

Title IV-E Reasonable Candidacy
Frequently Asked Questions
(Jointly Prepared by CPOC and CDSS)

1. Does the case plan need to be signed by both parents of the reasonable candidate if the minor resides with both parents?

Development of the case plan is a joint effort between the probation officer (PO), the minor and his or her parent(s)/legal guardian(s). If the minor is residing with both parents, it is highly desired that both parents sign the case plan. However, it is not required that both parents sign the form before candidacy claiming may begin. If one or both parents refuse to sign the form, the PO should make additional attempts to secure the signature and if unsuccessful, the PO shall document one or both parents' refusal and the attempts made to obtain their signature in the PO Notes section of the case plan.

2. Can a minor living with a relative who is not the legal guardian be a reasonable candidate?

No, the purpose of Title IV-E pre-placement is to help prevent removal of minors who are at imminent risk of removal from their parents and/or legal guardians. For the purposes of establishing candidacy, a minor must be residing with his or parent(s) and/or legal guardian(s). If a minor is no longer living with a parent or legal guardian, in the eyes of the federal government, they have already been removed from the family home and would not qualify as a Title IV-E candidate.

3. Is the act of administering a drug test an allowable IV-E activity?

No, administering a drug test is not an allowable Title IV-E activity. If the minor is meeting with his or her PO and the minor's case plan objectives are discussed and the PO is checking on the minor's progress, that time may be claimed as case management (prevention). However, the time spent monitoring the minor for his or her drug test cannot be claimed. The act of collecting a urine sample is a probation-only activity.

4. May undocumented minors be reasonable candidates?

No, minors who are not in the United States legally, either as a U.S. citizen or qualified alien, may not be reasonable candidates. Probation departments may claim for U.S. citizens and specified qualified aliens only. If a PO has reason to believe that a minor is not a citizen or qualified alien, the PO should not consider the minor a reasonable candidate. If at any point in time during which a PO is claiming on a minor as a

reasonable candidate it is determined that the minor is not a citizen or qualified alien, claiming must stop immediately.

5. How does CDSS want probation departments to track their Title IV-E reasonable candidates? What types of probation youth should be included in the formula used to determine what percentage of overall probation youth make up reasonable candidates?

It is up to each county to create a trackable list of all Title IV-E candidates. This will be kept at the county level and be readily available should CDSS or ACF request a list of candidates. It is not necessary for probation to generate a percentage of candidates to non-candidates. At this time, ACF has only required that Probation departments keep an active and current list of candidates at all times. The methodology for developing and keeping this list remains at the county level.

6. Can probation claim Title IV-E pre-placement activities for dual-jurisdiction youth who are residing at home and currently receiving family maintenance services through child welfare?

Yes, probation may claim Title IV-E pre-placement activities for dual-jurisdiction youth. However, for claiming to occur there needs to be an agreement between child welfare department and probation as to which agency would be the lead agency and what protocols to follow. Additionally, pursuant to ACIN I-05-06, under the “lead agency” option, one agency would assume primary management over the case file, court hearings, and court reports but both agencies could provide services to the child so long as those services are different and are warranted and/or required. County agencies shall work cooperatively to assess and assign services to meet the needs of the child. County agencies would be prohibited from claiming funds twice for the same service or activity. For additional information related to dual jurisdiction youth please refer to ACIN I-05-06.

7. If my probation department does random moment sampling can we remove the Pre-determination Time table from the case plan attachment in ACL 14-36?

Yes, you may remove the pre-determination time table. Random moment sampling automatically captures any allowable activities you have completed for a minor in the same month candidacy was determined.

8. Are the youth categories listed in Welfare and Institutions Code (W&IC) 654.2, 725(a) and 790 claimable as reasonable candidates?

Yes, these youth may qualify as a reasonable candidate as long as a 602 petition has been filed in court and all Title IV-E reasonable candidate requirements have been met as identified in ACL 14-36. CDSS recognizes that there is a very small subset of youth in these categories that may qualify for Title IV-E pre-placement. It is important to note that while a youth is not required to be a 602 ward, if your probation department

designates a W&IC 654.2, 725(a) or 790 youth as a reasonable candidate, it is highly recommended that your department have strong documentation to support the youth's candidacy designation as well as have examples from your jurisdiction where your probation department has placed youth from these levels of probation directly into an out-of-home placement.

9. Are youth placed in the Wraparound program permitted to be Title IV-E candidates?

Yes, probation may claim youth in the Wraparound program as candidates as long as all the candidacy requirements are met (i.e. youth is at imminent risk, case plan is complete and signed, etc.). It is important to note that probation cannot claim both Title IV-E pre-placement and Title IV-E Foster Care maintenance on the same youth. The youth can only be considered in one category at a time. If your county, in administering the Wraparound program, issues removal orders and chooses to claim Title IV-E Foster Care placement administrative reimbursement for eligible activities with these youth, you may not also designate these youth as candidates and claim pre-placement reimbursement.

10. If a youth is released from juvenile hall or another detention setting and prior to their incarceration had an active candidacy case, can probation resume claiming on the youth if the case plan is still relevant (i.e. all familial issues – family dysfunction – are still present, objectives are still up to date and the youth continues to be at imminent risk)?

Yes, probation may resume claiming on this youth as long as the case plan is not due for its six-month review. If it has been more than six months since the case plan was completed, claiming should cease until a new case plan is developed with the youth, parent(s) and/or legal guardian(s) and PO.

11. Are electronic signatures acceptable on a case plan or are “wet” signatures required?

Welfare and Institutions Code Section 10851 contains language which provides that a duplicate copy of any record reproduced shall be deemed an original, so an electronic signature on the case plan is acceptable.