

3.20 Financial Support by Parents Effective 7/20/82 – Updated 2002

PURPOSE

Financial support is sought from the parent(s)/legal custodian(s) of children in the Department's care or custody for several reasons. One is their parental responsibility and obligation to support their children. Another is experience has indicated parents who financially support their children are more involved in planning for them.

LEGAL BASE

Title 22, MRSA §4023(B) (short term emergency care) and §4036(1)(g) (disposition for protective orders) make provision for support of the child by his parents.

Title 19 of the Social Security Act and 22 MRSA §14 enable the Department of Human Services to recover the cost of Medicaid expenditures for medical care which is also covered by insurance or other third party benefits. Under 22 MRSA §14 the receipt of Medicaid benefits constitutes an automatic assignment of third party benefits by the Medicaid recipient to the Department.

FINANCIAL SUPPORT FROM PARENTS OF CHILDREN PLACED BY VOLUNTARY AGREEMENT (V1, V2, V6 AND V8)

A voluntary agreement between a parent(s) and the Department of Human Services for placement of his child in substitute care rarely involves the court. Therefore, financial support (i.e., monetary contributions, payment for medical care, and/or purchased clothing or other items) for children placed in this manner will be obtained by voluntary agreement with their parents.

PRACTICE STANDARDS

1. Financial support of their child while in substitute care will be discussed with the parent(s)/legal custodian(s) as part of the agreement for voluntary care and placement of the child.
2. Written agreement will state the amount, frequency, type, and effective date of the support.
3. Financial support will be commensurate with the parents' ability to pay.
 - a. When the reason for placement (i.e., hospitalization of the parent) also means a reduction in or loss of parents' income, this will be taken into consideration in determining the amount and type of financial support.
 - b. Financial support received by the parent for the child(ren) being placed is a resource for financial support of the child while in substitute care.
 - c. The guidelines utilized by the Support Enforcement and Location Unit may be of assistance in determining a reasonable amount for financial support.

4. The type and amount of financial support will depend on the planned duration of placement, and the financial resources available to the parent.
 - a. When child is covered by health or medical insurance other than Medicaid, this is to be the primary source for payment of medical expenses while the child is in voluntary care. It is preferable to have the child's parent provide the health insurance information to the provider along with the parent's consent for treatment; however, the parent may fill out a form SWMA-004, Medical Insurance Form.
 - b. Contribution of pampers, baby foods, etc., may be one type of support for placement of short duration (i.e., less than one week).

PROCEDURES

1. Within 2 weeks of the signing of the voluntary care agreement, the caseworker for the child will send a letter to the parent(s) reiterating their agreement with the Department regarding financial support and explaining that their support is to be sent to "c/o Budget Office, Regional Office Address" and requesting that their name and the name(s) of the child(ren) for whom the support is sent be included with each payment.
2. Also within 2 weeks of the signing of the voluntary care agreement, the child's caseworker or Financial Services Specialist will complete form BSSSC-019 Financial Support for Children in Care and Custody of the Department of Human Services and send to the Budget Officer for his regional office.
3. If the parents have agreed to pay for the child's medical and health care and/or the child is covered by medical/health insurance other than Medicaid.
 - a. The written agreement for voluntary care will describe how payment will be arranged and made.
 - b. The written agreement will include the policy number and name of the policy holder of any health insurance to be used for the child's medical/ health expenses.
 - c. The child's foster parents will be informed of any procedures they are to follow regarding medical care and if the parent has signed a form SWMA-004 Medical Insurance Form.
 - (1) The yellow copy is filed in the child's record,
 - (2) The child's worker or Financial Services Specialist sends the white copy to:
Division of Child and Family Services, ATTN: Substitute Care Program Specialist.
4. Monthly the Budget Officer will prepare a report which lists the parents from whom support was anticipated, the parents from whom money was received, for which children money was received, and what amount was received from each parent and for each child. One copy of this report will be sent to the Regional Program Managers, Children's Services and one to the Division of Child and Family Services, ATTN: Substitute Care Program Specialist. Each region may determine further distribution of this report.

5. When the child is no longer in voluntary care and/or support is no longer to be anticipated, the child's worker will so notify the Budget Office, and if a form SWMA-004 was signed, also requests the Division of Child and Family Services to notify the Division of Medical Claims Review.