

Eligibility Month/Removal Date

Examples for Court Ordered Placements

Example 1

- CHIPS petition requesting removal filed 8/31/07
- Court hearing & physical removal 9/01/07

Eligibility month = 8/07 Removal date = 09/01/07

CHIPS petition initiated the court hearing which ordered the physical removal of the child, therefore the CHIPS removal petition filing date sets the AFDC eligibility month.

Example 2

- Police hold & physical removal 8/31/07
- Petition filed requesting removal; hearing held and
removal ordered same date 9/06/07

Eligibility month = 9/07 Removal date = 08/31/07

The CHIPS removal petition was filed on 9/6/07 and the court ordered a physical removal based on this petition.

Example 3

- CHIPS or delinquency petition filed requesting removal 9/15/07
- Court hearings were scheduled, but continued until 09/20/07
then continued to 10/05/07; then continued to 10/20/07; then
continued again until
First court hearing held; court orders physical removal &
includes BI/CTW statement. 11/05/07

Eligibility month = 9/07 Removal date = 11/05/07

No physical removal until 11/05/07; therefore IV-E eligibility will not begin until there is a removal. AFDC eligibility month remains tied to CHIPS/delinquency petition filed on 9/15/07, because initial court order related to this petition resulted in physical removal of child.

Example 4

- Petition filed requesting removal 2/15/07
- Physical removal 2/20/07
- Court removal hearing 2/20/07
- Review hearing held, child returned home under protective supervision; placement ends. 3/31/07
- Social worker verbally requests a protective supervision review hearing; hearing held & court orders physical removal of child; order includes BI/CTW language. 5/01/07
- Removed again 5/01/07

1st placement episode: Eligibility month = 2/07 Removal date = 02/20/07

The removal petition resulted in a court ordered physical removal, therefore the petition filing date establishes the AFDC eligibility month.

2nd placement episode: Eligibility month = 5/07 Removal date = 05/01/07

Agency lost legal responsibility when child returned home on 3/31/07. When child is subsequently removed on 5/1/07, date of court hearing at which physical removal ordered is used to establish AFDC eligibility month because there is no new removal petition filed.

Example 5

- Petition filed requesting removal 7/10/07
- The 1st court hearing orders physical removal and BI/CTW; child placed 7/15/07
- Trial Home Visit court ordered 7/30/07

- Returned to foster home

10/10/07

Eligibility month = 7/07 Removal date = 07/15/07

There is no need to re-determine AFDC eligibility month, as this is considered one continuous placement episode.

Example 6

- CHIPS petition filed 7/01/07
- Court hearing transferring custody, BUT
child remains in home on trial home visit. 7/19/07
- Review hearing- order states child will remain home
on a trial home visit but also states the child can be
removed from the mother's care at any time without
further order of the court, if certain conditions are not met. 8/16/07
- Child physically removed; placed in foster care. 9/25/07

Eligibility month = Not Applicable

This is an ineligible Title IV-E case because best interest/contrary to the welfare statement and the physical removal do not coincide.

Example 7

- Delinquency petition filed 8/17/06
- Court orders psych evaluation 10/17/06
- Disposition hearing held; probation ordered;
child not placed. 11/05/06
- Probation continued twice 2/07/07 and 5/07/07
- Probation violation 8/06/07
- Court hearing; orders physical placement;
includes BI/CTW language. 8/10/07

Eligibility month = 8/07 Removal date = 08/10/07

AFDC eligibility month tied to date of court hearing on 8/10/07. Petition filed 8/17/06 did not result in physical placement; resulted in probation, and no new petition filed.

Example 8

- CHIPS petition filed; No request for physical removal. 9/16/07
- Amended petition filed requesting physical removal. 10/10/07
- Court hearing held; court orders physical placement
& includes BI/CTW determination. 10/10/07

Eligibility month = 10/07 Removal date = 10/10/07

Original petition did not result in a physical removal; amended petition and subsequent court hearing resulted in the physical placement of the child that coincided with BI/CTW determination.

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Example for Voluntary Placements

Example 1

- VPA signed with all signatures 9/24/07
- Physical placement occurs 10/01/07

Eligibility month = 9/07 Removal date = 10/01/07

When determining AFDC eligibility month for a voluntary placement, continue to use the month all required signatures are obtained on the voluntary placement agreement.