

**THE SOUTH DAKOTA TITLE IV-E FOSTER CARE ELIGIBILITY REVIEW
REPORT
DEPARTMENT OF SOCIAL SERVICES
CHILD PROTECTIVE SERVICES
MAY 22-26, 2006**

I. INTRODUCTION

The South Dakota Department of Social Services, Office of Child Protective Services (CPS) staff, in partnership with the Administration for Children and Families (ACF) staff from the Central and Regional Offices, conducted a IV-E Foster Care Eligibility Review, in Pierre, South Dakota from May 22, through 26, 2006.

The purpose of the Title IV-E Foster Care Eligibility Review was to evaluate the accuracy by the state in claiming Federal Financial Participation (FFP) and assure that appropriate maintenance payments were made on behalf of eligible children placed in eligible homes and institutions.

II. SCOPE OF THE REVIEW

The South Dakota Title IV-E Eligibility Review encompassed all Title IV-E foster care cases in the state during the period of April 1, 2005 through September 30, 2005. A computerized statistical sample of eighty cases (eighty cases are to be reviewed, however an over-sample of eight cases are added, subject to any case disqualification) was drawn from the Adoption and Foster Care Analysis and Reporting System (AFCARS) data, which was transmitted by the state agency to ACF. ACF then provided a statistical sampling frame that consists of individual children who received at least one Title IV-E foster care maintenance payment during the six-month period noted previously. For each case, the child's file was reviewed for documentation which supported the determination of Title IV-E eligibility and that the home, foster care home and/or institution in which the child was placed, was licensed during the period under review.

The South Dakota IV-E Eligibility Review Team included thirteen individuals representing the state, the Children's Bureau and regional office. Participating in the review from the state were: Michael Putzier, Supervisor, Division of Child Protective Services; DeAnn Ryan, Policy Analyst, Division of Economic Assistance; Carrie Johnson, Assistant Director, Division of Economic Assistance; Barbara Blaedorn, Regional Manager – SD Region V; Mike Kelly, Supervisor, the Mobrigde Office; and Duane Jenner, SD Program Specialist and the IV-E Foster Care Eligibility Review Coordinator. Participating as the representative from the Children's Bureau and the ACF Central Office was Vicki Wright. ACF Region VIII staff participating in the eligibility review included: Marilyn Kennerson, Child Welfare Program Manager; Kim Patton and Ronnie Gordon, State Program Specialist and Assistant, respectively; Janet Motz, Senior Associate, Caliber/ICF International; Glennda Lacey, JBS Contractor (Wyoming Department of Family Services) and Regional Office Team Leader - South Dakota, Kevin Gomez.

III. CASE RECORD SUMMARY

The eligibility review of eighty cases was South Dakota's Primary Review and of the sampling frame, two cases were determined to be ineligible for Title IV-E maintenance payments, and therefor to be in error (Two cases were determined to have ineligible payments before and outside the period-under-review, with disallowances only). The Code of Federal Regulation, 45 CFR 1356.71 (h)(2)(i), specifies the "critical number of allowable 'errors' i.e., ineligible cases, is reduced to four errors or less in primary reviews held subsequent to the initial primary review." The South Dakota Department of Social Services, Office of Child Protective Services has been determined to be in substantial compliance with Title IV-E requirements. Specific information on two cases and their errors, is as follows:

ERROR CASES

Sample No. First Name

SD26 Orlando

The child was ineligible for IV-E due to not graduating from high school before reaching the age of 19. The child was not eligible for maintenance payments of \$1,213 or FFP of \$801. The Adjusted Administrative Cost Disallowance is \$463.

SD28 Tyler

No "Contrary to the Welfare" language for the child was in the judicial determination. The child was ineligible for the entire length of the episode of foster care. The beginning date was July, 2004 and the end date September, 2005. The child was not eligible for maintenance payments of \$6561.14 or FFP of \$4330.

The Adjusted Administrative Cost Disallowance is \$6896.

Specific information on the two payment disallowance-only cases is as follows:

INELIGIBLE PAYMENTS

Sample No. First Name

SD30 Shawna

"Reasonable efforts" language did not appear in the judicial determination in November, 2001 appeared in December, 2001.

The child was ineligible for one month. An overpayment in the amount of \$423 or FFP of \$279 was made.

"Reasonable efforts to finalize a permanency plan" judicial determination was not timely. The ineligibility was for one month from January 1 until January 31, 2005. The overpayment was for \$437 or FFP of \$288.

SD30 was a two disallowance-only, non-error case.

SD51 Myles

Lapse in foster care home certification from a North Dakota tribe. The non-reimbursable time period was July 1 until October 31, 2002. The overpayment is calculated at \$1695 or FFP of \$1119.

THE TOTAL AMOUNT DUE TO ERROR AND DISALLOWANCE IS \$6,817 which includes the IV-E FFP Maintenance Costs.

THE TOTAL DISALLOWED AMOUNT FOR the Adjusted Administrative Cost Disallowance is \$7,359.

THEREFORE, THE TOTAL DISALLOWED AMOUNT OF FFP FOR THE SOUTH DAKOTA IV-E ELIGIBILITY REVIEW FOR FY 2006 IS \$14,176.

**SUMMARY OF ISSUES
STATE OF SOUTH DAKOTA
TITLE IV-E ELIGIBILITY REVIEW**

APPENDIX

STRENGTHS

- IV-E Eligibility Review was well organized.
- Reviewers found all related documents in case files which confirmed appropriate caseworker action.
- Few changes were made in foster care placement in most cases. Siblings were placed together and stayed with the same foster home that eventually became the adoptive family.
- A clear eligibility process is in place. The re-determination process is clear. Staff use diligence in consistently applying eligibility standards.
- The tracking process utilized by staff to staff warning of eligibility determination items that are coming due.
- Licensing documentation is filed in case records.

AREA IN NEED OF IMPROVEMENT

- The Agency must further develop policy for removal when the caregiver is a specified relative. Section 472(a)(4)(B)(ii) of the Social Security Act states that when a child lives with a specified relative during 6 months before legal removal (Legal removal means removal via Voluntary Placement Agreement of judicial proceeding)
 - Specified relative is a parent or any relation by blood, marriage or adoption within the fifth degree of kinship to the child .
 - Specified relative exercised responsibility for daily care and control of child.
- Per 45 CFR 1356.21(l)(2) a child “lived with” and “removed from” same specified relative
 - AFDC (is) based on removal home (Home of legal removal)
 - AFDC eligible during removal month
- When a child “lived with” & “removed from” different specified relative per 472(a)(4)(A)&(B)
 - AFDC (is) based on removal home or
 - AFDC (is) based on home of any specified relative child lived with during 6 months before legal removal
 - AFDC eligible during removal month

Further information about this subject is included in the “Title IV-E Foster Care Eligibility Review Guide,” Appendix XII, March, 2006.