

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY</b>	
	<b>Chapter 15: Eligibility</b>	<b>Effective Date:</b> November 1, 2014
	<b>Section 6: Deprivation</b>	<b>Version:</b> 1

<b>STATEMENTS OF PURPOSE</b>
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In order for a child to be eligible for Title IV-E Foster Care, the child must be deprived of parental support or care during the removal month by reason of death, continued absence from the home, physical or mental incapacity, unemployment, or underemployment of a parent. Review the situation of the child's parents (biological or adoptive) in relation to the removal home (i.e., the home of the person from whom the child was legally removed) to evaluate the deprivation criteria. See separate policy, [15.2 Removals](#) for additional information about the removal home.

Death

The child is deprived of parental support or care if either parent is deceased prior to removal of the child from the home.

Continued Absence

The child is deprived of parental support or care when one or both parents are continually absent from the home prior to removal, such as when:

1. The parent(s) has been physically absent from the home for an undefined period of time, but the absence is expected to exceed 30 calendar days into the future;
2. The nature of the absence is such that it interrupts or terminates the parent's functioning as a provider of maintenance, physical care, and/or guidance for the child; and
3. The known or indefinite duration of the absence precludes relying on the parent to perform a parental function in planning for the present support or care of the child.

Physical or Mental Incapacity

The child is deprived of parental support or care if either parent has a physical or mental illness or impairment (as documented by a medical professional or the Social Security Administration) that:

1. Substantially reduces or eliminates that parent's ability to support and care for their child; and
2. Is expected to last for at least 30 days.

Unemployment/Underemployment

The child is deprived of parental support or care when the family's income is less than the standard of need for an assistance group of the family's size. See separate policy, [15.5 Assistance Group](#) for additional information about the determination of the size of the assistance group and separate policy, [15.7 Income Requirements](#) for additional information on the standard of need.

Code References

1. [42 USC 672\(a\)\(3\)](#)

2. [45 CFR 1356.21\(l\)](#)
3. [45 CFR 233.10](#)

## PROCEDURE

The Family Case Manager (FCM) will:

1. Verify and collect the required documentation to support the child's deprivation of parental support or care at the time of removal;
2. Upload the supporting documentation in the case management system within 30 days; and
3. Contact the DCS Central Eligibility Unit (CEU) immediately for additional instructions during the child's episode in out-of-home care, if information is discovered regarding the child's deprivation that would impact the initial eligibility determination.

The DCS CEU will:

1. Review the eligibility information in the case management system; and
2. Make a determination of whether deprivation exists.

## PRACTICE GUIDANCE

### **General Guidelines to Follow When Considering Deprivation:**

1. If the child did not physically reside in the removal home during the removal month, consider whether the child would have met the deprivation criteria if the child had physically resided in the home during the removal month;
2. If the child is adopted, deprivation is based on the child's adoptive parent(s), not the child's biological parent(s); and
3. Termination of parental rights cannot be used to establish deprivation.

### **Continued Absence**

Reasons for continued absence can include, but are not limited to:

1. Parent is living at a separate address;
2. Parent is incarcerated prior to and unrelated to the child's removal;
3. Parent has abandoned the child;
4. Single parent adoption; or
5. Artificial insemination (donor unknown).

There are some special circumstances for which the general rules for deprivation by continued absence do not apply:

1. If a parent is absent from the home due solely to active duty in a uniformed service of the United States (Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration, Public Health Service), school attendance, or employment, the child would not be deprived due to continued absence; or
2. If a parent is released from a correctional institution to their home while serving a court imposed sentence by performing unpaid public work or unpaid community service during the work day, the child would be deprived due to continued absence even though the parent is in his or her home.

### **Physical or Mental Incapacity**

A parent receiving Supplemental Social Security Income (SSI) is considered to be incapacitated. A parent receiving Retirement, Survivors, Disability Insurance (RSDI) from the Social Security Administration for his or her own disability is considered an incapacitated parent.

Although a parent may not be receiving a formal source of income for a disability, the parent may still be considered incapacitated for the purposes of deprivation. To verify incapacitation, a physician or psychologist must prepare a written statement to verify the parent is incapacitated and the duration of the incapacity.

**Supporting Documentation:**

Acceptable supporting documentation of deprivation criteria includes, but is not limited to copies of the following:

**Death**

1. Death certificate;
2. Death notice or obituary;
3. Bureau of Vital Statistics;
4. Hospital records;
5. Mortuary bill;
6. Insurance company records;
7. Cemetery records;
8. Military records;
9. Letters from the Social Security or Veteran's Administration referencing the death; and
10. Statements from reliable persons cognizant of the facts.

**Continued Absence**

1. Post Office record of address;
2. Employer record of address;
3. Utility company records;
4. Unemployment compensation records;
5. Driver's license;
6. Motor vehicle registration;
7. Lease records or rent receipts (landlord);
8. Statements from reliable persons cognizant of the facts;
9. Legal documents;
10. Attorney records; and
11. Law enforcement records.

**Physical or Mental Incapacity**

1. SSI or RSDI checks received during the month of removal;
2. Award letter for SSI or RSDI covering the month of removal;
3. Screen shots documenting receipt of SSI or RSDI during the month of removal; and
4. Written statement from a physician or psychologist.

**Unemployment/Underemployment**

1. Public Assistance database screens (gathered by CEU);
2. Employer statements;
3. Bank statements;
4. Tax records;
5. Business records;
6. Pay stubs; and
7. Statements from reliable persons cognizant of the facts.

**FORMS AND TOOLS**

[Title IV-E and Title IV-A/EA Information \(SF55435\)](#)

**RELATED INFORMATION**

N/A

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