

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

Introduction

During the week of November 15, 2010, the Children's Bureau (CB) of the Administration for Children and Families (ACF) conducted a primary review of the State of Louisiana's title IV-E foster care program. The review was conducted in collaboration with the State of Louisiana Department of Children and Family Services (DCFS) and was completed by a review team comprised of representatives from DCFS, Louisiana Office of Juvenile Justice (OJJ), CB Central and Regional Offices, and ACF Regional Office of Grants Management.

The purposes of the title IV-E foster care eligibility review were (1) to determine whether the DCFS title IV-E foster care program was in compliance with the eligibility requirements as outlined at 45 CFR §1356.71 and §472 of the Social Security Act (the Act); and (2) to validate the basis of the State'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 the State'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 oversample cases) was drawn from State data submitted to the Adoption and Foster Care Analysis and Reporting System (AFCARS) for the above period. Seventy four (74) cases from the original sample were reviewed. Six (6) oversample cases were reviewed as six (6) cases were excluded from the original sample due to no title IV-E services provided and no title IV-E payments made during the PUR.

In accordance with Federal provisions at 45 CFR 1356.71, the State was reviewed according to 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 child care 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 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 that 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 76 of the 80 cases met eligibility requirements (i.e., were deemed non-error cases) for the PUR. Four (4) cases were determined to be error cases for either part or all of the PUR and 28 non-error cases were determined to be ineligible for Federal funding for a period of claiming. Because the number of cases in error was no more than four (4), the State of Louisiana Department of Children and Family Services is found to be in substantial compliance.

Case Summary

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

Error Cases

Sample Number	Improper Payment Reason & Ineligibility Period	Improper Payments (FFP)
33	Foster care maintenance payments were made for the foster home placement while the child was in a detention facility during the PUR. [45 CFR §1355.20(a)]. Ineligible period of payments: 12/21/09 to 12/31/09	\$1,137 Maint. \$0 Admin.
34	Foster care maintenance payment was continued for the foster care placement after the child returned home. [§475(4) of the Act; 45 CFR 1356.60(a)(1)(i)]. Ineligible period of payments: 2/23/10 to 2/28/10	\$114 Maint. \$0 Admin.

42	Child did not initially meet the financial need or deprivation requirements necessary to be eligible 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). Ineligible for the entire foster care episode. Ineligible period of payments: 3/1/10 to 8/25/10	\$3,230 Maint. \$3,539 Admin.
52	Foster care maintenance payments were made for the foster home placement while the child was in a detention facility during the PUR. [45 CFR §1355.20(a)]. Ineligible period of payments: 10/11/09 to 10/13/09	\$298 Maint. \$0 Admin.

\$4,779 Maint
\$3,539 Admin
Total: \$8,318

Non-error Cases with Ineligible Payments

Sample Number	Improper Payment Reason & Ineligibility Period	Improper Payments (FFP)
11	The judicial finding of reasonable efforts to finalize the permanency plan was not timely. [§472(a) of the Act; 45 CFR §1356.21(b)(2)] Ineligible period of payments: 6/1/10 to 6/30/10	\$353 Maint. \$590 Admin.
19	The judicial finding of reasonable efforts to finalize the permanency plan was not timely. [§472(a) of the Act; 45 CFR §1356.21(b)(2)] Ineligible period of payments: 6/1/10 to 8/31/10	\$1,508 Maint. \$1,770 Admin.
23	Foster care maintenance payment was made for two providers for the same period. [§475(4) of the Act; 45 CFR 1356.60(a)(1)(i)] Ineligible period of payments: Multiple occurrences	\$955 Maint. \$0 Admin.
24	Duplicate foster care maintenance payments were made to the same provider for the same period. [§475(4) of the Act; 45 CFR 1356.60(a)(1)(i)] Ineligible period of payments: 3/31/10 to 3/31/10	\$12 Maint. \$0 Admin.
26	Foster care maintenance payment was made for two providers for the same period. [§475(4) of the Act; 45 CFR 1356.60(a)(1)(i)] Ineligible period of payments: Multiple occurrences	\$295 Maint. \$0 Admin.
31	Foster care maintenance payments were made for the foster home placement while the child was in a detention placement outside of the PUR. [45 CFR §1355.20(a)] Ineligible period of payments: 7/8/09 to 7/10/09 & 7/17/09 to 7/20/09	\$627 Maint. \$0 Admin.
32	Foster care maintenance payment was made for two providers for the same period. [§475(4) of the Act; 45 CFR	\$177 Maint. \$0 Admin.

	1356.60(a)(1)(i) Ineligible period of payments: 5/15/09 to 5/16/09 & 7/19/09 to 7/25/09	
33	Foster care maintenance payment was made for two providers for the same period. [§475(4) of the Act; 45 CFR 1356.60(a)(1)(i)] Ineligible period of payments: Multiple occurrences	\$91 Maint. \$0 Admin.
35	Foster care maintenance payment was made for two providers for the same period. [§475(4) of the Act; 45 CFR 1356.60(a)(1)(i)] Ineligible period of payments: Multiple occurrences	\$138 Maint. \$0 Admin.
37	Foster care maintenance payment was made for two providers for the same period. [§475(4) of the Act; 45 CFR 1356.60(a)(1)(i)] Ineligible period of payments: 2/14/10 to 2/15/10	\$79 Maint. \$0 Admin.
40	Foster care maintenance payment was made for two providers for the same period. [§475(4) of the Act; 45 CFR 1356.60(a)(1)(i)] Ineligible period of payments: 3/26/10 to 3/26/10 & 4/16/10 to 4/19/10.	\$256 Maint. \$0 Admin.
41	Foster care maintenance payments were made for the foster home placement while the child was in a detention placement outside of the PUR. [45 CFR §1355.20(a)] Ineligible period of payments: 3/28/09 to 3/31/09	\$412 Maint. \$0 Admin.
43	Foster care maintenance payment was made for two providers for the same period. [§475(4) of the Act; 45 CFR 1356.60(a)(1)(i)] Ineligible period of payments: 12/21/06 to 12/25/06 & 9/20/07 to 9/21/07	\$122 Maint. \$0 Admin.
47	Foster care maintenance payment was made for two providers for the same period. [§475(4) of the Act; 45 CFR 1356.60(a)(1)(i)] Ineligible period of payments: Multiple occurrences	\$508 Maint. \$0 Admin.
49	Foster care maintenance payment was made for two providers for the same period. [§475(4) of the Act; 45 CFR 1356.60(a)(1)(i)] Ineligible period of payments: Multiple occurrences	\$1,051 Maint. \$0 Admin.
56	Foster care maintenance payment was made for two providers for the same period. [§475(4) of the Act; 45 CFR 1356.60(a)(1)(i)] Ineligible period of payments: Multiple occurrences	\$1,120 Maint. \$0 Admin.
59	Foster care maintenance payment was made for two providers for the same period. [§475(4) of the Act; 45 CFR 1356.60(a)(1)(i)] Ineligible period of payments: Multiple occurrences	\$877 Maint. \$0 Admin.
63	Foster care maintenance payment was made for two providers for the same period. [§475(4) of the Act; 45 CFR	\$350 Maint. \$0 Admin.

	1356.60(a)(1)(i). Ineligible period of payments: Multiple occurrences	
64	Foster care maintenance payment continued for the foster care placement after the child was moved from the placement. [§475(4) of the Act; 45 CFR 1356.60(a)(1)(i)] Ineligible period of payments: 11/23/09 to 11/30/09	\$105 Maint. \$0 Admin.
67	Foster care maintenance payment was made for two providers for the same period. [§475(4) of the Act; 45 CFR 1356.60(a)(1)(i)] Ineligible period of payments: Multiple occurrences	\$433 Maint. \$0 Admin.
68	Foster care maintenance payment was made for two providers for the same period. [§475(4) of the Act; 45 CFR 1356.60(a)(1)(i)] Ineligible period of payments: Multiple occurrences	\$415 Maint. \$0 Admin.
70	Foster care maintenance payment was made for two providers for the same period. [§475(4) of the Act; 45 CFR 1356.60(a)(1)(i)] Ineligible period of payments: Multiple occurrences	\$98 Maint. \$0 Admin.
73	Foster care maintenance payment was made for two providers for the same period. [§475(4) of the Act; 45 CFR 1356.60(a)(1)(i)] Ineligible period of payments: 5/13/10 to 5/16/10 & 6/17/10 to 6/22/10	\$197 Maint. \$0 Admin.
75	Foster care maintenance payment was made for two providers for the same period. [§475(4) of the Act; 45 CFR 1356.60(a)(1)(i)] Ineligible period of payments: 8/3/09 to 8/8/09	\$118 Maint. \$0 Admin.
78	Foster care maintenance payment was made for two providers for the same period. [§475(4) of the Act; 45 CFR 1356.60(a)(1)(i)] Ineligible period of payments: Multiple occurrences	\$415 Maint. \$0 Admin.
79	Foster care maintenance payment was made for two providers for the same period. [§475(4) of the Act; 45 CFR 1356.60(a)(1)(i)] Ineligible period of payments: Multiple occurrences	\$1,483 Maint. \$0 Admin.
80	Foster care maintenance payment was made for two providers for the same period. [§475(4) of the Act; 45 CFR 1356.60(a)(1)(i)] Ineligible period of payments: Multiple occurrences	\$315 Maint. \$0 Admin.
OS3	Foster care maintenance payment was made for two providers for the same period. [§475(4) of the Act; 45 CFR 1356.60(a)(1)(i)] Ineligible period of payments: Multiple occurrences	\$1,418 Maint. \$0 Admin.

\$13,928 Maint.
\$2,360 Admin.
Total: \$16,288

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.

- Automated FBI fingerprint background checks resulted in efficient and expedited criminal record clearances for foster parents. The investment the State has made in the automated process allows for timely eligibility decisions and payments to the State. It also supports the State's ability to properly and timely evaluate safety considerations of prospective foster families.
- Reviewers noted that many of the court orders were child-specific and clearly outlined the circumstances in which the child was removed from the home. Additionally, services were provided to those children and families which facilitated timeliness in finalizing the children's permanency plans. The Louisiana Court Improvement Program (CIP) and DCFS maintain a close working relationship to train and support judges, attorneys, and other court staff to include specificity in judicial determinations. Child-specific court orders, such as those noted by reviewers, can serve as models for statewide improvements in the documentation needed to initiate and maintain each child's title IV-E eligibility.
- Timely and thorough completion of the Financial Assessment and Tracking (FAST) form 1 by a child's initial caseworker provides a comprehensive foundation for further exploration of the child's circumstances related to eligibility. The FAST 1 form allows the initial worker to document the child's family and financial circumstances, from whom the child was removed, and whether the child was removed from the home pursuant to a court order. Identifying title IV-E eligibility related information early in a child's case allows the eligibility specialist to make more accurate eligibility determinations when completing the automated FAST V form and initiating title IV-E claims for a child. The FAST V form was developed after the 2007 Louisiana title IV-E review and has facilitated better and consistent documentation of the eligibility determination process.

Areas in Need of Improvement

The findings of this review indicate the State needs to further develop and implement procedures to improve program performance in the following areas:

Issue # 1: Duplicate Title IV-E Maintenance Payments. Duplicate payments were made in 23 cases. In all but one of these cases, the State paid two (2) providers for the same time periods. In one (1) case the State paid the same provider twice for the same day.

Title IV-E Requirement: An ineligible payment is considered to have occurred in an error and non-error case whenever a title IV-E maintenance payment is claimed for an unmet eligibility criterion, for a duplicate payment, for an overpayment, or for any other unallowable program cost. [§475(4) of the Act; 45 CFR 1356.60(a)(1)(i)].

Recommended Corrective Action: The State should develop safeguards within information systems to ensure that duplicate payments are not made, or to alert staff when such payments will be or have

been made. If such a payment is made despite safeguards, it may be reversed through a prior period adjustment reported on the quarterly CB-496 report submission to ACF.

Issue # 2: Brief Absences from a Foster Care Placement. There were four (4) Office of Juvenile Justice (OJJ) cases where title IV-E maintenance funds were claimed for a period while the child was in a detention facility and did not meet the provisions of §8.3B, QA # 7 of the CB Child Welfare Policy Manual. The cited policy permits continued title IV-E payments during an otherwise eligible child's absence if the child returned to the same foster care placement. In these cases, once the agency decides to place the child with another foster care provider after the child has left detention, the agency should have backed-out the payments for the period the child was in detention and ineligible under title IV-E.

Title IV-E Requirement: When a child is absent from a placement, the State may claim title IV-E foster care maintenance payment for a full month on behalf of an otherwise eligible child who is placed with a licensed foster care provider if the absence does not exceed 14 days and the child's placement continues with the same provider. If the child's absence from that placement exceeds 14 days, or the child does not return to the same foster care provider, the State must prorate its claims for the month. Otherwise, an ineligible payment is considered to have occurred. [§475(4) of the Act; 45 CFR 1356.60(a)(i)]

Recommended Corrective Action: The State should develop safeguards within information systems to ensure payments are not made when a child is placed in a non-foster care setting (e.g. detention) or to alert staff when such payments will be or have been made. If such a payment is made despite safeguards, it may be reversed through a prior period adjustment reported on the quarterly CB-496 report submission to ACF.

Issue # 3: Safety Considerations for Childcare Institutions. Documentation regarding safety considerations in childcare institutions initially did not sufficiently document that the requirements were met as it did not specify safety measures completed, the date completed, the evidence reviewed, and by whom. There were no improper payments identified in this review related to this eligibility requirement. However, the sparse details in the provider documentation required DCFS staff to spend significant time obtaining the additional documentation from the foster care providers during the onsite review.

Title IV-E Requirement: The State agency must provide documentation verifying that safety considerations with respect to the staff of the institution are satisfied for the duration of the child's placement for the PUR and for the period that the title IV-E maintenance payment covers. For childcare institutions, 45 CFR §1356.30(f) requires States to have procedures that address safety considerations with respect to the staff of the institution. The mechanism used to satisfy the safety requirement should be written into State policy, procedures or statutes, and incorporated into the licensing documentation. The State agency documentation must demonstrate that the staff of the childcare institution fully meets the safety criteria that the State establishes.

Recommended Corrective Action: DCFS is encouraged to establish and maintain a uniform process to monitor and document that safety requirements have been met for all staff that have direct contact with foster children residing in childcare institutions. Documentation should include, at a minimum, the safety measures completed for each employee, the date completed, the evidence

reviewed, by whom, and the date the employee was cleared to work directly with children. Additionally, DCFS should make sure title IV-E payments are not claimed on behalf of children placed with providers when sufficient documentation of compliance has not been obtained.

Issue # 4: Information Systems and Fiscal Processes. The State's payment history indicated that the information system does not have the ability to start and stop tracking of title IV-E claims within the same service period and lacks the ability to easily make and track prior period adjustments, resulting in multiple duplicate payments being made. In addition to the instances of duplicate payments, the State could have, but did not, claim title IV-E for seven (7) cases within the PUR and additional cases outside the PUR. In the majority of these cases, two different providers received a payment for the same period of time, while, in one case, two payments were issued to the same provider. It was observed in these seven (7) cases that the State began to claim title IV-E maintenance payments many months after all eligibility requirements were met.

Recommended Corrective Action: Staff should be equally knowledgeable across the State when title IV-E may be claimed, as well as when it cannot. Additionally, the information system could feature functionality to alert staff when changes are made that might result in faster re-evaluation of eligibility and timely claiming for title IV-E allowable expenses.

Issue # 5: Reasonable Efforts to Finalize the Permanency Plan. There were two (2) cases in which improper payments were made due to reasonable efforts to finalize the permanency plan not being completed timely. There were several other cases in which the reasonable efforts to finalize the permanency plan were not completed timely; however, the State completed a prior quarter adjustment to correct these improper payments.

Title IV-E Requirement: A judicial determination regarding reasonable efforts to finalize the permanency plan (45 CFR §1356.21(b)(2)) must be made within 12 months of the date on which the child is considered to have entered foster care (if the child entered on or after March 2001) and at least once every 12 months thereafter while the child is in foster care. If a judicial determination regarding reasonable efforts to finalize a permanency plan is not made within this timeframe, the child is ineligible at the end of the 12th month from the date the child is considered to have entered foster care or at the end of the month in which the subsequent judicial determination of reasonable efforts is due, and remains ineligible until the beginning of the month in which such a judicial determination is made.

Recommended Corrective Action: In this review, most judicial determinations of reasonable efforts to finalize the permanency plan were made timely. When reasonable efforts determinations are not timely, steps should be taken to ensure that claims are stopped and not resumed until the judicial determination is made. The State should consider providing training to staff and judges to ensure timely judicial determinations. Additionally, the information system should be enhanced to alert staff when an affected claim should be stopped. Finally, the State should consider putting in place a quality assurance process that periodically monitors eligibility decisions and claims for FFP.

Disallowances

A disallowance in the amount of \$4,779 in maintenance payments and \$3,539 in related administrative costs of FFP is assessed for title IV-E foster care payments claimed for the error cases. Additional amounts of \$13,928 in maintenance payments and \$2,360 of FFP are disallowed

for title IV-E foster care payments claimed improperly for the non-error cases. The total disallowance as a result of this review is \$24,606 in FFP. The State must identify and repay any ineligible payments that occurred for error and non-error cases subsequent to the PUR. No future claims should be submitted on these cases until it is determined that all eligibility requirements are met and claims for FFP are allowable.

Next Steps

The State was found to be in substantial compliance; therefore a program improvement plan is not required as a follow-up to this primary review. CB recommends the State look at the areas of concerns identified in this report and undertake any necessary corrective measures. The Region VI program staff will continue to work with the State to provide technical assistance to address the issues and concerns raised during this review.