

Idaho Title IV-E Foster Care Eligibility Review April 1, 2003 through September 30, 2003

Introduction

The Region X Administration for Children and Families (ACF) conducted a primary review of the State of Idaho's Title IV-E program in Boise, Idaho, from June 7 through June 10, 2004. A team of six ACF Region X staff, one ACF Central Office staff and four Idaho staff participated in the onsite review.

The purpose of the Title IV-E foster care eligibility review was: (1) to determine if Idaho 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 Idaho'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 Idaho 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, 2003 through September 30, 2003, the Period under Review (PUR). A statistical sample of 80 cases was drawn from the Adoption and Foster Care Analysis and Reporting System (AFCARS) for the PUR. The child's 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 fully licensed or approved for the PUR.

Of the 80 cases reviewed, seventy six (76) cases were determined eligible for Title IV-E and four (4) cases were determined to be in error for all or part of the PUR. Since the number of error cases was no more than four (4), the ACF has determined Idaho to be in substantial compliance for this primary review.

Case Record Summary

Below is a summary of the findings for the cases determined to be in error:

- Sample # 9 – Title IV-E was claimed for foster care for a child placed in a home in which a safety check was not completed on one of the adults living in the home. State policy FACSPM 01-11 requires safety documentation include background checks and fingerprints for all household members per FACSPM 00-02. (45 CFR 1356.22(e))

- Sample # 10 – Title IV-E was claimed for foster care for a child placed in a home in which a safety check was not completed until after the first month for which IV-E was claimed. (42 USC 672(a)(1))
- Sample # 36 – Title IV-E was claimed for foster care for a child who was removed (7-9-97) without a contrary to the welfare judicial determination within six months of when court action to remove was initiated. (42 USC 672(a)(1))
- Sample # 75 – Title IV-E was claimed for foster care for a child who was not deprived of parental support in the home from which removed. During part of the review period, the child’s parents lived together and had income exceeding the State amount for deprivation due to unemployment. (42 USC 672(a)(1) and (4), and 45 CFS 1356.71(d)(1)(v))

Strengths

In the Title IV-E cases reviewed, the following strengths were noted:

- For newer cases for which Title IV-E was claimed, “contrary to the welfare” judicial determinations were consistently found in the initial court orders.
- For cases for which Title IV-E was claimed, “reasonable efforts” determinations were consistently found in the initial court order.
- Cases in which Title IV-E was claimed included court orders with the “reasonable efforts to finalize the permanency plan” judicial determination when required.
- Some court orders included judicial determinations with good case-specific findings.
- For case for which Title IV-E was claimed, voluntary placement requirements are consistently met.
- Idaho completes re-determinations of eligibility on a timely basis.
- Idaho utilizes a specialized criminal records check unit to ensure completion of all criminal check requirements.
- Idaho foster family homes are consistently re-licensed on a timely basis.
- Idaho has conscientious eligibility staff who try to ensure Title IV-E is claimed only for eligible children.

Areas in Need of Improvement

In the Title IV-E cases reviewed, the following areas needing improvement were noted:

- In some cases, Idaho had stopped claiming Title IV-E for time periods in which timely “reasonable efforts to finalize the permanent plan” judicial determinations had not been obtained. Additional efforts are needed to consistently obtain these determinations in a timely manner if Idaho wants to maximize Title IV-E claims.
- “Reasonable efforts” documentation on law enforcement pick-ups needs to be more thorough and meaningful.
- A few courts use orders which should be improved to make more individualized judicial determinations.
- AFDC relatedness needs to be determined based on the month the court action was initiated.
- Re-determinations of AFDC eligibility must document eligibility back to the month of the previous eligibility determination. Particular attention needs to be given to documentation of deprivation based on the unemployed parent program in families that have income.
- Eligibility workers need better and timely access to accurate income information within DHW and from DOL.
- Income information needs to identify whether income is gross income or countable income after allowable deductions.
- Eligibility determinations and eligibility payment corrections should be based on monthly eligibility covering any days the child was in foster care during the month.
- Idaho needs a system of improved documentation of full licensure and the licensing period for children placed out of state.
- Idaho needs improved documentation of the dates of all safety checks and to ensure Title IV-E is not claimed until the month in which all criteria specified in the State safety policy are met.
- Idaho needs to clarify procedures for monitoring safety checks in facilities to ensure such monitoring is on a regular basis and is sufficient to ensure safety.

Payment Issues

Maintenance Payment Definition: The IVE Maintenance Payment definition at Section 475 (4) of the Social Security Act is defined as "...payments to cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, and reasonable travel to the child's home for visitation....".

The maintenance payment definition in the Idaho Administrative Code (IDAPA 16.06.01) includes the following items:

- Educational Payments: The State's maintenance payment policy includes school fees, which are defined as "school fees due upon enrollment". However, our review of the payments documentation indicated that the majority of the educational payments were for school supplies. School supplies would be an allowable cost item under the IVE maintenance payment definition whereas school fees would not be allowable.

Action Required: The State must implement revisions to its payment policy and implement coding changes to its payment system to differentiate school supplies from school fees.

- Clothing Payments: The definition states that "Costs for clothing shall be paid, based upon the Department's determination of each child's needs". We found that payments were made based upon actual reimbursements or as an additional monthly payment ranging from \$50-\$70 per month.

Recommendation: The State may want to review its practice to determine the appropriateness and/or cost effectiveness of both methods of payment.

The maintenance payment definition in IDAPA does not include the following item:

- Personal Incidentals: We found that additional payments were claimed for this cost category, which appeared to include items such as baby formula and diapers. The IVE maintenance payment definition as stated above allows costs for personal incidentals.

Action Required: The State must clarify in its payment policy if this cost item can be paid and must properly define the items that can be included as personal incidentals.

Miscellaneous Ineligible Payments

The review identified the following miscellaneous ineligible payments:

- One case (Sample #7) was found to include a payment before the PUR (February 2003) that was prior to the "reasonable efforts to finalize the permanent plan" judicial determination. The amount of the ineligible payment is \$275 (\$195.14 FFP).
- Miscellaneous Expenses and Food: The State's payment system allows payments for these expenses; however, our review found that these categories include both eligible and ineligible IVE costs. Cost items charged to IVE under Food included food for the birth mother, totaling ineligible payments of \$183.99 (\$130.56 FFP).

Cost items charged to IVE under Miscellaneous included IVE allowable payments for diapers and baby food. However, cost items charged to IVE that were not allowable included medications, dance school costs, and foster parent's (FP) child care while she was supervising foster child in hospital. Total ineligible payments are \$443.15 (\$314.46 FFP).

- Counseling/Evaluation costs of \$267.79 (\$190.02 FFP) were charged to IVE. These unallowable costs appeared to have been the result of a miscoding error.
- Gas: The State's payment system allows payments for these expenses; however, our review found that this category includes ineligible IVE costs for items such as gas for birth mother to visit child. Ineligible payments reviewed totaled \$63.13 (\$44.80 FFP).

Action Required: The State must implement changes to its payment system to cease claiming the above ineligible cost items. Regional Office staff are available to assist in defining payment category definitions.

Disallowances

Based on the results of the review, the State of Idaho has been determined to be in substantial compliance as only four cases were determined ineligible for funding under Title IV-E foster care.

The disallowed payments associated with the error cases and the ineligible payments were calculated as indicated on the following chart. Ineligible payments associated with the cases reflect all periods of ineligibility through the service period ended September 30, 2003. All service periods after September 30, 2003 must be removed from the IVE claims.

Summary of Ineligible Payments									Attachment A	
	FFY 97	FFY 98	FFY 99	FFY 00	FFY 01	FFY 02	FFY 03	FFY 04	Total	Source
<u>Summary of Ineligible Maintenance Payments:</u>										Attach. B
Sample #9						1,362.10	3,984.40		5,346.50	
Sample #10								108.33	108.33	
Sample #36		6,096.73	11,746.35	8,866.09		1,703.18	4,468.42		32,880.77	
Sample #75							1,047.00	336.00	1,383.00	
Total		6,096.73	11,746.35	8,866.09	-	3,065.28	9,499.82	444.33	39,718.60	
FMAP		69.59%	69.85%	70.15%	70.76%	71.02%	70.96%	70.46%		
FFP		4,242.71	8,204.83	6,219.56	-	2,176.96	6,741.07	313.07	27,898.21	
<u>Summary of Ineligible Administration:</u>										Attach. C
Sample #9						1,728	3,524		5,252	
Sample #10							4		4	
Sample #36	4	3,112	3,181	3,303	3,412	3,446	3,524		19,982	
Sample #75							1,175		1,175	
Total FFP	4	3,112	3,181	3,303	3,412	5,174	8,226		26,412	
<u>Summary of Ineligible Miscellaneous Payments</u>										Attach. D
Total							1,233.06		1,233.06	
FMAP							70.96%			
Total FFP							874.98		874.98	
Grand total FFP	4	7,355	11,386	9,522	3,412	7,351	15,842	313	55,185	