

**Kansas Title IV-E Foster Care Eligibility Review (Primary)
For the Period October 1, 2007 through March 31, 2008
August 25 - 28, 2008
Topeka, Kansas**

Introduction:

During the week of August 25, 2008, staff from the Children's Bureau (CB), within the Administration for Children and Families (ACF), Central and Regional Offices and staff from the State of Kansas conducted an eligibility review of Kansas' title IV-E foster care program. The purposes of the title IV-E Foster Care Primary Eligibility Review were (1) to determine if Kansas was in compliance with the eligibility requirements as outlined in regulation and statute at 45 CFR 1356.71 and Section 472 of the Social Security Act, and (2) to validate the basis of Kansas' financial claims to ensure that appropriate payments were made on behalf of eligible children residing in licensed or approved foster family homes and child care institutions.

Scope of the Review:

The Kansas eligibility review encompassed a sample of the State's title IV-E foster care cases that received a foster care maintenance payment during the period of October 1, 2007 through March 31, 2008. A statistical sample of 80 cases was drawn from State data submitted to the Adoption and Foster Care Analysis and Reporting System (AFCARS) and transmitted by CB to the State agency for the period under review. Each 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 childcare institution in which the child was placed was licensed or approved and the safety requirements were met.

This review was classified as a primary review as defined by 45 CFR 1356.71.

Case Record Summary:

During the primary review, eighty (80) cases were reviewed. One (1) case was determined to be in error for either part or all of the review period. The case was determined to be in error due to the judicial permanency requirements not being met. The specifics of the findings are listed below:

- Case #75 – This case was not in compliance because the judicial determination regarding reasonable efforts to finalize the permanency plan was not made for this child from February 1, 2007 through July 31, 2008. These ineligible title IV-E maintenance payments included payments made during the period under review.

The review team also identified one (1) eligible case with ineligible payments occurring outside the period under review.

- In case #44 – a data key entry error occurred resulting in ineligible title IV-E funds being claimed from December 1, 2007 through December 31, 2007. Two providers were paid for the same service.

The first chart, Chart 1, at the end of this report details each sample case, the reason(s) for ineligibility and the ineligible dollar amounts associated with each case. The second chart, Chart 2, lists the case number for each case with an underpayment, the nature of the underpayment and the associated dates.

Areas Identified On-site as Strengths in the Title IV-E Foster Care Eligibility System:

Court Orders

- Child-specific court orders were noted in Miami, Wyandotte, and Johnson counties.
- Permanency hearings were held timely and more frequently in Atchison, Leavenworth, Johnson, and Sedgwick counties. During these hearings, judicial findings of reasonable efforts to finalize the permanency plan were determined.
- Hearings in some court jurisdictions were noted to be held as frequently as every 30 to 60 days in order for the court to remain updated on the child’s progress and changes in efforts toward permanency.
- Applications for Child in Need of Care (CINC) petitions in Sedgwick County were noted to be very thorough and they discussed the exploration of relative placements.
- The court orders included a comprehensive listing of all the services available with checkmarks to make them child-specific to each case.
- Placement and care responsibility by the State agency was documented for all sample cases.

Aid to Families with Dependent Children Determinations

- The initial determination and redetermination forms for eligibility were comprehensive and accurately captured the eligibility decision.
- The title IV-E eligibility protocol (Form 4030C) is an excellent tool for making sure that all title IV-E requirements are met. This was noted, specifically, in Wyandotte County.
- The Northeast Region was noted to have very thorough and in-depth logs in the title IV-E eligibility section.
- Program and administrative staff were well informed about statutory and regulatory requirements of the title IV-E foster care program and provided excellent technical assistance during the review.

Licensing

- Documentation substantiated full licensure of the child’s placement in foster family homes and child care institutions. No improper payments were identified for this eligibility requirement in the 80 cases reviewed.
- Safety check documentation was found in each of the cases reviewed. Checks were completed timely for both initial licensure and re-licensures.

Areas In Need of Improvement:

Court Orders

- Some court orders were not child-specific, specifically in Sedgwick, Rooks, and Norton counties, and some court orders referenced the Kansas Code of Care instead of outlining case specific circumstances. Including in the court order the facts upon which the judicial determinations are based significantly improve the quality of the court order and document the particular circumstances of the child.
- Although court orders included a comprehensive listing with checkmarks to make them child-specific, the ICWA (Indian Child Welfare Act) statement listed on the model court orders was not always checked as either applicable or inapplicable. Written court orders, with check boxes, should be thoroughly completed and should accurately convey the court's rulings.
- Many files did not contain adjudication orders which were needed to determine the date the child entered foster care (Question #9 on the review checklist). This required the State and court staff to spend time obtaining these records during the review.

Overall Observations:

- Since the last Review in 2005, improvement has been made in regards to the initial eligibility determination forms. They are complete, showing all the necessary documentation. This was not the case during the 2005 Review.
- The licensing files were found to have completed background check documentation on providers. The results of some criminal background checks had not been clearly identified during the 2005 Review.
- Concise summary of case information was provided for each child's file.
- State reviewers were very knowledgeable about eligibility requirements, committed to the review process, and able to read cases objectively.
- Federal and State staff believed that a true partnership existed throughout the Review. Everyone learned from each other in a positive environment.

Findings and Disallowances:

In the one (1) case determined not eligible for title IV-E foster care maintenance payments during the period under review, the State is ineligible to receive Federal Financial Participation (FFP) for this case under the title IV-E foster care maintenance payments program. The State also is ineligible for title IV-E foster care administrative costs relating to this error case. The amount of ineligible maintenance payments for this case is \$2,292.00 in FFP. The associated unallowable administrative costs for this case are \$8,553.00 in FFP. The State also has an

obligation to identify and repay any ineligible payments that occurred for this error case subsequent to the period under review.

In addition to the above case found with errors, the review team identified one (1) eligible case with ineligible payments occurring outside the period under review. This additional finding was not considered in the determination of Kansas’ substantial compliance with Federal requirements. The State is, nevertheless, ineligible to receive FFP for this case under the title IV-E program. The amount of ineligible maintenance assistance payments for this case is \$194.00 in FFP. The associated unallowable administrative costs for this case are \$450.00 in FFP.

Underpayments:

During our review, we discovered periods of eligibility for children in six (6) cases where title IV-E funds were not claimed. Discussions with State staff confirmed that title IV-E funds would have been claimed for these periods of eligibility had they not gone unnoticed by administrative staff. These underpayments are not considered in the determination of the State’s substantial compliance nor are they considered disallowances. The allowable expenditures may be claimed by filing an increasing adjustment on the Title IV-E-1 Foster Care and Adoption Assistance Report in the next quarter, but no later than two (2) years after the calendar quarter in which the State agency made the expenditure. The information related to the cases with underpayments is contained in Chart 2 below.

Case Record Summary – Ineligible Payments (Chart 1)

Sample Number	Federal Matching Amount	Federal Administrative Costs	Nature of Ineligible Payment	Dates of Ineligibility
KS-44	\$194.00	\$450.00	Data entry error	12/1/07-12/31/07
KS-75	\$2,292.00	\$8,459.00	No judicial determination of reasonable efforts to finalize the permanency plan.	2/1/07-8/31/08

Case Record Summary – Underpayments (Chart 2)

Sample Number	Nature of Underpayment	Dates of Underpayment
KS-8	Licensed FFH placement of eligible child.	5/10/07-12/31/07
KS-18	Licensed FFH placement of eligible child.	2/1/08-2/18/08
KS-37	Licensed FFH placement of eligible child.	4/1/06-8/31/06 & 5/1/08-5/15/08
KS-42	Licensed FFH placement of eligible child.	3/1/08-3/31/08
KS-43	Licensed FFH placement of eligible child.	4/23/06-8/31/06
KS-59	Licensed FFH placement of eligible child.	7/12/07-12/22/07