

2825 - AFDC RELATEDNESS

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| POLICY STATEMENT | A child must meet all AFDC relatedness criteria in order to be IV-E eligible. |
| BASIC CONSIDERATIONS | In all references to AFDC relatedness, the eligibility of the child is based on the AFDC program in effect in Georgia’s State Plan on July 16, 1996. Receipt of TANF in the eligibility month does not meet the AFDC relatedness criteria. |
| Eligibility Month | The eligibility month is the month of the initiation of court proceedings (i.e., the filing of the complaint or petition) that led to the removal of the child or the date a voluntary placement agreement (VPA) was signed by all parties. |
| AFDC Criteria | <p>The criteria which must exist in the removal home to meet the AFDC Relatedness criteria for IV-E purposes are:</p> <ul style="list-style-type: none"> • Age • Living with a specified relative in the removal home • Deprivation • Financial need (income and resources) • Citizenship/immigration |
| Age | To be IV-E eligible, the child must be under the age of 18. IV-E eligibility always discontinues the first day of the following month after the youth reaches 18. |
| Living with a Specified Relative in the Removal Home | <p>A child must meet AFDC eligibility criteria in the month in which either a Voluntary Placement Agreement (VPA) is entered into or a court order is initiated to remove the child from the home. If the child is not living with the specified relative/parent from whom custody is removed during the month the VPA is signed or the court order is initiated, a child can be considered AFDC eligible in that month if the following conditions apply:</p> <ul style="list-style-type: none"> • The child had been living with the specified relative from whom custody is removed at some time within the six-month period prior to the month the VPA was signed or the court order initiated <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • The child would have been AFDC eligible in the home of the specified relative from whom custody is removed in the month the VPA is signed or the court order initiated if the child had continued to live with the relative. <p>The “living with” and “removal from” condition must be met by the same Specified Relative. Reference this section for Living With/Removal Home Rule prior to March 27, 2000.</p> |

**BASIC
CONSIDERATIONS
(cont.)**

**Living with a
Specified Relative
in the Removal Home
(cont.)**

Refer to [Section 2245](#), Living with a Specified Relative for the definition of a Specified Relative. A Specified Relative includes a relative to be any relation by blood, marriage or adoption who is within the fifth degree of kinship to the dependent child.

The following relationships meet the requirements of a specified relative:

- parents (either by birth, legal adoption or step-relationship)
- grandparents (up to great-great-great)
- siblings (whole, half or step)
- aunts/uncles (up to great-great)
- nieces/nephews (up to great-great)
- first cousin
- first cousin once removed (the child of a first cousin)
- spouses of any person named in the above group, even after the marriage is terminated by death or divorce.

EXCEPTION: The spouse of a stepparent or the spouse of a stepsibling is **NOT** within the specified degree of relationship.

Relationship is established by one of the following:

- birth
- marriage
- legal adoption

An individual who has legal custody of a child does **NOT** meet the relationship requirement.

Adoption or severance of parental rights does **NOT** terminate blood relationship for the specified relative requirement.

The biological parent of a child who has been adopted continues to meet the relationship requirement, but is treated as a non-parent relative.

When a child is adopted, the relatives of the adoptive parent(s) assume the new relationships created by the adoption.

If a child is born or adopted after a marriage is terminated, the former spouse is **NOT** within the degree of relationship **UNLESS** s/he is the biological parent of the child.

The requirement for living with a specified relative is met if a newborn child is placed in DFCS care and responsibility directly from its birthplace in a hospital.

**BASIC
CONSIDERATIONS
(cont.)**

**Living with a
Specified Relative
in the Removal Home
(cont.)**

When DFCS takes custody of a child, there must be a removal for a child to be IV-E eligible. There are two types of removals:

- **Physical Removal** occurs when the agency has physically removed the child from their current living arrangement. Custody must also be removed from the appropriate person.
- **Constructive Removal** is considered a “paper” removal; State/Tribal agency has obtained legal custody and supervision of the child, but did not physically remove the child from their current living arrangement. A child is considered constructively removed on the date of the first judicial order removing custody, even temporarily, from the appropriate specified relative or the date that the voluntary placement agreement is signed by all relevant parties.

Use the following steps to establish whether the “removal from” and “living with” are the same person and whether the child is potentially IV-E eligible:

Determine who was the child’s caretaker in the month the VPA was signed by all parties or the court order initiated. The caretaker is the adult the child was physically living with. (Living With)

Determine from whom legal custody has been removed via VPA or court order. (Removed From)

Use the following chart to determine if the child is potentially IV-E eligible. The child must be removed from and living with the same specified relative at the time of removal, or within six months of the removal month to be IV-E eligible.

| Chart 2825.1 Living With and Removal From a Specified Relative | |
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| IF | Then |
| The child lives with a specified relative who DID have legal custody and from whom legal custody was removed AND The child will continue to live with this relative | The child is NOT IV-E eligible. No removal. |
| The child lived with a specified relative who DID have legal custody and from whom legal custody was removed AND The child is removed from the home | The child is potentially IV-E eligible. Physical Removal. |
| VPA or court order initiated to remove custody from a legal custodian who does not meet the definition of a specified relative. | The child is NOT IV-E eligible. Type of removal is not an issue. |
| The child lives with a caretaker who does NOT have legal custody, regardless of relationship AND | The child is potentially IV-E eligible. AFDC relatedness is based upon the situation of the |

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| <p>The child lived with the specified relative from whom legal custody was removed within the six months prior to the VPA signature or the initiation of the court order</p> <p style="text-align: center;">AND</p> <p>The child remains with the caretaker.</p> | <p>specified relative from whom legal custody was removed in the month the VPA was signed or petition filed.</p> <p>Constructive Removal.</p> |
| <p>The child lives with a caretaker who does NOT have legal custody, regardless of relationship</p> <p style="text-align: center;">AND</p> <p>The child DID NOT live with the specified relative from whom custody was removed within six months prior to the VPA signature or initiation of the court order</p> <p style="text-align: center;">AND</p> <p>The child will remain in the caretaker home.</p> | <p>The child is NOT IV-E eligible.</p> <p>It does not matter if the child is potentially AFDC eligible in the relative caretaker’s home.</p> <p>Constructive Removal.</p> |
| <p>The child lives with a specified relative caretaker who does not have legal custody</p> <p style="text-align: center;">AND</p> <p>The child DID NOT live with the specified relative from whom custody was removed within the six months prior to the VPA signature or the initiation of the court order</p> <p style="text-align: center;">AND</p> <p>The child is removed from the caretaker’s home.</p> | <p>The child is NOT IV-E eligible.</p> <p>Although the child was physically removed from the home of the related caretaker, that removal cannot be used to determine IV-E eligibility since the removal was not the result of a VPA or judicial determination.</p> <p>Constructive and Physical Removal.</p> |
| <p>The child lives with a non-related caretaker who does not have legal custody</p> <p style="text-align: center;">AND</p> <p>The child DID NOT live with the specified relative from whom legal custody was removed within six months prior to the VPA signature or the initiation of the court order</p> <p style="text-align: center;">AND</p> <p>The child is removed from the caretaker’s home.</p> | <p>The child is NOT IV-E eligible.</p> <p>Although there was a constructive, “paper” removal, the child had not lived with the specified relative from whom custody was removed within six months prior to the VPA signature or initiation of the court order.</p> <p>Constructive and Physical Removal</p> |
| Chart 2825.1 Living With and Removal From a Specified Relative (cont.) | |
| IF | THEN |
| <p>The child lives in a multi-generation household in which the specified relative with legal custody leaves the home</p> <p style="text-align: center;">AND</p> <p>The VPA or court order is initiated within six months of the specified relative (who had custody) leaving the home</p> <p style="text-align: center;">AND</p> | <p>The child is potentially IV-E eligible.</p> <p>AFDC relatedness is based upon the situation of the specified relative from whom legal custody was removed in the month the VPA was signed or petition filed.</p> |

**BASIC
CONSIDERATIONS
(cont.)**

**Deprivation
(cont.)**

- **Institutionalized/incarcerated:** one of the parents is in an institution or incarcerated prior to the child’s placement

NOTE: If incarceration of a parent occurs the same day as the removal, the RMS must determine if the removal was directly related to the incarceration. If the child’s removal results in the incarceration because the parent is the alleged perpetrator, the parent is considered part of the assistance unit (AU). If the incarceration occurred because of a previous or unrelated charge, then the parent is **not** considered as part of the AU.
- **Incapacitated or disabled:** any condition of mind or body which substantially reduces or eliminates the ability of the parent to support or care for the child. The parent’s(s) disability should be determined and the disability continues for at least 30 days. If the parent is receiving SSI or Social Security disability benefits, Veteran’s Disability benefits (100%), Railroad benefits, or Worker’s Compensation benefits, the incapacitation requirement is met and verification of benefits shall be included in the record (such as a copy of the award letter, or copy of a check). If these are not available, third party verification by a doctor is required.
- **Termination of parental rights:** if there has been a termination of parental rights, the child is deprived from the date of the termination of parental rights.
- **Unemployment of the principal wage earner:** this condition only applies when both parents are present in the household. The child can be considered deprived if the principal wage-earning parent is unemployed. The principal wage-earning parent is the parent who earned the greater amount in the 24-month period prior to the eligibility month. See [Section 2826](#) for more information on AFDC Unemployed Parent policy.

If the child was not deprived of the care and support of one or both parents during the eligibility month, there is no eligibility for IV-E.

**Financial Need:
Assistance Unit**

The Assistance Unit (AU) in the removal home must be established before Financial Need can be determined. The AU is the group of people whose income and resources must be considered in determining if the child meets financial need (income and resource) criteria for AFDC relatedness.

The following persons must be included in the AU if they are present in the Removal Home:

- Birth or adoptive parents
- Child in custody
- Any minor siblings (birth, adoptive or half) of the child in custody.

Any household member receiving SSI benefits is not counted as a

**BASIC
CONSIDERATIONS
(cont.)**

**Financial Need:
Assistance Unit
(cont.)**

member of the AFDC AU. In addition, the SSI benefits and any other income or resources of the SSI recipient are not counted in determining financial need. If the child in custody is a SSI recipient, the AFDC financial need criteria for both income and resources have been met. See [Section 2845](#), SSI Eligible Child.

An adoptive sibling to the child, who is receiving adoption assistance, may be excluded from the AFDC AU. (The adoptive sibling’s income and resources would be excluded).

If the child in custody and under review is receiving adoption assistance, do not count the child’s income and resources when determining financial need, however count the child as a member in the AFDC AU.

**Financial Need:
Resources**

The maximum value of resources the Assistance Unit (AU) in the removal home can own is \$10,000 to meet the resource limit for the financial need criteria.

If the child was living with either or both parents, the resources of all members of the AU (i.e., the person who would have made application and those dependents on that person) are considered in the determination of financial need.

If the child was living with a specified relative, other than the parents, only the child’s resources and members of the child’s standard filing unit are considered in the determination of financial need.

NOTE: If the child is in receipt of SSI in the eligibility month, the child meets financial need criteria for both income and resources.

See Section 2399 for treatment of resources.

**Financial Need:
Income**

Income is calculated utilizing countable earned and unearned income of the removal home AU.

Refer to [Section 2835](#) for AFDC Relatedness Budgeting and [Section 2499](#) for treatment of income.

If the removal home AU meets the AFDC SON during the eligibility month, pursue IV-E eligibility.

If the removal home AU does not meet the AFDC Standard of Need during the eligibility month, the child is ineligible for IV-E.

**Citizenship/
Immigrant Status**

The child must be a US citizen or a qualified immigrant to be IV-E eligible. It is the responsibility of the SSCM to verify citizenship or immigration status of applicants for IV-E benefits.

Refer to [Section 2215](#), Citizenship/Immigration/Identity.

**BASIC
CONSIDERATIONS
(cont.)****Citizenship/
Immigrant Status
(cont.)**

NOTE: DFCS may claim IV-E for an otherwise eligible child pending Department of Homeland Security (DHS) verification of immigration status. If DHS later verifies the child's immigration status does not meet Medicaid requirements, DFCS must adjust prior IV-E claims accordingly.