State of Iowa
Department of Human Services
Primary Review
Title IV-E Foster Care Eligibility
Report of Findings for
October 1, 2009 – March 31, 2010

Introduction

During the week of September 26, 2010, 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 State of Iowa Department of Human Services (DHS) and was completed by a review team comprised of representatives from DHS, the Iowa Court Improvement Project, CB Central and Region VII staff, and ACF Regional Grants Management staff.

The purposes of the title IV-E foster care eligibility review were (1) to determine whether Iowa'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 Iowa'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 Iowa's foster care cases that received a title IV-E maintenance payment during the six-month period under review (PUR) of October 1, 2009 through March 31, 2010. A computerized statistical sample of 100 Cases (80 cases plus 20 over sample 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. All of the cases were from the original 80 sample cases.

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.

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. A sample case was assigned an error rating when the child was not eligible on the date of activity in the PUR for which title IV-E maintenance was paid. A sample case was cited as non-error with ineligible payment when the child was not eligible on the activity date outside the PUR or the child was eligible in the PUR on the service date of an unallowable activity and title IV-E maintenance was paid for the unallowable activity. In addition, underpayments were identified for a sample case when an allowable title IV-E maintenance payment was not claimed by the State for an eligible child during the 2-year filing period specified in 45 CFR §95.7, unless the title IV-E agency elected not to claim the payment or the filing period had expired. CB and the State agreed that the State would have two weeks following the onsite review to submit additional documentation for a case that during the onsite review was identified as in error, in undetermined status, or not in error but with ineligible payments.

Compliance Finding

The review team determined that all 80 cases met eligibility requirements for the PUR. In addition, there were no non-error cases that were identified to have periods of eligibility for which the State did not claim allowable title IV-E maintenance payments. Because no error cases were identified, Iowa DHS is found to be in substantial compliance for the PUR.

Although no error cases were identified, the findings of this review indicate that there are areas of inconsistent practice that should be given additional attention to improve timeliness in case decisions and consistency in practice, as follows:

Timeliness of written court orders. In one case there was a seven-day delay from the date of the verbal order placing a child in the care and responsibility of the agency to receipt of the actual written order. State statute provides for a three-working-day window for the court to issue a signed order. The Federal requirements pertaining to the child's court-ordered removal and placement in foster care were met; however, the State's requirements for furnishing the written order that confirmed the verbal order were not met timely. It is recommended that Iowa DHS collaborate with the court to develop a mechanism or data tracking system to ensure that written court orders are completed and submitted to the title IV-E agency within the Iowa statutory timeframes.

Identification of types of hearings. In some cases, court orders did not indicate the type of hearing for which the order was written, i.e., adjudication, disposition, etc. It is

recommended that Iowa DHS work with the Court Improvement Project (CIP) to develop a protocol that ensures the types of hearings are clearly identified on court orders and also identified in case files.

Orders without signatures. Although several orders were date stamped with the date of filing, they did not contain the judge's dated signature. It is recommended that Iowa DHS work with the court to ensure that court orders contain the proper signatures and dates.

Gaps of time between obtaining criminal background checks and the actual licensing of foster homes. Although criminal background and FBI fingerprint checks were being completed for all adults in the foster home, there were long periods of time between the checks being completed and the actual initial foster home license being issued in several of the cases. This practice could result in homes being licensed when one of the adults in the home commits a crime between the time the criminal background checks are obtained and when the license is issued. DHS should work with their contractor to establish a timeframe that would eliminate delays between receipt of criminal background checks and the licensure of foster homes.

Strengths and Promising Practices

The following positive practices and processes of the title IV-E foster care eligibility program were observed during the review. These approaches seem to have led to improved program performance and successful program operations.

Court Orders: The State continues to collaborate with CIP to improve the quality of the court orders with regard to findings for "contrary to welfare" and "reasonable efforts." It was observed during the review that the findings were clearly stated in the majority of the orders along with the basis for the determinations. Children's Justice has been very effective in improving the court orders through judicial training, court assessments and providing "hands-on" assistance.

AFDC Determinations: Excellent progress has been made by the State in continuous program improvement. The establishment of the title IV-E Eligibility Unit appears to be effective in ensuring that eligibility requirements are met and continuously monitored. It was clear that the eligibility unit staff has a clear understanding of the AFDC determination requirements and its affect on title IV-E eligibility. To enhance the work of the title IV-E Eligibility Unit, the State has developed a worksheet that is comprehensive and effectively covers all areas of title IV-E eligibility. The worksheet guides both the program staff and the eligibility staff through the process necessary for determining eligibility. It was observed through the review process that the worksheets were completed timely and accurately.

Licensing and Safety: The use of Iowa KidsNet, the State foster home licensing contractor, has created a centralized and organized licensure process that has resulted in Federal requirements being met and, ultimately, can lead to safe placements for children in the State's foster care system. Licensing files were organized with the appropriate criminal background checks and clearances for the length of the child's stay in placement. For purposes of the eligibility review,

this made it easy for the review team to identify that the necessary safety checks had been completed prior to licensing, the placement of children in the home or facility and the title IV-E foster care maintenance payments made on behalf of the children.

Additional Observations

The following are additional observations that were made by the State/Federal Review Team. Although the activities did not impact title IV-E eligibility, they do indicate areas of good child welfare practices that can lead to shorter time between the child's entry into foster care and the agency's finalization of the permanency plan for the child; increased stability in foster care placements; and increased capacity for achieving child and family well-being.

- Children were being moved quickly to permanency with permanency hearings occurring in many cases more frequently than the 12-month requirement. It appeared that the courts are being attentive to moving children to permanency. The Supreme Court Justice's stance on making permanency for children a priority with the courts was evident.
- In several instances, the court orders addressed the involvement of the non-custodial parents in the service plans for the child.
- Many of the initial and subsequent court orders contained information instructing parents of the consequences of not following through on services directed toward reunification.
- Several of the orders contained information regarding the child's Native American heritage.
- Relative placements were consistently sought out and utilized.
- Many of the children in the sample were in one placement during the PUR and the placements appeared to be stable.