

MISSISSIPPI

Title IV-E Foster Care Eligibility Review **For the period April 1, 2004 to September 30, 2004**

Introduction:

During April 11-15, 2005, 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 purposes of the Title IV-E Foster Care Eligibility Review were (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 the title IV-E foster care cases that received a foster care maintenance payment during the period of April 1, 2004, to September 30, 2004. A statistical sample of 150 cases was drawn from data, which were transmitted by ACF to the State agency for the period under review. Each 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.

This review was classified as a "secondary review" as defined in the Title IV-E Foster Care Eligibility Review Guide, which was transmitted to State and Territorial agencies by Information Memorandum ACYF-CB-IM-01-11, dated November 30, 2001. In a "secondary review" an extrapolated disallowance will be assessed if both the child/provider (case) ineligibility and dollar rate exceeds ten percent. Since the percentage of error did not exceed this tolerance, we have determined that Mississippi is in substantial compliance with Federal requirements as outlined in 45 CFR 1356.71(h)(2)(i) for the period of April 1, 2004 – September 30, 2004. The next primary review will be conducted in three years.

Case Record Summary:

During the secondary review, 150 cases were reviewed. Seven (7) cases were determined to be in error for either part or all of the review. The areas where the seven (7) cases were determined to be in error relate to:

- Reasonable efforts to prevent removal
- Reasonable efforts to finalize the permanency plan

- Safety requirements of the provider
- AFDC eligibility

In addition to the seven cases found with errors during the period under review, the review team identified five (5) cases with ineligible payments occurring outside the review period. The reasons for these errors were related to reasonable efforts to finalize the permanency plan and overpayments.

Attachments A and B of this report details each sample case, the reason(s) for ineligibility and the ineligible dollar amounts associated with that case.

Areas Identified Onsite as Strengths in the Title IV-E Eligibility Foster Care System:

- The State has assigned staff whose primary function is to determine financial eligibility. The staff is very knowledgeable about Federal and State eligibility requirements and implementation of the program.
- Judicial determinations of “contrary to the welfare” and “reasonable efforts” were generally timely in the cases reviewed.
- The State assigned staff for title IV-E eligibility accurately track eligible payments and the timeliness of court orders. Eligibility determinations and redeterminations were also completed timely and accurately by staff.
- There is noted improvement in the communication process between the program and IV-E eligibility staff.
- Licensing activity and safety and criminal records check processes were completed accurately and timely on the majority of cases reviewed.

Areas In Need of Improvement:

During the review, the following areas were identified as areas in need of improvement:

- **Judicial determination of reasonable efforts.** Numerous court orders were not definitive in their findings. All courts should consistently review the efforts of the State agency to: 1) prevent a child’s removal from home, when such efforts will not jeopardize the child’s safety and 2) make and finalize a permanency plan. The court’s review of the agency’s efforts must be timely and the ruling must be child specific and explicitly expressed in the court’s ruling. We recommend additional collaboration with the judicial community regarding the link between judicial findings and title IV-E eligibility.
- **Tracking of title IV-E eligibility.** Without an automated system, the State assigned staff for title IV-E eligibility must manually track changes throughout the eligibility process. This includes the determination and

redetermination of AFDC eligibility, timeliness of court orders, and eligible placements. We are hopeful that the State's automated system for title IV-E foster care payments will be operational in the near future.

Findings and Disallowances:

Seven (7) cases were determined not eligible for title IV-E Foster Care maintenance payments and the State is ineligible to receive Federal Financial Participation (FFP) for these cases under title IV-E foster care maintenance assistance program. A total of \$6,583 in FFP must be disallowed based on these seven (7) cases. The State is also ineligible for title IV-E foster care administrative costs relating to the error cases. We have calculated the amount of unallowable administrative costs to be \$7,773. The State also has an obligation to identify and repay any ineligible payments that occurred for these error cases subsequent to the period under review

In addition to the above cases found with errors during the period under review, the review team identified five (5) cases with ineligible payments occurring outside of the review period. These additional findings were not considered in the determination of Mississippi's substantial compliance of Federal requirements. The State is, nevertheless, ineligible to receive FFP for these cases under the title IV-E program. The amount of ineligible maintenance assistance payments for these cases is \$1,922 in FFP. The respective unallowable administrative costs for these cases are \$3,022 in FFP.

This report constitutes our formal notice of disallowance of \$19,301 in Federal Financial Participation (FFP) for title IV-E foster care maintenance payments and related title IV-E foster care administrative costs. The standard methodologies used by ACF for the computation of both of these disallowances are enclosed in Attachments A and B for your information.