

Commonwealth of Kentucky
 Cabinet for Health and Family Services
 Department for Community Based Services
 Program Improvement Plan for IV-E Foster Care Services

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Date of QR report:		Plan approval date:	

Issue #1: Judicial Determinations – Reasonable Efforts to Finalize the Permanency Plan

Two (2) error cases had ineligible payments because the judicial requirement of “reasonable efforts to finalize the permanency plan” was not satisfactorily met. For a child who is judicially removed and remains in foster care for 12 months or more, Federal provisions at §472(a)(2)(A) of the act and 45 CFR §1356.21(b)(2)(i) require the State to obtain a judicial determination of whether the State made “reasonable efforts to finalize a permanency plan” for the child. The judicial finding must occur at regular 12-month intervals for the duration of the foster care episode and no later than 12 months from the month in which the prior determination is obtained. If the judicial determination of “reasonable efforts to finalize” is not made or is not timely, the child becomes ineligible from the beginning of the first month after it is due and remains ineligible until the judicial determination is made.

Goal: To ensure that foster care maintenance payments are not claimed for cases in which “reasonable efforts to finalize a permanency plan” were not satisfactorily met within 12 months from the date the child was judicially removed and remained in foster care for 12 months or more.

Action Steps:	work products	Date Action Achieved		Person Responsible
		projected	actual	
1.1- Provide training to judicial staff (including judges, judges staff and court clerks) on IV-E criteria and legal authority by incorporating information into training sessions at the COJ Family Law Initiative Local Rules Seminar.	training materials including agendas, sign-in sheets	09/01/11		AOC and Family Court judges
1.2- Provide training to DCBS staff to ensure requirements are being met.	training materials including agendas, sign-in sheets	10/01/11		Michael Cheek

Evaluation of Progress: Cases reviewed will contain judicial determinations that contain findings of Reasonable Efforts to Finalize the Permanency Plan in accordance with the title IV-E eligibility requirements for substantial compliance. Necessary corrective measures will be taken to bring the child-case into compliance and discontinue improper claiming of title IV-E funds.

Evaluation of Achievement: Kentucky’s Department of Community Based Services (DCBS) will submit quarterly compliance reports to the Region IV ACF office with descriptions of progress toward completion of each task and, where appropriate, the end product(s). All cases, where necessary, will have the requisite judicial finding and it will be timely. Title IV-E will not be claimed, unless the requirement is met.

Quarterly Update

Issue #2 – Judicial Determinations – Contrary to the Welfare

Seven (7) cases had ineligible payments because the judicial determinations of contrary to the welfare were not attained during the Period Under Review (PUR). As required by §472(a)(2)(A) of the act and 45 CFR §1356.21(c), “a child’s removal from the home must have been the result of a judicial determination (unless the child was removed pursuant to a voluntary placement agreement) to the effect that continuation of residence in the home would be contrary to the welfare, or that placement would be in the best interest of the child. The contrary to the welfare determination must be made in the first court ruling that sanctions the removal of a child from home. If the determination regarding contrary to the welfare is not made in the first court ruling pertaining to removal from the home, the child is not eligible for title IV-E foster care maintenance payments for the duration of that stay in foster care.”

Goal: To ensure that foster care maintenance payments are not claimed for cases in which “contrary to the welfare” determinations have not been made in the first court ruling that sanctions the removal of a child from the home.

Action Steps:	work products	Date Action Achieved		Person Responsible
		projected	actual	
2.1- Discuss IV-E requirements for timeliness of APR during the COJ Family Law Initiative Local Rules Seminar.	DNA section of the Kentucky Family Court Rules of Procedure and Practice; and, completion of the CANI in August 2011	10/01/11		AOC and Kentucky Supreme Court

	2-2 - These requirements will also be discussed and there will be training at the Kentucky Child Abuse and Neglect Institute (CANI) sponsored by the NCFJFC and KyAOC in August 2011.	DNA section of the Kentucky Family Court Rules of Procedure and Practice; and, completion of the CANI in August 2011	10/01/11		AOC and Kentucky Supreme Court
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Evaluation of Progress: Cases reviewed will contain judicial determinations that contain findings of Reasonable Efforts to Finalize the Permanency Plan in accordance with the title IV-E eligibility requirements for substantial compliance. Necessary corrective measures will be taken to bring the child-case into compliance and discontinue improper claiming of title IV-E funds.

Evaluation of Achievement: Kentucky's Department of Community Based Services (DCBS) will submit quarterly compliance reports to the Region IV ACF office with descriptions of progress toward completion of each task and, where appropriate, the end product(s). All cases, where necessary, will have the requisite judicial finding and it will be timely. Title IV-E will not be claimed, unless the requirement is met.

Quarterly Update

Issue #3 – Safety Requirements for Providers

Seven (7) cases had ineligible payments because the safety requirements for providers had not been met. The federal regulations at 45 CFR §1356.30(f) state that in order for childcare institutions to be eligible for title IV-E funding, the licensing file for the institution must contain documentation which verifies that safety considerations with respect to the staff of the institution have been addressed.

Goal: To ensure that childcare providers are in compliance with federal and state licensing requirements governing safety.

Action Steps:	work products	Date Action Achieved		Person Responsible
		projected	actual	
3.1- Revise internal protocol for annual resource home reevaluation	revised SOP	09/01/11		Jennie Willson
3.2- TWIST tickler will be developed to remind staff to complete the annual strengths and needs assessment in the anniversary month of original approval	Twist release summary	01/01/12		James Grace

3.3- Regional staff will conduct quarterly case reviews to ensure IV-E requirements are met	list of cases reviewed and results of the review	02/01/12		Bruce Linder
3.4- DCBS staff will meet OIG staff on a regular and ongoing basis to discuss PCC/PCP issues.	meeting notes	10/01/11		Michael Cheek
3.5- OIG will revise their survey tool to be used during each annual licensure visit. This tool will include items such as background checks for staff and foster parents.	revised tool	10/01/11		Greg Davidson
3.6- OIG will hold a provider forum to relay IV-E requirement information to providers.	meeting notes including agenda and sign-in sheet	11/01/11		Greg Davidson

Evaluation of Progress: Revised SOPs regarding internal protocols for annual resource home re-evaluations, review of TWIST tickler summaries, OIG will hold provider forums to relay updated information to providers and revision to the survey tool that OIG uses during annual licensure visits.

Evaluation of Achievement: Kentucky's Department of Community Based Services (DCBS) will submit quarterly compliance reports to the Region IV ACF office with descriptions of progress toward completion of each task and, where appropriate, the end product(s). Title IV-E will not be claimed, unless the requirement is met.

#4- General IV-E requirements for foster care payments

Goal: To ensure that foster care maintenance payments are claimed for all applicable cases and not claimed for cases where requirements have not been met.

	Action Steps:	work products	Date Action Achieved		Person Responsible
			projected	actual	

	4.1- Provide refresher training on judicial determinations, provider safety requirements and reasonable efforts as well as all IV-E requirements for child benefit workers	training materials including agendas, sign-in sheets	11/01/11		Renee Close
	4.2- Division of Administrative and Financial Management staff will review a random sample of cases to assess that the IV-E requirements are met	list of cases reviewed and results of the review	01/01/12		Renee Close
<p>Evaluation of Progress: Necessary corrective measures will be taken to bring the child-case into compliance and discontinue improper claiming of title IV-E funds.</p> <p>Evaluation of Achievement: Title IV-E will not be claimed, unless the requirement is met.</p>					
<p>Quarterly Update</p>					