

WYOMING TITLE IV-E FOSTER CARE ELIGIBILITY REVIEW

I. INTRODUCTION

During the week of June 21 through June 25, 2004, the Administration for Children and Families' (ACF) staff from the Regional and Central Offices and State of Wyoming staff conducted an eligibility review of Wyoming's title IV-E foster care program in Cheyenne, Wyoming.

The purpose of the title IV-E foster care eligibility review was:

1. To determine if Wyoming was in compliance with the child and provider eligibility requirements as outlined in CFR 1356.71 and Section 472 of the Act.
2. To validate the bases of Wyoming's financial claims to assure that appropriate payments were made on behalf of eligible children and to eligible homes and institutions.

II. SCOPE OF THE REVIEW

The Wyoming 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, 2003 to September 30, 2003. 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). Each child's case file was reviewed for the determination of title IV-E eligibility and each provider's file was reviewed to ensure that the foster home in which the child was placed was licensed for the period of the review. Eight cases were initially designated as over-sample cases to be used in the review if one of the initial sample cases did not receive a foster care maintenance payment.

The review results determined fifteen cases 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 cases in error were greater than four, Wyoming is considered to be out of compliance.

The review team was made up of seventeen individuals: ACF Regional Office Staff included: Marilyn Kennerson, Kevin Gomez, Eric Busch, Gloria Montgomery, Janet Motz. Paul Kirisitz and Agustin Quiles represented the ACF Central Office. Also included on the Federal team was Paulette Westrum, a reviewer from the State of North Dakota. The State team members included: Heather Babbitt, Maureen Clifton, Steve Vajda, Richard Linson, Carolyn Yeaman, Glenna Lacey, Nicky Anderson and Sandra Stokes.

III. Case Record Summary

The following details the error cases and reasons for the error, erroneous dollars, and appropriate citations:

Case #1

Sample #11-

County- Sweetwater

Error- Judicial Determination of “reasonable efforts” for permanency not timely

Erroneous dollars (disallowance): \$20,193

Citation: CFR 1356.21 (2) (i)- The State agency 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 in accordance with the definition at 1355.20, at least once every twelve months thereafter while the child is in foster care.

Practice: Practices should be reviewed regarding timely judicial determinations.

Case #2

Sample # 25-

County- Carbon

Error- Lapse in Foster Home License

Erroneous dollars (disallowance): \$471

Citation: CFR 1356.71(g) -foster care payments are made for care of children in foster family homes, private child care institutions or public child care institutions accommodating no more than 25 children, which are licensed by the State in which they are situated or have been approved by the agency in such State having the responsibility for licensing or approving foster family homes or child care institutions.

Practice: Practices should be reviewed regarding lapses in foster home licensure and the foster care/adoption transition for the proper execution of adoption subsidy payments.

Case #3

Sample # 26-

County- Fremont

Error- Judicial Determination of “reasonable efforts” for permanency not timely

Erroneous dollars (disallowance): \$2,371

Citation: CFR 1356.21 (1) (i)- The State agency 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 in accordance with the definition at 1355.20 at least once every twelve months thereafter while the child is in foster care.

Practice: Practices should be reviewed regarding timely judicial determinations.

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Case #4

Sample # 27-

County- Platte

Error- No Court Order with “reasonable efforts” to prevent removal language

Erroneous dollars (disallowance): \$9,891

Citation: CFR 1356.471(1)(i)(ii) The State agency must obtain a judicial determination as to whether reasonable efforts were made, or were not required to prevent the removal, and must be made no later than 60 days from the date the child is removed from the home.

Practice: Practices should be reviewed regarding correct language in judicial determinations of reasonable efforts.

Case #5

Sample # 28-

County- Natrona

Error- Expiration of Foster Home License

Erroneous dollars (disallowance)- \$1,415

Citation: CFR 1356.71(g)- Foster care payments are made for care of children in foster family homes, private child care institutions or public child care institutions accommodating no more than 25 children, which are licensed by the State in which they are situated or have been approved by the agency in such State having the responsibility for licensing or approving foster family homes or child care institutions.

Practice: Practices should be reviewed regarding lapses in foster home licensure and the foster care/adoption transition for the proper execution of adoption subsidy payments.

Case #6

Sample # 40-

County-Sweetwater

Error- No judicial determination of “contrary to welfare”.

Erroneous dollars (disallowance)- \$9,386

Citation: CFR 1356.21 (5) (c)- Payments are provided for each child- the removal from home was the result of a judicial determination to the effect that continuation therein would be contrary to the welfare of such child and that reasonable efforts have been made prior to the placement of each child in foster care, to prevent or eliminate the need for removal of the child from the home, and to make it possible for the child to return to his home. The contrary to the welfare determination must be made in the first court ruling that sanctions the removal of a child from home. If the determination regarding contrary to the welfare is not made in the first court ruling pertaining to removal from the home, the child is not eligible for title IV-E foster care maintenance payments for the duration of that stay in foster care.

Practice: Practice should be reviewed regarding “contrary to welfare” language in initial court orders authorizing foster placement.

Case #7

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Sample #58-

County-Sweetwater

Error- No judicial determination of “contrary to welfare”.

Erroneous dollars (disallowance)- \$10,685

Citation: CFR 1356.21 (5) (c)- Payments are provided for each child- the removal from home was the result of a judicial determination to the effect that continuation therein would be contrary to the welfare of such child and that reasonable efforts have been made prior to the placement of each child in foster care, to prevent or eliminate the need for removal of the child from the home, and to make it possible for the child to return to his home. The contrary to the welfare determination must be made in the first court ruling that sanctions the removal of a child from home. If the determination regarding contrary to the welfare is not made in the first court ruling pertaining to removal from the home, the child is not eligible for title IV-E foster care maintenance payments for the duration of that stay in foster care.

Practice: Practice should be reviewed regarding “contrary to welfare” language in initial court orders authorizing foster placement.

Case #8

Sample# 44-

County- Buffalo

Error- Lack of “reasonable efforts” to prevent removal language in court report

Erroneous dollars (disallowance)- \$8,901

Citation: CFR 1356.21 Section 471(1)(i) Payments are provided for each child- the removal from home was the result of a judicial determination to the effect that continuation therein would be contrary to the welfare of such child and that reasonable efforts have been made prior to the placement of each child in foster care, to prevent or eliminate the need for removal of the child from the home, and to make it possible for the child to return to his home.

Practice: Practice should be reviewed regarding issuance of court orders with appropriate reasonable efforts language.

Case # 9

Sample # 65-

County- Fremont

Error- Permanency judicial determination not timely

Erroneous dollars (disallowance)- \$ 594

Citation: CFR 1356.21(2) (i)- The State agency 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 in accordance with the definition at 1355.20 at least once every twelve months thereafter while the child is in foster care.

Practice: Practices should be reviewed regarding timely judicial determinations.

Case #10

Sample #67-

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County - Natrona

Error- Judicial determination of permanency not timely

Erroneous dollars (disallowance)- \$1,846

Citation: CFR 1356.21(2) (i)- The State agency 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 in accordance with the definition at 1355.20, at least once every twelve months thereafter while the child is in foster care.

Practice: Practices should be reviewed regarding timely judicial determinations.

Case # 11

Sample #)OS10

County - Natrona

Error- Judicial determination of permanency not timely

Erroneous dollars (disallowance)- \$1,846

Citation: CFR 1356.21 (2) (i)- The State agency 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 in accordance with the definition at 1355.20 of this part , at least once every twelve months thereafter while the child is in foster care.

Practice: Practices should be reviewed regarding timely judicial determinations.

Case # 12

Sample# 71-

County- Fremont

Error- No judicial determination for permanency

Erroneous dollars (disallowance)- \$41,026

Citation: CFR 1356.21 (b) (2)- The State agency 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 in accordance with the definition at 1355.20, at least once every twelve months thereafter while the child is in foster care.

Practice: Practices should be reviewed regarding timely judicial determinations.

Case #13

Sample # 74-

County – Fremont

Error: No judicial determination of “reasonable efforts” to finalize permanency plan.

County - Natrona

Erroneous dollars (disallowance)- \$4,480

Citation: CFR 1356.21 (2) (i)- The State agency 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 in accordance with the definition at 1355.20, at least once every twelve months thereafter while the child is in foster care.

Practice: Practices should be reviewed regarding timely judicial determinations.

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Case #14

**Sample # OS15-
County- Laramie**

Error- Judicial determination of “reasonable efforts” for permanency not timely

Erroneous dollars (disallowance)- \$0

Citation: CFR 1356.21 ((2) (i) - The State agency 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 in accordance with the definition at 1355.20, at least once every twelve months thereafter while the child is in foster care.

Practice: Practices should be reviewed regarding timely judicial determinations.

Case #15

**Sample # OS18-
County –Weston**

Error- Expiration of Foster Home License

Erroneous dollars (disallowance) - \$471

Citation: CFR 1356 (b) (2)- Foster care payments are made for care of children in foster family homes, private child care institutions or public child care institutions accommodating no more than 25 children, which are licensed by the State in which they are situated or have been approved by the agency in such State having the responsibility for licensing or approving foster family homes or child care institutions.

Practice: Practices should be reviewed regarding lapses in foster home licensure and the foster care/adoption transition for the proper execution of adoption subsidy payments.

Program Improvement Plan

Since the number of error cases exceeded four, ACF has determined Wyoming 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 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 within ninety calendar days from the date the State receives written notice from the ACF Regional office. 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 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 area in need of improvement;
- A date by which each of the action steps is to be completed; and

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- 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.

- **Judicial determination in removal order addressing Contrary to the Welfare.**
The State must obtain a court order that addresses Contrary to the Welfare. For a child who enters care on or after March 27, 2000, the judicial determination regarding Contrary to the Welfare must be made in the *first* order that sanctions the child's removal from home.
- **Judicial determination of Reasonable Efforts to Prevent Removal of to Reunify a Child and Family.**
If a child entered care after March 27, 2000, the judicial determination that reasonable efforts to prevent removal were made (or were not required) must be made no later than 60 days from the date of the child's removal from home.
- **Judicial determination of Reasonable Efforts to Finalize a Permanency Plan.**
The State must obtain a court order that contains a judicial determination that the State agency 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.

To address items 1- 3 above, we recommend that collaboration continue with the judicial community regarding the link between judicial findings and IV-E eligibility. Efforts should continue to encourage each court to issue timely court orders reflecting judicial determinations regarding the State agency's activities and efforts to finalize permanency plans.

- **Placement in a licensed foster home of facility.**
A provider must be fully licensed or approved during the child's placement that falls within the period under review. The license must show that the home or facility is licensed during the child's placement there.
- **Training is needed on IV-E procedures regarding IV-E procedures involving cases that need to be backed out of system.**
A format should be developed to closely track cases that are backed out of the system to keep those cases out of the universe of cases receiving IV-E payments.
- **Information systems are not being utilized so they can communicate well with each other.**

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There were considerable problems obtaining an accurate data sample for the review because data being reported by the State information system was different from the AFCARS data the State had reported to Central office. Therefore, it is crucial that the same information is entered into all systems to ensure the integrity of the data.

- It was noted that records should be consistently organized district to district in standardized format. This would provide clear documentation of the movement of children throughout placement. The lack of organization could result in child safety issues.
- There should not be significant lapses in time between custody order and placement of the child.

V. STRENGTHS AND MODEL PRACTICES

- Eligibility determinations are currently conducted in a timely manner.
- The state is to be commended for the work being done to improve outcomes for children.
- There was an attitude of “partnership” among the state and the federal workers. This provided for the sharing of varied expertise and a less intimidating experience for the state.
- Case narratives were well done and evidence of good casework.
- Some cases resulted in adoptions or kids returning home in a timely fashion.
- Foster homes files were in good organization and the book of certificates made provider information easy to find.
- Background checks were done in almost all cases.
- Court language for initial hearings has greatly improved.
- Monthly updates from foster parents kept workers informed about the child.
- Coordination and collaboration around services for juvenile cases have improved.

VI. DISALLOWANCES

Based on the results of the review, the State of Wyoming has been determined to be not in substantial compliance. Fifteen (15) cases were determined not to be eligible for funding under title IV-E foster care. Therefore, a disallowance in the amount of **\$113,576** in Federal Financial Participation (FFP) is assessed for the entire period of time that these cases were determined to be in error.