

**THE NORTH DAKOTA TITLE IV-E FOSTER CARE ELIGIBILITY REVIEW
REPORT (Revised 7/12/2005)**

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
DIVISION OF CHILD AND FAMILY SERVICES**

May 16 - 19, 2005

I. INTRODUCTION

The North Dakota Department of Human Services, Division of Child Welfare (DCW) staff, in partnership with the Administration for Children and Families (ACF) staff, conducted a IV-E Foster Care Eligibility Review, in Bismarck, North Dakota from May 16 through 19, 2005. The purpose of the Title IV-E Foster Care Eligibility Review was to evaluate the accuracy by the state in claiming Federal Financial Participation (FFP) and assure that appropriate maintenance payments were made on behalf of eligible children placed in eligible homes and institutions.

II. SCOPE OF THE REVIEW

The North Dakota Title IV-E Eligibility Review encompassed a sample of all Title IV-E foster care cases in the state during the period of April 1, 2004 through September 30, 2004. A computerized statistical sample of one-hundred cases (eighty review cases and an over-sample of twenty cases subject to any review case disqualification) was drawn from the Adoption and Foster Care Analysis and Reporting System (AFCARS) data, which was transmitted by the state agency to ACF. ACF then provided a statistical sampling frame that consists of individual children who received at least one Title IV-E foster care maintenance payment during the six-month period noted previously. For each case, the child's file was reviewed for documentation which supported the determination of Title IV-E eligibility and that the foster care home and/or institution in which the child was placed was licensed during the period under review.

During the primary review, 80 cases were reviewed. Initially, six cases were determined to be in error for either part or all of the review period. Those cases were in error because the AFDC-related eligibility was determined on the physical removal home of a relative rather than the legal removal home of the parent. The state subsequently provided documentation of eligibility determination on the appropriate home, and these error cases were rescinded. The sixth case was in error because there was no new removal court order even though the child had been returned home for more than six months on an apparent trial home visit and was placed again in foster care (see the Case Record Summary section of this report). ACF has determined North Dakota to be in substantial conformity with Title IV-E foster care requirements, and therefore is not subject to another IV-E Review for three years.

The North Dakota IV-E Eligibility Review Team included six individuals: Paulette Westrum, state Review Coordinator; Joyce Johnson, Cleo Berven, Carol Reilly, Annette Rugroden, and Melody Bonn, county IV-E Specialists. The eight ACF staff participating in the eligibility review included: Jennifer Butler-Hembree and Augustin Quiles from the Children's Bureau; and

Eric Busch (RO lead), Marilyn Kennerson, Kevin Gomez; Kim Patton, Janet Motz, and Brian Conly from the ACF Regional Office (RO).

III. CASE RECORD SUMMARY

The following details the error case, the reasons for the error, and period of disallowance:

TABLE OF ERROR CASES

Sequence Number	Reviewers	Errors		Type of Error	Period of Disallowance & Region #
		Child	Provider		
1. 73	J. Butler-Hembree	x		Invalid court removal order	06/07/04 to 12/10/04

The following case sequence (or sample) numbers were potential error cases for which the state provided eligibility determination and on-going eligibility based upon the legal removal home, and documented AFDC related deprivation of parental support and financial eligibility: 4, 16, 50, 51, OS-02

IV. SUMMARY OF ISSUES

The following Summary of Issues provides indications of areas needing improvement and the state’s awareness of and attempts to address those issues.

Strengths

- The review process, case files, and logistics were very well organized by the state.
- The staff was knowledgeable regarding requirements, and displayed positive attitudes regarding issues and fixes.
- Eligibility determination was very complete, well-documented and timely.
- Judicial determinations are timely and contain the necessary findings.
- The division is working on statewide standards for file organization.

Areas in Need of Improvement/Documentation

- Licensing – there is a lack of policy on updating criminal background checks (should have another fingerprint check upon license renewal) on homes that were “grandfathered in.” File documentation and checklists/flagging could also improve licensing and monitoring procedures.
- A policy correction regarding IV-E eligibility determination, so that eligibility is determined based on the “legal” removal home; re-determinations need only be done annually.
- File standardization and including placement history and a case chronology would be helpful for audits and reviews, or for anyone reviewing file.
- Court orders at times appear “boiler plate” in terms of including best interests and reasonable efforts findings even when they are not relevant to the case.

- Permanency findings regarding agency efforts to finalize the permanency plan were in some cases very marginal in terms of expressing the finding clearly (see DAB 1970); recommend that orders be direct regarding the finding.
- IV-E training for state, tribal, and juvenile justice staff would help with consistency and court orders.

During the review, the state produced documentation in the form of a letter from our Regional Office approving the delay or “grandfathering in” of existing foster homes regarding the criminal background check requirement, and documentation from the state code that “judicial referees” have the authority as delegated by the presiding judge to make findings in child welfare cases.

V. 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 April 1, 2004 to September 30, 2004.

SAMPLE#	Disallowance – FFP dollars		
	Maintenance	Administration	Total FFP
73	12,606	4,751	17,357

The disallowance amount of \$17,357 should be repaid by including a prior decreasing adjustment on the Quarterly Report of Expenditures (Form ACF-IVE-1), Part 1, Line 1, Columns c and d. A supplemental IVE-1 form must be submitted within 30 days of, and sent as described in, the accompanying transmittal letter. In addition, the state must discontinue claiming costs for ineligible cases after the PUR, and adjust any claims already made for these cases.