

Judicial Findings and Title IV-E of the Social Security Act

1. *"Contrary to the welfare/best interest of the child finding"* must be made in the first court order/judgment about the removal or the child is **not eligible for IV-E payments for the entire foster care episode**. In most cases this will be a finding made on a Shelter Order. But in cases where children are removed from in-home custody or come back into care during a trial reunification that has exceeded 180 days; the finding may also be made during an already scheduled hearing on the Review or Permanency Judgment.2. Judicial finding regarding whether *"reasonable efforts were made, or were not required, to prevent the removal"* must be made no later than 60 days from the date the child is removed from the home if the finding is not made the child is **not eligible for Title IV-E payments for the entire foster care episode**.
2. Judicial finding at Permanency Hearings of *"reasonable efforts to finalize a permanency plan"* (reunification, adoption, guardianship, placement with a fit and willing relative, or APPLA) within 12/14 months and at least once every twelve months while the child is in foster care. If the finding is not made, or the agency receives a no finding, the child becomes **ineligible for IV-E at the end of the month in which the judicial finding was required/made and remains ineligible until the beginning of the month that DHS receives a yes finding**.

For example - if a judge made a no reasonable efforts to reunify finding on April 18, 2019, the child became ineligible for IV-E on May 1, 2019. The court conducted another hearing on May 29, 2019 and made a finding that DHS did make reasonable efforts to reunify, the child became eligible for all of May... essentially the agency is able to claim the child for the entire time - and is not financially penalized for the negative finding.

3. Negative reasonable efforts findings at review hearings and CRB reviews do not have a financial impact on the individual case. However, the reasonable efforts findings that are required to be made at least every six months, could have a financial impact if during a IV-E audit or CFSR (Child and Family Services Review) information is found that the findings are not made timely, the agency may be subjected to financial penalties and improvement plans.
4. Although a child may become ineligible for IV-E funding because the court made a negative finding or did not make the required finding within in the required timeline, DHS still provides the necessary services which are paid from state funds. The child does not lose funding.