

TITLE 479
CHILD WELFARE PAYMENT (CWP) AND MEDICAL SERVICES PROGRAM

CHAPTER 1-000 INTRODUCTION: Assistance may be provided to children under the Child Welfare Payment and Medical Services Program if they are in the custody of the Nebraska Department of Health and Human Services (NDHHS), NDHHS - Office of Juvenile Services, or a public agency that has a written agreement with NDHHS. The children may be removed from their homes or placed in their own homes with the provision of services and supervision.

1-001 Legal Basis

1-001.01 Non-IV-E Funds (Child Welfare): If no other source of funds is available, non-IV-E funds (which are state funds) may be used to meet the needs of:

1. Department wards;
2. Former wards;
3. Families of wards;
4. Foster parents;
5. Families in child protective services cases before the child(ren) is made a ward;
6. Adoption assistance for eligible children (see 479 NAC 8-000); and
7. Subsidized guardians (see 479 NAC 7-000).

Neb. Rev. Stat., sections 68-1202 and 68-1205, authorize the use of state funds for these children.

1-001.02 Title IV-E: The Adoption Assistance and Child Welfare Act of 1980 created the Title IV-E program. Title IV-E provides foster care maintenance and adoption assistance for eligible children. The Adoption and Safe Families Act of 1997 required states to use pre-August 22, 1996 rules. The Foster Care Independence Act of 1999 provides assistance to individuals age 18 through 20 who are transitioning from foster care.

1-001.03 Title XIX: Title XIX provides medical care and services to children who do not have sufficient income to meet their medical needs and who qualify according to the medical assistance guidelines.

1-002 Purpose: The purpose of the Child Welfare Payment and Medical Services Program is to provide payments and/or medical assistance for wards, former wards, children who are being adopted with a subsidy, families of wards or children at risk of becoming wards, foster parents, and families receiving guardianship subsidy.

{Effective 02/23/04}

1-003 Administration: The Child Welfare Payment and Medical Services Program is administered by the Nebraska Department of Health and Human Services in accordance with state laws and with rules, regulations, and procedures established by the Director of the Nebraska Department of Health and Human Services.

1-004 Definition of Terms: For use within CWP, the following definitions of terms will apply unless the context in which the term is used denotes otherwise.

Adequate Notice: Notice of case action which includes a statement of what action(s) the worker intends to take, the reason(s) for the intended action(s), and the specific manual reference(s) that supports or the change in federal or state law that requires the action(s) (see 479 NAC 1-007).

Approval Date: The date that the new or reopened case is determined eligible.

Budgetary Need: The amount determined to meet the child's needs as the result of the budget calculation.

Categorical Assistance: Assistance administered by the Nebraska Department of Health and Human Services (NDHHS). For the purposes of this program, it includes Aid to Dependent Children (ADC)/MA; Title IV-E payments; Assistance to Aged, Blind, or Disabled (AABD)/MA; State Disability Program (SDP)/MA; Refugee Resettlement Program (RRP)/MA; and Children's Medical Assistance Programs (CMAP).

Child Care Institution: A facility that is licensed by the State, including a:

1. Private facility. The private child care institution may be either nonprofit or for profit; or
2. A public child care facility which accommodates no more than 25 children.

Detention facilities, forestry camps, training schools, or any other facilities that are operated primarily for the detention of children who are determined to be delinquent are not licensed as child care institutions.

Child Support: Support ordered by a court of competent jurisdiction on behalf of a minor child.

Constructive Removal: A paper or nonphysical removal of a child from the home. This may be used when a child lives with an interim caretaker relative between the time s/he lives with the custodial parent and enters foster care, but the court removal is from the parent's home.

Contributions: Verified payments which are paid to or for a foster child. This includes money received from a parent when no order for child support exists.

Court Order: A document signed by a judge and entered in a court of competent jurisdiction.

Department: The Nebraska Department of Health and Human Services.

Discharged Ward: An individual who has been discharged as a ward of the court or NDHHS or NDHHS – Office of Juvenile Services (OJS).

Emergency Shelter Care: A short-term service that is intended to support children and families that are experiencing a crisis situation that requires a break from the home in a safe, secure place for less than 30 days.

Equity: The fair market value of property minus the total amount owed on it.

Fair Market Value: The price an item of a particular make, model, size, material, or condition will sell for on the open market in the geographic area involved.

Former Ward: An individual age 18 through 20 who has been discharged as a ward by NDHHS or NDHHS-OJS and who is in a continuing educational program.

Foster Care Payment Determination Checklist: A checklist that indicates the needs and behaviors of a child in order to determine the foster care payment for the child.

Foster Home: A private home, including a relative's home, which has been licensed or approved and evaluated by means of a home study for the 24-hour-a-day care of foster children.

Foster Parent: An adult who provides a home and manages and maintains a household which may be used for placement of children.

Guardian Ad Litem: An adult appointed by a court to protect the best interests of a minor child in a specific legal action.

Parent: Wherever the term parent, father, or mother is used, it includes birth, adoptive, and stepparents.

Physical Removal: A bodily removal of the child from the home.

Prorated Payment: A grant divided according to the number of days in the month (see 479 NAC 2-002.10).

Prudent Person Principle: The practice of assessing all circumstances regarding case eligibility and using good judgment in requiring further verification or information.

Relinquishment of Parental Rights: Voluntary surrendering of all legal rights and responsibilities of a parent. Relinquishment of a child to the Department is effective upon written acceptance by the Department. Relinquishment to the Department is irrevocable and transfers guardianship and full parental rights to the Department. (See 390 NAC 8-004.01 for special circumstances on relinquishing a Native American child.)

Retroactive Payment: A payment made for services provided in the previous month(s).

Runaway: A ward who has left the designated residence without approval.

Share of Cost: A client's financial out-of-pocket obligation for medical services when countable income exceeds the medical maintenance income level. The share of cost amount is the difference between the unit's countable income and the appropriate medical maintenance income level. This amount must be obligated or paid to medical providers before Medicaid will pay on the remaining medical bills.

Temporary Custody: Custody granted by a court of competent jurisdiction, or through properly executed voluntary placement agreement, voluntary relinquishment, or a law enforcement pickup.

Termination of Parental Rights: The legal separation of a parent-child relationship with accompanying transfer of custodial rights over a child through assignment of legal custody and guardianship by:

1. Voluntary relinquishment, the surrender of a child by parent(s), the Department, or licensed child placement agency (Neb. Rev. Stat., sections 43-104.02 through 43-106.01); or
2. Judicial determination, an order of the county, district, or separate juvenile court or tribal court (Neb. Rev. Stat., Chapter 43, Article 2).

Third Trimester of Pregnancy: Three calendar months prior to the month in which the child is expected to be born and the month of birth.

Voluntary Placement Agreement: An agreement signed by the parent(s) or guardian of a child placing the child in the Department's custody.

Ward: A child whose custody by judicial determination has been retained by the court or assigned to the Nebraska Health and Human Services.

Workforce Investment Act (WIA): Legislation designed to prepare youth and unskilled adults for entry into the labor force, previously known as JTPA.
{Effective 02/23/04}

1-005 Eligibility Worker Responsibilities: The eligibility worker has the following responsibilities.

1-005.01 Duties at Intake Application or Review of Eligibility: At the time of intake application or review of eligibility, the eligibility worker shall -

1. Collect and review the information entered on Form CWI-10 for Department wards, Form DA-100 for non-Department wards;
2. Monitor the eligibility and payment factors and any changes that affect eligibility and payment;
3. Obtain verification of the eligibility and payment factors that require verification;
4. Uphold the child's legal rights, including filing an appeal if the child's application for government benefits has been denied;
5. Explore income that may be currently or potentially available such as Retirement, Survivors, and Disability Insurance (RSDI); Supplemental Security Income (SSI); veteran's assistance benefits (VA); Railroad Retirement; etc.;
6. Ensure that programs for which the child is eligible are used, such as social services; Early and Periodic Screening, Diagnosis, and Treatment (EPSDT); family planning; and other categorical programs;
7. Inform the child, the foster parent(s), and/or the child caring agency that s/he must show the child's medical card to all providers and must inform the worker of any health insurance plan, any individual(s), or any group that may be liable for the child's medical expenses;
8. Inform the child, the foster parent(s), and/or the child caring agency of the requirement to participate in the Nebraska Health Connection, if applicable (see 477 NAC 4-013 ff.);
9. Complete necessary reports and information forms;
10. Act with reasonable promptness on the determination of eligibility for the ward;
11. Provide adequate notice of any action affecting the ward's maintenance amount or medical assistance.

{Effective 7/25/95}

1-005.02 Continuing Responsibilities: The eligibility worker has the continuing responsibility to

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1. Provide adequate notice of any action affecting the child's assistance case;
2. Treat the child's information confidentially;
3. Uphold the child's civil rights; and
4. Refer a foster parent or child caring agency to the State Claims Board if the parent or agency wants to file for reimbursement for injury or damages caused by a ward. The address is Risk Management/State Claims Board, P.O. Box 94931, State Capitol Building, Room 1212, Lincoln, NE 68509.

1-006 Prompt Action: The worker shall act with reasonable promptness making a determination of program eligibility. If circumstances beyond the control of the worker prevent action within 45 days, the worker shall record the reason for the delay in the case record.

1-007 Notice of Action: After consulting with the child's other worker(s), the eligibility worker must send adequate notice of any action affecting the child's grant and/or medical assistance. For Department wards, the placement worker decides to whom a copy must be sent, i.e., foster parent, child caring agency, etc.

1-007.01 Non-Department Wards: For non-Department wards, the worker must send the notice to the appropriate agency. If the case is approved, the worker must send a copy of the notice along with any case plan information provided by the contractor to the permanency plan reviewer.

The notice must include a statement of what action(s) the IM worker has taken, the reason(s) for the action(s) taken, and the specific manual reference(s) that supports or the change in federal or state law that requires the action(s).

1-008 Right to Appeal: The agency that has custody of a non-Department ward has the right to appeal any action, inaction, or failure to act with reasonable promptness with regard to assistance from the Department; a former ward has these appeal rights for medical assistance. See 465 NAC 2-001.02 ff. for appeal procedures.

1-008.01 Right to Grieve: The foster parent of a Department ward has the right to grieve if the Department denies his/her request for payment or fails to act with reasonable promptness with regard to financial assistance from the Department.

The foster parent also has the right to grieve the decision to complete the Foster Care Payment Determination Checklist or the accuracy of the checklist. A former ward has the right to grieve the Department's denial or failure to act with reasonable promptness on his/her application for an assistance grant. See 479 NAC 2-002.03J ff. for complaint and grievance procedures for foster parents.

1-009 Authorization for Investigation: The worker uses Form IM-27FC to obtain verification for Department wards. For non-Department wards, Form ASD-46 is used to obtain verification and the individual who signed Form EA-117 signs the form.

1-010 Eligibility Review: The worker must review the child's eligibility:

1. Every 6 months for FC-10 cases; or
2. Every 12 months for FC-30 cases.

{Effective 9/20/05}

1-011 Prudent Person Principle: When the facts of the case are incomplete, unclear, or inconsistent, or when other circumstances in the particular case indicate to a prudent person that further inquiry must be made, the IM worker shall must obtain additional verification.

1-012 Local Office of Responsibility: The payment case is handled by the local office that is responsible for the child's service case.

1-013 Transfer of Cases: The eligibility case for a ward “follows” the Protection and Safety case. When required, the case must be transferred within ten working days. To transfer the case, the worker must:

1. Notify the receiving unit of the anticipated transfer as far in advance as possible;
2. Bring the case up to date and prepare a summary narrative of the case status. Redetermine eligibility if the review is due before the transfer; and
3. Forward the entire case record.

{2/23/04}

1-014 Ward in Institution for Mental Disease (IMD): The medical case remains open when a ward is placed in an IMD. For treatment of a ward in an IMD, see 479 NAC 4-000.

1-015 Payment Policy: Foster care payments are made in arrears, i.e., payment at the beginning of one month is for the care provided in the previous month.

Payments to former wards and wards in independent living are made prospectively; the payment is made for the first of the month for that month's care.

1-016 Protective Payee: If a grant is paid directly to the ward and the worker documents that the ward is mismanaging the money, a protective payee may be assigned temporarily. The protective payee must be an interested third party who is concerned with the welfare of the ward. See 465 NAC 2-008 ff. for procedures for assigning a protective payee.

1-017 Forms: Instructions for the forms used in this program are contained in the Public Assistance Forms Manual.

1-017 Summary of Forms: The following forms are used in the Child Welfare Payment and Medical Services Program. Instructions for the forms are contained in the appendix.

<u>Form #</u>	<u>Form Title</u>	<u>PAF Reference</u>
ASD-17	Question Referral Form	1-2
ASD-19	Client Referral	1-3
ASD-46	Authorization for Investigation	1-4
	Overview of the Insurance information system	1-5
ASD-59	Insurance Information	1-6
ASD-60	Health Insurance Verification Form	1-7
CSE-12	Acknowledgement of Paternity	3-4
CWI-10	Child Welfare Information System	3-7
DA-3M	Medical Budget and Record	4-1
DA-100	Application for Assistance	4-5
DA-100A	Supplemental to the Application for Assistance	4-6
DAS-02-09	Disbursement Document	4-9
DM-5	Physician's Confidential Report	4-10
DSS-5	Authorization and Billing Document	4-16
DSS-58	Relinquishment of a Child by Parents	4-19
DSS-0857	Voluntary Placement Agreement	4-23
DSS-0859	Interstate Compact on Adoption and Medical Assistance Notice of Transfer	4-24
DSS-0866	Request and Authorization for Use of State Ward Trust Funds	4-25
EPSDT-3FC	EPSDT Request and Treatment	5-2
EPSDT-4FC	EPSDT Follow-up	5-3
FA-62	Maintenance Assistance Cancellation/Refund Transmittal	6-3
I-94	Arrival-Departure Record	9-1
IM-2	IM Referral to Vocational Rehabilitation	9-6
IM-5	Notice to the Child Support Enforcement Unit of a Good Cause Claim	9-7
IM-5FC	Notice to the Child Support Enforcement Unit of a Good Cause Claim	9-9

<u>DHHS</u>		<u>PAF</u>
<u>Form #</u>	<u>Form Title</u>	<u>Reference</u>
IM-6FC	State Ward Status Change	9-10
IM-8	Notice of Finding	9-12
IM-8FC	Notice of Action	9-14
IM-17E	Interim Assistance Reimbursement Authorization Eligibility	9-17
IM-17P	Interim Assistance Reimbursement Authorization - Post Eligibility	9-18
IM-18AFC	Family Financial Information, Initial Eligibility and Review	9-19
IM-18FC	State Ward Income and Resources Data	9-20
IM-19AFC	Follow-up Overpayment Notification	9-22
IM-19FC	Overpayment Notification	9-21
IM-20	Educational Benefits and Housing Verification	9-23
IM-21FC	Manual Payments Notice	9-24
IM-22	Certificate Request	9-26
IM-24	Notice of Excess Income Obligation	9-27
IM-25FC	Payment Computation Budget	9-28
IM-26FC	Payment Computation Budget, Independent Living, Former Wards	9-29
IM-27	Authorization for Release of Information	9-32
IM-50	Retroactive Payment	9-37
IM-53	Form Letter for Subsidized Adoption	9-41
IM-54	Form Letter for Foster Care	9-42
IM-57FC	Rights and Responsibilities	9-44
IM-58FC	Third Party Payment for Medical Care/Adoption	9-45
IM-59FC	Third Party Payments for Medical Care/Foster Care	9-46
IM-60	Medical Assistance Notice of Requirement to Cooperate and Right to Claim Good Cause	9-47
IM-65	Out-of-State Recertification of Need Letter	9-51
MC-5	Periodic Screening, Report and Claim Statement	10-1
MC-10	Prior Authorization Document Adjustment	10-3
MC-12	Excess Income Obligation Claims	10-4
MC-13	Dentist's Pretreatment Plan and Service Statement	10-5
	Nebraska Medicaid Identification Card	11-3

<u>Form #</u>	<u>Form Title</u>	<u>PAF Reference</u>
PDS-113	Adjustment Request for Client Medical Eligibility Record	11-4
QC-1	Quality Control Review Findings	12-1
SS-5	Application for a Social Security Card	13-2
SSA-491TC	Automated Third Party Query	13-3
SSA-1610	Social Security Public Assistance Agency Information Request	13-4
SSA-4681	Case Report on Good Cause for Refusing to Cooperate in Establishing Paternity and Securing Child Support	13-6