

**Mississippi Title IV-E
Foster Care Eligibility Review
For the period
April 1, 2002 to September 30, 2002**

Introduction

During February 10-14, 2003, the Administration for Children and Families' (ACF) staff from the Central and Regional Offices and State of Mississippi staff conducted an eligibility review of Mississippi's title IV-E foster care program.

The purpose of the title IV-E foster care eligibility review was (1) to determine if Mississippi 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 Mississippi'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 Mississippi 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 April 1, 2002 to September 30, 2002. A statistical sample of eighty cases was drawn from 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.

Case Record Summary

During the initial primary review, eighty cases were reviewed. Thirteen cases were determined to be in error for either part or all of the review period. Appendix A of this report details each sample case, the reason(s) for ineligibility, requirement citation, and the ineligible dollar amounts associated with that case.

During the onsite review numerous errors identified were due to the lack of the required determination and documentation for the child's continued deprivation of parental support or care and continued financial need. After the onsite review, Mississippi staff provided additional documentation to support the findings of continued deprivation and financial need. This office accepted this information, and those errors reversed.

Other errors resulting in IV-E ineligibility were lack of judicial determinations that continuation in the home is contrary to the welfare, judicial determinations regarding

reasonable efforts to finalize the permanency plan, and placement of children in a nonlicensed foster family home.

Program Improvement Plan

Since the number of error cases exceeded eight, the ACF has determined Mississippi not to be in substantial compliance. Pursuant to 45 CFR 1356.71(i), you are 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 for approval by July 15 2003. The PIP is not to extend beyond one year unless State legislative action is required. In such instances, an extension may be granted with the State and ACF negotiation of the terms and length of the extension. The extension shall not exceed the last day of the first legislative session after the date of the PIP. 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. The format of the PIP may vary, but it must include the following components:

- Specific goals
- Action steps required to correct each identified
- A date by which each of the action steps are to be completed
- A description of how progress on the plan will be evaluated by the State and reported to the Regional Office, including the frequency and format of the evaluation process

Areas in Need of Improvement

During the review, the following areas were identified as areas that are in need of improvement. All of these areas must be addressed in the PIP.

1. Placement in a licensed foster family home or child care institution

In order for foster care payments made on behalf of a child to be eligible for Federal reimbursement; the child must be placed in a facility that meets all of the State agency standards of full licensure or approval established by the State. For each case being reviewed, the State agency must make available a licensing file that contains the licensing history, including a copy of the certificate of licensure/ approval or letter of approval, for each of the child's foster care providers. Homes and/or facilities operating under provisional licenses are not eligible to receive title IV-E payments. It is recommended that procedures be developed to cease title IV-E payments during the period of provisional licensing and/or approval.

2. AFDC eligibility as of July 16, 1996

The State must document that the child was financially needy and deprived of parental support at the time of removal, using criteria in effect in the State's July 16, 1996 IV-A State Plan. The State must stress to staff the impact on Federal reimbursement if the necessary AFCD determinations are not correct or if the documentation is not maintained in the case record. It is recommended that the State's eligibility determination form be

revised to document in a clear and concise manner the basis and supporting sources of AFDC eligibility.

3. Judicial determination of reasonable efforts to finalize a permanency plan

The State must obtain a judicial determination that it has made reasonable efforts to finalize the permanency plan that is in effect within twelve months of the date the child is considered to have entered foster care and at least once every twelve months thereafter while the child is in foster care. A copy of the judicial determination must be maintained in each child's IV-E foster care eligibility file. It is recommended that collaboration continue with the judicial community regarding the link between judicial findings and IV-E eligibility.

4. Judicial determination that continuation in the home is contrary to the welfare

A child's removal from the home must have been the result of a judicial determination that continuation of residence in the home would be contrary to the welfare, or that placement would be in the best interest, of the child. The contrary to the welfare determination must be made in the first court ruling that sanctions the removal from the home. A copy of the judicial determination must be maintained in each child's IV-E foster care eligibility file. It is recommended that collaboration continue with the judicial community regarding the link between judicial findings and IV-E eligibility.

Strengths

The staff of the Mississippi Department of Human Resources insured the review process was well organized. All of the cases records included in the sample were available and the required information was easily located. The conference room was most conducive to the work of the review team. Staff of the central office was most receptive to the technical assistance provided during the review.

A strength for Mississippi is centralized staff with the responsibility of determination of title IV-E foster care eligibility. The role of this staff could expand to allow for more aggressive tracking and obtaining of needed documentation such as judicial determinations, licensure information, and AFDC eligibility. The development of a tracking system of required eligibility elements would enhance the State's effectiveness in determining IVE eligibility for foster care payments.

Disallowance

The review included a sample of eighty cases. The sample was drawn from a universe of cases that received at least one title IV-E foster care maintenance payment during the 6-month AFCARS period of April 1, 2002 to September 30, 2002. Based upon the results of the review, the State of Mississippi has been determined to be not in substantial compliance. Thirteen cases were determined not to be eligible for funding under title IV-E foster care. Therefore, a disallowance in the amount of \$21,248 in Federal Financial Participation (FFP) is assessed for the entire period of time that these cases were determined to be in error. The enclosed Attachment B provides to you the formula calculations spread sheet for the disallowance.

