

State of Kansas
Social and Rehabilitation Services Primary Review
Title IV-E Foster Care Eligibility Report of Findings for
April 1, 2010 through September 30, 2011

Introduction

During the week of May 2, 2011, 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 Kansas Department of Social and Rehabilitation Services (SRS) and was completed by a review team comprised of representatives from SRS, the Kansas 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 Kansas' 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 Kansas' 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 Kansas' foster care cases that received a title IV-E maintenance payment during the six-month period under review (PUR) of April 1, 2010 through September 30, 2010. 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, which consisted of 72 cases from the original sample plus 8 oversample cases. Eight (8) cases were excluded from the original sample because no title IV-E foster care maintenance payment was made during the PUR. The State provided documentation to support excluding these cases from the review sample and replacing them with cases from the oversample.

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 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 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 two-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.

Compliance Finding

The review team determined that 79 of the 80 cases met eligibility requirements (i.e., were deemed non-error cases) for the PUR. One (1) case was determined as in error for either part or all of the PUR. Accordingly, Federal funds claimed for title IV-E foster care maintenance payments, including related administrative costs associated with the error case, are being disallowed. 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. Based on the review of supplemental documentation, the improper payment finding for sample case 77 was changed to a non-error case. Because the number of cases in error is fewer than four (4), Kansas is found to be in substantial compliance for the PUR.

Case Summary

The following chart records the error case with ineligible payments during the PUR and improper payments outside the PUR, as well as and Federal provisions for which the State did not meet the compliance mandates.

Error Case

Sample Number	Improper Payment Reason & Ineligibility Period	Improper Payments (FFP)
#36	Placement was not in a licensed foster care home. §472(b) and (c); 45 CFR §§1356.71 (d)(1)(iv), 1355.20 Ineligible: 09/01/2010 – 09/20/2010	\$1,098.57 Maint. \$765.00 Admin.
	Placement was not in a licensed foster care home. §472(b) and (c); 45 CFR §§1356.71 (d)(1)(iv), 1355.20 Ineligible: 10/01/2010 – 01/31/2011	\$4,450.00 Maint. \$3,122.00 Admin.

Total: \$9,435.57

Area Needing Improvement

The findings of this review indicate that the State needs to further develop and implement procedures to improve program performances in the following area. For the issue detailed below, there is a discussion of the nature of the area needing improvement, the specific title IV-E requirement to which it relates, and the corrective action the State should undertake.

Issue #1: Placement in Licensed Foster Care Facility. One (1) case was found to be in error due to a child being placed in a foster home with an expired license. The child in this case had been placed in the home while it was fully licensed and eligible for title IV-E payments. However, the child remained in the home after the license had expired and title IV-E payments continued to be made for the ineligible period. In Kansas, an expired license means the foster care provider does not meet the State's standards for full licensure.

Title IV-E Requirement: For an otherwise title IV-E-eligible child in an out- of- home placement, Federal provisions at §471(a)(10), §471(a)(20), §472(b) and (c) of the Act and 45 CFR §1355.20 and §1356.71(d)(2) require the State to document the foster care setting is fully licensed if the State claims title IV-E foster care maintenance payments for the child. During the title IV-E eligibility review, the State must make available a licensing file which contains the licensing history, including a copy of the certificates of licensure/approval or letter of approval, for each of the providers where the child lives during the PUR.

Recommended Corrective Action: The State should continue to develop and implement procedures to ensure timely re-licensure of foster care facilities. Although there was only one case in error during the PUR, reviewers noted that several licensing files indicated lapses in license renewals. Staff training will help to ensure that foster home licenses are renewed timely and title IV-E payments are not made for foster care facilities with a lapse in license renewals.

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.

Timeliness of Written Court Orders: The collaboration between the State and the Judicial Court continues to be strong. During the review, it was noted that Kansas has continued to hold hearings timely. The Supreme Court Task Force on Permanency Planning has members that include staff from the State agency. This Task Force recently completed model court order templates. Use of these templates is statewide and is a factor in the practice of holding timely permanency hearings that incorporate the Federal requirement for a judicial determination of "reasonable efforts to finalize a permanency plan" and ensuring that the orders contain the findings necessary for title IV-E eligibility determinations. In addition, the Judicial Court also facilitates yearly multi-disciplinary training that is attended by judges, social workers, guardian ad litem, etc. The training includes topics such as compliance with the Adoption and Safe Families Act.

Automated Data System: Kansas utilizes the Family and Children Tracking System (FACTS). The State expanded FACTS and as a result issues are easily identified when payment errors

occur. Having codes available to cross-reference payment information allows for good data collection resulting in strong analysis and strategic planning.

Case File Management and Eligibility Documentation: During the onsite review, it was noted that case files were well organized with sections clearly labeled for easy access of information. Initial title IV-E eligibility determinations were complete and outlined the information obtained to confirm eligibility. It was noted that the title IV-E Desk Aid, used specific to Wichita, provided a strong, clear understanding of household resources and income and was a resourceful tool during the onsite review where it assisted reviewers in understanding the circumstances of each household, its resources and income. The Desk Aid also is used by the Wichita eligibility specialists to assist with their ongoing title IV-E eligibility determinations. Because it provides for a comprehensive documentation of eligibility, it is recommended that the title IV-E Desk Aid be utilized in all counties.

Another tool that has proven very useful to eligibility specialists is the court petition. The court petition is completed by the Child Protective Service staff and contains information regarding searches for extended family members and very thorough assessments that give a family history with details inclusive of information needed for title IV-E eligibility determinations. Finally, it is noted that the strong collaboration between the court system and the Kansas title IV-E agency (SRS), combined with the teamwork among program staff, eligibility specialists, and the court, has led to a generally accurate and properly functioning title IV-E eligibility program that has resulted in successful review outcomes since the 2002 eligibility review. The team's proactive efforts, especially those that underlie meeting the judicial requirements, also can lead to successful outcomes for the children that Kansas serves.

Disallowances

A disallowance in the amount of \$1,098.57 in maintenance payments and \$765.00 in related administrative costs of Federal financial participation (FFP) is assessed for title IV-E foster care payments for the error case during the PUR. Additional amounts of \$4,450.20 in maintenance payments and \$3,122.00 in related administrative costs of FFP are disallowed for title IV-E foster care payments claimed improperly for the error case outside the PUR. The total disallowance amount is \$9,435.57. The State also must identify and repay any ineligible payments that occurred for the error case subsequent to the PUR.

Next Steps

As part of Kansas' ongoing efforts to improve the title IV-E foster care eligibility process, CB recommends that Kansas examine the identified program deficiency and develop measureable, sustainable strategies that target the root cause of the problem to ensure the State's operation of an accurate foster care eligibility program. The Regional Office is available to provide technical assistance in this area.