

New Hampshire Title IV-E Foster Care Eligibility Review Review Period 10/01/2008 – 03/31/2009

Introduction

During the week of December 7, 2009, staff from the Regional and Central Offices of the Administration for Children and Families (ACF) and New Hampshire's Department of 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 conducted in the DCYF Dolloff Building 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 child and provider 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 eligible 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, 2008 through March 31, 2009. A computerized statistical sample of 80 cases and an oversample 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 ACF for the period under review (PUR). In each selected case, the child's 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 PUR.

During this subsequent primary review, 80 cases were reviewed. One (1) case was determined to be in error during the review period for reasons that are identified in the Case Record Summary section of this report. Since the number of error cases in New Hampshire did not exceed the established threshold level of four (4), the ACF has determined the State to be in substantial compliance with the title IV-E Federal Foster Care program eligibility requirements. No other improper payments were identified for the reviewed cases. Thus, other than the processing of a financial adjustment for the disallowance action associated with the error case, no further action is required by the State. The next primary review will not be conducted until Federal fiscal year 2013.

Strengths and Model Practices

- New Hampshire continues to operate a reliable system for determining title IV-E eligibility by maintaining files that show clear evidence of the documentation used to establish 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 foster home and childcare institution licensing records were available for review and contained the required foster care provider license information for the PUR. Criminal records checks were consistently completed on foster family homes and childcare staff employed in childcare institutions for all of the cases reviewed.
- DCYF Child Welfare, Juvenile Justice, and the Court Improvement Project of New Hampshire District Court have worked together to establish court protocols that address safety and permanency planning for children in child welfare and juvenile justice court orders. Adjudicatory hearings are frequently conducted on cases within one month of the child's removal. Documentation of case-specific findings was frequently evident in the court orders observed for child cases reviewed during this title IV-E eligibility review.

Area in Need of Improvement

Judicial removals pursuant to a court order must be the result of judicial determinations of "contrary to the welfare" and "reasonable efforts." A removal is considered to not have occurred in situations in which the child is judicially removed from the parent or another specified relative and the child is permitted to remain in that same relative's home under the supervision of the State agency. The physical removal from the home must coincide with the judicial ruling that authorizes the child's removal from the home and placement in foster care under the responsibility of the State agency.

The title IV-E review conducted during the week of December 7, 2009 revealed one error case where the judicial removal order found the child to be in imminent danger in the parent's home and awarded protective supervision and custody to the State agency. However, the State permitted the child to remain in the home with the child's mother with conditions that would allow the agency to remove the child should those conditions be violated by the mother. Following this court order, the child remained in the mother's home for eleven (11) days before being removed from her care and placed in a foster home by the State agency. There was no subsequent court order sanctioning the child's removal from the mother's care by the agency. The error in this case is the lack of a valid judicial removal order for the child resulting in the case not meeting the eligibility requirements for title IV-E reimbursement for the duration of the child's foster care episode.

Case Record Summary

The following details the error cases, reasons for ineligibility, ineligible periods and amount for each ineligible claim. There were no identified underpayments or other improper payments.

Error Cases:

Sample #	Case ID	Reason*	Period	Disallowance	
				Main.	Adm.
4	561925	1	12/26/08-present	\$779	\$1,235
Total				\$779	\$1,235
FFP @ 56.2% for Maintenance Assistance Payments and 50% for Administrative Costs				\$438	\$ 618

* Ineligible Codes for Error Cases

1. Contrary to Welfare court determinations not met according to requirements at 45 CFR 1356.21 (c).

Disallowances

Pursuant to 45 CFR 1356.71(j), a total disallowance in the amount of \$1,056 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 one (1) error case (\$1,056 FFP) includes all payments claimed on behalf of the child for the entire period of time that the case was determined ineligible for title IV-E payments. No future claims should be submitted on this error case until it has been determined that all eligibility requirements are met.