Secondary Placements: Secondary placements from one primary foster care provider to another, such as pre-placement visits in a family home, are not allowed in 18+ Continued Care. Payments are limited to the primary foster care provider only, as the 18+ Continued Foster Care Agreement ([SFN 60](#)) does not include any placement resource other than the primary foster care provider. If an 18+ child must be hospitalized and the primary foster care provider agrees to remain engaged with the case and continues to offer support to the foster child during that time, the primary foster care provider is entitled to reimbursement. An 18+ child that require hospitalization beyond 14 days will require the foster care case manager to staff options with the central office. **The data management system does not allow for a secondary placement to be entered for 18+ cases.
11. Termination from 18+ Continued Care will occur if the permanency goal is reached, one of the three parties requests to terminate the agreement, or the child reaches the age of 21.
 - a. If termination is requested by the child, the agency must inform the child they have the option to return to foster care within six months from their last date of discharge.
 - b. If termination is requested by the agency, the agency must notify the child via letter sent to his/her last known address detailing the decision to terminate the 18+ Continued Foster Care Agreement. A copy of this notification will become part of the child's case file.
 - c. Child is discharged and the foster care program is closed.

Eligibility and Reimbursability

A child that is not Title IV-E eligible when aging out of foster care or was not Title IV-E eligible in the prior foster care episode and wishes to return to the 18+ continued care program requires a new eligibility determination.

Case managers must provide the eligibility staff with the following documents for an 18+ child continuing or returning to foster care:

Title IV-E eligible child aging out and continuing in foster care

- [SFN 45](#) Notice of Change indicating child's continuation in the 18+ Continued Care program
- SFN 60 18+ Continued Foster Care Agreement
- 18+ Court Order (permanency) (must be obtained within 90 days of 18+ agreement effective date or sooner)

Non-Title IV-E eligible child aging out of foster care

- [SFN 45](#) Notice of Change with the following sections completed:
 - Closing Foster Care Information. Child must be discharged from the current foster care episode effective the expiration date of the court order or upon the child's discharge from foster care age 18 or greater.
 - Change/Add Placement provider information with an initial placement start date equal to the 18+ Continued Foster Care Agreement
 - Change in Child's Status – 18+ Continued Care
- [SFN 641](#) Title IV-E Title XIX Application–Foster Care – completed and signed by 18+ child
- [SFN 60](#) 18+ Continued Foster Care Agreement
- 18+ Court Order (permanency) (obtained within 90 days or sooner)

18+ Child Returning to Care

- [SFN 45](#) Notice of Change with the following sections completed:
 - Change/Add Placement
 - Change in Child's Status – 18+ Continued Care
- [SFN 641](#) Title IV-E Title XIX Application–Foster Care – completed and signed by 18+ child
- [SFN 60](#) 18+ Continued Foster Care Agreement (establishes new foster care program effective date)
- 18+ Court Order (permanency) (must be obtained within 90 days or sooner)

Payments

All 18+ Continued Care children remain eligible for foster care maintenance payments. The process and items covered are consistent with policy for foster children under the age of 18. Refer to 623-05 for further details.

Foster care maintenance payments are authorized to the foster care provider in efforts to meet the needs of the child, even if the 18+ child is going to college and living on campus. The Child & Family Team must determine what portion the maintenance payment a provider will distribute to the 18+ child to assist in meeting the child's needs. If the 18+ child requires minimal supervision or is not living in the home, the purpose of the maintenance payment is to support the 18+ child's monthly living and help provide supervision regarding budgeting and independence.

Social Security Benefits

An 18+ child in receipt of social security must meet formally with the social security office when they turn 18 to get a full understanding of their entitlement and representative payee information, etc. Typically, social security benefits for children over the age of 18 are sent directly to the child. Social security must be notified immediately when a child is no longer under the custody of the agency and when the child has exited foster care. For a child that continues in foster care and if deemed necessary, a representative payee may be assigned if the beneficiary is determined by SSA to be incapable of handling their money or determined legally incompetent.

The primary purpose of the SS payment is to meet the beneficiary's current needs for food, housing, medical care, and other items for personal comfort. Case managers must work with the beneficiary to identify their needs (additional services, medical needs, expenses, etc.) and establish a budget to support the ongoing needs. It may be determined the costs of the child's needs exceed the social security payment requiring access to foster care irregular payments.

IV-E Trial Independence

Trial independence is limited to Title IV-E eligible children discharged from foster care at the age of 18 or greater. The child will automatically exit care on a six-month trial independence. While discharged to trial independence, all case management responsibilities end, there is not a valid court order and the foster care program is closed. If a child returns to 18+ Continued Care and later is discharged, he/she will again be discharged on a trial independence.

A new eligibility determination is required upon return to 18+ Continued Care for a child that is not Title IV-E eligible prior to discharge.

Data Management System - Foster Care Program

The previous eligibility determination is very important when considering the case planning and data management data entry requirements for children interested in the 18+ Continued Care program.

1. A Title IV-E Child:

- a. Continuing in the 18+ program, does not require a new foster care program or eligibility determination. The case and IV-E payments continue under the current foster care episode.
- b. Returning to the 18+ program from a trial independence will retain their Title IV-E eligibility status. A new 18+ Continued Care Agreement is required to open the foster care program.

2. A Non-Title IV-E Child:

- a. Continuing in the 18+ program requires the current foster care program to close effective the expiration date of the court order. The 18+ agreement will start a new foster care episode beginning the day following the court order expiration; the program is entered in the same service period. The closure from foster care will allow for the child's eligibility to be redetermined specific to the child and their dependent children.
- b. Returning to the 18+ program will require a new eligibility determination. A new 18+ Continued Care Agreement is required to open the foster care program.

3. Multiple 18+ Agreements:

- a. When the 'effective date' of the 18+ Agreement is entered into the data management system, the duration dates automatically populate. The end date reflects the day prior to the child's 21st birthday.
- b. When an 18+ Agreement is no longer valid, the case manager must "edit" the end date to accurately reflect the date the 18+ Agreement ended with a specific provider.

Additional 18+ Policy: 18+ eligibility policy can be found in 447-10 and 18+ maintenance payment policy can be found in 623-05.

NEW SECTION

18+ Continued Foster Care Eligibility 447-10-52

18+ Continued Foster Care is available to eligible foster care children up to the age of 21 if the child meets certain criteria. The child must have aged out of foster care while in the custody of a North Dakota public agency including; County Social Services, Department of Human Services, Tribal Social Services and the Division of Juvenile Services (DJS).

Children under the custody of Division of Juvenile Services

The North Dakota Department of Human Services has a formal agreement with the ND Division of Juvenile Services (DJS) to offer foster care placements for children in need of out of home care. ND law prohibits DJS from case managing a child who is not in their court ordered custody. If a DJS child ages out of foster care and requests to continue in 18+ Continued Care, the DJS case manager is responsible to refer the case and discuss transfer details with the county social service office.

Children under the custody of Tribal Social Services

The North Dakota Department of Human Services has a formal agreement with Standing Rock Sioux Tribe, Three Affiliated Tribes, Turtle Mountain Band of Chippewa and Spirit Lake Sioux Tribe. The Title IV-E agreements allow the Tribe to retain jurisdiction of children interested in participating in the 18+ Continued Care program. The Tribe remains responsible for providing full case management to the foster child and all documentation for eligibility determination and case management to the county. Eligible maintenance payments for the care of an 18+ child will be authorized by the county and paid by the state.

1. Tribal Title IV-E

- a. A child under the custody of Tribal Social Services, who was Title IV-E eligible and meets the criteria of "aging out", is eligible for 18+ Continued Care.

2. Tribal Non-Title IV-E

- a. A child under the custody of Tribal Social Services, who was not Title IV-E eligible upon "aging out", may qualify for 18+ Continued Care. The child must apply and have their eligibility determined. If found to be Title IV-E eligible as "child only", the child would be eligible to participate in the 18+ Continued Care program. If the child loses Title IV-E eligibility or reimbursability while participating in the 18+ Continued Care program, the county will close the case and the state will no longer be financially responsible.

Placement and Care

The 18+ Continued Foster Care Agreement ([SFN 60](#)) allows for a bridge in service and payment. The eligibility determination at the time the child ages out of foster care will determine the effective date of the agreement.

Title IV-E Eligible Child:

- Continued foster care date = day **before** their 18th birthday.
- Returned to foster care date = day **returned** to foster care.

Not Title IV-E Eligible Child:

- New foster care date = day **after** current court order expired.

- Return to foster care date = day **returned** to foster care.

The agreement authorizes the agency placement and care responsibility until a formal court order can be obtained. An 18+ Continued Foster Care Agreement is not required until the court ordered custody expires when the order extends past the child's 18th birthday.

An 18+ court order authorizing placement and care responsibility to the agency must be obtained within 90 days of the effective date of the 18+ Continued Foster Care Agreement.

Eligibility Month

The month of the effective date on the [SFN 60](#), 18+ Continued Foster Care Agreement, is considered the removal month for a child that requires a new eligibility determination.

AFDC Income and Assets

The income and assets available to an 18+ child that no longer meets the definition of a dependent child must be considered in the eligibility month when determining eligibility for 18+ Continued Care. An 18+ child is considered an AFDC unit of one.

Exclusions:

- ☐ The income and assets of an applicant in receipt of SSI. If the applicant is the foster care child, they are counted in the AFDC unit, but their income and assets are excluded.
- ☐ The earnings of a dependent child who is a full-time student in high school.

See Manual Chapter 447-10 AFDC Relatedness for additional exclusions.

If a child's available net income exceeds the daily foster care rate, reimbursability may still exist since the needs of the child include costs other than basic maintenance.

Dependent Child

An 18+ child is considered a "Dependent Child" if they are a full-time student in high school (or in an equivalent level of vocational/technical training) if they are expected to complete high school or vocational training curriculum before attaining age 19.

Student Status

1. A child participating in Job Corps is considered to be a student.

2. A child is considered in regular attendance for the months in which he/she is not in school because of official vacation, illness, or convalescence if the plan is to continue training when the event that prompted the interruption has run its course.
3. A child is considered a dependent child during the entire month of his/her 18th birthday.
4. A child is no longer considered a dependent child the month after one of the following occurs:
 - a. They turn 18 and are no longer attending high school or an equivalent course of study.
 - b. They graduate from high school or an equivalent course of study before turning age 19.
 - c. They turn 19 and are still attending high school or an equivalent course of study.
5. The terms "full-time" and "part-time" school attendance are defined as follows:
 - a. "Full-time" attendance in a secondary school (high school) requires four or more units of credit. "Part-time" is anything less than four units of credit.
 - b. "Full-time" attendance in college or university requires 12 or more semester or quarter hours and "part-time" is less than 12 semester or quarter hours. Full time summer school normally means one-half of the semester hours earned during a regular quarter or semester.
 - c. "Full-time" in a vocational/technical school, under state operation, means 12 or more semester or quarter hours, and "part-time" is less than 12 semester or quarter hours. There is no uniform defined criteria of what constitutes full or part-time attendance in private vocational/technical schools such as for auto mechanics, auto body repair, hair stylists, etc.

18+ Court order

All children continuing in or returning to the 18+ program must have a court hearing within 90 days of the effective date of the 18+ Continued Foster Care Agreement ([SFN 60](#)). A child will lose eligibility and reimbursability for the remainder of their placement starting on the 91st day if the agency fails to obtain an 18+ court order within 90 days.

For Title IV-E eligible children continuing in the 18+ program, the requirement of timely permanency findings does not change. Permanency findings must be obtained 12 months from the date the child entered foster care or 12 months from the last permanency hearing.

A child that is not Title IV-E eligible at the time they age out of foster care must be discharged from the foster care program and the case closed. The foster care discharge date must be equal to the court order expiration date or the date the child age 18 or greater under agency custody is discharged from the foster care program. Permanency findings are required within 12 months from the effective date of the child's return to care.

For payment purposes, the 18+ court order must include:

1. The child willfully entered the 18+ Continued Foster Care Agreement.
2. A judicial determination that it is in the best interest for the child to remain in or return to foster care.
3. A judicial determination the agency has made reasonable efforts to meet the youth's needs before a foster care placement.
4. Permanency goal for the child.
5. Permanency Hearing: A judicial determination the agency has made reasonable efforts to finalize the permanency plan specific to the youth.
6. Placement and care responsibility to the agency.

Eligibility Determination

All 18+ eligibility determinations require the following:

1. A current 18+ Continued Foster Care Agreement ([SFN 60](#))
2. A court order containing the required 18+ judicial determinations obtained within 90 days of the effective date of the 18+ Continued Foster Care Agreement ([SFN 60](#)).
3. Continued Eligibility
 - A. Title IV-E: If the child was previously Title IV-E, no redetermination is necessary. However, income and assets must be reviewed to determine the child's reimbursability.
 - B. Non-Title IV-E: If the child was not previously Title IV-E eligible prior to aging out, a new eligibility determination is required specific to the child only.

Based on the child's determination, the following documents are required:

Title IV-E children

1. **Remain in ND 18+ Continued Care:**
 - a. Child remains Title IV-E eligible
 - b. A new determination is not required, but income and assets must be monitored for continued reimbursability.
 - c. Additional documentation in the eligibility file must include:
 - i. [SFN 60](#), 18+ Continued Foster Care Agreement
 - ii. [SFN 45](#), Notice of Change
 - iii. 18+ Court Order

2. Return within six months of discharge:

- a. Child remains Title IV-E eligible.
- b. Reimbursability must be established.
- c. Additional documentation in the eligibility file must include:
 - i. [SFN 641](#) Title IV-E Title XIX Application – Foster Care specific to the 18+ Continued Care eligibility month and signed by the child.
 - ii. [SFN 870](#), Title IV-E 18+ Continued Care Eligibility
 - iii. [SFN 873](#), Title IV-E Income Calculation Worksheet if child has income
 - iv. [SFN 60](#), 18+ Continued Foster Care Agreement
 - v. [SFN 45](#), Notice of Change
 - vi. 18+ Court Order

Non-Title IV-E children aging out of foster care

All non-IV-E children must be discharged from the foster care program upon aging out of foster care. A child must “return” to foster care if they wish to continue in the 18+ program. The child must apply for 18+ Continued Foster Care and a new eligibility determination is required.

1. Return to 18+ Continued Care:

- a. Additional documentation in the eligibility file must include:
 - i. [SFN 641](#) Title IV-E Title XIX Application – Foster Care specific to the 18+ Continued Care eligibility month and signed by the child.
 - ii. [SFN 870](#), Title IV-E 18+ Continued Care Eligibility
 - iii. [SFN 873](#), Title IV-E Income Calculation Worksheet if child has income
 - iv. [SFN 60](#), 18+ Continued Foster Care Agreement
 - v. [SFN 45](#), Notice of Change
 - vi. 18+ Court Order

Reimbursability

To maintain reimbursability the child must have a financial need in AFDC terms. Need has two elements. First, the income available to the child must be less than the costs of maintaining the child. Income available includes all forms of income the child receives. Income is the gain or benefit, earned or unearned, derived from labor, business, capital, or property, which is received or is available to the assistance unit. It is considered actually available when the applicant has a legal interest in a liquidated sum and has the legal ability to make such sum available for support or maintenance. Any earnings designated for a sole purpose and not available for support or maintenance are excluded. All unearned income would be considered available to the child, while earned income would only be partially available since the AFDC rules allow disregards for work expenses and for earnings of employed. The cost of maintaining the child is the amount the state is

paying for the foster care placement of the child. In any month where the child's income after deductions exceeds this amount, the child is not reimbursable.

Medical Services

The Foster Care Application ([SFN 641](#)) must be completed in order to reinstate Medicaid for children who exit and return to foster care after age 18. Title IV-E Title XIX Redetermination – Foster Care ([SFN 642](#)) may be used to re-determine Medicaid annually for children who remain in foster care past the child's 18th birthday. Children who are discharged from foster care at or after age 18 are eligible for Medicaid until the age of 26.

Additional 18+ Policy: 18+ Continued Care program policy can be found in 624-05 and 18+ maintenance payment policy can be found in 623-05.

NEW SECTION

18+ Continued Care Secondary Placements 623-05-20-33

Secondary placements from one primary foster care provider to another, such as pre-placement visits in a family home, are not allowed in 18+ Continued Care. Payments are limited to the primary foster care provider only, as the 18+ Continued Foster Care Agreement ([SFN 60](#)) does not include any placement resource other than the primary foster care provider. If an 18+ child must be hospitalized and the primary foster care provider agrees to remain engaged with the case and continues to offer support to the foster child during that time, the primary foster care provider is entitled to reimbursement. An 18+ child that require hospitalization beyond 14 days will require the foster care case manager to staff options with the central office. **The data management system does not allow for a secondary placement to be entered for 18+ cases.

Additional 18+ Policy: 18+ eligibility policy can be found in 447-10 and 18+ maintenance payment policy can be found in 624-05.

Revised Sections

Payment Eligibility Requirements 623-05-15-40

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.

18+ Continued Care

An 18+ Continued Care child is eligible for foster care payments who:

1. Has entered into an 18+ Continued Foster Care Agreement
2. Is determined eligible based on the AFDC eligibility criteria
3. Maintains reimbursability
4. Is under the placement and care of a public agency and permanency findings are obtained timely
5. Is placed with a fully licensed provider

Foster care maintenance payments are authorized to the foster care provider in efforts to meet the needs of the child.

Irregular Payments 623-05-25

Irregular payments are specific to a foster child and can only be authorized to a licensed or approved (Tribal Affidavit) foster care provider.

Reimbursement is only allowed for expenditures incurred during the dates the child is placed with the licensed or approved (Tribal Affidavit) provider.

It is the responsibility of the foster care case manager to determine which expenditures are necessary and appropriate, and to budget the age appropriate expenditure limit so irregular payments can be available throughout the year to meet the child's needs.

With appropriate approval, the eligibility worker will authorize individual irregular payment expenditures. Irregular payments must be approved by the custodial agency, with some categories requiring the approval of the Regional Supervisor. Irregular payments can be documented in the Child & Family Team meeting notes. Documentation of the approval for payments

must be provided to the eligibility worker and maintained in the child's eligibility file.

Irregular payments are separated into categories and assigned various codes. Age limits are consistent with foster care payment age categories; however, expenditure limits may vary by category. Some categories are without limit. Expenditure limits will reset:

1. Every twelve months from the initial date of foster care entry
2. When a child has been discharged from foster care for more than 12 months.

The administrative county must review the receipts, if applicable, and approval to ensure the expenditure is in full compliance with state policy. The administrative county will authorize by "pinning" the irregular payment information in the payment system. Receipts must be retained in the child's eligibility file for audit purposes.

Each eligibility file must track irregular payment totals to ensure the limit is not exceeded.

18+ Continued Care

Irregular payments are available for a child in 18+ Continued Care. Reimbursement must follow the irregular payment policy, be pre-approved and authorized directly to the licensed provider.

Although excess maintenance payments (EMP's) are allowed in certain placement settings. EMP's require prior approval and completed SFN 904, Agreement to Furnish Specialized Family Foster Care Services form on file.

Eight categories of irregular payments include:

Category 10	Activities & Incidentals
Category 20	Clothing
Category 30	Emergency Placement
Category 40	Child Care for Foster Child
Category 50	Travel for Foster Child (Limited)
Category 60	Difficulty of Care/Excess Maintenance Payment (EMP)
Category 70	Parent/Infant Payment

Category 80	Extra Supervision
-------------	-------------------

Within each category are various codes related to specific items.

~~Title IV-E Reimbursability~~ Title IV-E 18+ Continued Care Eligibility, SFN 870 447-10-70-25

This mandatory form ([SFN 870](#), ~~Title IV-E Reimbursability~~ **Title IV-E 18+ Continued Care Eligibility**) is ~~only completed if the child met the initial Title IV-E eligibility requirements.~~ **completed to assist in determining eligibility and reimbursability of 18+ youth continuing and returning to the 18+ Continued Foster Care program.** It is used to determine if the child meets the reimbursability criteria.

This form is available electronically via E-Forms.

STATE FORMS UPDATED AND REVISIONS

SFN 60 – 18+ Continued Foster Care Agreement

Clarifying language added to the expectation of the three parties in the agreement. Additional language added for funding source.

SFN 1612 Foster Care Verification

Clarifying language added regarding the agency

SFN 494 Foster Care Youth Transition Checklist

Clarifying language added regarding 18+ Continued Care and Chafee Transition program eligibility, etc.

SFN 45 Notice of Change

The SFN 45 Notice of Change has been revised effective 8-2019. Please discontinue the use of any prior revisions of the form and begin using the newly revised form immediately. Additional selections added under the Change in Child's Status section and the Reasons for discharge changed under the Closing section.

SFN 869 Title IV-E Initial Eligibility

The SFN 869 Title IV-E Initial Eligibility form was revised effective 8-2019. Please discontinue the use of any prior revisions of the form and begin using the newly revised form immediately. The revision included a complete

change to the layout of the form. Additional sections added to document the Eligibility Determination Results and the Match Symbol and Reimbursability applicable to the determination.

SFN 870 Title IV-E 18+ Continued Care Eligibility

The SFN 870 Title IV-E Reimbursability form has been repurposed. The Title IV-E Reimbursability form was ineffective and contained duplicate questions already answered through the foster care eligibility determination process. The title of the form has been changed to Title IV-E 18+ Continued Care Eligibility. Effective September 1, 2019, the SFN 870 will be required to determine eligibility and reimbursability for the 18+ continue care program.

SFN 873 Title IV-E Income Calculation Worksheet

The format of the SFN 873 Title IV-E Income Calculation Worksheet has been changed for better flow and additional instruction added for clarification. A "Determination" section has also been added to document the outcome.