

Title IV-E Foster Care Eligibility On-Site Review Instrument and Instructions

NON-ERROR CASE:

ERROR CASE:

[March 2006 Version]

Underpayments: YES

NO

Ineligible Payments: YES

NO

Each question must be answered. If the question is not applicable, check "N/A" and indicate the reason the question does not apply to the sample case. A question where the "N/A" box is shaded must be answered "yes" or "no." Boxes outlined in **bold** indicate **potential case errors** or **ineligible payments**. Review the instructions for each question for an explanation of how to answer it. The reviewer must verify every eligibility factor and document his/her decisions on the form for each sample case. The form may be annotated with information regarding eligibility and payments. To record additional foster care placements during the period under review (PUR) and data concerning improper payments, the "Licensing/Safety Checklist for Multiple Placements" and "Improper Payment Chart" are appended, respectively. All statutory citations refer to the applicable section of the Social Security Act (the Act). The review instrument is to be completed for the most recent foster care episode. For multiple foster care entries during the PUR, an instrument is completed for each entry. Use pencil and print legibly.

[“X” prefix indicates information in this field is confidential and will not be disclosed for any purposes outside of the review].

Sample review period (MM/DD/YY): ____/____/____ - ____/____/____

Record the begin date and end date of the 6-month sample PUR. This 6-month timeframe corresponds to the Adoption and Foster Care Analysis and Reporting System (AFCARS) period from which the sample was drawn.

1. State Postal Code and Random Sample Selection Number: _____

Record the two-letter State postal code and the selection number assigned to the sample case.

2. Case ID: _____

Record the case number the State uses as an identifier for the child's file.

3. County or Local Office: _____

Record the name of the county or local office that has assignment for the child's file.

4. Review Date (MM/DD/YY): ____/____/____

Record the date the case is reviewed.

5. Reviewed By: _____

Record the name of the individual reviewing the case.

A. CHILD INFORMATION

X1. Child's Name: _____

Record the first and last name of the child whose case is being reviewed.

6. Child's Date of Birth: (MM/DD/YY) ____/____/____

Enter the month, date, and year of birth of the child whose case is reviewed.

7. Child's Age as of First Day of Period Under Review: _____

Enter the age of the child on the first day of the PUR. If the child is less than one year old on the first day of the PUR, enter a zero (0). Sections 406 and 472 of the Act limit title IV-E eligibility to children under the age of 18, or over age 18 but under age 19, if a full-time student (Title IV-A State plan option).

Comments: (Please reference question number for each comment.)

B. RELEVANT DATES (may precede PUR)

[Statutory Citation: §475(5)(F); Regulatory Citation: 45 CFR §§1355.20, 1356.21(b)(2), and 1356.22]

8. Has there been a valid removal of the child from the home during the most recent foster care episode? Yes No N/A

Removal date: (MM/DD/YY) _____/_____/_____

If "yes," enter the date of physical removal or, if a constructive removal, enter the date of the removal court order or the date of the final signature on the voluntary placement agreement. (Constructive removals, i.e., paper removals, apply to removals that occurred on or after March 27, 2000). If "no," the child is ineligible to have title IV-E foster care maintenance payments made on his behalf for the entire foster care episode, the case is in error, and all ineligible payments must be recorded on the attached "Ineligible Payment Chart."

A valid removal has not occurred when a court ruling or voluntary placement agreement sanctions the removal of the child from the parent or another specified relative and the child is allowed to remain in the same specified relative's home under the supervision of the State agency (see 45 CFR §1356.21(k)(2)). The physical removal from the home must coincide with the judicial ruling or the voluntary placement agreement that authorizes the child's removal from the home and placement in foster care.

Question 8 records the date of the child's most recent removal from the home of the parent or another specified relative via a court order or voluntary placement agreement (i.e., legal removal). The removal date is tied to a child's initial eligibility for AFDC (Questions 17-21) and the judicial determinations of "contrary to the welfare" (Question 11) and "reasonable efforts to prevent removal" (Question 12).

9. Date child entered foster care: (MM/DD/YY) _____/_____/_____ Yes No N/A

For a removal pursuant to a voluntary placement agreement: Indicate "N/A" and proceed to Question 10.

For a removal before March 27, 2000: Indicate "N/A" and proceed to Question 10.

For a removal on or after March 27, 2000: Record the date the child is considered to have entered foster care, which is the earlier of a judicial finding of abuse or neglect or 60 days from the date the child is physically or constructively removed from the home (see 45 CFR §1355.20(a)). This date is required to determine when to obtain the initial judicial determination of "reasonable efforts to finalize the permanency plan" (Question 16).

C. REMOVAL PURSUANT TO A COURT ORDER

[Statutory Citation: §§472(a)(1), 471(a)(15)(B)(i); Regulatory Citation: 45 CFR §1356.21(c)]

10. Is the child's removal the result of a court order? Yes No N/A

If the removal is pursuant to a court order, enter "yes" and proceed to Question 11. If the removal is not pursuant to a court order, enter "no." Questions 11 and 12 are "N/A."

Removal of the child from the home must be pursuant to a judicial order or a voluntary placement agreement that leads to a physical or constructive removal from the home that is the subject of the judicial order or the voluntary placement agreement.

For Questions 11 and 12: The judicial determination must be made in a valid court order, that is, a court order that the State's statute defines as legally enforceable within the State. The precise language "contrary to the welfare" or "reasonable efforts" does not have to be included in the court ruling, but the order must include language to the effect that the required finding is rendered. Federal provisions require the judicial determination to be made on a case-by-case basis; explicitly stated in the court order; signed by a reviewing judge or other State designated court official, if a signature is required in State law; and in conformity with Federal timeframes. Affidavits and nunc pro tunc court orders are not acceptable documentation to support a judicial finding. If an acceptable court order is not furnished, a transcript of the court proceeding is the only alternative to substantiate that the judicial determination requirement is met satisfactorily. If a nunc pro tunc order or affidavit is presented to meet the "contrary to welfare" or "reasonable efforts" requirement, the reviewer must examine the court transcript to verify that the judicial determination complies with the Federal requirements.

Comments: (Please reference question number for each comment.)

C. REMOVAL PURSUANT TO A COURT ORDER *Continued*

[Statutory Citation: §§472(a)(1), 471(a)(15)(B)(i); Regulatory Citation: 45 CFR §1356.21(c)]

11. Is there a judicial finding of *Contrary to the Welfare*?

Yes No N/A

If the child is voluntarily placed, indicate "N/A" and proceed to Question 13. Otherwise, indicate "yes" or "no." If "yes," continue with Question 11a or 11b. If "no," proceed to Question 11c.

For a judicial removal, there must be a determination to the effect that continuation in the home would be contrary to the child's welfare, or that placement is in the child's best interest.

11(a). If the child is removed from the home before March 27, 2000, is the *Contrary to the Welfare* finding stated in a court order issued within 6 months of the child's removal? Or is there a removal petition filed within 6 months of the child's removal that results in a judicial finding of *contrary to the welfare*?

Yes No N/A

Judicial finding date: (MM/DD/YY) ____/____/_____
Removal petition date: (MM/DD/YY) ____/____/_____

For a removal on or after March 27, 2000: Indicate "N/A" and proceed to Question 11b.

For a removal before March 27, 2000: Indicate "yes" or "no" and the judicial finding date or removal petition date. Record both dates, if available. If the response is "no" to both questions in Question 11a, this is an error case and the child is ineligible for the entire foster care episode. Proceed to Question 11c.

If the judicial finding of "contrary to the welfare" is not rendered within 6 months of the child's removal (Question 8), the requisite judicial finding may be in a court ruling that stems from court proceedings initiated (petition filed) no later than 6 months from the date of the child's removal from the home, consistent with Departmental Appeals Board Decision Number 1508. The removal petition must be filed with the court within 6 months of the child's removal; however, the resultant court order may be issued later and must sustain the removal petition. The removal petition alone will not satisfy the title IV-E eligibility requirement. There must be a judicial finding of "contrary to the welfare." Title IV-E eligibility may not begin before the State has attained the requisite judicial finding and met all other applicable requirements.

11(b). If the child is removed from the home on or after March 27, 2000, is the *Contrary to the Welfare* finding stated in the removal court order?

Yes No N/A

Judicial finding date: (MM/DD/YY) ____/____/_____

For a removal before March 27, 2000: Indicate "N/A" and proceed to Question 11c.

For a removal on or after March 27, 2000: Indicate "yes" or "no" and the judicial finding date and proceed to Question 11c.

The judicial determination regarding "contrary to the welfare" must be made in the first court ruling that sanctions the child's removal. The physical removal from the home must coincide with the judicial ruling of "contrary to the welfare" (Question 8). If the physical removal from the home does not coincide with the judicial ruling, the "contrary to welfare" judicial requirement is not met per §472(a)(1) and the child is not eligible for title IV-E during the entire foster care episode (Question 11c).

11(c). Is the requirement for a judicial finding of *Contrary to the Welfare* met?

Yes No N/A

Indicate "yes" or "no" based on the response to Question 11, 11a, or 11b. If Question 11c is "no," explain below the specific reason the requirement is not satisfied.

If the judicial determination is not made as required, this case is an error case and the child is ineligible for the entire foster care episode. All ineligible payments must be recorded on the attached "Improper Payment Chart."

Comments: (Please reference question number for each comment.)

C. REMOVAL PURSUANT TO A COURT ORDER *Continued*

[Statutory Citation: §§472(a)(1), 471(a)(15)(B)(i); Regulatory Citation: 45 CFR §1356.21(c)]

**11(d). Are title IV-E funds claimed before the month that the
Contrary to the Welfare requirement is met?**

Yes No N/A

Indicate "yes" or "no" and proceed to Question 12.

Federal financial participation (FFP) may not begin until the first day of the month in which all initial eligibility requirements that must be met are satisfied. (Initial eligibility requirements are: contrary to the welfare and reasonable efforts to prevent removal judicial determinations, AFDC eligibility, State agency placement and care responsibility, licensure, and safety.) If title IV-E funds were claimed before the month in which the requisite judicial determination was made, this is not an error case solely for this reason; however, all ineligible title IV-E payments must be repaid. Record ineligible payments on the attached "Improper Payment Chart."

**12. Is there a judicial finding of Reasonable Efforts to Prevent Removal
or Reasonable Efforts to Reunify Child and Family?**

Yes No N/A

If the child is voluntarily placed, indicate "N/A" and proceed to Question 13. Otherwise, indicate "yes" or "no." If "yes," continue with Question 12a or 12b. If "no," proceed to Question 12c.

For a judicial removal, there must be a determination to the effect that the State agency made reasonable efforts to prevent the removal of the child from the home or that reasonable efforts were not necessary. If the child was removed before March 27, 2000, the requirement may be satisfied with a judicial finding that "reasonable efforts were made to reunify" the child and family after removal.

**12(a). If the child was removed from the home before March 27,
2000, what is the date of the judicial finding regarding
reasonable efforts?**

Yes No N/A

Reasonable efforts to prevent removal date: (MM/DD/YY) ___/___/___

Reasonable efforts to reunify date: (MM/DD/YY) ___/___/___

For a removal on or after March 27, 2000: Indicate "N/A" and proceed to Question 12b.

For a removal before March 27, 2000: Record the date of the court ruling that contains the judicial finding. If both judicial findings were made, record each date and continue with Question 12c.

The judicial determination that "reasonable efforts were made to prevent removal" (or were not required) or that "reasonable efforts were made to reunify" the child and family (or were not required) after removal satisfies this reasonable efforts requirement.

**12(b). If the child was removed from the home on or after March 27,
2000, was the judicial finding of Reasonable Efforts to Prevent
Removal within 60 days of the child's removal?**

Yes No N/A

Judicial finding date: (MM/DD/YY) ___/___/___

For a removal before March 27, 2000: Indicate "N/A" and proceed to Question 12c.

For a removal on or after March 27, 2000: Indicate "yes" or "no" and the judicial finding date and proceed to Question 12c.

The judicial determination that reasonable efforts to prevent removal were made (or were not required) must be obtained no later than 60 days from the date the child was removed from the home (Question 8).

Comments: (Please reference question number for each comment.)

C. REMOVAL PURSUANT TO A COURT ORDER *Continued*

[Statutory Citation: §§472(a)(1), 471(a)(15)(B)(i); Regulatory Citation: 45 CFR §1356.21(c)]

12(c). Is the requirement for a judicial finding of *Reasonable Efforts to Prevent Removal or Reasonable Efforts to Reunify Child and Family* met?

Yes No N/A

Indicate "yes" or "no" based on the response to Question 12, 12a, or 12b. If Question 12c is "no", this is an error case and the child is ineligible for the entire foster care episode. Explain below the specific reason the requirement is not satisfied and record all ineligible payments on the attached "Improper Payment Chart."

12(d). Are title IV-E funds claimed before the month of the judicial finding of *Reasonable Efforts to Prevent Removal or Reasonable Efforts to Reunify Child and Family*?

Yes No N/A

Indicate "yes" or "no."

Federal financial participation may not begin until the first day of placement in the month in which all initial eligibility requirements that must be met are satisfied. (Initial eligibility requirements are: contrary to the welfare and reasonable efforts to prevent removal judicial determinations, AFDC eligibility, State agency placement and care responsibility, licensure, and safety.) If title IV-E was claimed before this finding, this is not an error case solely for this reason; however, all related ineligible title IV-E payments must be recorded on the attached "Improper Payment Chart."

D. VOLUNTARY PLACEMENTS

[Statutory Citation: §472(d)(e) and (f); Regulatory Citation: 45 CFR §1356.22]

13. Is the child's removal pursuant to a voluntary placement agreement?

Yes No N/A

Indicate "yes" or "no." If "no," the response to Questions 14 – 15(a) is "N/A."

Note: If "no" is the response to this question and Question 10, the child is ineligible for title IV-E for the entire foster care episode and the case is an error case. Record any ineligible payments on the attached "Improper Payment Chart" and proceed to Question 17. For title IV-E eligibility purposes, a child must be removed from the home pursuant to either a judicial order or a voluntary placement agreement.

14. Is the voluntary placement agreement signed by the parent or legal guardian *and* the State agency?

Yes No N/A

Voluntary placement agreement date: (MM/DD/YY) ____/____/____

Indicate "yes" or "no" and the signature date of the agreement. If signings occurred on different dates, record the date of the final signature. If the response is "no," this is an error case. Record ineligible payments on the attached "Improper Payment Chart."

The parent or legal guardian and the State agency representative(s) must sign the voluntary placement agreement for it to be valid. If all required parties did not sign the voluntary placement agreement, the child is ineligible for title IV-E for the entire foster care episode. If title IV-E funds were claimed before the month in which all signatures are obtained, this is not an error case solely for this reason. However, the ineligible payments must be recorded on the attached "Improper Payments Chart."

Comments: (Please reference question number for each comment.)

D. VOLUNTARY PLACEMENTS *Continued*

[Statutory Citation: §472(d)(e) and (f); Regulatory Citation: 45 CFR §1356.22]

15. Is there a judicial determination regarding the child's *Best Interest* within 180 days of the placement through a voluntary placement agreement?

Yes No N/A

Judicial finding date: (MM/DD/YY) ____ / ____ / ____

Indicate "yes" or "no" and record the date of the judicial finding. If "yes," proceed to Question 16. If "no," continue with Question 15a. Indicate "N/A" and proceed to Question 16, if the judicial determination is not obtained and fewer than 180 days have elapsed since the foster care placement date (or signature date, if the child was constructively removed) and the last day of the PUR. Also, indicate "N/A" if the child is judicially removed.

Title IV-E payments may be made for a child in foster care because of a voluntary placement agreement for the first 180 days of the foster care placement. To extend title IV-E eligibility beyond 180 days, there must be a judicial determination to the effect that continued voluntary placement is in the child's best interest.

15(a). If "no," are title IV-E funds claimed for the period of ineligibility?

Yes No N/A

Indicate "yes" or "no," based on a "no" response to Question 15. If Question 15a is "yes," this is an error case if IV-E funds are claimed for a period of ineligibility that falls within the PUR. Record the ineligible payments on the attached "Improper Payment Chart" and proceed to Question 16.

If more than 180 days has elapsed and there has been no judicial determination of "best interests," the child's eligibility for title IV-E ceases on the 181st day.

E. ONGOING JUDICIAL ACTIVITY (Reasonable Efforts to Finalize the Permanency Plan)

Applicable to Court-Ordered Removals Only

[Statutory Citation: §§472(a)(1), 471(a)(15)(B)(ii) and (C); Regulatory Citation: 45 CFR §1356.21(b)(2)]

For Questions 16, 16a, 16b, 16c, 16d, and 16e: Each question must be answered in sequential order to verify that the judicial determination of "reasonable efforts to finalize the permanency plan" is satisfied for the 12-month period that encompasses the PUR.

To maintain eligibility following removal, there must be a judicial determination that reasonable efforts were made to finalize the child's permanency plan. The judicial determination must be made on a case-by-case basis; definitively stated in the court order; signed by a reviewing judge or other State designated court official, if a signature is required in State law; and in conformity with regulatory timeframes. Affidavits and nunc pro tunc court orders are not acceptable documentation to support a judicial finding. If an acceptable court order is not furnished, a transcript of the court proceeding is the only alternative to substantiate that the judicial determination requirement is met satisfactorily. If a nunc pro tunc order or affidavit is presented to meet the "reasonable efforts" requirement, the reviewer must examine the court transcript to verify that the judicial determination complies with the Federal requirements.

For a removal before March 27, 2000: The judicial determination must have occurred by March 27, 2001, and at least once every 12 months thereafter, while the child is in foster care. Ineligibility for title IV-E payments is from April 1, 2001, until the judicial determination requirement is met. The reviewer is not required to verify the State agency's compliance with the March 27, 2001, implementation date as a separate eligibility review issue. The reviewer is required to verify whether the judicial determination requirement is satisfactorily met during the PUR to ascertain that the case is not in error. If the judicial determination requirement is not met, then the reviewer must go back to the date the requirement is met or March 27, 2001, whichever is later, to establish the period of ineligibility.

For a removal on or after March 27, 2000: The judicial determination must be made no later than 12 months from the date that the child is considered to have entered foster care (Question 9). Thereafter, the judicial determination must be made at least once every 12 months while the child is in foster care.

Comments: (Please reference question number for each comment.)

E. ONGOING JUDICIAL ACTIVITY *Continued*
(Reasonable Efforts to Finalize the Permanency Plan)

[Statutory Citation: §§472(a)(1), 471(a)(15)(B)(ii) and (C); Regulatory Citation: 45 CFR §1356.21(b)(2)]

Record information in the following chart to determine the most recent judicial finding that is attained prior to the PUR and whether a judicial finding is required to be made during the 12-month period encompassing the PUR. Use an additional sheet if necessary. The data are needed to answer Questions 16(a) – 16(e) for all sample cases regardless of removal date. For any period in which a judicial determination is not met as required, record the related ineligible payments on the attached “Improper Payment Chart.”

Periodicity Chart for Judicial Determinations of Reasonable Efforts to Finalize the Permanency Plan

Date Removed: ____/____/____
 (Refer to Question 8)

Date Entered Foster Care: ____/____/____
 (Removal on or after March 27, 2000) (Refer to Question 9)

Judicial Determination	Date Due	Date Made	Is It Timely? (YES or NO)

16. Has the child been in foster care 12 months or more before the end of the PUR? Yes No N/A

Indicate “N/A,” if the removal is the result of a voluntary placement agreement. Otherwise, indicate “yes” or “no.” If “yes,” continue with Question 16a. If “no,” a judicial determination of “reasonable efforts to finalize the permanency plan” is not due for the PUR. Proceed to Question 17. Questions 16a – 16e are “N/A.”

16(a). If Question 16 is “yes,” what is the date of the most recent judicial determination of Reasonable Efforts to Finalize made before the PUR? Yes No N/A

(MM/DD/YY): ____/____/____

Record the date of the most recent judicial determination that is obtained before the beginning of the PUR. If the date of the initial judicial determination fell within the PUR, indicate “N/A.” If the due date for the judicial determination is immediately before the PUR but is not made, indicate “N/A.” Explain below the “N/A” response and continue with Question 16b.

Question 16a establishes whether an initial or subsequent judicial finding is required to be made during the 12-month period that encompasses the PUR.

16(b). What is the due date of the subsequent judicial determination that encompasses the PUR? Yes No N/A

(MM/DD/YY): ____/____/____

Record the date of the subsequent judicial determination that must be made within 12 months from the date recorded in Question 16a. If the child has been in care for less than 18 months but more than 12 months before the end of the PUR, record the date of the initial judicial determination. If a date is not recorded in Question 16a because the required judicial determination is not made before the PUR, record the date it should have been made and continue with Question 16c. Indicate “N/A,” if 12 months have not elapsed since the date recorded in Question 16a or have elapsed after the PUR.

Comments: (Please reference question number for each comment.)

E. ONGOING JUDICIAL ACTIVITY *Continued*

(Reasonable Efforts to Finalize the Permanency Plan)

[Statutory Citation: §§472(a)(1), 471(a)(15)(B)(ii) and (C); Regulatory Citation: 45 CFR §1356.21(b)(2)]

16(c). What is the date that the judicial determination is made?

Yes No N/A

(MM/DD/YY): ____/____/____

Record the date that the initial or subsequent judicial determination referenced in Question 16b is made. If the judicial determination is due but not made, indicate this in the space provided below and continue with Question 16d.

16(d). Is the judicial determination of *Reasonable Efforts to Finalize* timely?

Yes No N/A

Indicate "yes" or "no." If the judicial determination referenced in Question 16c is timely, proceed to Question 17 (Question 16e is "N/A"). If it is not timely, continue with Question 16e.

A judicial determination is not considered timely if the finding is not made within the required 12-month timeframe. The date of the latest judicial determination is used to determine the date the subsequent one must be made.

16(e). If Question 16d is "no," are there ineligible title IV-E funds that were claimed as a result of the untimely judicial determination?

Yes No N/A

Indicate "yes" or "no" based on the response to Question 16d. If title IV-E funds were claimed for the untimely judicial determination referenced in Question 16d, record the ineligible payments on the attached Improper Payment Chart. An untimely judicial determination renders the child ineligible beginning the first day of the month after it is due and continuing to the first day of the month it is attained.

The sample case is **in error** if title IV-E funds are claimed **and** the required judicial determination that encompasses the PUR is due before or during the PUR, and is: 1) not made during the PUR, or 2) not made, during the PUR, within 30 days following the month it is due.

F. AFDC (Aid to Families with Dependent Children) ELIGIBILITY

[Statutory Citation: §§472(a)(1) and (4); Regulatory Citation: 45 CFR §1356.21(k)(1)]

17. Was the child removed from the home of a specified relative?

Yes No N/A

Indicate "yes" or "no." If "no," the child is ineligible for title IV-E for the entire foster care episode.

To qualify for title IV-E, a removal of the child from a specified relative must occur (45 CFR §1356.21(k)). A specified relative may be a parent or any relation by blood, marriage, or adoption who is within the fifth degree of kinship to the child (45 CFR §233(c)(1)(v)).

18. Did the child live with the specified relative within 6 months of removal?

Yes No N/A

Last lived with date: (MM/DD/YY) ____/____/____

Record the date the child last lived with the specified relative before removal (Question 8), and indicate "yes" or "no." If the child lived with an interim caretaker more than 6 months before the removal from the specified relative, the child is ineligible for the entire foster care episode.

A child must have lived with the specified relative at some point during the 6 months before the signing of the voluntary placement agreement or initiation of court proceedings (removal petition). The date of the removal court order may be used if a removal petition is not filed or is filed after the removal court order. Federal statutes allow a 6-month period during which the child may reside with an interim caretaker and be eligible for title IV-E.

Comments: (Please reference question number for each comment.)

F. AFDC ELIGIBILITY *Continued*

[Statutory Citation: §§472(a)(1) and (4); Regulatory Citation: 45 CFR §1356.71(d)(1)(v)]

19. Was the child living with and removed from the same specified relative?Yes No N/A

Indicate "yes," if the "living with" and "removal from" requirements are met by the same specified relative. Otherwise indicate "no." If "no," the child is ineligible unless at removal the child: 1) resided in a State within the jurisdiction of the Ninth Circuit Court of Appeals, and 2) was removed after the State's title IV-E plan was approved to implement the "Rosales" court decision. If the response is "no" and both conditions of the "Rosales" provisions are not met, the child is ineligible for the entire foster care episode.

The court decision in *Rosales v. Thompson*, permits States in the Ninth Circuit to base AFDC eligibility on the home from which the child was removed or the home of any specified relative with whom the child lived with at some point in the 6 months before removal. The *Rosales* court decision may not be applied for a child removed before the date the State's title IV-E plan is approved to implement the provision. The *Rosales* court decision does not apply to States outside the jurisdiction of the Ninth Circuit Court.

20. Did the State determine the child's AFDC eligibility based on the specified relative's home for the month the voluntary placement agreement was entered into or the removal petition was filed?Yes No N/A

AFDC eligibility month: (MM/YY) ____/____

Indicate "yes" or "no" and record the first month of AFDC eligibility for the foster care episode, not the month in which the eligibility determination is completed. If "no," the child is ineligible for title IV-E for the entire foster care episode.

The eligibility process examines the family situation in the home of the specified relative during the month the voluntary placement agreement is signed, or the removal petition is filed, to determine whether the child is AFDC eligible for that month, using the State's AFDC Plan as in effect on July 16, 1996, or earlier, if the removal is before this date. The date of the removal court order may be used if a removal petition is not filed or is filed after the removal order. The reviewer must examine the State agency's worksheets and supporting material to verify that the agency has made the correct eligibility decision and the basis of the decision has been clearly documented.

20(a). Was financial need established?Yes No N/A

Indicate "yes" or "no." If "no," the child is ineligible for the entire foster care episode.

There must be documentation that financial eligibility is reviewed and a correct determination is made. The child's financial need must be established based on the circumstances in the specified relative's home during the month the voluntary placement agreement is signed, or the removal petition is filed. Within the specified relative's home, the gross income must not exceed the State's need standard and the combined resources available to the family unit must not exceed \$10,000.

20(b). Was deprivation of parental support or care established?Yes No N/A

Indicate "yes" or "no." If "no," the child is ineligible for the entire foster care episode.

There must be a specification of how the child is deprived of parental support or care. To correctly establish deprivation, deprivation must be due to the death, absence, or physical or mental incapacity of one parent or unemployment of the principal wage earner. The initial determination of deprivation is based on the conditions in the specified relative's home during the month the voluntary placement agreement is signed or the removal petition is filed.

Comments: (Please reference question number for each comment.)

F. AFDC ELIGIBILITY *Continued*

[Statutory Citation: §§472(a)(1) and (4); Regulatory Citation: 45 CFR §1356.71(d)(1)(v)]

21. Is the child 18 years or older at the time of removal or at any point during the PUR?Yes No N/A *Indicate "yes" or "no." If "yes," continue with Question 21a. If "no," indicate "N/A" for Question 21a-21c and proceed to Question 22.**Sections 406 and 472 of the Act limit title IV-E eligibility to children under the age of 18, or over age 18 but under age 19, if a full-time student. When a child reaches his or her 18th birthday, eligibility for AFDC ceases unless, as a title IV-A State plan option, the youth is a full-time student in a secondary school or its equivalent and is expected to complete the program before age 19.***21(a). Has the State agency exercised the school attendance option?**Yes No N/A *Indicate "yes" or "no." If "no" and title IV-E funds were claimed for the youth who is over age 18, title IV-E funds were claimed improperly. This is not an error case for this reason; however, the ineligible payments must be recorded on the attached "Improper Payments Chart."**If the State agency exercises this option within its approved AFDC State plan, eligibility for AFDC ceases at the end of the month in which the youth leaves school or when the youth turns 19, whichever occurs earlier. If the State agency does not exercise this option, eligibility for AFDC ceases at the end of the month the youth turns 18.***21(b). Is the youth a full-time student in a secondary school or its equivalent?**Yes No N/A *Indicate "yes" or "no" based on a "yes" response to Question 21. If Question 21b is "no" the child is ineligible for title IV-E. If title IV-E funds were claimed for any month during the PUR, this is an error case.***21(c). Is the youth expected to graduate before his/her 19th birthday?**Yes No N/A *Indicate "yes" or "no" based on a "yes" response to Question 21. If Question 21c is "no" the child is ineligible for title IV-E. If title IV-E funds were claimed for any month during the PUR, this is an error case.***22. If the child did not meet the AFDC requirements for initial eligibility, are title IV-E funds claimed for the period of ineligibility?**Yes No N/A *Indicate "yes" or "no," if the response is "no" to Questions 17, 18, 19, 20, 20a, 20b, 21b, or 21c. If Question 22 is "yes," this is an error case. Record ineligible payments on the attached "Improper Payment Chart." Indicate "N/A," if the AFDC requirements for initial eligibility are met.**To qualify for AFDC, the State agency must establish and document for the removal month that the child was: living with and removed from the home of a specified relative (Questions 17 -19); AFDC-eligible in the specified relative's home (Question 20); financially needy (Question 20a); deprived of parental support and care (Question 20b); and under the age of 18 or at the State's option under the age of 19, a full-time student, and expected to graduate before age 19 (Questions 21 - 21c).***23. Is the child's eligibility for AFDC re-determined?**Yes No N/A **Re-determination period (MM/YY):** from ____/____/____ to ____/____/____
from ____/____/____ to ____/____/____*Indicate "N/A," if the child is in foster care less than 1 year before the end of the PUR and proceed to Question 24. Otherwise, indicate "yes" or "no." If "yes," record the period(s) that encompass the PUR for which a re-determination of eligibility is completed and continue with Question 23a.**The State agency annually must document that the child continues to be financially needy and deprived of parental support or care, according to the State agency's title IV-A plan in effect on July 16, 1996. The requirement to re-determine AFDC eligibility is a State plan provision and the State agency may reconstruct the child's circumstances to establish eligibility for the period in question.***Comments:** (Please reference question number for each comment.)

F. AFDC ELIGIBILITY *Continued*

[Statutory Citation: §§472(a)(1) and (4); Regulatory Citation: 45 CFR §1356.71(d)(1)(v)]

23(a). Has financial need existed throughout the PUR?Yes No N/A

Indicate "yes" or "no" and proceed to Question 23b.

*The basis for the subsequent determination of financial need is the child in foster care as his own assistance unit. Only those income and resource factors germane to the child's situation are considered.***23(b). Has deprivation existed throughout the PUR?**Yes No N/A

Indicate "yes" or "no." If "yes," proceed to Question 24. If "no," continue with Question 23c.

*The basis for the subsequent determination of deprivation is the home from which the child was removed. If the situation in that home changed so that deprivation no longer exists for the child, the child is no longer eligible for AFDC.***23(c). If "no," are title IV-E funds claimed for the period of ineligibility?**Yes No N/A *Indicate "yes" or "no" based on a "no" response to Question 23a or Question 23b. If the response to Question 23c is "yes," and the ineligible period occurred during the PUR, this is an error case. Record any ineligible payment on the attached "Improper Payment Chart."***G. STATE AGENCY RESPONSIBILITY FOR PLACEMENT/CARE**

[Statutory Citation: §472(a)(2); Regulatory Citation: 45 CFR §1356.71(d)(1)(iii)]

24. For the entire time that the child is in an out-of-home placement during the period under review, does the title IV-E agency (or public agency with a title IV-E agreement) maintain responsibility for the placement and care of the child?Yes No N/A

Indicate "yes" or "no." If "yes," proceed to Question 26. If "no," continue with Question 25.

*The title IV-E agency (or another public agency, including an Indian tribe, with which the title IV-E agency has a written agreement that is in effect) must have responsibility for placement and care of the child. The court order, court transcript, or voluntary placement agreement must indicate that the agency has this responsibility.***25. If "no," were title IV-E funds claimed for the period of time that the title IV-E agency (or public agency with a title IV-E agreement) *did not* have responsibility for the placement and care of the child?**Yes No N/A *If the response to Question 24 is "no," were title IV-E funds claimed for the period of ineligibility? If "yes," this child is ineligible. The case is an error case if the ineligible payments occurred during the PUR. Record ineligible payments on the attached "Improper Payment Chart."***26. Agency Name:** _____*Record the name of the title IV-E agency or other agency with responsibility for placement and care of the child during the PUR.***Comments:** (Please reference question number for each comment.)

H. PLACEMENT IN LICENSED FOSTER CARE FACILITY

[Regulatory Citation: §472(b) and (c); (45 CFR §§1356.71(d)(1)(iv), 1355.20]

Complete for every foster care facility where the child resided during the PUR

X2. Provider Name: _____

X3. Provider Street Address: _____

X4. Provider City: _____ X5. Provider State: _____

For Questions X2 — X5: Record provider information for each foster family home or childcare institution where the child physically resided during the PUR. Use additional sheets to record each provider separately.

27. Date(s) of child's placement in this foster care facility (MM/DD/YY):

from ____/____/____ to ____/____/____
from ____/____/____ to ____/____/____

Record the date(s) that the child lived in the facility during the PUR.

28. Type of foster care facility (check one): FFH GH Public Institution PNP/FP Institution

Other (specify) _____

Indicate the type of facility in which the child has lived during the PUR. The "Other" category should be used when the child has not lived in one of the facility types listed. If "Other," the child is ineligible for title IV-E funding. If ineligible payments are claimed during the PUR, the case is an error case. Record all ineligible payments on the attached "Improper Payment Chart" and continue with Question 29.

Federal regulations at 45 CFR §1355.20(a) define an eligible foster care facility as a foster family home (FFH), group home (GH), public institution of 25 children or fewer, private non-profit (PNP) childcare institution or for-profit (FP) childcare institution. A facility that does not fall into one of these categories is not eligible for Federal foster care maintenance payments. This includes detention centers, hospitals, public institutions of more than 25 children, and pre-adoptive family homes that are not licensed as foster family homes.

29. Is this foster care provider *fully* licensed during the child's placement that falls within the PUR?

Yes No N/A

Licensure period (MM/DD/YY): from ____/____/____ to ____/____/____
from ____/____/____ to ____/____/____

Indicate "yes" or "no" and record the dates of the period of licensure that covers the entire PUR. If "yes," indicate "N/A" for Question 29a and proceed to Question 30. If "no," continue with Question 29a.

The State agency must document that the child's foster care placement is fully licensed or approved for the child's placement during the PUR, even when the placement is an out-of-State provider. Interim licenses or approvals issued pending full satisfaction of a State licensing standard are not acceptable for title IV-E.

Comments: (Please reference question number for each comment.)

H. PLACEMENT IN LICENSED FOSTER CARE FACILITY *Continued*

[Regulatory Citation: §472(b) and (c); (45 CFR §§1356.71(d)(1)(iv), 1355.20]

Complete for every foster care facility where the child resided during the PUR

29a. If “no,” are title IV-E funds claimed for the period that the foster care provider is not *fully* licensed?

Yes No N/A

If Question 29 is “no,” indicate “yes” or “no” for Question 29a and continue with Question 30. If Question 29a is “yes” and the ineligible title IV-E funds are claimed for a period that falls within the PUR, this is an error case. Record any ineligible payments on the attached “Improper Payment Chart.”

For a foster family home licensed before March 27, 2000: Beginning October 1, 2000, must meet full licensure.

For a foster family home licensed on or after March 27, 2000: Beginning April 1, 2000, must meet full licensure.

For childcare institutions: Regardless of licensing date, must meet full licensure.

30. Are title IV-E funds claimed before the month in which the foster care provider is *fully* licensed?

Yes No N/A

Indicate “yes” or “no” and proceed to Question 31.

Federal financial participation may not begin until the first day of the month in which full compliance with the State’s licensing standards are met. If title IV-E is claimed before then, this is not an error case; however, ineligible title IV-E payments must be recorded on the attached “Improper Payment Chart.”

I. SAFETY REQUIREMENTS OF PROVIDER

[Regulatory Citation: §472(b) and (c); (45 CFR §§1356.71(d)(1)(iv), 1355.20]

Complete for every foster care facility where the child resided during the PUR

31. If the placement is a foster family home, has the State “opted out” of the criminal records check requirement for prospective foster family homes?

Yes No N/A

Indicate “N/A,” if the placement during the PUR is not a foster family home and proceed to Question 32. Otherwise, indicate “yes” or “no.” If “yes,” proceed to Question 31(b). If “no,” continue with Question 31(a).

31(a). If the State has not “opted out,” is a criminal records check completed satisfactorily on the prospective foster parent?

Yes No N/A

Indicate “N/A,” if the State “opted out” or the foster family home is licensed before November 17, 1997. Otherwise, indicate “yes” or “no” and proceed to Question 33.

The criminal records check requirement applies to foster family homes licensed on or after November 17, 1997, or the State’s federally approved effective date. The State agency must document the results of the criminal records check and compliance with the safety requirement, including §471(a)(20)(A) during the PUR. Documentation of compliance must be provided even when the prospective foster parent lives out of State or is administered by a child-placing agency.

31(b). If the State has “opted out,” are safety considerations addressed satisfactorily for the prospective foster parent?

Yes No N/A

Indicate “N/A,” if the State has not “opted out” or the foster family home is licensed before March 27, 2000. Otherwise, indicate “yes” or “no” and proceed to Question 33.

The State agency must document compliance with its safety requirement for the PUR. Compliance must be verified even for an out-of-State foster care provider or one administered by a child-placing agency.

Comments: (Please reference question number for each comment.)

I. SAFETY REQUIREMENTS OF PROVIDER *Continued*

[Regulatory Citation: §472(b) and (c); (45 CFR §§1356.71(d)(1)(iv), 1355.20]

Complete for every foster care facility where the child resided during the PUR

32. If the placement is a childcare institution, are safety considerations addressed satisfactorily for the caretaker staff of the institution?

Yes No N/A

Indicate "N/A," if the childcare institution is licensed before March 27, 2000, or if the child is not placed in a childcare institution during the PUR. Otherwise, indicate "yes" or "no" and proceed to Question 33.

The State agency must document compliance with its safety requirements for the duration of the child's stay during the PUR. Documentation must be provided even when the child is placed in an out-of-State facility.

33. If "no," are title IV-E funds claimed for the period of ineligibility in which the safety requirement is not satisfied for the foster care provider?

Yes No N/A

Indicate "yes" or "no" to Question 33 if the response to Question 31a, 31b, or 32 is "no." Otherwise, proceed to Question 34. If the response to Question 33 is "yes" and the ineligible title IV-E funds are claimed for a period within the PUR, this is an error case. All ineligible payments must be recorded on the attached "Improper Payment Chart."

Title IV-E foster care maintenance payments may not be made for a child placed in a foster family home or childcare institution that does not meet the safety requirements of the State.

34. Are title IV-E funds claimed before the month in which the safety requirements are met for the foster care provider?

Yes No N/A

Indicate "yes" or "no."

Federal financial participation may not begin until the first day of the month in which the foster family home or childcare institution satisfied the respective safety standard of the State. If title IV-E is claimed before then, this is not an error case; however, any ineligible title IV-E payments must be recorded on the attached "Improper Payment Chart."

CASE REVIEW FINDINGS

After the On-Site Review Instrument is completed, determine whether the sample case is a non-error case or an error case and indicate this on the first page of the instrument. For a non-error case and an error case, indicate whether underpayments were identified and whether ineligible payments were claimed.

Underpayment: Occurs when a title IV-E maintenance payment or administrative cost is not claimed, but may be claimed, for an allowable title IV-E activity or period of eligibility.

Non-Error Case with Ineligible Payment: Occurs when the only title IV-E payment for a maintenance or administrative cost is made for an ineligible child outside the PUR.

Error Case: Occurs when a title IV-E payment for a maintenance or administrative cost is made for an ineligible child at any time during the PUR.

Comments: (Please reference question number for each comment.)

LICENSING/SAFETY CHECKLIST FOR MULTIPLE PLACEMENTS

Use this page to record multiple placements during the PUR

H. PLACEMENT IN LICENSED FOSTER CARE FACILITY

X2. Provider Name: _____

X3. Provider Street Address: _____

X4. Provider City: _____ X5. Provider State: _____

27. Date(s) of child's placement in this foster care facility (MM/DD/YY):
 from ____/____/____ to ____/____/____
 from ____/____/____ to ____/____/____

28. Type of foster care facility (check one): FFH GH Public Institution PNP/FP Institution
 Other (specify) _____

29. Is this foster care provider *fully* licensed during the child's placement that falls within the PUR? Yes No N/A

Licensure period (MM/DD/YY): from ____/____/____ to ____/____/____
 from ____/____/____ to ____/____/____

29(a). If "no," are title IV-E funds claimed for the period that the foster care provider is not *fully* licensed? Yes No N/A

30. Are title IV-E funds claimed before the month in which the foster care provider is *fully* licensed? Yes No N/A

I. SAFETY REQUIREMENTS OF PROVIDER

31. If the placement is a foster family home, has the State "opted out" of the criminal records check requirement for prospective foster family homes? Yes No N/A

31(a). If the State has not "opted out," is a criminal records check completed satisfactorily on the prospective foster parent? Yes No N/A

31(b). If the State has "opted out," are safety considerations addressed satisfactorily for the prospective foster parent? Yes No N/A

32. If the placement is a childcare institution, are safety considerations addressed satisfactorily for the caretaker staff of the institution? Yes No N/A

33. If "no," are title IV-E funds claimed for the period of ineligibility in which the safety requirement is not satisfied for the foster care provider? Yes No N/A

34. Are title IV-E funds claimed before the month in which the safety requirements are met for the foster care provider? Yes No N/A

Comments: (Please reference question number for each comment.)

IMPROPER PAYMENT CHART

This chart is used to record the improper payments identified during the review. Improper payments include underpayments as well as overpayments, duplicate payments, and otherwise ineligible title IV-E payments. The reviewer must provide a brief description of all underpayments and ineligible payments, regardless of whether or not the sample case is determined to be an error case.

Checklist Item Number & Eligibility Issue Description	Begin Date	End Date	Payment Amount

For Fiscal Computations

- (A). Federal Share for Foster Care Maintenance Payments (FCMP) Calculation
Disallowance: Total error case FCMP x State’s Federal Medical Assistance Percentage (FMAP). Note that when the period of ineligibility includes multiple years, the FMAP may vary for each, or some, of those years.

- (B). Federal Share for Foster Care Administration Costs Calculation
Disallowance: Refer to the instructions for calculating administrative cost disallowance and formula calculation spreadsheet for initial and primary reviews.

- (C). Period of Ineligibility and Underpayments
Calculate the months of improper title IV-E payments for maintenance and administrative costs beginning with the first month of ineligibility to the end of the month that precedes the on-site review.