

Applying IV-E Requirements in Delinquency¹ Cases

Ann Ahlstrom, Updated: Spring 2015

County Requirements to Claim Title IV-E for delinquency placements			
County is an umbrella county: Dakota, Olmsted, and Stearns	Governance of county puts social services and juvenile corrections departments under the same administration		
IV-E agreement in effect between local social services agency and corrections/probation agency	Agreement must be in place in order for social services to claim IV-E reimbursement when legal responsibility for placement is given to corrections agency		
IV-E Requirement	When	Timing	Court Action
Judicial determination of Contrary to the Welfare or Best Interests	In very first order removing child from home even if child is placed in ineligible facility (detention or facility with capacity of 25 or more and primarily for placement of delinquent children)	Must be in very first order removing the child from home or placement does not meet basic IV-E eligibility requirements and, therefore, is not reimbursable	Yes
Judicial determination of reasonable efforts to prevent placement	Within 60 calendar days of order removing child from home even if child is placed in ineligible facility	Must be made within 60 days from date of the court order removing the child or placement does not meet basic IV-E eligibility requirements and, therefore, not reimbursable	Yes
Out-of-Home Placement Plan	When child is in an eligible facility ²	Within 60 days of child entering eligible facility	None
Periodic review of necessity of placement, appropriateness of the particular placement, and adequacy of services to child and family	When child is in an eligible facility	Administrative review – 6 months after child enters eligible facility and every 6 months thereafter unless court hearing is held that reviews required issues	Can be court hearing or administrative review
Permanency Hearing: Permanency Petition is NOT required; hearing can be part of regular review under <i>Minn. Stat. § 260B.198, subd 9</i>	When child is in an eligible facility; only time in an eligible facility is counted toward permanency hearing requirement	Within 12 months after the child enters an eligible facility and every 12 months thereafter as long as child remains in an eligible facility	Yes
Judicial determination regarding reasonable efforts to finalize the permanency plan for the child (always reunification unless concurrent CHIPS is filed)	When child is in an eligible facility; The permanency plan for delinquency is <i>always</i> reunification. If the child needs a different plan, concurrent CHIPS jurisdiction is appropriate.	Within 12 months after the child enters an eligible facility and every 12 months thereafter as long as child remains in an eligible facility	Yes
Determination of “compelling reason” to continue in foster care past 12 months	When child is in an eligible facility	Within 12 months after the child enters and continues in an eligible facility	No ³ ; agency must document

¹ A county that can claim Title IV-E for any delinquent child must provide the Title IV-E protections to all delinquent children in foster care.

² “Eligible facility” means a family foster or group home licensed by DHS or DOC and those facilities listed in an Instructional Bulletin published quarterly by DHS and located on the DHS web site.

³ Note the difference from CHIPS requirement where court must approve agency determination of “compelling reasons.” See *Minn. Stat. § 260C.007 subd. 8*.