

**Illinois Primary Review
Title IV-E Foster Care Eligibility Review
Final Report of Findings for
October 1, 2009 through March 31, 2010**

Introduction

Staff from the Children's Bureau (CB), Administration for Children and Families (ACF), and the Illinois Department of Child and Family Services (IDCFS) conducted an eligibility review of Illinois' title IV-E foster care program in Chicago during the week of September 20, 2010. The purpose of the Title IV-E Foster Care Eligibility Review was to determine whether payments were made on behalf of eligible children placed in licensed or approved homes and institutions in accordance with title IV-E (Sections 471 and 472) of the Social Security Act (the Act) and title 45 of the Code of Federal Regulations (CFR), Section 1356.71.

Scope of the Review and Compliance Determination

The Illinois Title IV-E Foster Care Eligibility Review encompassed a sample of all of the title IV-E foster care cases that received a foster care maintenance payment during the period under review (PUR), which was October 1, 2009 to March 31, 2010. A computerized statistical sample of 100 cases (80 plus 20 oversample cases) was drawn from the Adoption and Foster Care Analysis and Reporting System (AFCARS) data which was transmitted by the State Agency to CB for the PUR. Eighty (80) cases were reviewed, which consisted of 75 cases from the original sample and five from the oversample. Five cases were removed from the sample because the State provided documentation demonstrating that no title IV-E foster care maintenance payments were made during the PUR. Each child's case file was reviewed for determination of title IV-E eligibility, and the provider's file was reviewed to ensure that the foster home or childcare institution in which the child was placed was fully licensed during the PUR. Payments made on behalf of each child also were reviewed to verify that the expenditures were allowable under title IV-E and to identify potential underpayments that could be eligible for claiming.

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 §1356.71(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 and 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.

Of the 80 cases reviewed, one case was determined to be in error due to a lack of judicial determination of reasonable efforts to prevent removal, and seven cases were determined to be non-error cases with ineligible payments. Specific information about the cases with ineligible payments is included in the chart below.

CB is pleased to determine that Illinois is found to be in substantial compliance with title IV-E program requirements, as the number of error cases did not exceed four. States which are determined to be in substantial compliance are not required to submit a Program Improvement Plan or undergo a secondary review.

Determination of Disallowances

The total title IV-E foster claim disallowance for the one error case is \$21,329 in Federal financial participation (FFP), including \$11,012 in associated maintenance payments and \$10,317 in associated administrative costs. In addition, there is a \$1,344 disallowance in FFP associated with the seven non-error cases with ineligible maintenance payments. In total, a title IV-E foster care claims disallowance in the amount of \$22,673 in FFP is assessed for this title IV-E review.

Case Summary

The following charts record the error case, the non-error cases with ineligible payments, the reasons for ineligibility, the improper payment amounts, and the Federal provisions for which the State did not meet the compliance mandates.

Error Case

Sample Number	Improper Payment Reason & Period of Ineligibility	Improper Payments (FFP)
3	No judicial determination that reasonable efforts were made to prevent removal. [§472(a)(2)(A) of the Act; 45 CFR §1356.21(b)(1) Ineligible: Entire foster care episode; Reported Disallowance Period: September 2008 to present	\$11,012 maintenance \$10,317 administration
Total:		\$21,329

Non-Error Cases with Ineligible Payments

Sample Number	Improper Payment Reason & Period of Ineligibility	Improper Payments (FFP)
24	Unallowable maintenance payment paid to foster care provider for transportation to day camp. [§475(4)(a) of the Act; Child Welfare Policy Manual (CWPM) Section 8.3B] Ineligible: March 2010	\$555 maintenance

28	Unallowable maintenance payment paid to foster care provider for transportation to day camp. [§475(4)(a) of the Act; CWPM Section 8.3B] Ineligible: September 2008; November-December 2008	\$184 maintenance
34	Foster care maintenance payment was made for two providers for the same time period. [§475(4)(A) of the Act; 45 CFR §1356.60(a)(i)] Ineligible: January 2009; April-May 2009; September 2009	\$177 maintenance
47	Foster care maintenance payment was made while the child was placed in an unlicensed foster family home. [§472(a)(2)(C) & 472(c) of the Act; 45 CFR §1356.71(d)(1)(iv)] Ineligible: September 2000	\$109 maintenance
50	Foster care maintenance payment was made for two providers for the same time period. [§475(4)(A) of the Act; 45 CFR §1356.60(a)(1)(i)] Ineligible: March 2006	\$16 maintenance
72	Foster care maintenance payment was made for two providers for the same time period. [§475(4)(A) of the Act; 45 CFR §1356.60(a)(1)(i)] Ineligible: November 2006; February-June 2007	\$228 maintenance
OS-3	Foster care maintenance payment and daycare payment were made while the child was placed in an unlicensed foster family home. [§472(a)(2)(C) & 472(c) of the Act; 45 CFR §1356.71(d)(1)(iv)] Ineligible: April 2006	\$75 maintenance
	Total:	\$1,344

Strengths, Concerns, and Recommendations for Improvement

Judicial Determinations and Court Orders: The court orders and judicial determinations examined through this title IV-E review reflected the dedicated efforts IDCFS and its partner agency, the Administrative Office of the Illinois Courts (AOIC), have invested in ensuring that court proceedings occur timely and fulfill title IV-E requirements. Court orders were often detailed, referencing the originating petitions which frequently illustrated in a clear manner the reasons leading to the child's removal. Protective custody was taken timely in all cases. All cases contained removal orders with judicial determinations indicating that it was contrary to the welfare for the child to remain in the home. Many cases contained findings in the initial court order that reasonable efforts were made to prevent removal. Judicial determinations that reasonable efforts were made to finalize the permanency plan were frequent, most often exceeding the Federal requirements for timeliness. Often the court orders for the permanency hearings detailed the permanency goal of the child, as well as the specific services that were provided and efforts made towards achieving the permanency plan.

In all 80 cases reviewed, placement and care responsibility was clearly vested with IDCFS at the point temporary custody was taken of the child and remained with the State agency for the life of the case. Subsequent permanency orders contained explicit language that IDCFS maintained placement and care responsibility.

Concerns and Recommendations: It would be helpful if the court orders detailed the individual names and respective findings when sibling groups are being removed so it is clear as to what is occurring with reference to each child. In addition, respondents should be identified by name, as it was unclear in a few cases from whom the child was being removed. Including this type of information in the order improves the quality of the written order. Moreover, while it was not perceived as a systemic concern, lack of a judicial determination of reasonable efforts to prevent removal is the reason for the one error case. The State should continue its efforts to educate the judiciary and other court officials about drafting court orders that are clear and adequately reflect the judge's rulings as well as meet the eligibility criteria related to judicial findings in cases of children for whom the State claims financial reimbursement under title IV-E.

AFDC Eligibility Determinations: IDCFS' efforts to implement an efficient and effective AFDC determination process were evident through the comprehensive documentation in the case files. Initial AFDC determinations were completed correctly in all 80 cases reviewed, based on the home of the specified relative during the removal month. The AFDC eligibility files demonstrated how a specified relative's income was being considered. Financial need information was evident, with clear documentation about the specified relative's employment and income history. Deprivation factors were explicit, even with regard to married parents, including documentation relative to Supplemental Security Income and parental incapacitation when relevant.

Licensing and Safety Requirements: IDCFS maintains an effective licensing system for foster care providers and childcare institutions and the automated system capturing the foster care provider licensing information is recognized as an excellent resource. Children in all 80 cases were living with fully-licensed providers during the PUR. Licensing processes were occurring timely and it was useful that everyone in the household was listed in the license. The documentation was clear that criminal background checks occurred timely and on behalf of all appropriate parties.

Concerns and Recommendations: There were two non-error cases with ineligible payments because the State claimed title IV-E reimbursement while a child was living with an unlicensed provider. These two instances occurred considerably prior to the PUR and IDCFS has undertaken steps to review past title IV-E claims and make needed adjustments. We recommend IDCFS continue its efforts to review past title IV-E claims and make needed adjustments when it is determined that maintenance payments were previously claimed when children were living in unlicensed foster homes or childcare institutions and to prevent future improper claiming. Finally, there were cases involving two childcare institutions where there was lack of clarity around the employee background check information. While reviewers were ultimately able to determine that safety requirements were met in accordance with Illinois State policy, it would be helpful for future reviews if the coding and documentation related to this issue were presented more clearly.

Additional Findings

In addition to concerns around unlicensed providers, the remaining non-error cases with ineligible payments related to two issues in accordance with §475(4)(A) of the Act, 45 CFR §1356.60(a)(1)(i), and the CWPM Section 8.3B: claiming for respite care while simultaneously claiming the full monthly maintenance payment; and inappropriate claiming for transportation outside of funds supporting visitation or reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement. We recommend the State review and revise claiming practices related to these key concerns.

Next Steps

Pursuant to 45 CFR 1356.71(h)(4), the State's next primary review will be held within three years. We encourage the State to continue strengthening its title IV-E foster care program in accordance with the above recommendations. CB regional office program and fiscal staff are available to provide technical assistance and other support as needed.