



Federal Child Welfare Manual Update

8.2B TITLE IV-E, Adoption Assistance Program, Eligibility

5. Question: *(new 2.25.11)*

The statute requires that to be an “applicable child” based on the child’s “duration in care,” the child must have been in foster care for 60 consecutive months (see section 473(e)(2)(A) of the Social Security Act). Please provide additional guidance on calculating the 60 consecutive month period.

Answer:

The 60 consecutive month period is any 60 consecutive months in foster care prior to the finalization of the adoption. The title IV-E agency may use any reasonable method of calculating the 60 consecutive month period, within the following parameters:

- The definition of foster care at 45 CFR 1355.20(a) applies in determining the 60 consecutive month provision and does not include detention facilities or psychiatric hospitals (see Child Welfare Policy Manual (CWPM) section 7.3 Q/A #1). Foster care is defined at 45 CFR 1355.20(a) as: 24-hour substitute care for children placed away from their parents or guardians and for whom the State agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and preadoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the State or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching of any payments that are made.
- A child must be in foster care, as defined in 45 CFR 1355.20(a), for at least one day of a month.
- A runaway episode may count towards calculating the 60 consecutive month period if the title IV-E agency retains responsibility for the placement and care of the child during the runaway episode because a child in this situation is considered to be in foster care. See CWPM sections 8.3C.2 Q/A #3 and 1.2B.7, National Youth in Transition Database (NYTD) Federal Guidance Q/A #8.10, and ACYF-CB-PI-08-03.
- If a title IV-E agency considers a child who is on a trial home visit to be in foster care, then the trial home visit period may count towards calculating the 60 consecutive month period. See existing policy on trial home visits in the CWPM section 8.3C.5.

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http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/policy.jsp?idFlag=8

U.S.C. refers to the United States Code

C.F.R. refers to the Code of Federal Regulations



- Source/Date: 2/24/2011
- Legal and Related References: Social Security Act – Section 473(e)(2)(A), 45 CFR 1355.20(a), Child Welfare Policy Manual sections 7.3 Q/A #1, 8.3C.5, 8.3C.2 Q/A #3 and 1.2B.7, NYTD Federal Guidance Q/A #8.10, ACYF-CB-PI-10-11, and ACYF-CB-PI-08-03

To go to this question directly in the Child Welfare Policy Manual, go to:

http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=32

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