

NEW HAMPSHIRE DIVISION OF CHILDREN, YOUTH AND FAMILIES
TITLE IV-E FOSTER CARE ELIGIBILITY REVIEW
DECEMBER 1, 2003 TO DECEMBER 5, 2003
(Revised 7/23/04)

I. INTRODUCTION

During the week of December 1, 2003, staff from the Regional and Central Offices of the Administration for Children and Families (ACF) and New Hampshire's Division of Children, Youth, and Families conducted a subsequent, primary eligibility review of the State of New Hampshire's (NH) Title IV-E Federal Foster Care program. The on-site review of cases was conducted in Manchester at the District Office of the Division for Children, Youth, and Families (DCYF).

The purpose of the Title IV-E eligibility review was to validate the accuracy of the State's federal claims, to ensure that appropriate payments were made on behalf of eligible children, to eligible homes and institutions and at the allowable rates.

II. SCOPE OF THE REVIEW

The New Hampshire Title IV-E review encompassed a sample of all Title IV-E foster care cases open during the period October 1, 2002 through March 31, 2003. A computerized statistical random sample of 80 cases was drawn from the Adoption and Foster Care Analysis and Reporting System (AFCARS) data that were transmitted by the State Agency to ACF. The sampling frame consisted of cases of individual children who received at least one Title IV-E foster care payment during the six-month period noted above. For each case, the child's case file was reviewed for a determination of Title IV-E eligibility and to ensure that the foster care setting in which the child was placed was fully licensed for the entire period under the review, as applicable.

During this second *primary* review, 80 cases were reviewed. Of those, 76 cases were determined to be eligible. Four cases were found to be in error for either part or all of the review period for reasons identified in the Case Record Summary of this report.

III. RESULTS

Since the number of ineligible cases was not above the allowable threshold of four cases, New Hampshire is considered to be in substantial compliance with the Title IV-E eligibility requirements. Thus, the next primary review will not be conducted until Federal Fiscal Year 2007.

The detailed findings of this review follow.

IV. FINDINGS

A. STRENGTHS

- All of the cases reviewed were found to have criminal records checks on foster/adoptive parents and documentation that safety checks were being performed for child care institution staff/caretakers.
- All of the cases reviewed for which the judicial determination of Reasonable Efforts to finalize the permanency plan was required, had this determination made in a timely manner.
- The State's efforts to automate and strengthen the process for determining if a child was removed from a home that qualified or would have qualified for Aid to Dependent Children (AFDC) according to State's July 16, 1996 guidelines appears to be working well.

In the initial primary review, all of the seven cases found to be error had not met the requirements for AFDC eligibility. For this subsequent review, in all but one of the cases, the State's BRIDGES (automated) system accurately determined and the State documented well, each child's financial need and deprivation of parental support according to the 1996 AFDC guidelines.

B. AREAS IN NEED OF IMPROVEMENT

Based on the findings of this review, we recommend that the State further develop and/or implement procedures to improve the following areas.

- Finding
Three cases were found to be in error because of not being fully licensed during the entire period under review.

IV-E Requirement

For the purpose of title IV-E eligibility, individual or family homes, group homes, and child care institutions that provide 24-hour out-of-home care for children must be fully licensed or approved as meeting the standards established by the State licensing or approval authority(ies).

Discussion

Reviewers found that the State had not completed the required license renewal process in a timely manner for three of the 80 cases reviewed. While it is clear from the cases reviewed that the State has procedures in place to provide a timely alert on homes/institutions due for a re-licensing study, the renewal process is not always completed in time – resulting in lapses in licenses. Delays in the completion of the State required fire inspections appear to be the main cause for these lapses. However, insufficient licensing staff may also be contributing to this problem.

Corrective Action Recommended

Recognizing the importance of the licensing function, DCYF has been granted the authority to hire one additional licensing staff. If DCYF has not yet done so, the hiring process should be expedited. In the interim, the State should ensure that its process for the suspension of claiming FFP is applied in a timely manner when there is a lapse in a license.

- Finding

Although all of the cases reviewed were found to have the required judicial determinations of Contrary to the Welfare (CTW) of the child to remain at home and Reasonable Efforts to prevent removal (RE), the State's 1999 Court Order form documenting these initial determinations was sometimes unclear.

Discussion

Since the passage of the Adoption and Safe Families Act in 1997, if a child is removed by an Order of the Court (versus a Voluntary Agreement), the judicial determination regarding CTW must be child-specific and documented in the first court order sanctioning removal of the child. Secondly, the judicial determination of RE to prevent this removal (as appropriate) must be made and documented in a Court Order within 60 days of the removal.

Corrective Action Recommended

While it is our understanding that the State's 1999 form is no longer in use, DCYF should reinforce the purpose and need for the initial judicial determinations of CTW and RE with all staff. Also, the Courts need to give more attention to this Federal requirement to ensure adequate and well-documented judicial determinations.

V. CASE RECORD SUMMARY

The following details the ineligible cases, reasons for ineligibility, and the period and amount for each ineligible claim. The disallowance for each failed case encompasses the entire period of ineligibility for which IV-E FFP was claimed.

Sample #34 Case ID: 32163

The provider was determined to be ineligible from 11/1/02 – 11/30/02 because during this time period the provider's home was not fully licensed according to the State's licensing standards.

Total IV-E Maintenance \$ 280 (FFP)

ACYF-CB-PI-02-08 delayed the effective date of the provision disallowing FFP for administrative costs associated with otherwise IV-E eligible children in unlicensed foster family homes pending the issuance of a Final Rule.

Sample # 48 Case ID: 314363

The provider was determined to be ineligible from 12/1/02 – 12/31/02 because during this time period the provider's home was not fully licensed according to the State's licensing standards.

Total IV-E Maintenance \$ 389 (FFP)

ACYF-CB-PI-02-08 delayed the effective date of the provision disallowing FFP for administrative costs associated with otherwise IV-E eligible children in unlicensed foster family homes pending the issuance of a Final Rule.

Sample # 58 Case ID: 408129

The provider was determined to be ineligible from 12/1/02 – 12/31/02 because during this time period the provider's home was not fully licensed according to the State's licensing standards.

Total IV-E Maintenance \$ 251 (FFP)

ACYF-CB-PI-02-08 delayed the effective date of the provision disallowing FFP for administrative costs associated with otherwise IV-E eligible children in unlicensed foster family homes pending the issuance of a Final Rule.

Sample # 72 Case ID: 29254

The child was determined to be ineligible from 3/22/02 – 3/31/03 because the child's financial need was not correctly established in the home of removal since the father's wages were not included in the income calculation.

Total IV-E Maintenance \$ 9,498 (FFP)

Total IV-E Administration \$ 5,049 (FFP)

VI. DISALLOWANCES

The dollar amount to be refunded to the Administration for Children and Families is \$10,418 (FFP) for ineligible foster care payments and \$5,049 (FFP) in related administrative costs.