

# **Maine Title IV-E Foster Care Eligibility Review Review Period 4/1/2006 – 9/30/2006**

## **Introduction**

During the week of June 18, 2007, staff from the Regional and Central Offices of the Administration for Children and Families (ACF) and Maine's Office of Child and Family Services (OCFS) conducted a subsequent primary eligibility review of the State's title IV-E Federal foster care program. The review was conducted in Augusta at the Anthony Avenue district office of the Department of Health and Human Services.

The purpose of the title IV-E foster care eligibility review was (1) to determine if Maine was in compliance with the child and provider eligibility requirements as outlined in 45 CFR §1356.71 and §472 of the Social Security Act (SSA); and (2) to validate the basis of Maine'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 Maine 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 April 1, 2006 through September 30, 2006. A computerized statistical sample of 80 cases and an over-sample of 20 cases were drawn from the Adoption and Foster Care Analysis and Reporting System (AFCARS) data submission 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 childcare institution in which the child was placed had undergone the required criminal records and/or safety checks and was fully licensed or approved for the period under the review (PUR).

During this subsequent primary review, 80 cases were reviewed. 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. Since the number of error cases in Maine was fewer than the threshold of five, the ACF has determined the State to be in substantial compliance with the title IV-E Federal foster care program eligibility requirements. Thus, the next primary review will not be conducted until Federal Fiscal Year 2010.

## **Strengths and Model Practices**

- All of the cases reviewed were found to have the required initial AFDC determinations and re-determinations. Since the previous title IV-E foster care review in May 2004, Maine has strengthened its procedures for determining and documenting financial need and deprivation of parental support according to the State's July 16, 1996 guidelines for Aid to Families with Dependent Children

(AFDC). The current review found that the State is accurately establishing, at the time of removal and annually thereafter, that a child being removed is from a household that meets the correct AFDC criteria.

- All of the foster care providers reviewed were found to be fully licensed. In addition, the State has procedures in place to suspend claiming for homes that are not fully licensed.
- Criminal records checks were completed on foster family homes, and all of the cases reviewed had fire inspections completed within the State's required timeframes.
- All of the cases reviewed were found to have the required judicial determinations of "contrary to the welfare of the child" to remain in the home, "reasonable efforts to prevent placement", and "reasonable efforts to finalize the permanency plan".

## **Areas in Need of Improvement**

The purpose of the title IV-E foster care program is to provide financial assistance to States for maintaining children who meet the eligibility requirements for the Aid to Families with Dependent Children (AFDC) program and cannot remain safely in their homes. Thus, a child's eligibility for title IV-E maintenance is, in part, predicated on the child's eligibility for AFDC. AFDC eligibility is generally limited to children under the age of 18. However, States may have elected to include in their AFDC State Plans eligibility coverage for youth over age 18 who are full-time students in a secondary school and who may reasonably be expected to graduate before reaching age 19. Under these circumstances, eligibility for title IV-E foster care ceases at the end of the month in which the child leaves school or when the child turns 19, whichever occurs earlier. Maine has exercised this eligibility option.

Two cases were determined to be in error because IV-E payments were made after the child turned 19 in one case, and in the second case, after a child 18 years of age graduated from high school. We understand that OCFS self-identified this issue prior to the review and that the MACWIS system now automatically ceases payments when a child no longer meets these AFDC eligibility requirements.

In addition, one case was in error because the child was never eligible for IV-E. Payments made on behalf of this child were the result of a clerical error in coding. Again, we understand that OCFS identified this issue prior to the review and took proactive measures to re-train appropriate staff, as well as make adjustments to IV-E claiming.

Finally, based on this review we recommend the State review – and as appropriate, strengthen – procedures to ensure safety considerations in childcare institutions are addressed and documented. Although no cases were found to be in error on the basis of this IV-E requirement, wide variation was found in how background checks are documented. In addition, obtaining documentation was further complicated when residential providers had changed location or consolidated placements under a new name. Developing an archive of these changes may allow the State to more easily access a provider's history of complying with mandated requirements. It

may be prudent to determine the efficiency and efficacy of the State's procedures in this area in order to ensure that safety standards are being adhered to, verified on a regular basis and documented consistently.

## Case Record Summary

The following details the error cases, reasons for ineligibility, ineligible periods and amount for each ineligible claim. The FMAP rate for determining the payment disallowance is 62.90% and 50% for the administrative portion. There were no improper payments.

<u>Sample #</u>	<u>Case ID</u>	<u>Reason*</u>	<u>Period</u>	<u>Disallowance (FFP)</u>	
				<u>Main.</u>	<u>Adm.</u>
<b><u>Error Cases:</u></b>					
28	569426	1	9/1/06-9/30/06	\$ 438	\$ 193
82	612073	2	10/1/05-3/31/06	3,120	579
87	1049430	3	6/17/06-6/18/06	<u>38</u>	<u>0</u>
<b>Total</b>				<b>\$ 3,596</b>	<b>\$ 772</b>

### \* Ineligible Codes for Error Cases

1. Child turned 19 during PUR but foster care payments continued per requirements at 45 CFR 1356.71(d)(1)(v).
2. Child 18 years of age graduated high school but foster care payments continued per requirements at 45 CFR 1356.71(d)(1)(v).
3. AFDC eligibility not met according to requirements at 45 CFR 1356.71(d)(1)(v).

## Disallowances

Pursuant to 45 CFR 1356.71(j), a total disallowance in the amount of \$4,368 in Federal Financial Participation (FFP) is assessed for ineligible payments claimed for error and non-error cases.

The erroneous maintenance payments and administrative costs associated with the three error cases (\$4,368 FFP) include all payments claimed on behalf of the child for the entire period of time that each case was determined ineligible for title IV-E payments. No future claims should be submitted on these error cases until it has been determined that all eligibility requirements are met.