

**CONNECTICUT DEPARTMENT OF CHILDREN AND FAMILIES
TITLE IV-E FOSTER CARE ELIGIBILITY REVIEW
MARCH 24, 2003 TO MARCH 28, 2003**

I. INTRODUCTION

During the week of March 24 - March 28, 2003, staff from the Regional and Central Offices of the Administration for Children and Families (ACF) and Connecticut's Department of Children and Families (DCF) conducted an eligibility review of the State of Connecticut's (CT) Title IV-E Federal Foster Care program.

The purpose of the Title IV-E eligibility review was to validate the accuracy of the State's federal claims, to ensure that appropriate payments were made on behalf of eligible children, to eligible homes and institutions and at the allowable rates.

II. SCOPE OF THE REVIEW

The Connecticut Title IV-E Foster Care review was conducted in Hartford at the administrative office of the Department of Children and Families. It encompassed a sample of all Title IV-E foster care cases open during the period from April 1, 2002 through September 30, 2002. A computerized statistical random sample of 80 cases was drawn from the Adoption and Foster Care Analysis and Reporting System (AFCARS) data that were 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 payment during the six-month period noted above. For each case, the child's case file was reviewed for a determination of Title IV-E eligibility and to ensure that the foster care setting in which the child was placed was licensed for the entire period under the review, as applicable.

During this first *primary* review, 80 cases were reviewed. Of those, 73 cases were determined to be eligible. Seven cases were found to be in error for either part or all of the review period for reasons identified in the Case Record Summary of this report. Since the number of ineligible cases was below the allowable threshold of eight cases, Connecticut is considered to be in substantial compliance with the Title IV-E eligibility requirements.

Pursuant to Federal Regulations at 45 CFR Section 1356.71(h)(4), Connecticut will not be subject to a subsequent Title IV-E eligibility review until Federal Fiscal Year 2006.

The detailed findings of this review follow.

III. STRENGTHS

- In preparing for this initial *primary* review, the State strengthened policies and practices as well as revised forms and procedures to ensure a more accurate and complete IV-E eligibility determination system.
- None of the cases reviewed were found in error due to the lack of or lapses in the license for the home or facility in which the child was placed.
- In all of the cases reviewed, it was clear that the State is performing criminal records and other safety checks of foster care providers.
- None of the cases reviewed were found in error due to failure of the State to obtain the required judicial determination of "Contrary to the Welfare of the Child" to remain at home.
- It was evident that the State has developed an appropriate and adequate system for determining financial need and deprivation of parental support for the child removed from his/her home and placed into foster care. (A child's eligibility for IV-E benefits is based on federal requirement that child must be removed from a home that qualified or would have qualified for Aid to Dependent Children (according to July 16, 1996 AFDC guidelines) in the month in which the petition leading to removal was filed. In all but one of the cases reviewed, the State's procedures for such AFDC determinations functioned well.

IV. AREAS IN NEED OF IMPROVEMENT

Based on the findings of this review, we recommend that the State further develop and/or implement procedures to improve the following areas.

- Finding
Four cases were found in error because Court Orders did not have either timely or appropriately documented judicial determinations regarding Reasonable Efforts. In addition, one case was found in error because of the lack of a judicial determination within 180 days that it was in the best interests of the child who entered care on a voluntary basis to remain in care.

IV-E Requirement

If a child is removed by an Order of the Court (versus a Voluntary Agreement), the judicial determination regarding Contrary to the Welfare of the child to remain at home must be child specific and documented in the first court order sanctioning removal of the child. Secondly, the judicial determination of Reasonable Efforts to prevent this removal (as appropriate) must be made and documented in a Court Order within 60 days of the removal. Thirdly, ASFA created a new Reasonable Efforts requirement to ensure that the State (Court and Child Welfare Agency) are giving close attention to the permanency needs of children who remain in care for 12 months or more. Thus, a judicial determination regarding Reasonable Efforts to finalize the permanency plan for the child must be made within 12 months of a child entering care and every 12 months thereafter.

Discussion

Several issues contributed to cases being found in error under this requirement:

- The required judicial determinations were not made.
- The required judicial determinations were not made in accordance with the federal timeframes. CT (not unlike most other states) incorporated the federal requirement for a judicial determination of Reasonable Efforts to finalize the permanency plan into the permanency hearing. However, there is the likelihood that such hearings may be delayed or continued. Such delays result in the State obtaining a judicial determination of Reasonable Efforts to finalize the permanency plan beyond the 12 month period required by federal regulation.

Corrective Action Recommended

The State should reinforce the purpose and need for the judicial determination of Reasonable Efforts to finalize the permanency plan with the judiciary. In addition, the State should implement tickler, tracking and other such procedures to ensure that these determinations are complete and timely.

In this regard, the State recognized that the required judicial determination of Reasonable Efforts to finalize the permanency plan was not being made for each child in care or was not being made in a timely manner. The State established a process for obtaining this judicial determination in order to re-establish IV-E eligibility for these children. However, in the intervening period, the State cannot claim federal reimbursement for them.

- Finding
In three cases, financial need and/or deprivation in the home of removal needed to be reconstructed during the conduct of the review.

IV-E Requirement

The Personal Responsibility and Work Opportunity Reconciliation Act (1996) replaced the Aid to Families with Dependent Children (AFDC) Program with the Temporary Assistance to Needy Families (TANF) but continued to link IV-E eligibility to the AFDC Program. States, therefore, must determine a child's IV-E eligibility based on AFDC policies and procedures - excluding any Section 1115 waiver standards, disregards, etc. - that were in effect on July 16, 1996. Title IV-E requires that the child be removed from a relative as specified in Section 406(a) of the Social Security Act. Title IV-E eligibility requirements also necessitate a determination that the child would have been eligible for AFDC in the home of such relative except for his/her removal from that home.

Discussion

In determining IV-E eligibility under this requirement, if a child was living with an interim caretaker, CT's IV-E eligibility staff were not always clear about the home of removal and/or the home used for reconstruction of AFDC eligibility.

Corrective Action Needed

We recognized that the specified relative and home of removal provisions of the AFDC and IV-E regulations are complicated. We encourage the State to further review and train IV-E eligibility staff on these provisions to ensure correct interpretation of these requirements.

V. CASE RECORD SUMMARY

The following details the ineligible cases, reasons for ineligibility, and the period for each ineligible claim. The disallowance for each failed case encompasses the entire period of ineligibility for which IV-E FFP was claimed.

Sample No. 2

The provider was determined ineligible from 09/28/00 – 09/30/02 because the State was unable to obtain documentation from Georgia that criminal records checks had been performed on the caretakers for the foster child placed in a relative home in Georgia. It was confirmed that Georgia did not opt out of the federal criminal records checks requirement yet this State failed to comply with such requirement in this case.

Total IV-E Maintenance \$5,798 (\$ 2,899 FFP)

Total IV-E Administration \$22,234 (\$11,117 FFP)

ACYF-CB-PI-02-08 delayed the effective date of the provision disallowing FFP for administrative costs regarding otherwise IV-E eligible children in unlicensed foster family homes pending the issuance of a Final Rule.

Sample No. 10

The child was determined to be ineligible from 06/04/02 – 09/30/02 because the State failed to obtain the required initial judicial determination of reasonable efforts to prevent removal (within 60 days of the removal).

Total IV-E Maintenance \$ 1,433 (\$ 717 FFP)

Total IV-E Administration \$ 3,766 (\$1,883 FFP)

Sample No. 28

The child was determined to be ineligible from 04/27/01 – 04/18/02 because the State failed to obtain a timely judicial determination of reasonable efforts to finalize the permanency plan which is required within 12 months of entry and every 12 months thereafter.

Total IV-E Maintenance \$24,434 (\$12,217 FFP)

Total IV-E Administration \$11,146 (\$ 5,573 FFP)

Sample No. 32

The child was determined to be ineligible from 03/27/01 – 09/30/02 because the State failed to obtain a timely judicial determination of reasonable efforts to finalize the permanency plan which is required within 12 months of entry and every 12 months thereafter.

Total IV-E Maintenance \$ 5,585 (\$2,793 FFP)

Total IV-E Administration \$16,766 (\$8,383 FFP)

Sample No. 41

The child was determined to be ineligible from 04/01/02 - 09/30/02 because the State failed to obtain a timely judicial determination of reasonable efforts to finalize the permanency plan which is required within 12 months of entry and every 12 months thereafter.

Total IV-E Maintenance \$6,305 (\$3,153 FFP)

Total IV-E Administration \$5,648 (\$2,824 FFP)

Sample No. 76

The child was determined to be ineligible from 10/03/01 – 09/30/02 because the State failed to obtain the initial judicial determination of reasonable efforts to prevent removal (within 60 days of the removal).

Total IV-E Maintenance \$ 5,870 (\$2,935 FFP)

Total IV-E Administration \$11,296 (\$5,648 FFP)

Sample No. 79

The child was determined to be ineligible from 8/28/98 - 9/30/02 because the State failed to obtain within 180 days of the child entering care on a voluntary basis, the judicial determination that it was in the best interests of the child to remain in care.

Total IV-E Maintenance \$184,017 (\$92,009 FFP)

Total IV-E Administration \$ 53,258 (\$26,629 FFP)

VI. DISALLOWANCE

The dollar amount to be refunded to the Administration for Children and Families is \$116,722 (FFP) for ineligible foster care payments and \$62,057 (FFP) in related administrative costs.