

State of Colorado
Department of Human Services Primary Review
Title IV-E Foster Care Eligibility
Report of Findings for
April 1, 2011 – September 30, 2011

Introduction

During the week of April 23, 2012, the Children's Bureau (CB) of the Administration for Children and Families (ACF) conducted a primary review of the State's title IV-E foster care program. The review was conducted in collaboration with the Colorado Division of Child Welfare (DCW) and was completed by a review team comprised of representatives from DCW, Children's Bureau Central and Region VIII staff, and ACF Regional Grants Management staff.

The purposes of the title IV-E foster care eligibility review were (1) to determine whether Colorado's title IV-E foster care program was in compliance with eligibility requirements as outlined in 45 CFR §1356.71 and § 472 of the Social Security Act (the Act); and (2) to validate the basis of Colorado's financial claims to ensure that appropriate payments were made on behalf of eligible children.

Scope of the Review

The primary review encompassed a sample of Colorado's foster care cases that received a title IV-E maintenance payment during the six-month period under review (PUR) of April 1, 2011 through September 30, 2011. A computerized statistical sample of 100 cases (80 cases plus 20 oversample cases) was drawn from State data submitted to the Adoption and Foster Care Analysis and Reporting System (AFCARS) for the above period. Eighty (80) cases were reviewed -- 74 cases were from the original sample of 80 cases and six (6) cases from the oversample. Prior to the onsite review, six (6) cases from the original sample were eliminated after it was determined that title IV-E payments were not made for case activity during the PUR. Of the six (6) replacement cases from the oversample, two (2) of the cases also were eliminated for the same reason.

In accordance with Federal provisions at 45 CFR § 1356.71, the State was reviewed against the requirements of title IV-E of the Act and Federal regulations regarding:

- Judicial determinations regarding reasonable efforts and contrary to the welfare as set forth in §472(a)(2)(A) of the Act and 45 CFR §§1356.21(b)(1) and (2) and (c), respectively;
- Voluntary placement agreements as set forth in §§472(a)(2)(A) and (d)-(g) of the Act and 45 CFR §1356.22;

- Responsibility for placement and care vested with State agency as stipulated in §472(a)(2)(B) of the Act and 45 CFR §1356.7(d)(1)(iii);
- Eligibility for Aid to Families with Dependent Children (AFDC) under the State plan in effect July 16, 1996 as required by § 472 (a)(3) of the Act 45 CFR §1356.71(d)(1)(v);
- Placement in a licensed foster family home or childcare institution as defined in §§472(b) and (c) of the Act and 45 CFR §1355.20(a); and
- Safety requirements for the child's foster care placement as required at 45 CFR §1356.30.

Compliance Finding

The case file of each child in the selected sample was reviewed to verify title IV-E eligibility. The foster care provider's file also was examined to ensure that the foster family home or childcare institution where the child was placed during the PUR was licensed or approved and that safety requirements were appropriately documented. Payments made on behalf of each child also were reviewed to verify the expenditures were allowable under title IV-E and to identify underpayments that were eligible for claiming.

At the conclusion of the Colorado title IV-E review, there were two (2) cases determined to be in error for the PUR. A sample case was assigned an error rating when the “contrary to the welfare” finding was not made in the initial court ruling that permitted the child’s removal from the home. The child was determined to be eligible for title IV-E foster care even though the “contrary to the welfare” ruling was not documented in the court order.

A second sample case was assigned an error rating when the child continued receiving title IV-E payments after turning 18 and graduating from high school. The title IV-E payments should have been stopped at the end of the month in which she graduated from high school.

Error Cases

Sample Number	Improper Payment Reason & Ineligibility Period	Improper Payments (FFP)
17	Contrary to the welfare judicial determination requirement was not met. [§472(a)(1) of the Act; 45 CFR 1356.21(c)] Contrary to the welfare finding was not made in the first court ruling that sanctioned the child’s removal. Ineligible Entire Foster Care Episode, including period of 08/29/2000-04/30/2011	\$94,510 Maint. \$178,107 Admin.
68	Child continued receiving title IV-E payments after turning 18 and graduating from high school. §§472(a)(1) and (4) of the act; 45 CFR §1356.71(d)(1)(v). The title IV-E payments should have been stopped at the end of the month in which child graduated from high school. Ineligible: 07/2010-04/2011	\$7,856 Maint. \$14,840 Admin.

Strengths and Promising Practices

Judicial Determination

The title IV-E review reflected the dedicated efforts between the State child welfare agency and the court system to ensure that court proceedings occurred timely and that title IV-E requirements were being met. As a result, reviewers noted documentation that most children in Colorado are kept for short periods of time in care.

Reviewers noted that the court order language was clear, specific and distinct to the individual case. Each order contained a summary and thorough explanation of actions taken pertaining to the case. In all sample cases reviewed, except for one, the court orders and judicial determinations of reasonable efforts to prevent removal were found in the first order along with the judicial determinations of whether remaining at home was contrary to the child's welfare. The permanency hearings, in which judicial findings of reasonable efforts to finalize the permanency plan are obtained, are occurring on a timely basis and in many instances before the due dates. In addition, a number of jurisdictions incorporated reports from caseworkers which were incorporated into the record. This allowed for ample information about the child. Some jurisdictions in Colorado use checklist orders which are adequate, but in many instances could have provided more information about the case.

It should be noted that the Indian Child Welfare Act was actively pursued by most jurisdictions in Colorado so that the child's tribe could intervene and the family could have an opportunity to be involved in decisions affecting services for the Indian child.

Reviewers also noted that parents are encouraged to participate in hearings concerning their children by telephone, if necessary, especially parents that may be incarcerated at the time of the hearing.

Eligibility Determinations

During the review, reviewers noted that the eligibility files prepared by the State for the review were complete and easy to follow. The files were well-organized with excellent documentation on income, resources and deprivation of parental support. Colorado, a county-administered State, has developed a partnership with the counties where there is collaboration and sharing of information that assists the counties to obtain the detailed information necessary for accurate title IV-E eligibility. Program consistency is enhanced through combined training and quality assurance reviews between the State Child Welfare Division, Division of Licensing and Division of Youth Corrections. DCW should continue to make sure that title IV-E payments are not made for periods that the child does not meet the eligibility requirements.

Licensing and Safety Requirements

In Colorado, licensing requirements and safety regulations were found to be met before children were placed in facilities and before title IV-E claims were made. Licenses for placement facilities, including family foster homes and childcare institutions, are renewed annually and there were no gaps in licensure in the cases reviewed.

The criminal records checks were sufficiently documented and the safety-related requirements were met for children in the sample who were in foster family homes and childcare institutions. The documents included background checks from the Colorado Bureau of Investigation (CBI) and the Federal Bureau of Investigation. Reviewers had access to the licensing files which allowed verification that safety checks were validated by the State licensing agency to verify compliance by child-placing agencies.

In addition, the CBI provides updates to the State if a staff member or foster parent commits a crime. The information is sent to the licensing agency for review and action, as needed.

Next Steps

Colorado is commended for their continued efforts in self-examination of program deficiencies and implementing measures that have resulted in improvements to the Colorado title IV-E program. The CB Regional Office remains committed to being available to assist with technical assistance needs. The next primary eligibility review will occur in three years.