

## **Nebraska Title IV-E Foster Care Eligibility Review AFCARS Review Period October 1, 2005, to March 31, 2006**

### **Introduction**

During the week of July 31, 2006, Administration for Children and Families (ACF) staff from the Children's Bureau and Region VII Office and State of Nebraska staff conducted an eligibility review in Lincoln of Nebraska's title IV-E foster care program.

The purpose of the title IV-E foster care eligibility review was (1) to determine if Nebraska was in compliance with the child and provider eligibility requirements as outlined in 45 CFR §1356.71 and §472 of the Social Security Act; and (2) to validate the basis of Nebraska'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 Nebraska title IV-E foster care eligibility 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 October 1, 2005, to March 31, 2006. A computerized statistical sample of 80 cases plus an oversample of 30 cases was drawn from a combined listing of cases from the Adoption and Foster Care Analysis and Reporting System (AFCARS) and a list of cases submitted by Nebraska that included children eligible for title IV-E being served by the Integrated Care Coordination Unit (ICCU) the Courts in Lancaster, Douglas, and Sarpy Counties; and the Winnebago and Omaha Tribes. 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 childcare institution in which the child was placed was licensed or approved for the period of the review.

During the primary review, 80 cases were reviewed. Twelve cases from the oversample were substituted for 12 cases in the sample, because no IV-E payments were made for the 12 sample cases during the period under review. Three 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. A disallowance in the amount of \$ 5,421.76 in maintenance payments and \$3,123.00 in administrative costs are assessed for these ineligible payments. Since the number of error cases was fewer than five, the ACF has determined Nebraska to be in substantial compliance.

An additional four cases were identified that contained payments that were claimed improperly. Although these cases are not considered "error cases" for determining substantial compliance, the ineligible maintenance payments and the associated administrative costs are subject to disallowance. A disallowance in the amount of \$8,290.19 in maintenance payments and \$3,803.00 in administrative costs are assessed for these ineligible payments.

## Case Record Summary

The following details the error cases with ineligible payments, reasons for the ineligibility, and appropriate citations:

Sample number 27	Placement in a licensed foster family home or childcare institution. 45 CFR §1356.71(d)(1)(iv), 1355.20
Sample number 48	Aid to Families with Dependent Children (AFDC) eligibility. 45CFR § 1356.71(d)(1)(v)
Sample number 74	Placement in a licensed foster family home or childcare institution. 45 CFR §1356.71(d)(1)(iv), 1355.20

The erroneous maintenance payments and administrative costs associated with the three error cases were calculated and are shown in Attachment A of the report. These include all payments claimed on behalf of the child for the entire period of the error. The appendix also shows a listing of non-error cases with ineligible payments, as well as a listing of underpayments identified during the review.

In addition, based on the payment records provided prior to the review and information obtained during the review, 70 cases were identified as having possible underpayments within the last two years. The amount of possible underpayments was \$71,238.007 in maintenance payments and \$48,455.21 in administrative costs. See Attachment B

### Areas in Need of Improvement:

During the debriefing of the review by the State and Federal reviewers, the following were identified as areas needing improvement:

- Eligibility forms did not contain the period covered by the eligibility determination/redetermination.
- Child Protective Services staff did not provide information that was needed to make eligibility determinations timely.
- Information used to make determinations was not always well documented, such as deprivation.
- Reporting forms received from the ICCUs were not standardized, which made it difficult to determine which payments were title IV-E.
- ICCUs did not appear to check all eligibility criteria when claiming title IV-E funds (e.g., was child in an eligible placement?).
- Reviewers found it difficult to determine which payments were made using title IV-E funds. Several different reports or screens were needed in some cases to determine if title IV-E claims were paid.
- Multiple underpayments were identified. These underpayments were attributed to both system functionality and worker error.

- Some court orders were contradictory in their wording with regard to findings of reasonable efforts.
- Some court orders used “check boxes” for contrary to welfare and reasonable efforts findings. Boxes were not always checked appropriately.
- Some court orders did not specify children by name.
  - Timely feedback is not always provided to the courts when orders do not contain required elements.
  - Court orders referred to reports and affidavits instead of incorporating as findings.
  - Title IV-E funds were used for approved relative homes. Reviews of the files of these homes indicated that they could have been licensed.

### **Strengths and Model Practices**

During the debriefing of the review by the State and Federal reviewers, the following were identified as strengths and model practice areas:

- Court hearings to review permanency were timely.
- Lancaster County court order layout was good. Orders showed reasonable efforts and contrary to welfare, as well as services that had been offered to the parents.
- Tribal court orders were well thought out and contained the proper elements.
- Voluntary placement agreements contained the appropriate signatures.
- Background checks for the purposes of licensing homes were thorough and clear.
- Use of narratives with the eligibility determinations was much better for this review than the previous review.
- Documentation for determining eligibility based on 1996 AFDC requirements was improved since previous review.
- Case records were well organized.
- The review was well organized.
- State staff were very knowledgeable and accommodating. They were willing to assist with any questions.

In addition to the above comments, the staff noted that many of the children had experienced multiple moves, especially the young children. We want to recognize a practice that included use of concurrent plans and the State’s Assisted Guardianship program. We would also like to recognize the State for designating specific workers to perform the title IV-E eligibility functions.

### **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 October 1, 2005, to March 31, 2006. Based upon the results of the review, the State of Nebraska has been determined to be in substantial compliance. Three cases were determined not to be eligible for funding under title IV-E foster care. An additional four non-error cases were found to not to be eligible for funding under Title IV-E foster care. Therefore, a total disallowance in the amount of \$19,637.95 in

Federal Financial Participation is assessed for the entire period of time that these cases were determined to be in error.