



**DEPARTMENT OF HEALTH & HUMAN SERVICES**

**Administration for  
Children & Families**

**Refer to:**

**Region IX  
50 United Nations Plaza  
San Francisco, CA 94102**

July 2, 2003

**CERTIFIED MAIL – Return Receipt Requested**

Sylvia Pizzini, Deputy Director  
Children and Family Services Division  
California Department of Social Services  
744 P Street  
Sacramento, California 95814

Dear Ms. Pizzini:

During June 2 through June 5, 2003, the Administration for Children and Families (ACF), in collaboration with the California Department of Social Services (CDSS), conducted California's title IV-E Foster Care Eligibility Review. We appreciate the efforts of the review team representatives from the CDSS, county child welfare agencies, county probation departments, and the California Judicial Council in preparing for and carrying out the review. The entire review team also very much appreciated the efforts of the county staff who had organized the files and tabbed the specific documents for review.

The purpose of the title IV-E Foster Care Eligibility Review was to determine whether payments were made on behalf of eligible children and to eligible homes and institutions in accordance with 45 CFR 1356.71 and Sections 471 and 472 of the Social Security Act (SSA).

There were ten cases in error. Therefore, because more than eight cases were found to be in error, California's title IV-E foster care maintenance program is not in substantial compliance with Federal child and provider eligibility requirements for the period April 1, 2002 through September 30, 2002. Consequently, pursuant to 45 CFR 1356.71(i), California is required to develop a Program Improvement Plan (PIP) to correct the areas not in substantial compliance as identified in the enclosed final report (Enclosure A).

The PIP is not to exceed a one-year time period and is to be developed by the State, in consultation with the ACF Regional Office. Although we have included recommendations for program improvement in the report, they are not exhaustive. We will work with the State in developing the actions that need to be undertaken as part of the PIP to help preclude similar errors in future reviews. I expect that you and your staff will consult with the review team, including our Regional Office staff, throughout the development of the PIP.

The PIP must be submitted to the ACF Regional Office within 90 days from receipt of this letter and must include the following components:

- Specific goals;
- Action steps required to correct each identified area needing improvement;
- A date by which each of the action steps is to be completed; and
- A description of how progress on the plan will be evaluated by the State and reported to the ACF Regional Office, including the frequency and format of the evaluation procedures.

Also, pursuant to 45 CFR Section 1356.71(j)(2), a secondary review will be held following the completion of the PIP and will include a review of 150 cases.

The financial penalty taken for this primary review will be for the payments, including the administrative costs, associated with the ten error cases and the six non-error cases that had ineligible payments as indicated in the enclosed report. This letter constitutes our formal notice of disallowance of \$197,119 in Federal Financial Participation (FFP) for title IV-E foster care maintenance payments and related administrative costs. Enclosure D identifies the FFP associated with each case.

Since the amount of disallowed funds was previously included in Federal payments made to the State, you 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, SW, Room 1427  
Washington, D.C. 20447

This is the final decision of the Administration for Children and Families. 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  
Room 635-D HHH Building

Ms. Sylvia Pizzini – Page 3

200 Independence Avenue SW  
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 a decision by the Departmental Appeals Board, 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 Part 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, your staff, and the county and Judicial Council representatives for the efforts made to prepare for and participate with us in this review. We look forward to working with you and your staff to continue to strengthen State implementation of the Federal requirements and to improve services to children and families.

Please call Pat Pianko at (415) 437-8462 or Debra Samples at (415) 437-8626 if you have any questions about this review or the enclosed report. Questions concerning the disallowance should be directed to John McGee at (415) 437-8408.

Sincerely,

/s/

Sharon M. Fujii  
Regional Administrator

Enclosures

cc: Pat Aguiar, CDSS  
Joe Bock, Children's Bureau  
Rita Lowry, Children's Bureau

**California Title IV-E Foster Care Eligibility Review  
AFCARS Review Period: April 1, 2002 – September 30, 2002**

**Introduction**

During June 2 through June 5, 2003, the Administration for Children and Families (ACF), in collaboration with the California Department of Social Services (CDSS), conducted California's title IV-E Foster Care Eligibility Review. The review team members included representatives from the State agency, county child welfare agencies, county probation departments, the California Judicial Council, and from our Regional Office and our Children's Bureau. (See Enclosure E for a listing of review team members.)

The purpose of the title IV-E Foster Care Eligibility Review was to determine whether payments were made on behalf of eligible children and to eligible homes and institutions in accordance with 45 CFR 1356.71 and Sections 471 and 472 of the Social Security Act (SSA).

**Scope of the Review**

The California title IV-E Foster Care Eligibility Review encompassed title IV-E foster care cases that received a foster care maintenance payment during the period of review (PUR): April 1, 2002 through September 30, 2002. A computerized statistical and stratified sample of 160 cases (137 child welfare agency cases and 23 probation department cases) was drawn from the Adoption and Foster Care Analysis and Reporting System (AFCARS) data transmitted by the State agency to the ACF for the PUR. During this initial primary review, 80 cases (74 child welfare agency cases and 6 probation department cases) were reviewed. Ten cases were determined to be in error for either part or all of the PUR for reasons that are identified in the body of this report and summarized in Enclosure B. An additional six cases, although not in error during the PUR, had ineligible payments. These cases are also identified below and summarized in Enclosure C.

For each case, reviewers determined whether appropriate documentation existed to substantiate compliance with the following requirements:

- Judicial determinations regarding contrary to the welfare and reasonable efforts
- Voluntary placement agreements
- State agency responsibility for placement and care
- AFDC eligibility (as of July 16, 1996)
- Placement in a licensed foster family home or child care institution
- Criminal records check and safety considerations for foster care providers

Reviewers did not assess compliance with the following title IV-E State plan requirements:

- Circumstances in which reasonable efforts are not required
- Development and implementation of case plan
- Case review system, including 6-month periodic reviews and permanency hearings
- Termination of parental rights
- Conformity with licensing standards

## **Strengths**

### Obtaining Judicial Determinations

Ü The State and its Judicial Review and Technical Assistance (JRТА) project and its collaboration with the Court Improvement Program (CIP) are commendable. Judicial determinations regarding contrary to the welfare and reasonable efforts to prevent removal, as well as vesting placement and care responsibility with the agency, were in most cases timely and complete. There was only one case found in error as a result of not obtaining the determination of reasonable efforts to prevent removal timely.

Ü The JRТА project and the CIP may have also contributed significantly in helping to ensure that judicial determinations regarding reasonable efforts to finalize permanency are obtained at least every 12 months; in fact, the practice of assessing for reasonable efforts to finalize permanency every six months is a tremendous strength in ensuring that permanency plans are assessed timely.

### Aid to Families with Dependent Children (AFDC) Eligibility

Ü Determining eligibility based on the AFDC linkages is also a strength for the State; there was only one error associated with the AFDC requirements.

Ü Re-determining eligibility every six months is a strength and resulted in no errors due to lack of timely re-determinations.

## **Not in Substantial Conformity**

Since the number of error cases exceeded eight, California is not in substantial compliance: ten cases were found in error. Pursuant to 45 CFR 1356.71(i), the State is required to develop a Program Improvement Plan (PIP) designed to correct those areas determined not to be in substantial compliance. The PIP will be developed by the State, in consultation with ACF Regional Office staff, and must be submitted to the ACF Regional Office within 90 days from the date of receipt of this report. Once the State has satisfactorily completed the PIP, a secondary review of a sample of 150 title IV-E foster care cases will be conducted.

In the body of this report, we include recommended actions the State should consider including in its PIP. **We also recommend that the State, as the oversight agency,**

**establish a statewide monitoring mechanism** to help ensure that IV-E payments are authorized on behalf of only eligible children to eligible providers.

## **Case Record Summary**

Enclosure B identifies the error cases, reasons for the errors, and appropriate citations.

Enclosure C identifies the non-error cases that had ineligible payments, reasons for the ineligible payments, and appropriate citations.

Enclosure D identifies the payments associated with both the error cases and the non-error cases with ineligible payments.

## **Areas in Need of Improvement**

### **Judicial Determination Regarding Reasonable Efforts to Prevent Removal**

45 CFR 1356.21(b)(1) requires that the State agency obtain a judicial determination that it made reasonable efforts to prevent a child's removal no later than 60 days from the date the child is removed from home. If this finding is not made timely, the child is ineligible for the entire foster care episode.

The date of removal is the date the child is physically removed. For children entering foster care on or after March 27, 2000 and "constructively" removed (i.e., a non-physical or paper removal of custody when the child is not living with the parent/guardian from whom legally removed at the time of removal), it is the date of legal removal -- the detention order.

One case (#29) was found in error because the finding to prevent removal was not made within 60 days of removal. The child was removed on July 19, 2002. The detention hearing/order was completed July 24, 2002 but did not include this requisite finding. The next order, which did include the finding, was not made until October 16, 2002.

### **Recommendations**

1. Ensure that eligibility workers look for the appropriate judicial determination regarding reasonable efforts to prevent removal in court orders and determine whether it was made within 60 days from removal.
2. Continue to work with the Judicial Review and Technical Assistance Project and the Court Improvement Program to ensure that judicial determinations regarding reasonable efforts to prevent removal be made within 60 days of removal.

## **Judicial Determination Regarding Reasonable Efforts to Finalize Permanency**

45 CFR 1356.21(b)(2) requires that the State agency obtain a judicial determination that it has made reasonable efforts to finalize the permanency plan that is in effect within 12 months of the date the child is considered to have entered foster care. Subsequent determinations must be obtained at least every 12 months thereafter. 45 CFR 1355.20(a) defines the date a child is considered to have entered foster care as the earlier of 60 days from the date of removal or the first judicial finding that the child has been subjected to child abuse or neglect.

For children who entered care prior to March 27, 2000 (the effective date of the regulations implementing the Adoption and Safe Families Act), the first of these determinations must have occurred by no later than March 27, 2001. If the determination is not obtained timely, the child is ineligible at the end of the month in which a determination was due and remains ineligible until the month in which the determination is made. For children whose permanency goal is reunification, orders that included a determination that reasonable efforts to reunify the child were made satisfied this requirement.

Cases were cited in error if the judicial determination was due prior to or during the period under review (PUR) but was not made during the PUR and a title IV-E payment was claimed for the ineligible period. Thus, cases in which the determination was late but was made prior to or during the period under review were not cited as errors -- these cases were, however, identified as having ineligible payments for the ineligible period of time.

Three cases were found in error (#33, #65, #70) and four non-error cases had ineligible payments (#27, #47, #60, #67) because the judicial determinations that reasonable efforts were made to finalize permanency were not obtained within a 12-month period and, in one case (#70), not ever obtained.

Despite the errors, we noted that in most cases the judicial determinations regarding reasonable efforts to finalize permanency are generally obtained every six months. There was, however, no clearly discernable pattern among the error cases to suggest why, for these cases, the determinations were not obtained timely. It could not be attributed primarily to the older cases in existence prior to the effective date of this requirement since the errors and ineligible payment cases consisted of both older and newer cases. Also, for three of the four older cases, the first judicial determination was obtained by the March 27, 2001 deadline but had late determinations subsequently.

During the review, State staff indicated that because court orders do not often explicitly state that there is a finding of abuse or neglect, 60 days is used as the date of entry into foster care to start the clock ticking for this 12-month requirement. We clarified that, for purposes of the date of entry into foster care, the judicial finding that a child has been subjected to abuse or neglect does not have to explicitly state in the court order that there was a "finding of abuse or neglect." A court order that states, for example, that the child

abuse/neglect “allegations or counts in the petition are sustained,” as is often found in the jurisdictional orders, would constitute the finding of abuse or neglect. The State expressed concern that, therefore, eligibility workers may have been using 60 days instead of the date of the jurisdictional order to determine whether judicial determinations regarding finalizing permanency were made timely. However, we note that the late findings in these error cases could not be attributed to defaulting to 60 days.

For one case (#65), although court hearings were held every six months, the court orders stated only that the social worker’s report was “reviewed and considered.” The reviewer for this case noted, however, that the last order in the file contained the language that appropriately documented the judicial determination.

### Recommendations

1. Ensure the requisite judicial determination be obtained for case #70 as soon as possible and that title IV-E is not claimed until the month in which the finding is made.
2. Ensure that eligibility workers make their IV-E eligibility decisions related to the timeliness of determinations regarding reasonable efforts to finalize permanency based on the court orders and not authorize title IV-E payments for periods of time when the judicial determination to finalize permanency is late.
3. Ensure that eligibility workers consider the date of entry into foster care as the earlier of 60 days or the judicial finding that a child has been subjected to abuse or neglect for purposes of determining when the first 12-month judicial determination is due.
4. As part of the six-month eligibility re-determination process, re-examine all cases for children that entered foster care prior to March 27, 2000 to ensure that they had the requisite finding by the March 27, 2001 deadline. If not, then adjust claims for title IV-E to exclude the ineligible payments for those prior ineligible periods of time.
5. Include on the eligibility determination/re-determination forms information about when the determination regarding reasonable efforts to finalize permanency is due and made.

### Voluntary Placements

Section 472(f) of the SSA requires that a voluntary placement agreement be binding on the parties to the agreement. Absent a duly signed binding agreement, the child is ineligible for the entire out-of-home placement. There was one case (#37) for which the voluntary placement agreement was not signed by the agency representative.



### Recommendation

1. Ensure that eligibility workers base their determinations on binding voluntary placement agreements, signed by both the parent/guardian and the agency representative.

### **Aid to Families with Dependent Children (AFDC) Linkage**

Section 472(a)(4)(B)(ii) requires that a child be living with a specified relative within six months prior to the month in which proceedings to remove the child were initiated. One case (#20) was found in error because the child had not lived with the specified relative (mom) from whom legally removed within six months of the removal petition.

### Recommendations

1. Ensure that eligibility workers do not authorize title IV-E for children who did not live with the specified relative from whom removed within six months of the removal petition.
2. Clearly identify on the eligibility forms (1) the month of petition and (2) the month of the income used for determining eligibility.

### **Licensing/Approval of Foster Family Homes and Child Care Institutions**

Pursuant to 472(c) of the SSA and 45 CFR 1355.20(a), foster family homes and child care institutions must be fully licensed/approved to be title IV-E eligible placements. Title IV-E cannot be claimed until the month in which the placement is fully licensed or approved. Cases were determined to be in error if a child was placed in a home or institution and IV-E payments were made prior to the month in which the home or institution was fully licensed/approved during the PUR.

The title IV-E Foster Care Eligibility Review is not intended to ascertain whether the State applies the same standards to all foster family homes nor does it determine whether the homes/facilities complied with the licensing/approval standards. Consequently, although Section 471(a) of the SSA and 45 CFR 1355.20(a) require that all foster family homes be held to the same standards and even though the State was out of compliance with this title IV-E State plan requirement beginning September 28, 2000 and until December 14, 2001 when Assembly Bill (AB 1695) was implemented to establish one set of licensing/approval standards, we accepted any approval documentation for that period of time for purposes of this IV-E Foster Care Eligibility Review. Furthermore, because we noted that all cases had documentation that an AB 1695 assessment was completed, albeit during or after the period under review, we did not cite these cases as errors. The corrective action to approve homes against the AB 1695 standards is already being undertaken.

### *De-Certifying Homes*

There were two cases (#19, #66) found in error because the homes were “de-certified” by the Foster Family Agency (FFA) when they became pre-adoptive homes or legal guardianships with dependency. Because these homes are not then licensed or approved by the child welfare agency, the providers were no longer eligible.

### *Children Placed Prior to Fully Licensing/Approving Homes*

There was one case (#69) in error because the non-relative extended family member foster home was not approved until after the child was placed (child placed September 2002, home approved December 2002) and title IV-E payments were made during the period the provider was ineligible.

### *Records for Foster Family Agency Certified Homes not Available*

It came to our attention during the review that when an FFA goes out of business, documents to support certification of an FFA home may no longer be available because the State does not maintain this information. Please note that the State must ensure compliance with the record retention requirements pursuant to 45 CFR 74.43.

### Recommendations

1. Assess the feasibility of FFAs not de-certifying families who become pre-adoptive or guardianship homes.
2. Coordinate efforts between the FFA and licensing agency to ensure continued eligibility of a home the FFA plans to de-certify.
3. Ensure title IV-E foster care payments are not authorized when children are placed in homes that are not fully licensed or approved.
4. Ensure certification documentation of FFA homes is retained for at least three years pursuant 45 CFR 74.43.

### **Safety Requirements of Provider**

#### *Foster Family Homes*

Section 471(a)(2) of the SSA required States to conduct criminal record checks for prospective foster families beginning November 19, 1997, the effective the date of the Adoption and Safe Families Act (ASFA) or the approved delayed effective date if the State required legislation to implement the provision. California submitted its request to delay the effective date until January 1, 1999 at which time the State opted out of the Section 471(a)(20) criminal records requirement. Therefore, foster families who are licensed or approved on or after January 1, 1999 had to meet the State’s other safety considerations pursuant to 45 CFR 1356.30(e): California’s background clearances pursuant to California Health and Safety Code (HSC) 1522.

For foster families that were licensed or approved prior to January 1, 1999, if there was no documentation that the families cleared the background checks, these cases were NOT cited in error. Cases were cited as non-error cases with ineligible provider payments if the background clearances were not obtained prior to the child's placement but were obtained prior to the PUR. Cases were cited in error when children were placed in homes and IV-E payments were made before all the adults in homes approved on or after January 1, 1999 cleared the background checks and these clearances were not obtained until sometime during or after the PUR or never.

There were three error cases (two were with relative caretakers (#30, #70) and one was with a non-relative extended family member (NREFM) foster family home (#69)) and two non-error cases with ineligible payments (#31, #53). The children in these cases were placed with providers and title IV-E payments were made before all the adults in the homes cleared the background checks.

#### *Child Care Institutions*

45 CFR 1356.30(f) requires that child care institutions licensed on or after March 27, 2000 (the effective date of the regulations implementing the ASFA) must also ensure the State's other safety considerations (HSC 1522) are met with respect to the staff of the institution. All of the group homes that were used as placements for the cases under review were licensed prior to March 27, 2000.

However, reviewers learned that a number of group homes employed staff prior to their clearing the background checks. Although, for purposes of the IV-E review, these cases were not cited in error, we strongly encourage the State to re-examine the process for ensuring group homes comply with the State's requirements even if the group home was licensed prior to March 27, 2000.

#### *Destroying Background Clearance Reports*

Some cases lacked criminal record clearance verifications. The explanation given was that some counties are routinely destroying those documents based on their understanding of the Information Bulletin issued by the California Department of Justice, Division of California Justice Information Services (No. 02-17-BCII), dated December 19, 2002, regarding the "Retention of Criminal Offender Record Information." This Bulletin reads, in part,

*"Retention of CORI [Criminal Offender Record Information] is permissible if, after making its initial employment, licensing, or certification decision, the agency has a legitimate business need for the information and there are no statutory requirements to destroy such information...The DOJ recommends that agencies destroy CORI when the business need has been fulfilled."*

The business need of a foster family home has not been fulfilled until the home is no longer used and the record retention requirements pursuant to 45 CFR 74.53 have been met.

### Recommendations

1. Establish a mechanism to ensure that IV-E payments are not authorized until all the adults in the home meet the State's background clearance requirements.
2. Ensure that all homes are not licensed or approved until all adults in the home meet the State's background clearances.
3. Even though child care institutions licensed prior to March 27, 2000 do not need to comply with the Federal safety requirement at 45 CFR 1356.30(f), the State should ensure that they comply with the State's safety requirements so that group home staff are not employed until they clear the background checks.
4. Ensure that all counties retain the background clearance reports for at least three years after the home is no longer in use pursuant to 45 CFR 74.53.

### **Disallowances**

In accordance with 45 CFR 1356.71(j)(2), California Department of Social Services (CDSS) is found not to be in substantial compliance with child and provider eligibility provisions of title IV-E. Enclosure D provides the Federal share of error payments for each of the 10 error cases and 6 non-error cases with ineligible payments by Federal fiscal year and the total amount for all 16 cases. The total amount subject to disallowance is \$197,119 in Federal financial participation.

Payment of the disallowance claim must be paid within 30 days from the date of the cover letter of this report to avoid the assessment of interest. (See 45 CFR 30.12(a) and 30.13.) California has the right to dispute the debt. CDSS will be liable for interest on the amount of funds disallowed by the Department in accordance with the provisions of 45 CFR 30.13(a) if the disallowance is not paid within 30 days from the date of this letter. Regulations at 45 CFR 30.14 provide guidance on paying the debt or accruing interest while pending a formal review of the debt. California may appeal this disallowance to the Departmental Appeals Board within 30 days from receipt of the accompanying letter in accordance with regulations at 45 CFR 16.7(a). Please refer to 45 CFR Part 16 for procedures for appealing this disallowance.

**Error Cases**

**Enclosure B**

	<b>Sample Number</b>	<b>Reason for Error</b>	<b>Social Security Act (SSA) and Code of Federal Regulations (CFR) Citation</b>	<b>Period of Ineligibility</b>
		<b>Child Ineligible due to Lack of Requisite Judicial Determinations</b>		
1	29	Judicial determination regarding <b>reasonable efforts to prevent removal</b> not obtained within 60 days from removal.	SSA 472(a)(1) and 471(a)(15)(B)(i) & 45 CFR 1356.21(b)(1)	07/02-present
2	33	Judicial Determination regarding <b>reasonable efforts to finalize permanency</b> not timely. (Due August 2002. Completed October 2002.)	SSA 472(a)(1) and 471(a)(15)(B)(ii) and (C) & 45 CFR 1356.21(b)(2)	9/02
3	65	Judicial determination regarding <b>reasonable efforts to finalize permanency</b> not timely. (Due March 2001. Completed November 2002. Earlier court order language that indicates "read and considered" report was insufficient.)	SSA 472(a)(1) and 471(a)(15)(B)(ii) and (C) & 45 CFR 1356.21(b)(2)	04/01 - 10/02
		<b>Child Ineligibility -- Lack Requisite Judicial Determinations. Provider Ineligibility -- Lack Background Clearances</b>		
4	70	(1) Judicial determination regarding <b>reasonable efforts to finalize permanency</b> not completed. (Due March 2001. None completed.) (2) Background clearances not obtained prior to placement. (Child placed October 2000. Clearances obtained November 2002.)	(1) SSA 472(a)(1) and 471(a)(15)(B)(ii) and (C) & 45 CFR 1356.21(b)(2); (2) 45 CFR 1356.30(e)	(1) 04/01 - present; (2) & (3) 10/00-10/02
		<b>Child Ineligible due to Nonbinding Voluntary Placement Agreement</b>		
5	37	Voluntary Placement Agreement not signed by Child Welfare Agency	SSA 472(f)	4/01 - Present
		<b>Child Ineligible due to Not Meeting AFDC Linkage Requirements</b>		
6	20	Child did not live with specified relative (mom) from whom removed within six months of petition. (Child had been living with a relative guardian at the time of removal.)	SSA 472(a)(4)	06/94 - present
		<b>Provider Ineligible Because Not Licensed/Approved</b>		
7	19	Foster Family Home not approved/licensed. (The Foster Family Agency (FFA) <b>de-certified</b> the home effective March 2002 when related caretaker started receiving Adoption Assistance Program payments. IV-E foster care maintenance was paid for one day in September 2002)	SSA 472(c) & 45 CFR 1355.20(a)	09/02
8	66	FFA <b>de-certified</b> home when relative guardianship with continued dependency established. Child left this placement June 2002.	SSA 472(c) & 45 CFR 1355.20(a)	04/01-06/02
		<b>Provider Ineligible Because "Other Safety Considerations" Not Met</b>		
9	30	Child placed with <b>relatives</b> (9/15/99) before background clearances obtained (Foster mother clearances obtained 11/02. Foster father never cleared or exempted.)	SSA 471(a)(20) & 1356.30	9/99 - 5/02
		<b>Provider Ineligible Because Not Licensed/Approved and "Other Safety Considerations" Not Met</b>		
10	69	(1) Foster Family Home not approved/licensed. (Non-Relative Extended Family Member approved December 2002. Child placed September 2002.) (2) Background clearances not obtained prior to claiming IV-E	(1) SSA 472(c) & 45 CFR 1355.20(a); (2) SSA 471(a)(20) & 45 CFR 1356.30(e)	09/02-11/02

Non-Error Cases With Ineligible Payments

Enclosure C

<b>Sample Number</b>	<b>Reason for Ineligible Payment</b>	<b>Statutory/Regulatory Requirement</b>	<b>Period of Ineligibility</b>
	<b><i>Child Ineligible Payments – Lack of Timely Requisite Judicial Determinations</i></b>		
1 27	Judicial determination regarding reasonable efforts to finalize permanency not obtained timely. (Due January 2002. Done June 2002.)	SSA 472(a)(1), 471(a)(15)(B)(ii) and (C), & 45 CFR 1356.21(b)(2)	02/02 - 5/02
2 47	Judicial determination regarding reasonable efforts to finalize permanency not obtained timely (Due 3/02. Completed 7/02. AAP began 5/02)	SSA 472(a)(1), 471(a)(15)(B)(ii) and (C), & 45 CFR 1356.21(b)(2)	04/02
3 60	Judicial determination regarding reasonable efforts to finalize permanency not obtained timely. (Due March 2002. Done May 2002.)	SSA 472(a)(1), 471(a)(15)(B)(ii) and (C), & 45 CFR 1356.21(b)(2)	04/02
4 67	Judicial determination regarding reasonable efforts to finalize permanency not obtained timely. (Due 3/02. Completed 9/02.)	SSA 472(a)(1), 471(a)(15)(B)(ii) and (C), & 45 CFR 1356.21(b)(2)	4/02-8/02
	<b><i>Provider Ineligible Payments – Because "Other Safety Considerations" Not Met</i></b>		
5 31	Relative caretaker did not have criminal record clearances prior to placement (Child placed February 2001. Clearances obtained August 2001.).	SSA 471(a)(20) & 45 CFR 1356.30	2/01-7/01
6 53	Child placed prior to "other safety considerations" met (i.e., background clearances) (Child placed September 1999. Background clearances obtained January 2000.)	SSA 471(a)(20) & 45 CFR 1356.30	9/99 - 12/99

**Enclosure D**

FISCAL YEAR AMOUNTS	CASE SAMPLE NUMBERS ERROR CASES										SAMPLE CASE NUMBERS NON-ERROR CASES.						
	29	33	65	70	37	20	19	66	30	69	27	47	60	67	31	53	Total
1998 Maintenance Disallowance	0																
1998 Federal Admin Disallowance	0																
1999 Maintenance Disallowance	0					10,032			249							309	10,590
1999 Federal Admin Disallowance	0					5,270			725							725	6,720
2000 Maintenance Disallowance	0					5,027			3,762							927	9,716
2000 Federal Admin Disallowance	0					9,308			9,035							2,259	20,602
2001 Maintenance Disallowance	0		1,636	1,607	1,850	7,018		3,469	3,814	0							19,394
2001 Federal Admin Disallowance	0	0	722	3,111	4,666	2,222		4,666	9,332						4,666		29,385
2002 Maintenance Disallowance	1,766	237	3,527	3,368	8,407	9,659	0	3,941	3,143	140	796	691	1,808	1,270	1,378		40,131
2002 Federal Admin Disallowance	2,357	786	4,713	9,427	9,427	3,867	786	7,070	6,284	2,357		786					47,860
2003 Maintenance Disallowance	1,190	0		1,403		8,299					561						11,453
2003 Admin Disallowance	0					1,268											1,268
<b>TOTAL MAINTENANCE DISALLOWANCE</b>	2,956	237	5,163	6,378	10,257	40,035	0	7,410	10,968	701	796	691	1,808	1,270	1,378	1,236	91,284
<b>TOTAL ADMIN DISALLOWANCE</b>	2,357	786	5,435	12,538	14,093	21,935	786	11,736	25,376	2,357	0	786	0	0	4,666	2,984	105,835
PLEASE NOTE ALL AMOUNTS ARE FED SHARE																	
<b>TOTAL DISALLOWANCE</b>	<b>197,119</b>																

**California IV-E Review Team**

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Michelle Guyman	Los Angeles County Probation
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Judy Edmundson	Orange County
Sandy Gonzales	San Bernardino County
Robin Duclos	San Joaquin County
Judy Russell	Kern County
Delfino Neira	Kern County
Eva Magness	Ventura County
Eryn Shomer	Judicial Council of California
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Linda Shill	CDSS
Jack Stroppini	CDSS
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