

## IV-E Eligibility & Legal Enhancements Webinar Questions & Answers

**Question:** Who will be limited to the 45-Day Requirement?

**Answer:** Only DYS will not have the 45-day requirement. All IV-E Agencies and Courts will.

**Question:** Is the removal prior to custody date only for children who were in detention prior to custody? What about children who were in a living arrangement prior to custody?

**Answer:** Correct, this is only for children who were in detention prior to custody.

**Question:** When they're in a living arrangement, were they removed?

**Answer:** This is only for Sanctioned Removals. Not when there is an arrangement by the parent for the child to live with another party that is not sanctioned by a government entity.

**Question:** If child is marked as removed prior to agency custody, for detention as example, will that detention order be considered the initial removal order and be required to contain best interest? Along that line, reasonable efforts need to be obtained within 60 days of that removal date?

**Answer:** Whichever order (Warrant, pickup order, detention order, Ex Parte etc.) sanctioned the removal must contain a best interest statement. You have 60 days from the removal date to receive a finding that reasonable efforts were made to prevent removal finding.

**Question:** Please explain telephonic order of custody

**Answer:** R.C. 2151.31 Taking a Child into Custody states that a child can be removed through a phone call to a judge or magistrate. If the telephonic order is documented in writing the document must convey that it was in the child's best interest to be removed. If the telephonic order is not documented on the same day it is given, it should be stated in the complaint and/or shelter care hearing order that the removal was given verbally on specific date.

**Question:** Does Ohio SACWIS calculate the annual reasonable efforts due from the ruling prior to custody if that's when the initial RE was obtained?

**Answer:** The annual reasonable efforts to finalize the permanency plan is not dependent on when you receive the initial reasonable efforts to prevent the removal. The initial reasonable efforts finding is due within 60 days of the removal. The earlier you receive it the earlier you may claim reimbursement. The annual reasonable efforts finding is due 12 months from adjudication or sixty days whichever occurs first.

**Question:** If there is a custody ruling entered, can you go back and change the removal date for detention (when a child came from detention)?

**Answer:** No, once it is marked as completed you will not be able to go back and make changes.

**Question:** Should we use this new function for youth who are removed and initially placed in detention but then moved to Safe Landing youth shelter in lieu of detention while awaiting adjudication and disposition?

**Answer:** Yes, this is for any youth who is removed prior to your agency receiving custody. If the youth goes to another setting besides detention but is considered removed, then this is how you would document the removal in Ohio SACWIS.

**Question:** When is the build with these changes occurring?

**Answer:** This functionality is part of 3.21 which is scheduled to be deployed Thursday evening.

**Question:** Our Agency puts the children who have been removed from their parents but then placed into temporary custody of a relative in Living Arrangements. So wouldn't that classify as a prior removal?

**Answer:** This functionality is specific to the population of youth placed in detention prior to agency custody.

**Question:** Does the agency have to be involved with the child prior to them being sent to detention to record the prior removal date? What if they become involved upon release from detention?

**Answer:** No, the Agency does not have to be involved prior to them going to Detention. If the child is not released/returned to a parent/guardian/custodian, then it is a continued removal episode.

**Question:** For us a title IV-E court, usually a child is placed in detention with best interest provided. They have a hearing within 10 days. If they enter a denial, then it can be almost 30 days before they have a pretrial conference that then can turn into another pretrial conference scheduled so it could take 60 to 90 days prior to adjudication and then we may need to hold off disposition. where the child is then placed in or custody. At the detention, pre-hearing adjudication and dispositions hearings a best interest exhibit is provided for thirty days as well.

**Answer:** The Revised Code sets forth the timeframes for when hearings are held after a complaint/petition/motion is filed. If an emergency order, telephonic order or officer acceptance a shelter care hearing is held within 72 hours of removal and adjudication hearing is to be held within 60 days and disposition is to be held within 90 days. We believe most cases should be disposed of within the statutory timeframes.

**Question:** If we receive custody of a newborn upon discharge from the hospital, do the changes described here apply? So, would the removal date be the DOB and the custody be the discharge date?

**Answer:** This is specifically for youth who are in detention prior to Agency Custody.

**Question:** Will we need to update those youth we currently have in our custody? Or just do it from here on out?

**Answer:** Not unless you have just received custody this month or within the last 45 days as the system will allow you to enter those cases. You will begin to enter the removal prior to custody as soon as the functionality is available moving forward.

**Question:** If the child is placed in detention by court probation in Jan.; the court gives an agency custody in March and agency had no prior involvement (did file a petition) - which is the eligibility month?

**Answer:** OAC 5101:2-47-12, the Eligibility Month is the month when the petition is filed to remove a child or when the child is removed, whichever comes first. If the petition/motion/complaint occurs in a different month than the removal, then you must include the entire month's income. If the child is removed in the same month as the petition, only the income available to the child is counted. There should always be a petition/motion/complaint filed when a child is removed from the home pursuant to R.C. 2151.31 or Juvenile Rule 6 entitled "Taking a Child into Custody."

**Question:** When you say "who child is removed from" does this mean who had "custody" at the time of removal? What if there is an active safety plan and the child was placed in a friend of the family's home, on a safety plan. But, mom is the one who maintained custody? Friend unable to keep child. Agency calls in an Ex Parte for custody.

**Answer:** The requirement is that the child must be removed from and living with the same specified relative (within the last six months). There is no requirement the person had custody. Children who are safety planned out of the home due to mom or dad causing harm to the child is not considered a removal. Unless the court order states the child is removed from the person caring for the child via a safety plan, it should be whoever could not protect the child from harm or was causing the harm that a safety plan was needed.

**Question:** If a ruling states the agency will receive custody upon discharge, how is this entered into Ohio SACWIS so the RE and BI pull over into the IV-E eligibility record?

**Answer:** When a court ruling states “upon discharge” it is recommended that there be another entry that states the child was discharged or custody begins on this date. It is permissible to have custody begin on a later date, but there is nothing that states that there not be a date of discharge/custody begin.

**Question:** If 2 children are removed and both are receiving SSI/FCM/AA, each child would clearly be SFU for their own eligibility, but the other child will not be... is this correct?

**Answer:** It depends on the situation, but there are some exceptions to when a sibling in receipt of SSI can be added to the SFU. We would prefer you discuss this with your IV-E policy staff when adding this person could positively affect the eligibility of a sibling.

**Question:** Any idea when they will update the 1996 income guidelines to more current?

**Answer:** The guidelines for income is set by the Federal Government. There is no known changes.

**Question:** Will SSI/FCM/AA be auto populated? If so, where is this information coming from? If not, where do we enter it?, Does the AA get entered on the child or the parent.

**Answer:** Earned and unearned income must be entered into the person record for the person who is in receipt of the benefit.

**Question:** What type of verification will be needed for PWE for prior 2 years income for both parents?

**Answer:** To determine who is the principal wage earner, you will need to determine which parent earned the most money in the last two years. You may use CRIS-e/OIE/Ohio Benefits Interface with Ohio SACWIS; [theworknumber.com](http://theworknumber.com), tax or paystubs a questionnaire may be used as a last resort.

**Question:** How does the EARLIER Removal Date affect the mandatory medical form deadlines?

**Answer:** An agency is not responsible for visits, case planning and medical prior to having custody/care and placement responsibility.