



January 25, 2024

Family, Children and Adult Services Manual Transmittal Letter No. 539

TO: Family, Children and Adult Services Manual Holders

FROM: Matt Damschroder, Director

SUBJECT: Amendment of Title IV-E Foster Care Maintenance Rule 5101:2-47-01

In accordance with federal rule §1356.21 changes, this letter transmits amendment to the Ohio Administrative Code (OAC) rule to add language requiring the same amount of foster care per diem be paid to certified relative or kin foster family home as a certified non-relative foster family home. These changes will be effective February 3, 2024.

OAC rule 5101:2-47-01 entitled "**Administration of the Title IV-E foster care maintenance (FCM) program.**" This rule sets forth the objectives, goals, and responsibilities for the administration of the Title IV-E Foster Care Maintenance (FCM) program. This amendment includes the removal of restrictive language and minor grammatical changes throughout the rule for clarity in addition to a new paragraph (P) The title IV-E agency is to annually review the amount made to a certified relative or kinship foster family home is the same as the amount that would have been made if the child was placed in a certified non-relative foster family home.

INSTRUCTIONS:

The following chart shows what materials should be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
MANAGEMENT AND ADMINISTRATION	5101:2-47-01	5101:2-47-01
TRANSMITTAL LETTERS		FCASMTL No. 539

5101:2-47-01

Administration of the Title IV-E foster care maintenance (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~~ is to be determined from data collected by ODJFS in accordance with 45 C.F.R. 1355.40.
- (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~~ is to:

- (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~~ are to 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 social security benefit programs, 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~~ are to 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~~ the child entered placement, as ~~required~~ referenced 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~~ prerequisites 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~~ are to 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 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~~ are not to be charged concurrently to another federal program. Reimbursement ~~shall is to~~ 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 (QRTP) as described in rule 5101:2-47-21 of the Administrative Code.
 - (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.
 - (5) To claim reimbursement for Title IV-E administrative costs, each Title IV-E agency ~~shall is to~~ 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 is to~~ 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~~ is to 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~~ is to submit the following information to ODJFS:
- (1) The "Children Services Statistical Report" in the Ohio statewide automated child welfare information system (Ohio SACWIS).
 - (2) The JFS 02820 "Children Services Quarterly Financial Statement" and if applicable, a JFS 02827 "CFIS Local Agency Quarterly Financial Statement".
- (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~~ is to review/ and update data in ~~the Ohio 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 Ohio 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" 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~~ is to be recovered or paid to the Title IV-E agency utilizing the public or private agency's services.
- (P) The Title IV-E agency is to annually review the amount made to a licensed or certified relative or kinship foster family home to confirm it is the same amount that would have been made if the child was placed in a licensed or certified non-relative foster family home.

Effective: 2/3/2024

Five Year Review (FYR) Dates: 10/1/2026

CERTIFIED ELECTRONICALLY

Certification

01/24/2024

Date

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