

New Hampshire Title IV-E Foster Care Eligibility Review Review Period 10/1/2005 – 3/31/2006

Introduction

During the week of December 4, 2006, staff from the Regional and Central Offices of the Administration for Children and Families (ACF) and New Hampshire's Division for Children, Youth and Families (DCYF) conducted a subsequent primary eligibility review of the State's title IV-E Federal foster care program. The review was carried out at the central office of the Division for Children, Youth and Families located in Concord, New Hampshire.

The purpose of the title IV-E foster care eligibility review was (1) to determine if New Hampshire was in compliance with the eligibility requirements as outlined in 45 CFR §1356.71 and §472 of the Social Security Act (SSA); and (2) to validate the basis of New Hampshire's financial claims to ensure that appropriate payments were made on behalf of eligible children and to allowable homes and institutions.

Scope of the Review

The New Hampshire 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 of October 1, 2005 through March 31, 2006. The sample included children and youth who receive title IV-E foster care maintenance payments through a placement and care agreement between DCYF and the Division for Juvenile Justice Services (DJJS). A computerized statistical sample of 80 cases and an over-sample of 20 cases were drawn from the Adoption and Foster Care Analysis and Reporting System (AFCARS) data submission which was transmitted by the State agency to the ACF for the period under review. The 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 had undergone the required criminal records and/or safety checks and was fully licensed or approved for the period under the review (PUR).

During this subsequent primary review, 80 cases were reviewed. Two cases were determined to be in error for either part or all of the review period and four cases were determined to be non-error cases with improper payments. An error case is defined as a case which received a title IV-E payment during a period of ineligibility found during the PUR. A non-error case is defined as an otherwise eligible case which received a title IV-E payment during a period of ineligibility found outside of the PUR. As noted in the Case Record Summary section of this report, the total Maintenance and Administrative costs recommended for disallowance for these six cases is \$16,030 (FFP). However, only error cases are considered in determining whether a State exceeds the threshold set for subsequent primary reviews. Because the number of error cases in New Hampshire was fewer than the threshold of five, the ACF has determined the State to be in substantial compliance with the title IV-E Federal foster care program eligibility requirements. Thus, the next primary review will not be conducted until Federal Fiscal Year 2010.

Strengths and Model Practices

- All of the cases reviewed were found to have the required initial AFDC determinations and re-determinations. The State has maintained a reliable system for determining and documenting financial need and deprivation of parental support according to the State's July 16, 1996 guidelines for Aid to Families with Dependent Children (AFDC), as required for title IV-E eligibility determinations of children removed from home and placed into foster care.
- All of the foster care providers reviewed were found to be fully licensed. New Hampshire has strengthened its practices in meeting the title IV-E eligibility licensing requirements since the previous title IV-E foster care review in December 2003. The current review found that the licensing renewal process is now being completed timely, preventing lapses in licenses.
- Criminal records checks were completed on foster family homes and safety considerations were addressed in childcare institutions for all foster care providers reviewed.
- The Court Improvement Project of the New Hampshire District Court has established Protocols Relative to Abuse and Neglect Cases and Permanency Planning. When the court forms associated with these protocols were used, the cases reviewed were found to have the required judicial determinations that it is contrary to the welfare of the child to remain in the home, that reasonable efforts have been made to prevent removal, and that reasonable efforts were made to finalize the permanency plan. The judicial determinations found in the court protocol forms were clearly supported by the case-specific basis for the determination.

Areas in Need of Improvement

Both of the two cases determined to be in error were missing timely judicial determinations of reasonable efforts to finalize the permanency plan.

Of the four cases determined to be non-error cases with improper payments, one case was found to have improper payments during a delay in the judicial determination of reasonable efforts to finalize the permanency plan. Three of the cases had improper IV-E payments during the period following removal from home but prior to the month in which a judicial determination of reasonable efforts to prevent removal was made. In one of these three cases, the improper payments also preceded the month in which the judicial determination of contrary to the welfare was made.

Addressing delays in timely court determinations will require DCYF and DJJS to continue their work with the New Hampshire courts, including the District Court, the Probate Court and the Family Division. We understand that DCYF, DJJS and the courts are already engaged in a multidisciplinary group convened by the Chief Justice to identify and pursue court improvement priorities, including strengthening court and agency rules regarding the use of court protocols. We have provided technical assistance in support of those efforts in the past, and our staff and the national resource centers are available to provide continued assistance to promote the success of these efforts.

Finally, in order to avoid making improper payments, the State must institute internal controls to ensure that title IV-E funds are not claimed until the month in which all initial eligibility requirements are satisfied, including judicial determinations of contrary to the welfare and reasonable efforts to prevent removal.

Case Record Summary

The following details the error cases and non-error cases with improper payments, reasons for ineligibility, ineligible periods and amount for each ineligible claim. The FMAP rate for determining the disallowance is 50% for all fiscal years.

<u>Sample #</u>	<u>Case ID</u>	<u>Reason*</u>	<u>Period</u>	<u>Disallowance (FFP)</u>	
				<u>Main.</u>	<u>Adm.</u>
<u>Error Cases:</u>					
48	184327	1	3/1/06-3/31/06	\$ 385	\$ 957
50	184229	1	10/1/05-3/31/06	<u>5,821</u>	<u>5,739</u>
Sub-Total				\$ 6,206	\$ 6,696
<u>Non-Error Cases</u>					
20	176571	1	9/1/05-9/30/05	380	914
35	7292	2, 3	9/30/96-9/30/96	8	-0-
43	392925	3	9/1/05-9/30/05	502	914
62	756149	3	8/19/05-8/31/05	410	-0-
Sub-Total				<u>\$ 1,300</u>	<u>\$ 1,828</u>
Total				\$ 7,506	\$ 8,524

* Ineligible Codes for Error and Non-Error Cases

1. Reasonable Efforts to Finalize a Permanency Plan court determination not met according to requirements at 45 CFR 1356.21(b).
2. Payments made prior to Contrary to Welfare requirement being met, according to requirements at SSA 472(a)(1) and 45 CFR 1356.21(c).
3. Payments made prior to Reasonable Efforts to Prevent Removal requirement being met, according to requirements at SSA 472(a)(1) and CFR 1356.21(b).

Disallowances

Pursuant to 45 CFR §1356.71(j), a total disallowance in the amount of \$16,030 in Federal Financial Participation (FFP) is assessed for ineligible payments claimed for error and non-error cases.

The erroneous maintenance payments and administrative costs associated with the two error cases (\$12,902 FFP) include all payments claimed on behalf of the child for the entire period of time that each case was determined ineligible for title IV-E payments. No future claims should be submitted on these error cases until it has been determined that all eligibility requirements are met.

An additional four cases were identified that contained payments that were claimed improperly. Although these cases are not considered “error cases” for determining substantial compliance, the ineligible maintenance payments and associated administrative costs (\$3,128 FFP) are also subject to disallowance.