

**NORTH DAKOTA TITLE IV-E FOSTER CARE
ELIGIBILITY REVIEW
April 1, 2001 – September 30, 2001**

Introduction

During the week of April 14-19, 2002, the Administration for Children and Families' (ACF) staff from the Central and Regional Offices and State of North Dakota staff conducted an eligibility review of North Dakota's title IV-E foster care program in Bismarck, North Dakota.

The purpose of the title IV-E foster care eligibility review was (1) to determine if North Dakota 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 North Dakota'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 North Dakota 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, 2001 to September 30, 2001. 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 Administration for Children and Families (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.

During the initial primary review 80 cases were reviewed. Four 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 nine, the Administration for Children and Families has determined North Dakota to be in substantial compliance.

Case Record Summary

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

Sample numbers 22, 72, 73 and 78: Judicial determination regarding reasonable efforts to finalize a Permanency Plan not made by 3/27/01. 471(a)(15)(B)(ii) and (C), 1356.21(b)(2).

The erroneous payments associated with the four error cases were calculated as follows, and include all maintenance payments claimed on behalf of the child for the entire period of the error for each case, Federal Medical Assistance Payment [FMAP] rate, and Federal Financial Participation [FFP].

Sample #	FY 01	FMAP	FFP (disallowance)
22	01	79.99	\$3,098
72	01	79.99	3,081
73	01	79.99	3,185
78	01	79.99	1,973
			TOTAL-\$11,337

Strengths and Model Practices

Review Team. The inclusion of State and county staff and a cross-State participant as members of the review team was a very positive experience. This created a team approach in identifying and answering questions.

Eligibility Determination. The eligibility determination process is clearly defined. The Comprehensive Child Welfare Information and Payment System (CCWIPS) is utilized. Carefully designed forms assist workers in gathering information to determine the child's eligibility and to ensure the accuracy of the determinations. These are SFN 869 – Initial Eligibility for IV-E; SFN 870 – Redetermining IV-E Eligibility and SFN 873 – Income Calculation Worksheet. The case is initiated on CCWIPS when the initial eligibility determination has been completed. Redetermination of each child's eligibility (deprivation and financial need) is consistently done, in most cases every six months but at least annually. Checklists to ensure that all necessary information and documents are available were found in some of the case records.

Court Orders. The court orders from some counties are timely, well written and very descriptive of case specific circumstances. The initial removal orders consistently reflect language regarding "contrary to the welfare of the child, reasonable efforts to prevent removal and reasonable efforts to reunify child and family." There are excellent petitions and descriptions of reasonable efforts made to finalize the permanency plans. Many of the orders contained judicial determinations regarding reasonable efforts to finalize the permanency plans.

Provider Eligibility Issues. All providers were licensed or approved for the entire time of the child's placement during the period under review. Documentation was available on satisfactorily completed criminal record checks. An affidavit of compliance with licensing requirements was in the case record for each child under the care and supervision of a Tribe. The CCWIPS Payment System facilitates the timely licensing and correct payment of eligible providers. The system calculates the maintenance portion of the payment based on the daily rate and the number of days the child resided in the foster home or child care facility. When all of the required information is in CCWIPS a payment is made.

Other. There was documentation of concurrent planning in many of the cases. In two cases where the concurrent plans were reunify and adoption, the adoption was finalized twelve months after termination of parental rights.

Many of the case records were well organized and contained Checklists, Change of Status Forms and Placement History which were helpful in the review of the case.

Areas in Need of Improvement

Court Orders. Some counties use "boilerplate" court orders. The content of the orders do not change from hearing to hearing. These orders do not reflect the court decisions made for each child. Some orders continue to include the statement "reasonable efforts were made to prevent removal and reunify the child with the family" when this was not consistent with what was happening with the case. For example, in a case in which a request for TPR was filed in September, the court orders in November and December continued to include the wording "reasonable efforts to reunify are being made." The TPR was granted in January. The continued inclusion of the wording "reasonable efforts to reunify" in every order implies the goal of "return home" when the permanency goal has changed.

Reasonable Efforts Determination. There need to be a clear distinction of specifically which type of reasonable efforts language is required in each order for the child to be IV-E eligible. There are delays in obtaining judicial determinations regarding Reasonable Efforts to finalize a permanency plan. Four of the cases reviewed did not have a timely judicial determination regarding reasonable efforts to finalize the permanency plan.

Training. In order to ensure consistent ongoing eligibility determination, there is a need for joint training of eligibility technicians, social workers and court personnel on ASFA requirements regarding IV-E eligibility (language required in court orders, timeframes and judicial determinations). There is also a need for training of eligibility technicians on the July 16, 1996 AFDC eligibility requirements for determining IV-E eligibility.

Eligibility of Providers. Currently all prospective foster care providers are required to complete a satisfactory criminal records checks to obtain an initial license. Criminal records checks are not required for renewal of licenses, or for providers who were “grandfathered” by State law. However, if “grandfathered” providers stop providing care and want to start again, satisfactory criminal records checks are required. To ensure ongoing safety, consideration should be given to periodic recheck of criminal records for providers and staff of institutions.

Case Records. The format and organization of case records could be improved. There is no consistency in the organization of case records from county to county. A statewide standard for setting up case records would make it easier to find information in the case records.

Disallowances

The review included a sample of 80 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, 2001 to September 30, 2001. Based upon the results of the review, North Dakota has been determined to be in substantial compliance. Four cases were determined not to be eligible for funding under title IV-E foster care. Therefore, a disallowance in the amount of \$11,337 in Federal Financial Participation (FFP) is assessed for the entire period of time that these cases were determined to be in error. A Program Improvement Plan is not required.

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