DELAWARE TITLE IV-E
FOSTER CARE ELIGIBILITY REVIEW
July 21, 2003 - July 25, 2003

August 26, 2003

I. INTRODUCTION

During the week of July 21, 2003 Administration for Children and Families' (ACF) staff from the Regional and Central Offices and representatives of Delaware's Department of Services to Children, Youth and Their Families (DSCYF) conducted an eligibility review of Delaware's Title IV-E foster care program in Wilmington, DE.

Title IV-E foster care funds enable States to provide foster care for children who were or would have been eligible for assistance under a State's title IV-A plan, as in effect on July 16, 1996, but for their removal from the home. The Social Security Act includes requirements that define the circumstances under which a State must make foster care maintenance payments (section 472(a)), and mandate a child's placement in an approved or licensed facility (sections 472(b) and (c)).

The purpose of the title IV-E foster care eligibility review was (1) to determine if Delaware was in compliance with the child and provider eligibility requirements as outlined in CFR 1356.71 and Section 472 of the Act; and (2) to validate the basis of Delaware's financial claims to assure that appropriate payments were made on behalf of eligible children and to eligible homes and institutions.

II. SCOPE OF THE REVIEW

The Delaware Title IV-E foster care review encompassed a sample of all the title IV-E foster care cases that received a foster care maintenance payment during the period of October 1, 2002 to March 31, 2003. A computerized statistical sample of 140 cases was drawn from the Adoption and Foster Care Analysis and Reporting System (AFCARS) data which was transmitted by the State agency to the Administration for Children and Families. 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 for the entire period of the review.

During this initial primary review, 80 cases were reviewed. Seven 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 less than nine (10

percent error rate), Delaware is considered to be in substantial compliance.

III. CASE RECORD SUMMARY

The following details the error cases and reasons for the error:

Case Number	Reason Case Was Not Eligible
12	The judicial determination that addressed reasonable efforts to finalize the permanency plan was 30 days late.
38	The agency claimed title IV-E for 1 month for a child that did not meet AFDC need requirements.
39	The foster family provider was not licensed or approved for the six-month period under review during which time title IV-E was claimed by the State.
57	The judicial determination that addressed reasonable efforts to finalize the permanency plan was 49 days late.
72	The judicial determination that addressed reasonable efforts to finalize the permanency plan was 30 days late.
78	The judicial determination that addressed reasonable efforts to finalize the permanency plan was 130 days late.
OSB-07	The foster family provider was not licensed or approved for the six-month period under review during which time title IV-E was claimed by the State.

IV. STRENGTHS

Several strengths were identified over the course of the title IV-E review. These include the following examples of good practice:

- The case record review found that children's placements were generally very stable. Of the cases reviewed, 83% did not have any placement changes for the period under review. Only 3% of the cases reviewed had more than two placement changes during the review period.
- Determinations of contrary-to-welfare and reasonable efforts to prevent placement or reunify were made on a timely basis for all 80 of the sample cases.

- Criminal record checks were found for all foster homes in the cases reviewed. These checks were thorough and complete. In addition the DSCYF policy for licensing the child care institutions in which children were placed indicated that safety considerations with respect to the staff/caretakers have been addressed. A special strength in Delaware is that initial checks are made by the FBI and State background checks are made annually through the State network which includes a tickler system for real time updates on convictions.
- 77% of the total number of placements for the cases reviewed was foster family homes approved by either the DSCYF or licensed child-placing agencies. This shows a concerted effort by the State to keep children in the least restrictive placements available that can appropriately meet their needs.
- Licensing and approval information was generally up to date and complete. Foster home approval information was well documented with only three cases in the review having provider approval lapses.
- The financial eligibility review process in Delaware is comprehensive and well done. Initial eligibility determinations were completed in a timely manner. The information used to evaluate the child's eligibility due to income was well documented. In addition, redeterminations of the child's eligibility were completed on a regular basis.
- The State and court system appear to be working well together to see that the Federal mandates are implemented appropriately. It was mentioned several times that the Court Improvement Project had contributed to the effort to create a unbroken flow of cases through both systems.

The review also found that there is a strong effort by the DSCYF staff to move children through the foster care system to termination of parental rights and adoption in Delaware. The DSCYF is engaging the courts in permanency planning as evidenced by having 95 percent of the sample meet the permanency hearing requirements.

V. AREAS OF CONCERN

Although Delaware was found to be in substantial compliance with the regulations governing the title IV-E foster care maintenance program, the review did identify some areas that need improvement. These issues include the following:

- Although only 4 out of the 80 cases reviewed did not have timely judicial determinations regarding reasonable efforts to finalize the child's permanency plan, DSCYF must continue to strive to attain

timely judicial determinations every twelve months. If this judicial determination is not made within the specified time frame, the child becomes ineligible from the end of the month in which the most recent judicial determination of reasonable efforts to finalize the permanency plan was due, but not made, and remains ineligible until such a judicial determination is made. During the review it was noticed that some judicial determinations did not include the determination of reasonable efforts to finalize a permanency plan, but included other language such as “case plan approved – adoption or TPR.” While we also noticed that more recent court orders contain the appropriate language, we would encourage Delaware to continue its efforts to improve the court order content.

- The review found several cases in which the frequency of judicial determinations for permanency declined after termination of parental rights was achieved. It is especially important, for those children with TPR, to continue to do permanency planning and continue to have timely judicial determinations of agency efforts to finalize permanency plans.
- The review found that, generally, the DSCYF initial determination for all AFDC elements and, specifically, deprivation, were very difficult to identify in the documentation provided for the review. It would be helpful to include the initial AFDC determination forms as opposed to the summary form.
- The DSCYF foster family homes were generally reviewed and approved on a timely basis; however, there were gaps in the process for several homes which resulted in ineligibility. We would recommend that DSCYF reconsider the review/approval process currently in place and consider adding a periodic notice of approval with specific timeframes, periods of approval and specific approval dates.
- The sample of cases was drawn from the Adoption and Foster Care Analysis and Reporting System (AFCARS) data that is transmitted by the State agency to the Administration for Children and Families. The validity of this sample depended on the accuracy with which Delaware completed AFCARS data element #59, Title IV-E Foster Care. If title IV-E foster care maintenance payments were paid on behalf of the child, the data element should have been coded as "1" while if title IV-E foster care maintenance payments were not paid on behalf of the child, the data element should have been coded as a "0". The Delaware data were incomplete in that non-IV-E and IV-E were coded the same. One sample of 100 cases was drawn and then a second sample of 40 cases had to be drawn to achieve the minimum number of 80 cases and 8 over samples. Delaware will have to make

adjustments in the data sent to AFCARS to ensure that this type of discrepancy does not occur in the future.

VI. 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 six month AFCARS period of October 1, 2002 to March 31, 2003. Based upon the results of the review, the State of Delaware has been determined to be in substantial compliance. However, seven cases were not eligible for funding under title IV-E foster care. A disallowance is assessed for the total Federal Financial Participation (FFP) amount for the entire period of time that these cases were determined to be in error, including administrative costs. The administrative costs are not disallowed for error cases in the process of being licensed. Therefore the total disallowance for the seven error cases is $11,614 (FFP).

DELAWARE'S TITLE-IV-E ELIGIBILITY REVIEW
UNALLOWABLE COSTS (FFP*)
FMAP** RATE = 50%

SAMPLE CASE NUMBER	MAINTENANCE PAYMENTS (FFP)	ADMINISTRATIVE COSTS (FFP)	MAINTENANCE PAYMENTS (FFP)	ADMINISTRATIVE COSTS (FFP)	TOTAL UNALLOW-ABLE COSTS
	FY-02	FY-02	FY-03	FY-03	GRAND TOTAL
12	0	0	215	714	929
38	0	0	2,244	760	3,004
39	0	0	260	0	260
57	0	0	513	760	1,273
72	0	0	202	760	962
78	1873	1486	0	0	3,359
OSB7	459	0	1,368	0	1,827
TOTAL	2332	1486	4,802	2,994	11,614

* FFP = Federal Financial Participation

** FMAP = Federal Medical Assistance Percentages

VII. REVIEW TEAM

Federal Team	State Team
Vicki Wright	Keith Zirkle
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