

**TEXAS TITLE IV-E
FOSTER CARE ELIGIBILITY REVIEW
October 1, 1999 – March 31, 2000**

I. INTRODUCTION

During the week of August 21-25, 2000 Administration for Children and Families (ACF) staff from the Regional and Central Offices and State of Texas staff conducted an eligibility review of the State of the Texas Department of Protective and Regulatory Services (TDPRS) title IV-E foster care program.

The purpose of the title IV-E eligibility review was to validate the accuracy of Texas' claims to assure that appropriate payments were made on behalf of eligible children, to eligible homes and institutions.

II. SCOPE OF THE REVIEW

The Texas title IV-E foster care review, which was conducted at the TDPRS state office in Austin, encompassed all title IV-E foster care cases during the period from October 1, 1999 to March 31, 2000. A computerized statistical sample of 80 cases was drawn from an alternative database of cases - in lieu of the Adoption and Foster Care Analysis and Reporting System (AFCARS) data - which was transmitted by the State agency to ACF. The sampling frame consisted of cases of individual children who received at least one title IV-E foster care maintenance payment during the six-month period noted above. For each sample case, the child's case file was reviewed for the determination of title IV-E eligibility and to ensure that the foster home in which the child was placed was licensed for the period of the review.

During this initial primary review, 80 cases were reviewed. *One* case was determined ineligible for part of the review period for reasons discussed in the Case Record Summary section of this report. Since the number of ineligible cases was less than nine, Texas is considered to be in **substantial compliance**.

A. Case Record Summary

The following narrative details the ineligible case and reasons for ineligibility, ineligible dollars, and appropriate citations:

The subject error case (Person I.D. 23646028) involved a child who was removed from the home of a specified relative and for whom title IV-E funding was claimed prior to the first of the month that all title IV-E eligibility criteria, including appropriate court orders, were met. State staff concurred with our findings and has agreed to make the appropriate financial adjustment of \$97.50 (\$57.58 Federal share) on the next quarterly expenditure report. As discussed below, we are recommending enhanced training of eligibility staff and review of edit checks within the TDPRS automated system to avoid future occurrence. Citation: ACYF-CB-PIQ-82-14.

B. Areas in Need of Improvement

While TDPRS is commended for its high degree of eligibility compliance, we have the following observations and recommendations for the future:

- The State is reminded this was an *INITIAL PRIMARY REVIEW* – due to substantial compliance, i.e., no more than 8 error cases, the next review will be in 3 yrs. In the *SUBSEQUENT PRIMARY REVIEW* 80 cases will also be reviewed, but the tolerance level will decrease to **4 error cases**. It should also be noted that this review did not apply all the title IV-E requirements effective March 27, 2000. The state should continue management attention to assurance of compliance with the recent regulatory changes, which will be reviewed under the Child and Families Services Review.
- A critical issue – court orders should reflect child and family specificity, at a minimum referencing the affidavit or petition. There are special concerns re: juvenile probation cases with additional attention needed to “best interests” findings. ACF has begun technical assistance on this issue with TDPRS program and general counsel staff.
- In relation to long-term placements prior to removal, we recommend training attention to determining the “home from which removed” and new “constructive removal” provisions in the recent regulations.
- Training efforts should also reinforce that IV-E eligibility is based on the July 16, 1996 “look-back” date. We found no errors in this regard, but did see narratives that implied consideration of TANF receipt or qualification.
- “Never married” alone is not acceptable documentation of deprivation of parental support. Again we found no errors but did observe notations in narratives that implied the lack of marriage was considered in the eligibility process.
- We have concerns relative to IV-E eligibility determination forms that reference “no income” but do not explain the manner of a family’s subsistence.
- The review process required ACF to directly review documentation of licensure and criminal records checks for a large number of placements. The eligibility files do not routinely include licensure documents in hardcopy files, due to the State’s automated systems. ACF applied the same level of documentation as has been applied to other states which have undergone title IV-E eligibility reviews. Such process is critical to validate automated systems. While we are not recommending “paper licenses” be routinely included in official eligibility files, the State should be aware of the need for documentation of licensure/criminal records checks in future reviews.

C. Strengths and Model Practices

We believe that the State's high level of compliance can be attributed to centralization of the eligibility function at the TDPRS regional level and use of specialized eligibility workers. It is apparent that the State has devoted a high level of management attention and training effort to title IV-E eligibility, including monitoring of title IV-E eligibility processes associated with juvenile justice placements under title IV-E agreements with the Texas Juvenile Probation Commission and Texas Youth Commission. As discussed above, training efforts should continue with special emphases on recent ACF regulatory changes and the findings of this review.

The case records were well organized and largely complete. In those limited instances where supplemental information was needed from the field or the courts, the respondents were responsive and timely reflecting the commitment of the State to complete and accurate IV-E eligibility determinations and documentation.