

Title IV-E Findings

FEDERAL REQUIREMENTS Title IV-E of the Social Security Act, 42 U.S.C. § 670, <i>et. seq.</i>	RESULT IF NO FINDINGS ARE ENTERED
First Order Authorizing Removal of the Child From the Home	
<p>Court must make a finding that continuance in the home of the parent or legal guardian would be contrary to the child's welfare and/or that it is in the child's best interest to be placed in substitute/out-of-home care. 42 U.S.C. § 672(a)(1)(A), (a)(2)(A)(ii); 45 C.F.R. § 1356.21(c).</p> <p>This finding must be made at the time of the first court ruling authorizing removal of the child from the home. 45 C.F.R. § 1356.21(c). This includes cases that begin as Child in Need of Services (CHINS) proceedings and cases in which a child is first removed as an offender and placed in detention.</p>	<p>The state is never eligible for Title IV-E funding. This includes both foster care and adoption assistance. 45 C.F.R. § 1356.21(c).</p>
<p>Court must order that the placement and care authority are the responsibility of the state agency or any other public agency with whom the responsible state agency has an agreement. 42 U.S.C. § 672(a)(1)(A), (a)(2)(B); 45 C.F.R. § 1356.71(d)(1)(iii).</p>	<p>The state receives no funding until the findings are made.</p>
<p>Court must make a finding that reasonable efforts have been made to prevent or eliminate the need for removal. 42 U.S.C. § 672(a)(1)(A), (a)(2)(A)(ii); 45 C.F.R. § 1356.21(b)(1). <i>See also</i> 42 U.S.C. § 671(a)(15).</p> <p>This finding must be made within 60 days of the date of removal. 45 C.F.R. § 1356.21(b)(1)(i).</p>	<p>The state is never eligible for Title IV-E funding and this includes both foster care and adoption assistance. 45 C.F.R. § 1356.21(b)(1)(ii).</p>

Case Review / Status Review Hearings

Court must review the child's status and safety no less frequently than once every six months from **the date the child entered foster care**, in order to make the required findings.

42 U.S.C. § 675(5)(B); 45 C.F.R. § 1355.34(c)(2)(ii). *See also* 42 U.S.C. § 671(a)(16); *see also* 42 U.S.C. § 675(5)(F) (definition of the date the child entered foster care), 45 C.F.R. § 1355.20 (definition of the date the child entered foster care).

Failure to make these findings and/or failure to timely hold the review causes financial consequences due to noncompliance with the state plan.

Permanency Planning Hearings

Court must hold a permanency hearing to select a permanent plan no later than 12 months from **the date the child entered foster care**, and must hold subsequent permanency plan hearings every 12 months thereafter.

45 C.F.R. §§ 1355.20, 1356.21(b)(2)(i); 42 U.S.C. § 675(5)(C). *See also* 42 U.S.C. § 675(5)(F) (definition of the date the child entered foster care), 45 C.F.R. § 1355.20 (definition of the date the child entered foster care).

For a case in which the court determines that reasonable efforts to return the child home are not required due to aggravated circumstances, the permanency hearing must be held within 30 days of disposition. 45 C.F.R. § 1356.21(h)(2).

State funding stops unless these findings are made.

Additional explanations of Title IV-E are available in the Child Welfare Policy Manual¹

¹ The Child Welfare Policy Manual is published by the Children's Bureau, a division of the Office of the Administration for Children and Families (ACF) of the United States Department of Health and Human Services, and it provides the federal government's policies for implementation of applicable federal laws. It is available at:

https://www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/index.jsp