

State of New Jersey
Primary Review
Title IV-E Foster Care Eligibility
Report of Findings for the Period Under Review
October 1, 2010 – March 31, 2011

Introduction

During the week of December 5, 2011, the Children’s Bureau (CB) of the Administration for Children and Families (ACF) conducted a primary review of the State of New Jersey’s title IV-E foster care program. The review was conducted in collaboration with the State and was completed by a review team comprised of representatives from the State agency, CB Central and Regional Offices, ACF Regional Grants Management and peer reviewers.

The purposes of the title IV-E foster care eligibility review were (1) to determine whether New Jersey’s title IV-E foster care program was in compliance with the 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 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, 2010 through March 31, 2011. A computerized statistical sample of 110 cases (80 cases plus 30 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 67 cases from the original sample plus 13 oversample cases. Thirteen (13) 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. Because of the large number of cases removed from this sample and the sample in the 2008 review, New Jersey is reminded that AFCARS data element 59 should not be coded as a “1” if title IV-E foster care maintenance payments were not made in the AFCARS period that data is reported.

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 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 child care 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.

Compliance Finding

The review team determined that all of the 80 cases met title IV-E eligibility requirements (i.e., were deemed non-error cases) for the PUR. Because the number of cases in error is fewer than four (4), the New Jersey Department of Children and Families is found to be in substantial compliance for the PUR. The State is commended for its excellent programmatic efforts that have resulted in successful review performance from its past review findings of non-substantial compliance in 2000 (49 error cases, primary review), 2004 (56 error cases, secondary review) and 2006 (6 error cases, primary review) to substantial compliance findings in 2008 (10 error cases, secondary review) and in the current primary review (0 errors).

Strengths and Promising Practices

The following positive practices and processes of the New Jersey 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 outcomes.

Judicial Determinations

During the September 2008 eligibility review, we found that the judicial findings and quality of the court orders had significantly improved since previous reviews; however, several cases were ineligible for title IV-E funding for a period because the judicial determinations were not made in a timely manner. The court orders and judicial determinations examined through the 2011 title

IV-E review reflected the dedicated efforts since then between the State child welfare agency and the court system to ensure that court proceedings occurred timely and that title IV-E requirements were being met. The Court Improvement Program has held mandatory training for all family and juvenile judges. The training provided judges with guidance on the title IV-E eligibility requirements and documentation criteria. Reviewers noted that the court order language was clear, specific and distinct to the individual case. Each order contained a summary and thorough explanation of actions taken pertaining to the case. In all sample cases reviewed, the court orders and judicial determinations of reasonable efforts to prevent placements were found in the first order along with the judicial determinations of whether remaining at home was contrary to the child's welfare. The permanency hearings, in which judicial findings of reasonable efforts to finalize the permanency plan are obtained, are occurring on a timely basis and in many instances before the due dates.

Eligibility Determinations

Excellent progress has been made by the State in continuous program improvement in determining AFDC-related eligibility for the title IV-E program. The State agency's title IV-E determination eligibility unit continues to be effective in ensuring that eligibility requirements are met and continuously monitored. The unit manages the eligibility determination process by overseeing the tracking and monitoring of title IV-E eligibility determination, documenting compliance and conducting quality assurance activities. The work of the centralized eligibility unit has been a key component in enhancing the development and availability of documentation supporting title IV-E eligibility. Staff in the unit work with field offices, courts, the State licensing agency and State agency fiscal officials to assure required actions and supporting paperwork are completed timely and that title IV-E claims are submitted only for those cases meeting all applicable requirements.

The AFDC eligibility determination form is in New Jersey's child welfare automated system, NJ SPIRIT. The AFDC eligibility specialists have access to income verification systems which are used to document and support eligibility decisions. The general information is automated and the system calculates if the family meets the AFDC requirements based on the input from the specialist and the information is then stored. During the September 2008 eligibility review, we noted that there were problems with the workers documenting the existence of deprivation and obtaining financial need information. As a result, the determination forms were not filled out completely and accurately. During our current review, reviewers noted eligibility files were well organized with excellent documentation on income, resources and deprivation in case files. Training is provided to staff on the completion of the AFDC eligibility form. All eligibility determination staff is now trained every six months and more often as necessary. Staff is trained on analyzing the case and making the appropriate determination.

Licensing and Safety Requirements

It is evident that the partnership between the child welfare agency and the Office of Licensing has resulted in the State's tremendous progress in licensing and monitoring safety requirements since the last eligibility review. Of the 10 error cases identified during the September 2008 review, 9 cases were found to be ineligible because either the foster family home was not fully

licensed or the certification could not be produced in order to verify its validity for title IV-E eligibility. During our current review, documentation showed foster family homes were regularly and fully licensed as well as renewed with no gaps in licensure. The licensing cycle for family foster homes in New Jersey is three years and inspections are done on an annual basis. Certificates were issued timely according to the State's policy and there were no lapses in eligibility due to certification issues. All State title IV-E reviewers have access to the Licensing Unit's database allowing them to review and print the licenses. The NJ SPIRIT will provide an alert if a home is not licensed. Also, NJ SPIRIT has been modified to ensure that title IV-E payments will not be claimed until all eligibility criteria are met, especially unconditional licensure status. This modification ensures that title IV-E funds are not claimed for ineligible payments on behalf of children placed in unlicensed homes or childcare institutions.

The criminal records checks were sufficiently documented and the safety-related requirements were met for children in the sample who were in foster family homes and childcare institutions. The documents included background checks from the Division of State Police and the Federal Bureau of Investigation. All title IV-E State reviewers also have access to the safety checks files to verify compliance.

Next Steps

We applaud New Jersey for their ongoing efforts in examining program deficiencies and implementing measures that have resulted in improvements to title IV-E. We encourage the State to continue its sustainable strategies of program improvement. The Regional Office remains available to assist with technical assistance needs. The next primary eligibility review will be held in three years.