

Nebraska Title IV-E Foster Care Eligibility Review

October 1, 2002 through March 31, 2003

During the week of September 15, 2003, Administration for Children and Families' (ACF) staff from the Central and Regional Offices and State of Nebraska staff conducted an eligibility review of Nebraska's title IV-E foster care program in Lincoln.

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 Section 472 of the Social Security Act; and (2) to validate the basis of Nebraska's financial claims to ensure the 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 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, 2002 through March 31, 2003. A computerized statistical sample of 100 cases was drawn from the Adoption and Foster Care Analysis and Reporting System (AFCARS) Data 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 child care institution in which the child was placed was licensed or approved for the period of the review.

During the initial primary review, 80 cases were reviewed. Two cases did not meet the criteria for having a title IV-E payment made during the period of review and were discarded. Two cases from the sample were substituted for these cases. Six 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 was fewer than nine the ACF has determined Nebraska to be in substantial compliance.

Case Record Summary

The attached chart entitled Nebraska IV-E Review – Case Record Summary provides details on the cases found to be in error. Information provided on the chart includes the type of error, erroneous payments and appropriate citations. A total of 6 cases were determined to have errors. The errors included three cases in which no reasonable efforts to make and finalize permanency plan were found in the court orders, and three cases in which the child was not in placement in a licensed foster family home or child care institution.

The erroneous payments associated with the six error cases include all payments claimed on behalf of the child for the entire period of the error.

Strengths

Following the case review, the review team identified the following strengths:

- The review was well organized.
- Cases were tabbed to assist with the location of information necessary for completing the review.
- The IV-E Techs were assigned to assist the reviewers with cases assignments, making copies, and the overall handling of the cases.
- Case management was good in most cases as the reviewers were able to determine what activities had taken place at the time of the child's entry into care.
- Tribal court orders contained the required information.
- Court orders have improved over time by including information and language related to "contrary to welfare" and "reasonable efforts".
- Hearings were timely regarding "contrary to welfare" and "reasonable efforts to prevent removal".
- Voluntary placement agreements were signed by all parties and present in the case files. Judicial findings related to "best interests" were timely.
- Most files contained timely eligibility redeterminations.
- Licensing of foster homes and child care institutions was well documented.
- Foster home records contained checks for criminal records, sexual offenders register, child abuse and adult abuse registers.
- Licensing requirements were met in the ICPC case.

Areas in Need of Improvement

The following areas in need of improvement were also noted by the reviewers:

- Some courts did not check relevant items when using check lists in their orders.
- Documents used as the basis for the judicial finding and made part of the court record were not attached to the court orders.
- Permanency hearings were being held but some court orders did not address reasonable efforts to make or finalize a permanency plan.
- Some cases in which termination of parental rights had occurred did not have a permanency review every twelve months until finalization.
- Youths who had been committed to the Youth Residential Treatment Center (YRTC) did not have permanency reviews; therefore when they were released to some other placement, the permanency review was then overdue.
- Protection and safety staff needs training on completion of the eligibility determination form and the definition of "deprivation of parental support".
- Need to define who is responsible for determining if the court order addresses reasonable efforts (eligibility worker or the protection and safety worker). This was not cited by the review team; rather it was an observation of the State management staff.
- Eligibility determination decisions need to clearly document deprivation of parental support and that cases met AFDC standards as outlined in the Nebraska State Plan in

effect in July 1996. This might be accomplished through the use of a narrative entry in the file.

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, 2002 to March 31, 2003. Based upon the results of the review, the State of Nebraska has been determined to be in substantial compliance. Six cases were determined not to be eligible for funding under title IV-E foster care. Therefore, a disallowance in the amount of \$35,284.02 in Federal Financial Participation (FFP) and \$18,003.00 in administrative cost is assessed for the entire period of time that these cases were determined to be in error.