



Title IV-E Eligibility

Desk Reference for Eligibility Workers

October 2025

Contrary to the Welfare of the Child to Remain in the Home

Is required in the first judicial determination that sanctions the physical or constructive removal of the child from the parent or legal guardian or another specified relative, whose home is the subject the judicial findings of Contrary to the Welfare (CTW).

Acceptable Findings:

- It is contrary to the child's welfare to remain at home.
- Continuation in the home would be contrary to the welfare of the child.
- Removal/placement is in the best interest of the child.
- Removal from the parent's care is necessary to prevent imminent danger of physical harm or danger to the child.
- Continued physical custody of the child by the parent is likely to result in serious emotional damage to the child.
- Remaining in the home would be contrary to the welfare of the child.
- The child's health, safety and welfare will be seriously endangered if not taken into custody.
- There is no parent, guardian or legal guardian available to care for the child.
- A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home.
- The child is in imminent danger in the removal home.
- It is in the best interest of the child to be placed in foster care.
- Detention is required to protect the juvenile from himself or herself.
- Removal from the home is necessary to protect the child from himself or herself.
- The child's safety would be compromised if she/he were to remain in the home.
- There is no parent to care for the child (This finding would meet contrary to the welfare requirement in situations where a child has been living with one parent, and that parent becomes incarcerated or dies.)

Not Acceptable Findings for Contrary to the Welfare

- Removal order indicating only that a child is a threat to the community.
- Removal order and finding only that the removal of the child from the home was in the best interest of society.
- Removal order and finding that merely references a state statute.
- Court must not specify the placement of the child in the initial court order unless DHHS is given the opportunity to present evidence and arguments concerning the placement. 45 CFR 1356.21(g).
- It is contrary to the welfare to remain in the home, but placement can be delayed until a placement is found or come open without specifying a time period for the delay. (There must be a specific time of XX days, XX week, or XX month).

Probation Court Orders

The first order authorizing the child's removal from the home must include a judicial determination that continuation in the home would be contrary to the welfare of the child. When there is a probation order for removal prior to DHHS involvement, we need to consider the initial order for removal, when the child has not returned home.

Acceptable Findings:

- It is contrary to the welfare for the child to remain in the home.
- It is in the best interest of the child to be placed in detention for the safety of the child.
- It is in the best interest of the child to be removed from the home to prevent further delinquent behavior which poses a physical danger to the child.
- The child is ordered removed from the home because s/he is a threat to herself and the community.

Not Acceptable Findings for Probation Orders

- The child is ordered removed from the home because s/he is a threat to the community (or there is reason to believe s/he will abscond from the home). This is not acceptable as there is nothing in the language that can be construed to mean that continuance in the home would be contrary to the child's welfare.

Reasonable Efforts Were Made to Prevent the Removal

Required within 60 days of the removal. Any child identified by the court as an Indian Child where ICWA applies, active efforts will be required in place of Reasonable Efforts.

Acceptable Findings:

- Reasonable efforts were made to prevent foster care.
- Reasonable prevention services were provided.
- Active efforts were made to prevent the removal.
- Active and reasonable efforts were made to prevent the removal.
- Active and reasonable efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of the family.
- It was not reasonable under the circumstances that preventative services be provided to prevent the removal of the child from the home, because...
- Based on the nature of the circumstances, an emergency situation was created that could not have been avoided by the Department offering services.
- The Department was unable to provide active efforts to prevent the breakup of the family due to the emergency circumstances under which the child was removed.
- Reasonable efforts to prevent the removal are not required. (The court may make such a determination if the parent has subjected the child to aggravated circumstances, including abandonment, torture, chronic child abuse, and sexual abuse; or the parent has murdered another child of the parent or abetted, attempted, conspired, or solicited to commit such murder; or the parental rights of the parent to a sibling have been terminated involuntarily.)
- Reasonable efforts have been made to prevent the continued removal of the child/children from the home of his/her parents. (The court may make such a determination if the child is already in an informal living arrangement out of the parental home, or is constructively removed from the parents to whom contrary to the welfare is against.)

Not-Acceptable Findings for Initial Removal

- Preventive services (or remedial services) were provided. (Not acceptable as there was no finding that they were reasonable.)
- Reasonable efforts were made to return the child home.
- Active efforts were made and are being made for reunification of the family. (Not acceptable for removals as it doesn't state that active efforts were made to prevent removal.)
- Reasonable and active efforts were made to provide remedial services and rehabilitative programs designed to allow the children to return to the mother's home. (Not acceptable as it doesn't include the finding that reasonable and active efforts were made to prevent removal.)
- Reasonable efforts have been made with the mother in a sibling's case prior to the birth of [the child]. (Not acceptable because it doesn't address reasonable efforts to prevent removal of the child for whom eligibility is being determined.)

- The Department has made reasonable and active efforts since removing the child from home, to provide remedial services to prevent the breakup of the family and these efforts have proved unsuccessful. (Not acceptable for removals as it doesn't address reasonable efforts to prevent removal.)
- The Court further finds that foregoing facts constituted an emergency which threatened the safety of the child(ren). (Not acceptable as it does not have a statement of reasonable efforts were not required.)

Probation Court Orders for Initial Removal Reasonable Efforts

The title IV-E Agency must make the reasonable efforts to prevent the removal. DHHS is the only IV-E Agency in Nebraska, so if DHHS is not party to the court proceeding and only Probation is involved, any order that shows reasonable efforts will not be acceptable.

For probation cases, the court must specify DHHS has made reasonable efforts to prevent the removal from the home.

Acceptable Findings:

- DHHS has made reasonable efforts to prevent the removal from the home.

Reasonable Efforts to Obtain Permanency

Required within 12 months of removal, and at least once every 12 months thereafter. It is preferable that the reasonable efforts that have been made be listed in the court order, but not having the reasonable efforts list would not make it fail an audit. When the Case Plan/Court Report/Exhibit has been adopted or approved, this can be used to help support the court order to show what efforts have been made. If the court references an exhibit that contains the list of reasonable efforts made, the exhibit must be clearly identified in the court order (ie. Exhibit 10, Case Plan Court Report dated 10/8/2025).

Acceptable Findings:

- Reasonable Efforts have been made during the past 12 months to bring about permanency for the child.
- Reasonable efforts have been made toward the permanency goal/objective of XXXX (permanency objective that is in place at the time of the hearing.)
- Reasonable efforts have been made toward the permanency goal/objective of XXXX (permanency objective that was court ordered at the last hearing.)
- Reasonable efforts have been made toward the permanency goal/objective of XXXX but have not been successful.
- DHHS has made reasonable efforts to finalize the permanency of the juvenile(s).
- Reasonable efforts have been made toward the permanency goal of XXXX (even though this does not specify DHHS made the reasonable or active effort, it can be acceptable.)
- Active Efforts have been made toward---one of the above.

Not Acceptable Findings for Permanency:

- Efforts have been made to reach permanency. (Finding does not state that the efforts were reasonable).
- Reasonable efforts have been made to prevent removal and return the child home prior to removal. (The phrase, "prior to removal" negates efforts SINCE the removal.)
- Reasonable efforts have been made prior to removal of the child to prevent removal. (This finding is required for initial removal, but does not deal with efforts since that time.)
- Reasonable efforts are not required. (As long as the child is in custody, reasonable efforts toward a permanency objective are required.)

Acceptability Dependent on Permanency Objective

- Reasonable efforts have been made to eliminate out of home placement. (Dependent on previous goal of reunification).
- HHS has made reasonable efforts to finalize the permanent placement of the child. (Dependent on previous goal of adoption/guardianship).
- Court finds reasonable and active efforts has been made to prevent or eliminate the need for removal. (This would only work if the previous goal has been reunification)
- Court order finds that legal custody is being returned to the parent(s). (Dependent on the prior goal of reunification)
- Reasonable efforts have been made to return the child to his/her home. (This finding MIGHT be acceptable, but only if the permanency objective is reunification.)
- Reasonable efforts have been made to return custody to the parent. (This finding MIGHT be acceptable, but only if the permanency objective is reunification.)
- Reasonable efforts have been made to alleviate the causes for out of home placement. (This finding MIGHT be acceptable, but only if the permanency objective is reunification.)

Notation: When there is a plan of reunification with a concurrent plan of adoption, in order to meet acceptable or dependent on permanency objective orders, the primary goal for the last 12 months would have to be considered. As listed in this example we would consider reunification as the primary goal since it is noted first.

Trial Home Visit/New Episode

A trial home visit begins when a child remains a State Ward and is placed back with the parent whom Contrary to the Welfare finding (CTW) was against. Should the need for subsequent removal occur at 180 days or greater, a new judicial determination with CTW and removal in accordance with that court order must occur on the same date as the subsequent removal from the parental home. Consideration can be given to police holds, parent absconds with child, and missing youth for when the court order is required.

Timelines

- First court order for removal is used for CTW findings.
- When a finding of CTW is made, removal and placement must be made by the end of the next business day.
 - If removal is delayed, the court order must specify a date that removal must occur, or
 - Documentation of the parent absconded with the child must be completed to verify why there was a delay.
- 48 hour police holds may be 48 business hours, which would then exclude weekends and holiday hours. Some courts interpret the 48 hours as exactly 48 hours and don't consider weekend and holidays. Be aware that we can accept either interpretation since state statute does not define the term 48 hours.
- Reasonable efforts is required within 60 days from the date of court ordered removal.
- Reasonable efforts are required within 12 months of the date the child entered foster care. (For Nebraska we go by the date of the court ordered removal as the date the child entered foster care).
- Trial home visits/new episodes, the court order for new episode or removal from the parental home whom CTW is against, must be on the date of removal.

Bridge to Independence Best Interest Court Orders

A judicial determination of best interest for the young adult to participate in extended services and support, must be made no later than 180 days after the young adult and the Department have finalized the Voluntary Services and Support Agreement. Title IV-E eligibility cannot begin until a best interest court finding has been made.

Acceptable Findings:

- It is in the best interest that the young adult participate in the Bridge to Independence program.
- It is in the young adult's best interest to participate in the Bridge to Independence program.

Bridge To Independence Reasonable Efforts To Obtain Permanency

In order to maintain title IV-E foster care maintenance payments, a permanency review hearing must be held no later than 12 months from the date of the best interest order.

Acceptable Findings:

- Reasonable efforts have been made to achieve the goal of independent living.
- The department has made reasonable efforts to comply with the young adult's Independent Living Transition proposal, including efforts to finalize the young adult's permanency plan and prepare him or her for independent living.