

Oregon Title IV-E Foster Care Eligibility Review October 1, 2001 through March 31, 2002

Introduction

The Region X Administration for Children and Families (ACF) conducted an initial primary review of the State of Oregon's title IVE program in Salem from August 26 through August 29, 2002. A team of six ACF Regional staff, one ACF Central Office staff, and four Oregon Children, Adults and Families staff completed the onsite review.

The purpose of the title IV-E foster care eligibility review was: (1) to determine if Oregon 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 Oregon'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 Oregon 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 October 1, 2001 through March 31, 2002. A computerized statistical sample of 80 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.

Of the 80 cases reviewed, seventy-four cases were determined eligible for title IVE and six cases were determined to be in error for either part or all of the review period. Since the number of error cases was fewer than nine, the ACF has determined Oregon to be in substantial compliance for this initial primary review.

Case Record Summary

Below is a summary of the findings for each of the six cases determined to be in error:

- Sample number 30: Title IVE was claimed for foster care for a child placed with a certified provider for whom a criminal records check had not been completed (42 USC 671(a)(20)).

- Sample number 57: Title IVE was claimed for foster care for a child who did not have a judicial determination of reasonable efforts to finalize the permanency plan (45 CFR 1356.21(b)(2)).
- Sample number 62: Title IVE was claimed for foster care for a child placed out-of-state with a provider whose Oregon certification had expired and who had not yet received a license in the new state of residence (42 USC 472 (b) and (c)).
- Sample number 66: Title IVE was claimed for foster care for a period of time prior to completion of a criminal records check on a newly licensed/certified provider (42 USC 671 (a)(20)).
- Sample number 74: Title IVE was claimed for foster care for a child placed by a child placing agency with a provider who was not separately licensed and for whom a criminal records/safety check had not been completed (42 USC 672(b) and (c) and 45 CFR 1356.30)).
- Sample number 78: Title IVE was claimed for foster care for a child who did not have a judicial determination of reasonable efforts to finalize the permanency plan (45 CFR 1356.21(b)(2)).

Strengths

In the title IVE cases reviewed, the following strengths were noted:

- For cases for which title IVE was claimed, “contrary to the welfare” and “reasonable efforts to prevent” judicial determinations were consistently found in the initial court orders.
- Many cases included recent court orders with the “reasonable efforts to finalize the permanency plan” judicial determination.
- Some more recent court orders included judicial determinations with case specific affidavits, attached documentation and/or court order narrative.
- Eligibility files included excellent narrative, good eligibility determination forms, and many financial statements completed by parents.
- Oregon has a good eligibility infrastructure with competent eligibility specialists trained and supported by knowledgeable central office staff.

Areas in Need of Improvement

In the title IVE cases reviewed, the following areas needing improvement were noted.

- Additional efforts are required to consistently obtain timely “reasonable efforts to finalize the permanent plan” judicial determinations.
- Criminal history checks must be completed prior to the issuance/effective date of the full license/certification prior to claiming title IVE.

- Homes and facilities under child placing agencies must be separately licensed and must each meet the safety/criminal records check requirements.
- Public facilities must be licensed if title IVE is to be claimed for children placed in these facilities. (Public facilities must accommodate no more than 25 children and must not include detention facilities.)
- Additional procedures to document and ensure compliance with safety requirements with respect to staff in facilities are needed.

Disallowances

Based upon the results of the review, the State of Oregon has been determined to be in substantial compliance. Six cases were determined not to be eligible for funding under title IV-E foster care.

The erroneous payments associated with the six error cases were calculated as follows, and include all payments claimed on behalf of the child for the entire period of the error (Appendix A).

| Sample # | #30 | #57 | #62 | #66 | #74 | #78 | Total | FFP |
|---------------|----------|----------|----------|----------|----------|----------|-----------|-----------|
| <u>Maint:</u> | | | | | | | | |
| FFY 00 | 2,941.55 | 4,227.16 | 393.00 | 786.00 | 664.74 | -0- | 9,012.45 | 5,407.47 |
| FFY 01 | 2,910.00 | 1,800.20 | 786.00 | 619.03 | 4,726.59 | 756.00 | 11,597.82 | 6,865.91 |
| Subtotal | 5,851.55 | 6,027.36 | 1,179.00 | 1,405.03 | 5,391.33 | 756.00 | 20,610.27 | 12,273.38 |
| <u>Admin:</u> | | | | | | | | |
| FFY 00 | 4,409.60 | 4,409.60 | | 1,498.32 | 749.16 | -0- | 11,066.69 | 5,533.34 |
| FFY 01 | 4,216.80 | 1,488.26 | | 744.13 | 2,232.40 | 1,322.94 | 10,004.53 | 5,002.27 |
| Subtotal | 8,626.40 | 5,897.87 | | 2,242.45 | 2,981.56 | 1,322.94 | 21,071.22 | 10,535.61 |
| Total | | | | | | | | 22,808.99 |

The State has reduced the IVE claim subsequent to the sample selection for Sample #78, consequently, the ineligible maintenance payments FFP is reduced to \$11,825.83. Therefore, the total disallowance for maintenance payments and administrative costs is \$22,361.44 FFP for the entire period of time that these cases were determined to be in error.