

	<b>GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES</b> <b>MEDICAID POLICY MANUAL</b>			
	<b>Chapter:</b>	<b>2800</b>	<b>Effective Date:</b>	<b>November 2020</b>
	<b>Policy Title:</b>	<b>AFDC Relatedness</b>		
	<b>Policy Number:</b>	<b>2825</b>	<b>Previous Policy Update:</b>	<b>MT 45</b>

## REQUIREMENTS

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

The criteria which must exist in the removal home to meet the AFDC Relatedness criteria for IV-E purposes are:

- 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.

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

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 child 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:

- The child had been living with the specified relative from whom they are removed and they are removed at some time within the six-month period prior to the month the VPA was signed or the court order initiated

AND

- The child would have been AFDC eligible in the home of the specified relative from whom **they are** removed in the month the VPA is signed or the court order initiated if the child had continued to live with the relative.

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.**

A specified relative must be the person identified in the court order as the person to whom it “would be contrary to the welfare” for the child to remain with or whom it is in the “best interest” of the child to be removed from.

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 the first cousin)
- spouses of any person named in the above group, even after the marriage is terminated by death or divorce.

**EXCEPTION:** The spouses 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:

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

- 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.

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 IVE 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)

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

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.

<b>Chart 2825.1 Living With and Removal From a Specified Relative</b>	
<b>IF</b>	<b>THEN</b>
<p>The child lives with a specified relative identified in the court order/VPA</p> <p><b>AND</b></p> <p>The child will continue to live with this relative</p>	<p>The child is NOT IV-E eligible.</p> <p>No removal.</p>
<p>The child lived with a specified relative identified in the court order/VPA</p> <p><b>AND</b></p> <p>The child is removed from the home</p>	<p>The child is potentially IV-E eligible.</p> <p>Physical Removal.</p>
<p>VPA or court order initiated to remove custody from a person who does not meet the definition of a specified relative.</p>	<p>The child is NOT IV-E eligible.</p> <p>Type of removal is not an issue.</p>
<p>The child lives with a caretaker who is NOT identified in the court order as the removal home, regardless of relationship</p> <p><b>AND</b></p> <p>The child lived with the specified relative identified in the court order and was removed within the six months prior to the VPA signature or the initiation of the court order</p> <p><b>AND</b></p> <p>The child remains with the caretaker.</p>	<p>The child is potentially IV-E eligible.</p> <p>AFDC relatedness is based upon the situation of the specified relative identified in the court order/VPA in the month the VPA was signed or petition filed.</p> <p>Constructive Removal.</p>

<b>Chart 2825.1 Living With and Removal From a Specified Relative (cont.)</b>	
<b>IF</b>	<b>THEN</b>
<p>The child lives with a specified relative caretaker who is not identified in the court order</p> <p><b>AND</b></p> <p>The child DID NOT live with the specified relative identified in the court order/VPA within the six months prior to the VPA signature or the initiation of the court order</p> <p><b>AND</b></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 is not identified in the court order</p> <p><b>AND</b></p> <p>The child DID NOT live with the specified relative identified in the court order and was removed within six months prior to the VPA signature or the initiation of the court order</p> <p><b>AND</b></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 identified in the court order/VPA within six months prior to the VPA signature or initiation of the court order.</p> <p>Constructive and Physical Removal</p>
<p>The child lives in a multi-generation household in which the specified relative identified in the court order/VPA leaves the home</p> <p><b>AND</b></p> <p>The VPA or court order is initiated within six months of the specified relative (identified in the court order/VPA) leaving the home</p> <p><b>AND</b></p> <p>The child remains in the home.</p>	<p>The child is potentially IV-E eligible.</p> <p>AFDC relatedness is based upon the situation of the specified relative identified in the court order/VPA in the month the VPA was signed or petition filed.</p> <p>Constructive Removal.</p>



**BASIC CONSIDERATIONS (cont.)****Deprivation (cont.)**

- **Divorce:** parents are divorced and one of the parents is not living in the same house
- **Continual absence:** one of the parents is continually absent from the home where the child resides
- **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.

**BASIC CONSIDERATIONS (cont.)****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 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.



**BASIC CONSIDERATIONS (cont.)****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.

**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.