

**PENNSYLVANIA TITLE IV-E
FOSTER CARE ELIGIBILITY REVIEW
September 20, 2004 – September 22, 2004**

September 22, 2004

I. INTRODUCTION

During the week of September 20, 2004, Administration for Children and Families' (ACF) staff from the Regional and Central Offices and representatives of Pennsylvania's Department of Public Welfare, Office of Children, Youth and Families (OCYF) conducted an eligibility review of Pennsylvania's Title IV-E foster care program in Philadelphia, PA.

Title IV-E foster care funds enable States to provide foster care for children who were or would have been eligible for assistance under a State's title IV-A plan, as in effect on July 16, 1996, but for their removal from the home. The Social Security Act includes requirements that define the circumstances under which a State must make foster care maintenance payments (section 472(a)), and mandate a child's placement in an approved or licensed facility (sections 472(b) and (c)).

The purpose of the title IV-E foster care eligibility review was (1) to determine if Pennsylvania was in compliance with the child and provider eligibility requirements as outlined in CFR 1356.71 and Section 472 of the Act; and (2) to validate the basis of Pennsylvania's financial claims to assure that appropriate payments were made on behalf of eligible children and to eligible homes and institutions.

II. SCOPE OF THE REVIEW

The Pennsylvania Title IV-E foster care review encompassed a sample of all the title IV-E foster care cases that received a foster care maintenance payment during the period of October 1, 2003 to March 31, 2004. A computerized statistical sample of 100 cases was drawn from the Adoption and Foster Care Analysis and Reporting System (AFCARS) data which was transmitted by the State agency to the Administration for Children and Families. The child's case file was reviewed for the determination of title IV-E eligibility and the provider's file was reviewed to ensure that the foster home or child care institution in which the child was placed was licensed for the entire period of the review.

During this initial primary review, 80 cases were reviewed. There were no cases determined to be in error for the period under review. However, there was one non-error case with ineligible payments prior to the review period for the reason that is identified in the Case Record Summary

section of this report. Since the number of error cases was less than nine (10 percent error rate), Pennsylvania is considered to be in substantial compliance.

III. CASE RECORD SUMMARY

The following details the error case and reason for the error:

<u>Case Number</u>	<u>Reason Case Was Not Eligible</u>
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45	The foster family provider was not licensed or approved for a two-month period prior to the period under review during which time title IV-E was claimed by the state.
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IV. STRENGTHS

Several strengths were identified over the course of the title IV-E review. These include the following examples of good practice:

- The relevant case data for child information and court orders were present and easily identified.
- Determinations of contrary-to-welfare and reasonable efforts to prevent placement or reunify were made on a timely basis for all 80 of the sample cases.
- Criminal record checks were found for all foster homes in the cases reviewed. These checks were thorough and complete. In addition child care institutions in which children were placed indicated that safety considerations with respect to the staff/caretakers have been addressed.
- Licensing and approval information were generally up to date and complete. Foster home approval information was well documented.
- Permanency hearings were found to be held every 6 months in accordance with Pennsylvania law.
- The eligibility review process in Pennsylvania is well done. Initial eligibility determinations were completed in a timely manner. The information used by the County Assistance Office and the child welfare agency to evaluate the child's eligibility was documented in all cases. In addition, redeterminations of the child's eligibility were completed on a regular basis.
- OCYF is engaging the courts in permanency planning as evidenced by having 100 percent of the sample cases having timely judicial determinations regarding reasonable efforts to finalize a permanency plan.

- There were 13 cases involving voluntary placements and 100% of the cases had a judicial determination regarding the child's Best Interest within 180 days of placement.
- The review found the state did well in identifying children placed in detention centers or other placements which may not have been licensed and which were not eligible for reimbursement by either not making a claim or backing out a claim appropriately.

V. AREAS OF CONCERN

Although Pennsylvania was found to be in substantial compliance with the regulations governing the title IV-E foster care maintenance program, the review did identify some areas that need improvement. These issues include the following:

- Prior to completion of the review, OCYF did not provide a copy of the policy or regulation for the State's practice of continuation of foster home licensing when not renewed annually. Fortunately there were no cases of this nature selected in the sample as they would have been determined to be in error. We are requesting that Pennsylvania develop policy or regulation to support this practice.
- A major potential issue which was resolved in the State's favor involved agreements between the single state agency and the county juvenile probation offices (JPO's). Our office and the Children's Bureau were unable to determine initially if the agreements in place met federal regulations which require that as a condition of eligibility, a child's placement and care responsibility be vested with either the state agency, or another public agency with which the state has an agreement. There were 11 JPO cases determined to be in error because the current agreements did not contain language addressing the transfer of placement and care responsibility. Subsequent to the review, the state did provide copies of State laws which confirmed that placement and care responsibility is vested with the county and that the single State agency has agreements with the counties. Consequently, we did reverse the 11 error cases to non-error cases. However, we would like to see the language in the agreements strengthened to reflect the requirements of section 472(a) (2) of the Social Security Act. We are willing to work closely with the State in an effort to avoid any problems regarding agreements for future reviews.
- We were concerned with the state's practice on criminal background checks for foster parents who had been approved prior to 1986. Based on State law, all persons approved as foster parents prior to 1986 were exempt due to a grandfather clause and did not have to have a criminal background check. The law requires that after 1986 all foster and adoptive parents must have

a criminal background check. Although there were no error cases for this reason, there was a case in the sample in which the foster parents had been approved prior to 1986, and a background check had not been completed on the foster parents until 2004 in preparation for this review. This covers a period of nearly 20 years. This practice raises a safety question and we would encourage Pennsylvania to review all foster parents approved prior to 1986 to ensure that sufficient background checks are completed.

- The review found several cases which contained foster home licenses that did not have specific dates within a month to determine the one year license period. For example, some sample cases had licenses which listed the license period from March 2003 to March 2004 as opposed to specific one year period such as March 15, 2003 to March 15 2004. Since Pennsylvania licenses are valid for a one year period, we would urge the State to provide specific dates on the license or certificate.
- One case was identified where the mother placed her child with a man whom she had known for only two months. The child welfare agency became involved after a complaint and placed the child in foster care. The child welfare agency then learned that the man from whom the child had been removed had been convicted of two felonies. The judge ordered the child welfare agency to place the child back with the man despite the agency's arguments about the convictions and that the safety of the child was in question. It is important for the State agency to work with the Court Improvement Program to train judges and ensure the safety of children in placement.

VI. DISALLOWANCES

The review included a sample of 80 cases. The sample was drawn from a universe of cases that received at least one title IV-E foster care maintenance payment during the six month AFCARS period of October 1, 2003 to March 31, 2004. Based upon the results of the review, the State of Pennsylvania has been determined to be in substantial compliance. However, one non-error case was not eligible for funding under title IV-E foster care for ineligible payments to a provider for a period prior to the review period. A disallowance is assessed for the total Federal Financial Participation (FFP) amount for the entire period of time that this case was determined to be in error. This covered the period of June 24, 2002 to August 24, 2002. The administrative costs are not disallowed for error cases in the process of being licensed. Therefore the total disallowance for the one non-error case is \$1,600 (FFP).

The non-error case is sample number 45 and the reason for the ineligible payments is that the foster family provider was not approved for a period of two months. This occurred prior to the review period. The ineligible payments totaled \$2, 927.95 and the total unallowable costs at the Federal Matching rate of 54.64% are \$1,600.

VII. REVIEW TEAM

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