

**THE COLORADO TITLE IV-E FOSTER CARE ELIGIBILITY REVIEW  
REPORT  
DEPARTMENT OF HUMAN SERVICES  
DIVISION OF CHILD AND FAMILY SERVICES  
APRIL 21-25, 2003**

**I. INTRODUCTION**

The Colorado Department of Human Services, Division of Child Welfare (DCW) staff, in partnership with the Administration for Children and Families (ACF) staff from the Central and Regional Offices, conducted a IV-E Foster Care Eligibility Review, in Denver, Colorado from April 21, through 25, 2003.

The purpose of the Title IV-E Foster Care Eligibility Review was to evaluate the accuracy by the state in claiming Federal Financial Participation (FFP) and assure that appropriate maintenance payments were made on behalf of eligible children placed in eligible homes and institutions.

**II. SCOPE OF THE REVIEW**

The Colorado Title IV-E Eligibility Review encompassed all Title IV-E foster care cases in the state during the period of April 1, 2002 through September 30, 2002. A computerized statistical sample of eighty-eight cases (eighty cases are to be reviewed, however an over-sample of eight cases are added, subject to any case disqualification) was drawn from the Adoption and Foster Care Analysis and Reporting System (AFCARS) data, which was transmitted by the state agency to ACF. ACF then provided a statistical sampling frame that consists of individual children who received at least one Title IV-E foster care maintenance payment during the six-month period noted previously. For each case, the child's file was reviewed for documentation which supported the determination of Title IV-E eligibility and that the home, foster care home and/or institution in which the child was placed, was licensed during the period under review.

The Colorado IV-E Eligibility Review Team included seven individuals: Cheryl Duncan, Review Coordinator and CDHS IV-E Program Specialist; Sharon Ford, CDHS Manager Permanency Services; Jean Abrams, CDHS Kinship Program Specialist; K.C. Robbie, CDHS Field Administration; Kathy Young, Mesa County IV-E Eligibility Specialist; Jane Lambert, Boulder County IV-E Eligibility Specialist. Jennifer Butler-Hembree, Program Specialist, represented the ACF Central Office. ACF Regional staff participating in the eligibility review included: Marilyn Kennerson, National Review Team Leader; Cynthia Thomas, Child Welfare Team Lead; Region VIII State Program Specialists, Eric Busch and Kevin Gomez and Regional Office Colorado Team Leader Gloria Montgomery.

### III. CASE RECORD SUMMARY

The eligibility review of eighty cases was Colorado's Initial Primary Review and of the sampling frame, three cases were determined to be ineligible for Title IV-E maintenance payments, and therefor to be in error. The Code of Federal Regulation, 45 CFR 1356.71 (c)(4), specifies "when the total number of ineligible cases does not exceed eight, ACF can conclude with a probability of 88 percent . . . that the State will be considered in substantial compliance." The Colorado Department of Human Services, Division of Child and Family Services has been determined to be in substantial compliance with Title IV-E requirements. Specific information on the three cases and their errors, are as follows:

#### Case One

Foster Care Provider is conditionally licensed. The federal regulation requires that the provider be determined by the state to designated full licensure per Title 45 CFR 1357.71(d)(1)(iv). Removal court order did not contain contrary to welfare language in the removal order. Additionally, there was not a judicial determination of reasonable efforts to prevent removal within 60 days from the date the child was removed from the home. Thus, this child was not eligible for the title IV-E for the entire episode of foster care.

The overpayment amount is \$1,676 during the period of September 16, 2002 until January 8, 2003.

#### Case Two

AFDC eligibility was calculated incorrectly for the child. The federal regulation requires sufficient documentation to verify a child's eligibility in order to substantiate payments made on the child's behalf per 45 CFR 1356.71 (2)(f). The overpayment amount is \$2,898 during the period of August 3, 2001 until April 17, 2002.

#### Case Three

AFDC eligibility was calculated incorrectly for the child. The federal regulation requires sufficient documentation to verify a child's eligibility in order to substantiate payments made on the child's behalf per 45 CFR 1356.71 (2)(f).

The overpayment amount is \$5,822 for during the period of January 25, 2002 until May 2, 2002.

THE TOTAL DISALLOWED AMOUNT IS \$10,396 which includes the maintenance overpayment and the associated administrative costs.

The IV-E Eligibility Review Team also made comments that will provide further insights into the process and findings. These comments are located in THE APPENDIX section of the Summary of Issues.

**SUMMARY OF ISSUES  
STATE OF COLORADO  
TITLE IV-E ELIGIBILITY REVIEW**

APPENDIX

**STRENGTHS**

**DOCUMENTATION AND FILE ORGANIZATION**

- . Eligibility files were well organized, allowing for information to be located easily
- . The Title IV-E eligibility process was thorough including:
  - document gathering
  - income and asset verification
  - interface with other information sources
  - rationale for eligibility decision
- . Eligibility determination form is an excellent tool which emphasizes Title IV-E criteria
- . Title IV-E determinations were well documented
- . Presence of Title-IV-E and Medicaid information in one file made review process very smooth
- . Eligibility determination process was routinely well documented.

**PRACTICE ISSUES**

- . Preparation for the review allowed for a smooth and efficient review process
- . Training for eligibility staff allowed for clear understanding of state and federal policy
- . Annual peer reviews also provides for re-enforcement of training and consistency of practice
- . Well-documented processes exist that demonstrate a systematic method for backing out overpayments and adjustments for ineligible periods

**AREAS IN NEED OF DOCUMENTATION**

**DOCUMENTATION AND FILE ORGANIZATION**

- . Nun Pro Tunc Court Orders cause confusion on court report dates and are not acceptable practice
- . Petitions are recommended for inclusion in all eligibility files
- . Recommendation for tracking process to ensure that permanency orders are included, as needed, in eligibility files
- . New methods need to be put in place to track the licensing history of providers and documentation supporting decision to license them
- . Recommendation that a workgroup needs to determine where items should be located in the eligibility files to promote increased consistency in the files

## **PRACTICE ISSUES**

- . Not having case record available made it difficult to identify areas for which technical assistance could have been provided onsite
- . Efforts need to be made to improve the timeliness of permanency hearings for children in out-of-home care
- . All court orders need to be dated and child-specific

## **ADDENDUM**

### **PROGRAM SPECIFIC ISSUES**

- . It appears that there is significant reliance upon court determinations of “reasonable efforts” to prevent removal are not made, or necessary, due to the emergency nature of the situations; questions raised as whether this suggests a lack of preventive or in-home services.
- . Observations were made that the current interface between the child welfare and licensing/approval programs appears somewhat unclear
- . Observations of some case situations that may not be in the best interest of some children in out-of-home placement; some examples include:
  - (1) a one-year old child who was in five different placement settings over a four-month period; and
  - (2) young siblings who were placed in different foster home placements