

ACF

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Children, Youth and Families

Administration
for Children
and Families

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INFORMATION MEMORANDUM

To: State and Territorial Agencies Administering or Supervising the Administration of Title IV-B or IV-E of the Social Security Act.

Subject: Assisted Guardianship Child Welfare Waiver Demonstration Projects and Categorical Eligibility for Medicaid for Title IV-E Eligible Children.

References: Section 1130 of the Social Security Act (the Act); Title IV-E of the Act; Title XIX of the Act.

Information: This Information Memorandum (IM) confirms that a child who receives title IV-E benefits is categorically eligible for title XIX and the Federal statute requires State Medicaid programs to cover such children. See sections 472(h), 473(b) and 1902(a)(10)(A)(i)(I) of the Act. A title IV-E eligible foster child who subsequently transitions to a participating State's Assisted (Subsidized) Guardianship Child Welfare Waiver Demonstration Project continues to receive title IV-E benefits and therefore continues categorical eligibility for title XIX until the child's 18th birthday or until the termination of the waiver, whichever comes first. This eligibility is retained even when the title IV-E eligible child is placed out-of-State, at which point Medicaid coverage is provided by the new State of residence.

After the termination of a child welfare waiver demonstration, title IV-E funding can no longer be used for assisted guardianship payments, so the children remaining in guardianship arrangements are no longer considered eligible for Medicaid under the mandatory title IV-E Medicaid eligibility group. The State which placed the child into guardianship is then responsible for determining how to honor the terms of the child's guardianship agreement with respect to the provision of health insurance. The child could possibly be eligible under another Medicaid eligibility group.

Inquiries: Direct inquiries to ACF Regional Program Managers, ACF Regions I-X

/s/

Joan E. Ohl
Commissioner