



DEPARTMENT OF HEALTH & HUMAN SERVICES

Administration for
Children & Families

Refer to:

Region IX
50 United Nations Plaza
San Francisco, CA 94102

Jone Bosworth, Administrator
Division of Children and Family Services
Nevada Department of Human Resources
711 East Fifth Street
Carson City, Nevada 89701-5092

Dear Ms. Bosworth:

During August 1 to 4, 2005, staff from Administration for Children and Families (ACF) and Nevada Department of Child and Family Services conducted a review of title IV-E foster care eligibility in Carson City. The purposes of the review were (1) to determine Nevada's 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 Nevada's financial claims to ensure that appropriate payments were made on behalf of eligible children and to eligible homes and institutions.

We commend the State for its excellent efforts to improve its title IV-E eligibility determination process, resulting in a more accurate title IV-E eligibility program. The enclosed report identifies program strengths and provides recommendations for continued improvement. We would like to acknowledge Samantha Constantino specifically for her major role in coordinating the review and ensuring that State reviewers were oriented and trained in the review process. Her leadership and expertise were critical to the State's successful completion of the review. We would also like to thank the reviewers, Joell Sayre and Shawna Barnes from your office, Meg Samuel and Victoria Malone from Clark County, and Frank Hubbell and Kathy Myers from Washoe County. Their commitment of time and effort, as well as their professionalism and knowledge, resulted in timely completion of the review tasks.

A review of a sample of 80 cases was drawn from a universe of title IV-E payments for the review period October 1, 2004 through March 31, 2005 period. The review team determined that two cases were ineligible for Federal funding.

ACF has determined Nevada's title IV-E foster care maintenance program to be in substantial compliance with Federal child and provider eligibility requirements for the review period; therefore, a secondary review will not be required. The next primary review will be held in three years. The payments and administrative costs associated with the two error cases will be disallowed. This letter serves as a notice of disallowance of \$19,690.06 in Federal financial participation (FFP) for title IV-E maintenance payments and related administrative costs.

Since the amount of disallowed funds was previously included in Federal payments made to the State, Nevada must repay these funds by including a prior period decreasing adjustment on the Quarterly Report of Expenditures (Form ACF-IVE-1), Part 1, Line 1, Columns (c) and (d). A supplemental IVE-1 form must be submitted within 30 days of the date of this letter in order to avoid the assessment of interest. A supplemental submission must contain only the adjustment described above; other claims or revisions must not be included and will not be accepted. The original Report should be submitted to the following address with a copy to the ACF Regional Office:

Administration on Children, Youth and Families
Office of Management Services
330 C Street, S.W., Room 1427
Washington, D.C. 20447

This is ACF's final decision. Under regulations at 45 CFR Part 16, you have an opportunity to appeal this decision to the Departmental Appeals Board (Board). This decision shall be the final decision of the Board unless, within 30 days of receiving this decision, you deliver or mail (using registered or certified mail to establish the date) a written notice of appeal to:

Department of Health and Human Services
Departmental Appeals Board, MS 6127
Appellate Division
330 Independence Ave., S.W.
Cohen Building, Room G-644
Washington, D.C. 20201

You must attach to the notice a copy of this decision, note that you intend to appeal, state the amount in dispute, and briefly state why you think this decision is wrong. A copy of your appeal also should be sent to my attention in the ACF Regional Office. The Board will notify you of further procedures.

If you appeal, you may elect to repay the amount at issue pending the Board's decision, or you may retain the funds pending that decision. An adjustment to return the disallowed funds for the purposes of avoiding interest assessment must be made through the use of a supplemental submission of the IVE-1 form as described above. If you retain the funds and the Board sustains all or part of the disallowance, interest will be charged, starting from the date of this letter on the funds the Board decides were properly disallowed. Regulations at 45 CFR 30 detail how interest will be computed.

In the event you choose to take no action to return the funds, it will be assumed you have elected to retain the funds either to appeal or to delay recoupment of the funds until the

next issued grant award. Interest will continue to accrue on the Federal funds retained by the State during this period.

We want to thank you and your staff for the excellent efforts that were made to prepare for and participate with us in this review. We look forward to working with you and your staff to continue to improve State implementation of the Federal requirements and to improve services to children and families. Please contact Kim Relph at (415) 437-8485 if you have any questions about this review. Questions concerning the disallowance should be directed to Janet Davis at (415) 437-8422.

Sincerely,

Sharon M. Fujii
Regional Administrator

Enclosure

Cc: Theresa Anderson, NDCFS
Diane Comeaux, NDCFS
Samantha Constantino, NDCFS

**Nevada Title IV-E Foster Care
Eligibility Review
October 1, 2004 to March 31, 2005**

Introduction

During August 1 to 4, 2005, staff from Administration for Children and Families' (ACF) and Nevada Department of Child and Family Services conducted a review of title IV-E foster care eligibility in Carson City. The purposes of the review were (1) to determine Nevada's 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 Nevada'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 Nevada title IV-E foster care review encompassed a sample of all of the title IV-E foster care cases that received a maintenance payment during the period October 1, 2004 to March 31, 2005. A computerized statistical sample of 80 cases was drawn from the Adoption and Foster Care Analysis and Reporting System (AFCARS) data transmitted by the State agency to 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.

Of the 80 cases reviewed, 2 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 five, ACF has determined Nevada to be in substantial compliance.

Case Record Summary

The following details the error cases and reasons for the error, erroneous payments, and appropriate citations:

Sample number 32: Reasonable efforts determination was not made within 60 days of placement (45 CFR 1356.21(b)).

Sample number 57: Reasonable efforts determination was not made with respect to the removal from the legal father (45 CFR 1356.21(b)).

The erroneous payments associated with the two error cases were calculated as follows. All payments claimed on behalf of the child and related administrative costs for the entire period of the error were included.

Error Cases Within the Period Under Review:

Sample #	FFY 2002	FFY 2003	FFY 2004	FFY 2005	Total
32					
MAP - Total				\$591.69	\$591.69
FMAP Rate				55.9%	59.5%
MAP - Federal Share				\$330.75	\$330.75
Admin Cost - Federal Share			\$4,261.00	\$2,208.00	\$6,470.00
Total Federal Share			\$4,261.00	\$2,538.75	\$6,800.75

Sample #	FFY 2002	FFY 2003	FFY 2004	FFY 2005	Total
57					
MAP - Total	\$1,731.04	\$5,911.29	\$5,403.86	\$3,550.14	\$16,596.33
FMAP Rate	50%	52.39%	54.93%	55.9%	
MAP - Federal Share	\$865.52	\$3,096.92	\$2,968.34	\$1,984.53	\$8,915.31
Admin Cost - Federal Share				\$3,975.00	\$3,975.00
Total Federal Share	\$865.52	\$3,096.92	\$2,968.34	\$5,959.53	\$12,890.31

Total Disallowance Amounts – Federal Share					
	FFY 2002	FFY 2003	FFY 2004	FFY 2005	Total
Error Cases					
MAP –Federal Share	\$865.52	\$3,096.92	\$2,968.34	\$2,315.28	\$9,246.06
Admin – Federal Share			\$4,261.00	\$6,183.00	\$10,444.00
Total Federal Share	\$865.52	\$3,096.92	\$7,229.34	\$8,498.28	\$19,690.06

FFP = Federal Financial Participation
FFY = Federal Fiscal Year
FMAP = Federal Medical Assistance Percentage
MAP = Maintenance Assistance Payment

Areas in Need of Improvement

The Court Reports and Orders of the Court reviewed from Clark County were confusing. The template used in many of the cases did not have the correct name of the biological or natural parents, misstated the step-parents or biological parents name or identified the child's name as the parent.

Additionally, the Court Orders from this same jurisdiction were often contradictory. For example: the first sentence would indicate that "Continuation of the reasonable efforts to reunify the family required by NRS 432B.393 (1) is consistent with the permanency plan" and the next sentence would indicate that "Pursuant to NRS 432B.393 (2) the Division of Child and Family Services, an agency that provides child protective services, is not required to make the reasonable efforts required by NRS 432B.393 (1)." These cases would have been in error except for the existence of another sentence that indicated "It is hereby ordered... [T]hat reasonable efforts made by the Division of Child and Family Services to return the child to his home are deemed to be reasonable efforts." For example in one of the error cases, the court order indicated reunification was contrary to the child's welfare; however, the case file indicated that at that time, the child had been home with the mother for three months.

The State is reminded that appropriate reasonable efforts to safely maintain the family unit applies to fathers as well as mothers.

In some cases, children were placed in foster homes whose age range on the license was not consistent with the age of the children. For example, a 14-month-old child was placed with a provider whose license age range indicated 2 to 5 years. In some instances, a wavier was sought to place the child in the home; however, in many instances it was not.

Strengths and Model Practices

It is evident the State has integrated the key purposes of the Adoption and Safe Families Act (AFSA). Young children who came to the attention of the agency after the enactment of AFSA have, for the most part, moved to safe and stable permanent placements quickly. However, many of the foster youth in the sample cases came to the attention of the agency as infants or toddlers before AFSA and, unfortunately, continue in foster care.

Court orders and reports from Washoe County consistently included reasonable efforts, contrary to the best interests, and permanency findings. The model court, operating under the practice guidance provided by the National Council of Juvenile and Family Court Judges, has significantly influenced the uniformity in the court reports and orders and the timely movement of children into permanent homes.

The State has developed a checklist for use by eligibility workers that assists them in ensuring the required records are in the case file. This practice, when used consistently, results in the essential documentation available for review. The eligibility staff have a solid understanding of the eligibility criteria and use their knowledge to accurately determine the child's eligibility for IV-E foster care.

However, staff are comparing the child's income to 185 percent of the foster care rate (rather than 185 percent of the AFDC need standard from 1996) when redetermining eligibility. This policy was withdrawn on September 24, 2001 (see www.acf.hhs.gov/programs/cb/laws/cwpm/withdrawn.jsp). The State should compare the child's income against the 1996 AFDC standard to redetermine eligibility.