

New Mexico Title IV-E Foster Care Eligibility Review Period Under Review: April 1, 2002-September 30, 2002

Introduction

During July 14-18, 2003, Administration for Children and Families' (ACF) staff from the Dallas Regional Office and State of New Mexico staff conducted an eligibility review of New Mexico's title IV-E foster care program in Albuquerque, New Mexico.

The purpose of the title IV-E foster care eligibility review was (1) to determine if New Mexico was in compliance with the child and provider eligibility requirements as outlined in 45 CFR 1356.71 and Section 472 of the Social Security Act; and (2) to validate the basis of New Mexico's financial claims to ensure that appropriate payments were made on behalf of eligible children and to eligible homes and institutions.

Scope of the Review

The New Mexico title IV-E foster care review encompassed a sample of all of the title IV-E foster care cases that received a foster care maintenance payment during the period of 4-1-02 to 9-30-02. A computerized statistical sample of 80 plus over sample cases was drawn from the Adoption and Foster Care Analysis and Reporting System (AFCARS) data which was transmitted by the State agency to the ACF for the period under review. 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 or approved for the period of the review.

During the initial primary review, 80 cases were reviewed. Six (6) cases were determined to be in error for either part or all of the review period for reasons that are identified in the Case Record Summary section of this report. Since the number of error cases was fewer than nine, the ACF has determined New Mexico to be in substantial compliance.

Case Record Summary

The following details the error cases and reasons for the error, erroneous payments, and appropriate citations: (List the sample number, describe the errors, and note the citation of the requirement found to be in error.)

Sample number 6: Did not meet AFDC financial need during period under review. 42 USC 672(a) (1) and (4); 45 CFR 1356.71(d) (1) (v)

Sample number 21: Provider was not fully licensed or approved during the child's placement in the period under review. Provisional license was in place. 45 CFR 1356.71(d) (1) (iv); 45 CFR 1355.20

Sample number 22 (OS9): No court order removing the child. The child was "joined" to sibling case, but no order to "join." 42 USC 672(a) (1); 42 USC 671(a) (15) (B) (i); 45 CFR 1356.21(c) Also, the state could not document criminal records check. 42 USC 671 (a) (20); 42 USC 675 (1); 45 CFR 1356.30

Sample number 24: Did not meet AFDC financial need during period under review. 42 USC 672(a) (1) and (4); 45 CFR 1356.71 (d) (1) (v)

Sample number 41: Did not meet AFDC financial need during period under review. 42 USC 672 (a) (1) and (4); 45 CFR 1356.71 (d) (1) (v)

Sample number 76 (OS 23): Provider did not satisfactorily complete criminal records check. 42 USC 671 (a) (20); USC 675 (1); 45 CFR 1356.30

The erroneous payments associated with the six (6) error cases were calculated as follows, and include all payments claimed on behalf of the child for the entire period of the error. (Indicate the error case(s), all payments claimed for the entire period of the error for each case, Federal Medical Assistance Payment [FMAP] rate, and Federal Financial Participation [FFP]. Note that a State's FMAP rate may vary annually and, therefore, needs to be obtained for each year that a case is found to be in error.)

NEW MEXICO MAINTENANCE AND ADMINISTRATIVE COST DISALLOWANCE:

FY 2002 IV-E Eligibility Initial Primary Review

<u>Sample #</u>	<u>FY</u>	<u>ADM DISALLOW</u>	<u>MP/FED SHARE</u>	<u>TOTAL COMPUTABLE</u>	<u>FMAP RATE</u>
21	2002	\$159.00	\$125.02	\$171.16	0.7304
41	2002	\$238.00	\$200.79	\$274.90	0.7304
24	2002	\$492.00	\$353.37	\$483.80	0.7304
6	2002	\$462.00	\$627.96	\$859.75	0.7304
76/OS23	2000	\$1,690.00	\$1,423.65	\$1,941.69	0.7332
76/OS23	2001	\$3,302.00	\$1,832.28	\$2,482.77	0.7380
22/OS9	2002	<u>\$1,986.00</u>	<u>\$1,548.45</u>	<u>\$2,120.00</u>	0.7304
		\$8,329.00	\$6,111.52	\$8,334.07	

TOTAL ADM.	\$8,329.00
TOTAL MP	<u>\$6,111.52</u>
TOTAL ADM/MP	<u>\$14,440.52</u>

NM Review conducted July 2003		
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KEY:

MP = Maintenance Payment

Total Computable: Gross payments (Federal/State share)

Although no Program Improvement Plan is required, the following are some review team recommended areas for improvement:

- Document eligibility factors that are training issues.
- Improve eligibility documentation including narrative.
- Improve licensing documentation since there is variation among counties.
- Provisional licensing is a training issue related to federal requirements.
- Provisional licensing needs to be automated and interfaced with the payment system.
- Develop a tickler on trial visits to insure timely court orders for extensions, if needed beyond 6 months.
- Provide training related to narratives and information in case records.

Strengths and Model Practices

- Collaborative state/federal teamwork preparing for and during the title IV-E foster care eligibility review provided positive experiences for the reviewers.
- Reviews and court orders are timely and often more frequent than required.
- Workers are trying to do good work, in spite of the turnover, as exemplified in timeliness and responsiveness to families and children, e.g., timely movement to permanency.
- Field staff are cooperative and well organized.
- Court orders are getting better, e.g., more child specific and well written. (This was especially noted from federal and state reviewers who had a historical perspective of case records in New Mexico.)

Disallowances

Disallowance criteria pursuant to 45 CFR 1356.71(j) (1) (3) (4) applies to New Mexico's primary title IV-E foster care eligibility review as follows:

"Disallowance of funds. The amount of funds to be disallowed will be determined by the extent to which a State is not in substantial compliance with recipient or provider eligibility provisions of title IV-E, or applicable regulations in 45 CFR parts 1355 and 1356.

(1) States which are found to be in substantial compliance during the primary or secondary review will have disallowances (if any) determined on the basis of individual cases reviewed and found to be in error. The amount of disallowance will be computed on the basis of payments associated with ineligible cases for the entire period of time that each case has been ineligible.

(3) The State agency will be liable for interest on the amount of funds disallowed by the Department, in accordance with the provisions of 45 CFR 30.13.

(4) States may appeal any disallowance actions taken by ACF to the HHS Departmental Appeals Board in accordance with regulations at 45 CFR Part. 16."