

# MISSISSIPPI DIVISION OF MEDICAID

## Eligibility Policy and Procedures Manual

### **200.07.14 FOSTER CARE AND ADOPTION ASSISTANCE**

#### **Foster Care**

An individual (adult or child) is considered to be in foster care when:

- A public or private nonprofit agency places the individual under a specific placement program; and
- The placement is in a home or facility which is licensed or otherwise approved by the state to provide care; and
- The placing agency retains responsibility for continuing supervision of the need for such placement and the care provided.

A foster care payment is a payment made to the foster care provider for meeting the needs of the individual in care. An agency may make an additional payment to the foster care provider, which is not intended to support the individual in care, for the provider's own use. While these two payments may be combined and termed "foster care" payment by the issuing agency, only the part that is intended to meet the needs of the individual in care is the foster care payment. Treatment of foster care payments depends on the funding source of the payment, the purpose of the payment and whether the Medicaid recipient is the provider or beneficiary of the care.

#### **Adoption Assistance**

Adoption assistance programs provide payments and/or services for the child for whom unassisted adoption is unlikely because of age, ethnic background, disability, etc. The income of the adoptive parent, the adopted child or both may be considered in determining the payment. Usually adoption assistance will be formalized by a written agreement between the adopting parents and the agency involved. Adoption assistance may be provided by public or private agencies and may be based on need.

### **200.07.14A FOSTER CARE PAYMENTS UNDER TITLE IV-E**

Title IV-E foster care payments are income based on need (IBON) to the individual in care. This income is not subject to the \$50/\$20 general income exclusion. Amounts paid to the provider in excess of the foster care payment, e.g., incentive or service payments, which are not intended to support the child, and are in addition to the foster care payment are counted as income to the provider.

**NOTE:** Payments made under Section 477 of Title IV-E, Independent Living Initiatives, are cash assistance from a governmental social services program and do not count as income.