

Implementation Guide: Medicaid State Plan Eligibility Eligibility Groups – Options for Coverage Independent Foster Care Adolescents

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Independent Foster Care Adolescents

POLICY CITATION

Statute: 1902(a)(10)(A)(ii)(XVII)

Regulation: 42 CFR 435.226

BACKGROUND

Overview

This reviewable unit (RU) describes the optional eligibility group for independent foster care adolescents, as described at 42 CFR 435.226. It provides the criteria under which individuals may be covered under this group, the income standard used, and the basis for the income standard used. Because this eligibility group was established by the Chafee Foster Care Independence Act of 1999 (P.L. 106-169), it is often referred to as the Chafee group.

Independent Foster Care Adolescent

This optional eligibility group, which is codified at section 1902(a)(10)(A)(ii)(XVII) of the Social Security Act (the Act), gives states the option to cover independent foster care adolescents, or any reasonable category of such adolescents specified by the state, who have household income at or below the standard established by the state. Section 1905(w) of the Act defines an “independent foster care adolescent” as an individual under 21 years old who was in foster care under the responsibility of a state or a tribe on the individual’s 18th birthday.

Foster Care: “Foster care” for the purposes of this group has the meaning in the regulations implementing titles IV-B and IV-E of the Act, which is described at 45 CFR 1355.20, as administered by the Administration for Children and Families (ACF). This definition applies to all foster care provided in a state or tribe, regardless of whether it is federally funded or not. A foster care maintenance payment is not required for a child to be considered in foster care. However, a child receiving title IV-E guardianship maintenance payments who is not “under the responsibility of the state or tribe” upon turning 18 is not considered to be in foster care.

The ACF Office of Refugee Resettlement places children in the Unaccompanied Refugee Minor program. Such children are considered to be in foster care under the state’s responsibility, even though they may be privately placed in foster care.

Options: Individuals Covered. States may provide coverage under this eligibility group to all independent foster care adolescents or to a reasonable category of independent foster care adolescents, or both. States have the following options regarding individuals covered under this eligibility group:

- All individuals under one of the following ages:
 - Age 21
 - Age 20

- Age 19
- Reasonable classifications of individuals under age 21, 20, or 19, such as:
 - Individuals for whom foster care maintenance payments or independent living services were furnished under a program funded under title IV-E when the individual turned 18 years old; and/or
 - Other reasonable classifications approved by CMS
- All individuals under a specific age and one or more reasonable classifications of individuals under a higher age

Many individuals previously covered under this optional group are eligible for coverage under either the eligibility group for former foster care youth at 42 CFR 435.150 or the adult group at 42 CFR 435.119, both of which are mandatory eligibility groups under the statute. Unlike the group for former foster care children, this optional group does not require prior Medicaid enrollment and covers individuals who were in foster care in another state. In addition, states may impose an income standard on this group, and eligibility under this group ends at age 21.

Income Eligibility

As described at 42 CFR 435.226(c), the state may choose either to establish an income standard or to have no income test for eligibility under the group for independent foster care adolescents. Election of no income test is not contingent on the state's coverage of this eligibility group prior to 2014.

If the state establishes an income standard, there is no maximum and the minimum varies as follows, depending on the age of individuals covered:

- If the state limits coverage to individuals under age 19, the income standard must exceed the standard currently used for those aged 6 through 18 in the eligibility group for infants and children under age 19 described at 42 CFR 435.118.
- If the state provides coverage to individuals under age 20 or 21, the minimum income standard varies depending on whether or not the state covers the adult group described at 42 CFR 435.119. If the state covers the adult group, the income standard for the independent foster care adolescents group must exceed 133% of the federal poverty level (FPL). If the state does not cover the adult group, the income standard must be higher than the standard the state currently uses for the eligibility group for parents and other caretaker relatives described at 42 CFR 435.110.

Options: Income Standard. If an income standard is used, a state may use the same income standard for all individuals covered under this group, or a state may elect a single income standard for most individuals, but apply a higher income standard (including no income test) to a reasonable classification of individuals. For example, a state may establish an income standard of 185% FPL for all independent foster care adolescents under age 19, but apply no income test to a reasonable classification of individuals under age 21, for whom title IV-E foster care assistance was provided.

To meet the Affordable Care Act's maintenance of effort requirement, which remains in effect until October 1, 2019, states must maintain an income standard and an age range for this group that are at least as high as those in effect under their Medicaid state plans as of March 23, 2010, converted to a MAGI equivalent. A state may not eliminate or reduce eligibility by age or income under this group, including imposing an income standard if the state had no income test for this group as of March 23, 2010.

If the state uses an income standard, MAGI-based methodologies are used to determine eligibility for this group. Separate RUs, **MAGI-Based Methodologies** (for states) and **MAGI-Based Methodologies – Territories** (for territories), describe the methodologies used by the state or territory. If the state/territory wishes to make a change to its MAGI-based income methodologies, it must amend one of these RUs.

REVIEWABLE UNIT DEPENDENCIES

Many RUs in MACPro are dependent upon other RUs. Each time a primary RU is changed, there could be an effect on other, secondary RUs which are dependent on the primary. For example, in the **Mandatory Eligibility Groups** RU, there is a question as to whether the state covers the adult group. If **Yes** is selected, and if a box is checked to include the adult group in the submission package, then the **Adult Group** RU will be included by the system in the package and the user can navigate to it to complete it. If **No** is selected, the **Adult Group** RU will not be included in the package. In this example, the **Mandatory Eligibility Groups** RU is the **Primary RU** and the **Adult Group** RU is the **Secondary RU**. The **Adult Group** RU is considered to be dependent on selections made in the **Mandatory Eligibility Groups** RU.

Whenever a change in a primary RU may affect a secondary RU, you either need to revise the secondary RU (if it is already in the package) or add the secondary RU to the package so that it can be updated in the same submission package as the primary RU.

The following table explains the dependent relationships for the **Independent Foster Care Adolescents** RU:

Primary RU	Secondary RU	Nature of Dependency	Actions Needed
Mandatory Eligibility Groups	Independent Foster Care Adolescents	Unless the Mandatory Eligibility Groups RU (primary) has either been approved in MACPro or is included, completed and validated in the submission package, the Independent Foster Care Adolescents RU (secondary) cannot be displayed.	If the secondary RU will not display because the primary RU is neither approved in MACPro nor included in the package, you need to: <ul style="list-style-type: none"> • Add the primary RU to the package, complete it and validate it. • Alternatively, remove the secondary RU from the package.

Primary RU	Secondary RU	Nature of Dependency	Actions Needed
Mandatory Eligibility Groups	Independent Foster Care Adolescents	In section B of the Mandatory Eligibility Groups RU (primary), if <i>Yes</i> has been selected to <i>The state elects the Adult Group, described at 42 CFR 435.119</i> and in section D of the Independent Foster Care Adolescents RU (secondary), <i>Yes</i> has been selected to <i>The income standard...is based on a % of the FPL</i> , and if the age selected in section C of the secondary RU is either <i>Under age 21</i> or <i>Under age 20</i> , the income standard entered in section D of the secondary RU must be greater than 133% FPL.	If you cover the adult group, and you are covering individuals under age 20 or 21 in the secondary RU with a % of FPL as your income standard, when you validate the secondary RU, the system will identify a standard entered that does not meet the 133% FPL requirement and give you an error message. If you receive this message: <ul style="list-style-type: none"> • You need to change the standard entered (if it was entered in error); or • Speak with your CMS Regional Office if you actually cover this classification with an income standard at or below 133% FPL for the age group and classification elected.
Mandatory Eligibility Groups	Independent Foster Care Adolescents	In section B of the Mandatory Eligibility Groups RU (primary), if <i>No</i> has been selected to <i>The state elects the Adult Group, described at 42 CFR 435.119</i> , and in section C of the Independent Foster Care Adolescents RU (secondary), if the age selected is either <i>Under age 21</i> or <i>Under age 20</i> , the income standard options in section D of the secondary RU include: <i>A % FPL, The current standard used for Parents and Other Caretaker Relatives</i> and <i>Other dollar amount</i> .	When you do not cover the adult group, and you are covering children under age 20 or 21 in the secondary RU, select the income standard option that is correct for the state.

Primary RU	Secondary RU	Nature of Dependency	Actions Needed
Mandatory Eligibility Groups	Independent Foster Care Adolescents	In section B of the Mandatory Eligibility Groups RU (primary), if <i>Yes</i> has been selected to <i>The state elects the Adult Group, described at 42 CFR 435.119</i> and in section C of the Independent Foster Care Adolescents RU (secondary), if the age selected is either <i>Under age 21</i> or <i>Under age 20</i> , the minimum income standard in section E of the secondary RU will display as <i>an FPL % greater than 133%</i> .	No further action is needed.

INSTRUCTIONS

A. Characteristics

There are a series of statements (**A.1 through A.4.**) describing the characteristics of this eligibility group.

B. Financial Methodologies

There is a statement that MAGI-based methodologies are used in calculating household income for this eligibility group. A separate RU, **MAGI-Based Methodologies**, describes the MAGI-based methodologies used by the state.

If you wish to view the state's methodologies, select the *View approved version of MAGI-Based Methodologies* link.

- The appropriate **MAGI-Based Methodologies** RU will appear if there is an approved version in the MACPro system.
- If there is no approved version of the RU in MACPro, a screen will appear with the following message: "There is no approved version of this reviewable unit in MACPro available to display."
- Select the *Independent Foster Care Adolescents* link to return to the **Independent Foster Care Adolescents** RU.

C. Individuals Covered

At **C.1.**, select *Yes* or *No* to indicate if the state covers all children of a specified age under this eligibility group.

- If *Yes* is selected at **C.1.**:
 - At **C.1.a.**, select one of the three options to indicate the age under which an individual qualifies for this eligibility group.
 - At **C.1.b.**, select *Yes* or *No* to indicate if the state also covers reasonable classifications of children.
 - If *Yes* is selected at **C.1.b.**, at **C.2.**, select one or both of the options to indicate the types of reasonable classifications of children that qualify.
 - If **C.2.a. Individuals for whom foster care maintenance payments...** is selected, select one of the three options to indicate the age used for this classification.
 - If **C.2.b. Other reasonable classification** is selected:
 - Enter the name and description of the classification in the text boxes provided.
 - Select one of the three options to indicate the age used for this classification.
 - To add additional *Other reasonable classifications* select the + **Add Classification** link and:
 - Enter the name and description in the text boxes provided.
 - Select the age option used for the additional classification.

Screen Validation: The name of each classification must be unique.

- To remove a classification:
 - If there is only one classification, uncheck the ***Other reasonable classifications*** box.
 - If there is more than one classification, select the – ***Remove New Classification*** link associated with the classification to be removed.
 - If ***No*** is selected at **C.1.**, at **C.2.**, select one or both of the options to indicate the types of reasonable classifications of children that qualify.
 - If **C.2.a. *Individuals for whom foster care maintenance payments...*** is selected, select one of the three options to indicate the age used for this classification.
 - If **C.2.b. *Other reasonable classification*** is selected:
 - Enter the name and description of the classification in the text boxes provided.
 - Select one of the three options to indicate the age used for this classification.
 - To add additional ***Other reasonable classifications*** select the + ***Add Classification*** link and:
 - Enter the name and description in the text boxes provided.
 - Select the age option used for the additional classification.
- Screen Validation:* The name of each classification must be unique.
- To remove a classification,
 - If there is only one classification, uncheck the ***Other reasonable classifications*** box.
 - If there is more than one classification, select the – ***Remove New Classification*** link associated with the classification to be removed.

D. Income Standard Used

For each age group/classification of independent foster care adolescents identified in section **C.**, the name of the age group/classification will be displayed in section **D.**, along with options to indicate the income standard that applies to that age group/classification.

For each age group/classification, indicate the income standard that applies, as follows:

- Select either **D.1. *No income test*** or **D.2. *An income standard***.
- If **D.2.** is selected, at **D.2.a.**, select ***Yes*** or ***No*** to indicate if the income standard is based on a % FPL.
 - If ***Yes*** is entered at **D.2.a.**, enter the % FPL in the text box provided.

Screen Validation: This standard must be greater than 133% FPL if the age selected in section **C.** is *Under age 21* or *Under age 20* and the state elected to cover the adult group in the **Mandatory Eligibility Groups** RU.

Screen Validation: This standard must be greater than the lowest income standard selected for the **Infants and Children under Age 19** RU if the age selected in section **C.** is *Under age 19*.

- If *No* is entered at **D.2.a.**, and the age selected in section **C.** is either *Under age 21* or *Under age 20*, and the state indicated that it does not cover the adult group in the **Mandatory Eligibility Groups** RU, select one of the two options (**D.2.b.i.** or **D.2.b.ii.**).
 - If **D.2.b.i.** *The current income standard used for Parents and Other Caretaker relatives* is selected and you wish to view this standard:
 - Select the *View Income Standard Used for Parents and Other Caretaker Relatives* link.
 - The payment standard from the **Parents and Other Caretaker Relatives** RU will appear if it has been approved in the MACPro system.
 - If there is no approved version of the RU in MACPro, a screen will appear with the following message: “There is no approved version of this reviewable unit in MACPro available to display.”
 - Select the *Independent Foster Care Adolescents* link to return to the **Independent Foster Care Adolescents** RU.
 - If **D.2.b.ii.** *Other dollar amount* is selected, select the *Add Income Standard* button:
 - The screen will display four options for entering this amount.
 - Select the option that best corresponds to the state’s dollar amount income standards.
 - Complete the appropriate sections within the selected option to indicate the state’s income standards. See the **Income Standards Entry** implementation guide for detailed instructions for updating these fields.
 - When you have completed this screen, select the *Save Income Standard* button. After saving the income standards they will be inserted into the **Independent Foster Care Adolescents** RU.
- If *No* is entered at **D.2.a.**, and either (1) the age selected in section **C.** is *Under age 20* or *under age 21* and the state indicated in the **Mandatory Eligibility Groups** RU that it covers the adult group or (2) the age selected in section **C.** is *Under age 19*, select the *Other dollar amount* option.
 - Select the *Add Income Standard* button.

- The screen will display four options for entering this amount.
- Select the option that best corresponds to the state’s dollar amount income standards.
- Complete the appropriate sections within the selected option to indicate the state’s income standards. See the **Income Standards Entry** implementation guide for detailed instructions for updating these fields.
- When you have completed this screen, select the **Save Income Standard** button. After saving the income standards they will be inserted into the **Independent Foster Care Adolescents** RU.

E. Basis for Income Standard

For each age group/classification of independent foster care adolescents identified in section C., the name of the age group/classification will be displayed in section E., along with minimum and maximum income standards allowed.

1. Minimum Income Standard

- At E.1., the following statement will be displayed if the age selected in section C. is **Under Age 21** or **Under age 20** and the state elected to cover the adult group in the **Mandatory Eligibility Groups** RU:

The minimum income standard for this age group or classification is an FPL percent greater than 133%.

- At E.1., the following statement will be displayed if the age selected in section C. is **Under age 21** or **Under age 20** and the state did not elect to cover the adult group in the **Mandatory Eligibility Groups** RU:

The minimum income standard for this age group or classification is the standard currently used under the Parents and Other Caretaker Relatives eligibility group.

- If you wish to view this standard, select the **View Income Standard Used for Parents and Other Caretaker Relatives** link.
 - The **Parents and Other Caretaker Relatives** RU will appear if there is an approved version of the RU in MACPro.
 - If there is no approved version of the RU in MACPro, a screen will appear with the following message: “There is no approved version of this reviewable unit in MACPro available to display.”
 - Select the **Independent Foster Care Adolescents** link to return to the **Independent Foster Care Adolescents** RU.
- At E.1., the following statement will be displayed if the age selected in section C. is **Under age 19**:

The minimum income standard for this age group is a standard greater than the lowest income standard currently used for children under this age under the Infants and Children under Age 19 eligibility group.

- If you wish to view this standard, select the *View Income Standard of Infants and Children under Age 19* link.
- The **Infants and Children under Age 19** RU will appear if there is an approved version of the RU in MACPro.
- If there is no approved version of the RU in MACPro, a screen will appear with the following message: “There is no approved version of this reviewable unit in MACPro available to display.”
- Select the *Independent Foster Care Adolescents* link to return to the **Independent Foster Care Adolescents** RU.

2. *Maximum Income Standard*

- At **E.2.** the following statement will be displayed:

The maximum income standard is no income standard is displayed as the *Maximum Income Standard* for each classification.

F. Additional Information

Except in limited circumstances, this field remains blank. Please consult with CMS before adding any additional information concerning this RU.

REVIEW CRITERIA

If Yes is selected at C.1. to indicate that the state covers all independent foster care adolescents under a specified age, and Yes is selected at C.1.b. to indicate that the state also covers a reasonable classification of children, then the reasonable classification must include individuals who are either older than the age specified at C.1.a. or have higher income than other independent foster care adolescents.

If Other reasonable classification is selected at C.2.b., the state must provide a description of the classification which is sufficiently clear and complete for the reviewer to understand.

If Other dollar amount is selected for the income standard for a classification, it must equal or exceed the appropriate minimum standard for that age.

If the state covered this group in the Medicaid state plan as of March 23, 2010, it may not eliminate or reduce eligibility by age or income under this group until October 1, 2019. It must, therefore, continue to cover children under an age at least as high as the age used in the Medicaid state plan as of March 23, 2010. An exception is if the state previously covered this group below the minimum income standard based on the

age of children covered. Then, the state's previous coverage is considered to be not applicable.