

Implementation Guide:
Medicaid State Plan Eligibility
Eligibility Groups – Mandatory Coverage
Children with Title IV-E Adoption Assistance, Foster
Care or Guardianship Care

Contents

POLICY CITATION.....	2
BACKGROUND.....	2
Overview	2
Income Eligibility	3
Requirements.....	3
INSTRUCTIONS	4
A. Characteristics	4
B. Additional Information (optional)	4
REVIEW CRITERIA.....	4

Children with Title IV-E Adoption Assistance, Foster Care or Guardianship Care

POLICY CITATION

Statute: 473(b), 1902(a)(10)(A)(i)(I)

Regulation: 42 CFR 435.145

BACKGROUND

Overview

This reviewable unit (RU) describes the eligibility group for children with adoption assistance, foster care or guardianship care under title IV-E of the Act, as described in 42 C.F.R. §435.145. It provides the criteria under which such “IV-E individuals” must be covered under this group.

Section 473(b)(1) of the Social Security Act (the Act) requires that IV-E individuals be considered to be receiving cash assistance (aid to families with dependent children, or AFDC, as it was in effect on July 16, 1996). In turn, section 1902(a)(10)(A)(i)(I) of the Act makes those cash assistance recipients eligible for Medicaid.

Title IV-E of the Act provides for federal payments to states for foster care and kinship guardianship care maintenance and for adoption assistance on behalf of children who meet the program’s eligibility requirements. The title IV-E agency in the state determines children’s eligibility under its IV-E plan, which may include evaluation of whether the child would have met AFDC criteria, the circumstances of removal from the home, citizenship and residency requirements, or special needs criteria for adoption. Based on the IV-E agency’s determination of eligibility, the Medicaid agency must provide Medicaid to the IV-E individual.

Consistent with the requirements described at 42 C.F.R. §435.145, the eligibility group for children with title IV-E adoption assistance, foster care or guardianship care is a mandatory eligibility group that covers individuals for whom:

- A title IV-E adoption assistance agreement with a state or Tribe is in effect;
- Title IV-E foster care maintenance payments are being made by a state or Tribe;
- or
- Title IV-E kinship guardianship assistance maintenance payments are being made by a state or Tribe.

Adoption Assistance: For the purpose of Medicaid eligibility, an individual with a IV-E adoption assistance agreement is eligible under this group regardless of whether adoption assistance payments or services are being received, or whether a judicial decree of adoption has actually been issued.

Foster care and kinship guardianship: The meet the requirements for Medicaid eligibility under this group, children with IV-E foster care or kinship guardianship care must be receiving IV-E maintenance payments from a state or Tribe. IV-E status alone does not make a foster care or guardianship care recipient eligible for the group.

Income Eligibility

There is no income or resource test for eligibility in the Children with Title IV-E Adoption Assistance, Foster Care or Guardianship Care group. Medicaid eligibility is based on the IV-E agency's determination of a child's title IV-E eligibility, and as such, the Medicaid agency does not conduct a determination of financial eligibility for Medicaid under this group.

Requirements

Individuals meeting the eligibility requirements are “automatically” eligible for this group, meaning that the state must promptly enroll the child in Medicaid with no burden placed on the child or the child's representative. The state may not require a Medicaid application for the IV-E individual, either for initial openings of Medicaid or for interstate transfers of Medicaid that accompany adoption or foster care assistance under title IV-E.

Consistent with regulations on state residence at 42 C.F.R. §435.403(g), a title IV-E individual is a resident of the state where that child lives. Foster care or guardianship assistance maintenance payments may be made by any state (or Tribe within any state); similarly, a IV-E adoption assistance agreement may be with any state (or Tribe within any state). The state of residence is responsible for enrolling the IV-E individual in its Medicaid program under the IV-E group.

A IV-E individual relocating to a new state is not required to meet the new state's IV-E eligibility criteria. For example:

- In state A, IV-E foster care maintenance payments continue until age 21.
- In state B, IV-E foster care assistance ends at age 18.
- A IV-E individual moves from state A to state B.
- The IV-E individual remains eligible for Medicaid in state B's IV-E group at age 18, 19, and 20 as long as maintenance payments continue to be made by state A.

Similarly, a child receiving IV-E guardianship assistance maintenance payments is eligible in the state of residence, even if that state has not elected to cover guardianship assistance under its title IV-E state plan.

While a IV-E individual is automatically eligible for the Children with Title IV-E Adoption Assistance, Foster Care or Guardianship Care group, renewals are still required for this eligibility group. Renewals for IV-E individuals can be conducted

administratively with no action needed by the child or the child's representative. A IV-E renewal consists of confirming:

- Continued state residency; and
- That the adoption assistance agreement remains in effect, or the foster care or guardianship assistance maintenance payments continue to be made.

INSTRUCTIONS

A. Characteristics

There are three statements (A.1. through A.3.) describing the characteristics of this eligibility group.

B. Additional Information (optional)

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

REVIEW CRITERIA

No specific review criteria are needed.