

**RHODE ISLAND DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES
TITLE IV-E FOSTER CARE ELIGIBILITY REVIEW
JULY 26 – 30, 2004**

I. INTRODUCTION

During the week of July 26, 2004, staff from the Regional and Central Offices of the Administration for Children and Families (ACF) and Rhode Island's Department of Children, Youth, and Families conducted a subsequent, primary eligibility review of the State of Rhode Island's (RI) Title IV-E Federal Foster Care program. The on-site review of cases was mostly conducted in Providence at the Administrative Office of the Department 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 Rhode Island Title IV-E review encompassed a sample of all title IV-E foster care cases open during the period October 1, 2003 through March 31, 2004. 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, 79 cases were determined to be eligible. One case was 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 error cases did not exceed the allowable threshold of four cases, Rhode Island 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

- The State has strengthened its licensing process as well as its procedures to suspend claiming for homes that are not fully licensed. In the initial primary review, five of the seven cases were in error due to licensing issues; however, during this subsequent primary review, only one case was found to be in error for the lack of a full licensure during the period under review.
- All but one 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.
- 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 the State's July 16, 1996 title IV-A State plan guidelines appears to be working well.

B. AREAS IN NEED OF IMPROVEMENT

While the specific findings on the one case found to be error during this review will be discussed in this section of the report, ACF will first note its concerns about issues which have broader implications for case practice and for the methodology used to meet the title IV-E eligibility requirement of a judicial determination of reasonable efforts to prevent removal. In addition, ACF will discuss its concerns with DCYF's approach to rectifying issues found during a single State audit of FFY 2002 maintenance payments.

- Finding

In the cases under review, all of the court ordered (non-voluntary) removals were handled as emergency, ex parte removals. DCYF staff used this approach for the removal of children from their homes even when the Agency had been involved with the family and were providing in-home services to lessen the risk to the safety of the child(ren) involved.

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 Reasonable Efforts to prevent this removal (as appropriate) must be made and documented in a Court Order within 60 days of the removal.

In many – if not most – of the cases in which the Department has had prior involvement and current legal responsibility, ACF fully expects to see court orders reflecting a judicial review of the efforts made by the Department to prevent the (unnecessary) placement of children into foster care and the judicial determination of whether or not these efforts were reasonable. While there are circumstances that warrant emergency removals in such cases, the State’s current handling of all removals as emergency, ex parte proceedings with the judicial finding that “reasonable efforts to prevent or eliminate the need for removal are unnecessary due to the substantial and immediate danger to the children” appeared to circumvent this essential title IV-E requirement. However, ACF was informed that the Department schedules a full hearing on removals resulting from these emergency motions within 60 days of removal. In this hearing, the Department is required to articulate the efforts that the agency made to maintain the child in the home prior to the filing of the emergency motion and to request the court make a finding of Reasonable Efforts to prevent placement. For any such cases that were selected for review, however, the only Reasonable Efforts documentation made available to reviewers was that based on an emergency removal – the finding that further efforts were not necessary due to imminent danger to the child.

Corrective Action Recommended

The State should implement procedures for the Court and the Agency that will not only meet the letter but also the spirit of law in regards to this judicial finding of Reasonable Efforts to prevent placement. If a child in a family services case requires placement, a hearing which gives notice and opportunity to parents and ensures the Court’s review of the adequacy of the Department’s efforts to prevent placement should (continue) to be held within 60 days of the removal. The judicial determination of whether or not the Department made Reasonable Efforts to prevent placement should be made and appropriately documented in the court order emanating from this hearing. This court order must be available for future title IV-E eligibility reviews and, as appropriate and pertinent, for state audits.

- Finding

A State Audit of FFY 2002 foster care maintenance payments found four cases of the 25 randomly selected title IV-E foster care cases to be in error.

Discussion

In response to this audit and prior to the selection of the sample for this title IV-E Review, DCYF determined 141 cases previously claimed for title IV-E FFP to be ineligible. Prior to the review, the State made a decreasing adjustment to the title IV-E claim for these cases in the amount of \$321,130 FFP for maintenance payments for the period of 10/1/2003 through 3/31/2004. While ACF does not know the areas of ineligibility for these 141 cases, clearly there have been issues with either the accuracy of the eligibility determination process or the title IV-E claiming process. In addition, ACF is concerned that the State did not make negative adjustments for the entire period of ineligibility nor for the administrative costs associated with these 141 cases.

Corrective Action Recommended

To ensure accurate title IV-E determinations and claiming of FFP, the State should analyze the reasons that these 141 cases were determined to be in error. Any deficiencies found in the eligibility determination and claiming processes should be addressed through system changes and/or training of fiscal, information system, or eligibility staffs. In addition, we suggest that the State put in place a quality assurance system to self-monitor the accuracy of both the processes. Further, as agreed to with the Federal review team prior to the review, DCYF should return the Federal share of all unallowable maintenance and related administrative costs for the 141 cases removed from the universe of cases prior to the sample being drawn. This (negative) adjustment should be made on the State's next Quarterly Report of Expenditures and Estimates (Form ACF-IV-E-1) for the entire period of ineligibility.

Finally, we recommend that the State further develop and/or implement procedures to improve the area associated with the one case that failed to meet the title IV-E eligibility requirements.

- Finding

One case was found to be in error because of not being fully licensed during the entire period under review.

Title 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).

Corrective Action Recommended

The State should review its process for licensing and the system for suspension of claiming FFP if a home is not fully licensed to ensure that there is not a gap in this process which would allow the claiming of FFP for such cases during any period(s) of ineligibility.

V. CASE RECORD SUMMARY

The following details the error case, the nature of the error, and the period and amount of disallowance. The disallowance for this error case encompasses the entire period of ineligibility for which title IV-E FFP was claimed.

Sample #26 Case ID: XXXXXXXXX

The provider was determined to be ineligible from 1/2/03 – 3/31/04 because during this time period the provider's home was not fully licensed according to the State's licensing standards. In addition, evidence of a satisfactory completion of a criminal records check on the foster parent(s) was not provided.

Total Title IV-E Maintenance \$ 8,274 (FFP)

Per ACYF-CB-PI-02-08, no administrative costs were disallowed for this case.

VI. DISALLOWANCES

The dollar amount to be refunded to the Administration for Children and Families as a result of the case found to be in error is \$8,274 (FFP) for ineligible foster care maintenance payments.