

State of Ohio Primary Review Title IV-E Foster Care Eligibility

Report of Findings for October 1, 2012 through March 30, 2013

Introduction

During the week of September 16, 2013 the Children's Bureau (CB) of the Administration for Children and Families (ACF) conducted a primary review of the state's title IV-E foster care program in Columbus, Ohio. The review was conducted in collaboration with the state of Ohio's Department of Jobs and Family Services (ODJFS) and was completed by a review team comprised of representatives from ODJFS, CB Central and Regional Offices, ACF Regional Grants Management Office and peer reviewers.

The purposes of the title IV-E foster care eligibility review were: 1) to determine whether the Ohio 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) from October 1, 2012 through March 31, 2013. 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. Eighty (80) cases were reviewed, which consisted of 72 cases from the original sample plus 8 oversample cases. One case was excluded from the original sample because it was a title IV-E waiver county case and the remainder were excluded because no title IV-E foster care maintenance payments were made for a period during the PUR. Ohio provided documentation to support excluding these cases from the review sample and replacing them with cases from the oversample.

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 title IV- A plan in effect on 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.

Case file information for each child in the selected sample was reviewed to verify title IV-E eligibility. The foster care provider's file information also was examined to ensure the foster family home or child care institution in which the child was placed during the PUR was licensed or approved and that safety considerations were appropriately addressed. Payments made on behalf of each child also were reviewed to verify the expenditures were properly claimed 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 dates of activity during the PUR for which title IV-E maintenance payments were made. A sample case was cited as a non-error case 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 date of an unallowable activity and a title IV-E maintenance payment was paid for the unallowable activity. The CB and the state agreed that the state would have two weeks following the onsite review to submit additional documentation for a case that during the onsite review was identified as in error, in undetermined status or not in error but with ineligible payments.

Compliance Finding

The review team determined that 72 of the 80 cases met eligibility requirements (i.e., were deemed non-error cases) for the PUR. Eight (8) cases were determined in error for either part or all of the PUR and one (1) non-error case was ineligible for federal funding for a period of claiming. Federal funds claimed for title IV-E foster care maintenance payments, including related administrative costs associated with the error cases and the non-error case with ineligible payments, are being disallowed. Since the number of error cases exceeded four, CB has determined Ohio is not in substantial compliance. Accordingly, pursuant to 45 CFR 1356.71(i), Ohio is required to develop a Program Improvement Plan (PIP) designed to correct the program areas determined not in substantial compliance. The PIP will be developed by the state, in consultation with CB regional office staff, and must be submitted to the regional office no later than 90 days from the date of the letter accompanying this report. A secondary review of a sample of 150 title IV-E foster care cases will be conducted following the approved PIP completion date

Case Record Summary

The following charts record the error cases and non-error case with ineligible payments, reasons for the improper payments, improper payment amounts for the specified service periods, and federal provisions for which the state did not meet the compliance mandates.

Error Cases

Sample #	Improper Payment Reason & Ineligibility Period	Improper Payments (FFP)
OH-1	Removal from & living with requirement not met by the same specified relative. §472(a)(1) and (3) of the Act; 45 CPR §§1356.21(k) and (l) and 1356.71(d)(1)(v) Ineligible: Entire Foster Care Episode Reported Disallowance Period: 3/1/09 to 5/31/2013	Maintenance:\$ 24,337 Admin.: \$ 4,966
OH-3	Judicial determination of reasonable efforts to finalize permanency plan not attained. §472(a)(2)(A)(ii) of the Act; 45 CPR §1356.21(b)(2) Ineligible: 10/1/12 through 1/31/13 Reported Disallowance Period: 10/1/12 to 1/31/13	Maintenance: \$ 1,899 Admin.: \$ 400
OH-14	Judicial determination of reasonable efforts to finalize permanency plan not attained. §472(a)(2)(A)(ii) of the Act; 45 CPR §1356.21(b)(2) Ineligible: 1/15/12 to 12/31/12 Reported Disallowance Period: 1/15/12 to 12/31/12	Maintenance:\$ 5,364 Admin.: \$ 200
OH-35	Judicial determination of reasonable efforts to finalize permanency plan not attained. §472(a)(2)(A)(ii) of the Act; 45 CPR §1356.21(b)(2) Ineligible: 1/1/13 to 7/31/13 Reported disallowance period: 1/1/13 to 7/31/13	Maintenance: \$ 3,774 Admin.: \$ 714
OH-39	Judicial determination of reasonable efforts to finalize permanency plan not attained. §472(a)(2)(A)(ii) of the Act; 45 CPR §1356.21(b)(2) Ineligible: 3/1/13 to 7/31/13 Reported disallowance period: 3/1/13 to 7/31/13	Maintenance: \$ 2,067 Admin.: \$ 514
OH-46	Judicial determination of reasonable efforts to finalize permanency plan not attained. §472(a)(2)(A)(ii) of the Act; 45 CPR §1356.21(b)(2)	Maintenance: \$ 4,515 Admin.: \$ 700

Sample #	Improper Payment Reason & Ineligibility Period	Improper Payments (FFP)
	Ineligible: 9/1/12 through 7/31/13 Reported disallowance period: 9/1/12 to 7/31/13	
OH-61	Removal from & living with requirements not met by the same specified relative. §472(a)(1) and(3) of the Act; 45 CPR §1356.21(k) and (l) and 1356.71(d)(1)(v) Ineligible: Entire Foster Care Episode Reported Disallowance Period: 3/16/12 to 10/31/12	Maintenance: \$ 13,552 Admin.: \$ 700
OH-69	Safety requirements for foster care provider not met; maintenance payments during the PUR were made for the child's placement in a family foster home that was licensed on or after October 1, 2008 but did not have the required fingerprint based National Crime Information Database checks completed. §471(a)(20)(A) of the Act; 45 CPR §1356.30 Ineligible: 10/18/12 to 7/31/13 Reported Disallowance Period: 10/18/12 to 7/31/13	Maintenance: \$ 10,316 Admin.: \$ 914
N/A	Total Disallowance:	Maintenance: \$65,824 Admin.: 9,108 <hr/> \$74,932

Non-error cases with improper payments

Sample Number	Improper Payment Reason & Ineligibility Period	Improper Payments (FFP)
OH-18	Judicial determination of reasonable efforts to finalize permanency plan not attained. §472(a)(2)(A)(ii) of the Act; 45 CFR §1356.21(b)(2) Ineligible: 4/1/13 through 7/31/13 Reported disallowance period: 4/1/13 to 7/31/13	Maintenance: \$ 3,471 Admin.: \$ 311
N/A	Total Disallowance:	Maintenance: \$ 3,471 Admin.: \$ 311 <hr/> \$3,782

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 areas listed below. For each issue, there is a discussion regarding the nature of the area needing improvement, the specific title IV-E requirement to which it relates and the corrective action the state should consider undertaking.

Issue #: 1 Judicial Determinations Regarding Reasonable Efforts to Finalize a Permanency Plan Not Attained

Five (5) cases were in error and one (1) non-error cases had an ineligible payment because the judicial requirement of "reasonable efforts to finalize a permanency plan" was not satisfactorily met. This ultimately represented the largest number of error cases sustained during the review and represented more than one county whose cases were reviewed. Ohio, like most states, incorporated the federal requirement for a judicial determination of "reasonable efforts to finalize a permanency plan" into its court proceeding for the 12-month permanency hearing and encouraged that it be addressed on a more frequent basis. The review revealed that although court hearings were being conducted very frequently (almost quarterly in a large number of cases), the requisite finding that the state had made reasonable efforts to finalize the child's permanency plan was not evident in either the court order or, in cases where provided, transcripts of the hearing. Often parental and children's progress in services was discussed, but how this resulted in a determination on the agency's efforts to finalize permanency was not delineated. Instead of observing specific easily-delineated findings in the orders, reviewers had to cobble pieces of information together to assess whether a finding was being made.

Compounding this lack of clarity, Ohio's statutory requirement that each order address reasonable efforts to prevent removal or reunify and best interest language made it difficult to discern what judgment was actually being made- a reexamination of the initial reasonable efforts to prevent removal/reunify finding or a finding regarding finalizing permanency. Court transcripts, when provided subsequent to the review on all but two cases, did not provide information regarding findings that would convert the cases to be considered non-error. In one instance, although a transcript was requested by the agency, the court refused to authorize one.

Despite frequent hearings, review of court documentation raised concerns about the quality and content of such hearings. Language found in orders included "pending" being cited as the permanency plan/goal in the child's case plan and "pending" as cited under "Indicate reasonable efforts made by the agency to finalize permanency plan." Many court orders relied on a template or had a check box/fill in the blank area. Often, except for date changes, language in orders did not differ from one hearing to another. In some instances, orders centered on capturing the legal processes that were occurring rather than including information on permanency.

The timeliness of court hearings in Ohio is, in general, a strength but, in one instance the lack of a timely hearing did contribute to a case being cited as a non-error case with an ineligible payment. In this instance, the finding did not occur until 4 months after it was due.

Title IV-E Requirement: 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) 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.

The judicial determination must be made on a case-by-case basis; explicitly stated in the court order; and in conformity with the regulatory timeframes. The court orders must definitively articulate the judge's child-specific ruling pertaining to the reasonable efforts determination. Judicial determinations do not need to contain the exact language in the statute at section 472(a)(2)(A)(ii) of the Act or regulations at 45 CFR 1356.21(b), (c) and (d) to satisfy the title IV- E eligibility requirements. If the judicial determination is not made in a court order, a transcript of the proceedings that indicates that the judicial determination was made is the only other acceptable documentation. This requirement is made to assure that the individual circumstances of each child before the court are properly considered in making judicial determinations.

Recommended Corrective Action: As representatives of Ohio's Court Improvement Program (CIP) were in attendance at both the entrance and exit conferences for the review, it is recommended that the ODJFS partner with the CIP to improve the quality of court orders, and to increase court personnel awareness that judicial determinations regarding the state's efforts to finalize a child's permanency plan need to be definitively addressed during court proceedings and specifically articulated in court orders. Additionally, ODJFS and the CIP should implement processes where transcripts are obtainable in instances where findings are not clearly articulated in court orders.

The requisite judicial determination need not be tied to a permanency or other court hearing. The judicial determination may be rendered by the court at any point during the 12-month period. Courts may demonstrate in numerous ways that a judicial determination is child-specific, has been made on a case-by-case basis, and reflects whether reasonable efforts have been made by the Agency. This can include referencing the facts of a court report or related psycho-social report as part of the finding. This documentation establishes that the judge has reviewed the particular facts and circumstances of the child as well as the efforts that the agency has made to facilitate permanency. Although not required for title IV-E review purposes, including in the court order the facts upon which the reasonable efforts to finalize permanency determination are based significantly improves the quality of the court order. The accuracy and reliability of eligibility determinations generally are increased through training of the judiciary and other court officials to secure court orders that reflect title IV-E criteria on reasonable efforts. If checklists or other templates are used, space on the form can be included to address the basis of the court's rulings.

Targeted training on court order content and findings will help county eligibility staff make eligibility decisions based on the elements needed for compliance and to eliminate the authorization of payments prior to establishing compliance with the requirements. In addition, enhanced quality assurance processes at the state level to monitor findings and

content of court orders may help to ensure cases are not determined eligible without the appropriate documentation regarding judicial findings.

Issue #2: AFDC Eligibility Determination Regarding "Living With and Removal From"

In Ohio, working with relatives to assume temporary custody of a child rather than having a child enter state foster care is common practice. Though the relative exercises legal authority over the child under the oversight of the court, Ohio works with the family to effect reunification with the parents from whom the child was removed or, when reunification is not appropriate, another planned permanent living arrangement. When children subsequently are judicially removed from the relative home (in error cases OH-1 and OH-61, either because the relative was no longer willing to care for the child, became incapacitated, or died), the "contrary to the welfare" finding is made on the parent. In each instance the child had been originally removed from the parent and legally placed with the relative through the action of the agency and court at least ten months prior to the subsequent judicial removal from the parent.

Cases were in error because the child had lived with another relative longer than six months prior to the court making a judicial finding of "contrary to the welfare" against the parent's home in each sample case. A finding of "contrary to the welfare" was not specified against the relative with whom the child had been living in the interim. The child had not lived with the parents within 6 months of removal.

Title IV-E Requirement: For the purpose of eligibility determinations, the child must have lived with and been judicially or voluntarily removed from the same specified relative. Consistent with §472(a)(2)(A) of the Act, the child must have been physically or constructively removed from the home of a specified relative according to a court order or voluntary placement agreement. The AFDC determination, then, considers the home of the specified relative who is the basis of the "contrary to welfare" determination in a judicial removal or who signs the voluntary placement agreement in a voluntary removal. The child must have lived in that removal home at some point during the six months before the month in which the removal proceedings were initiated in a court-ordered removal or the voluntary agreement signed, as required by §472(a)(1) and (3) of the Act; 45 CFR §§1356.21(k)(l) and 356.71(d)(1)(v). The AFDC eligibility must be determined for that same specified relative's home as if the child had been living in that home in the month of the initiation of court proceedings for removal. If more than six months had expired since the removal, then the "living with and removal from" requirement has not been met and the child is not title IV-E eligible for the entire foster care episode.

Recommended Corrective Action: Reminding state eligibility specialists that the "living with/removal from" criteria must apply to the same specified relative and enhancing quality assurance processes at the state level would increase accuracy in eligibility determinations for this requirement. The ODJFS and the CIP should work with staff, judiciary, and attorneys who file petitions to ensure that specificity regarding the living with/removal from requirement is clearly and specifically delineated in petitions and court orders, particularly in those instances where a child has lived with a specified relative other than the parent for a length of time prior to removal. The state is encouraged to review the particular circumstances that led to the original removal from the parent and placement with the specified relative and subsequent removal from the specified relative with whom the child was living with at the time of entry into foster care. For example, it

may be beneficial for petitions and court orders to include the name of the individual against whom the 'contrary to the welfare' finding is being requested or specify the individual's relationship to the child who is the subject of the court hearing. If checklists or other templates are used, space on the form can be included to address the basis of the court's rulings.

Issue #3: Safety Requirements / Licensing Process

The ODJFS delegates the licensing process for foster family homes to county social service agencies and private agencies certified to license foster family homes. Upon the recommendations of the county or private agency, ODJFS then issues the foster family home license. The ODJFS certifies (licenses) recommending agencies, conducts regular reviews of the licensing agencies' compliance with licensing standards, provides technical assistance and develops agency-specific corrective action plans when identified during its monitoring visits. The ODJFS is directly responsible for licensing most residential child caring facilities. The Ohio Department of Mental Health & Addiction Services also licenses a small number of residential child caring facilities that are used for placements. Licensing records for both foster family homes and residential child caring facilities were observed during the review.

One case was deemed as an error as the requisite FBI fingerprint-based background check on a prospective foster home with which the child was placed initially came back incomplete and was not re-done until after the period under review.

Although only one case remained an error subsequent to documentation provided after the on-site review, obtaining documentation that background checks were done timely, both in foster care homes and residential child caring facilities, was the most challenging aspect of the review-- pre-review, onsite and post-review activities. At the end of the onsite, seven cases were initially rated as "undetermined" because of lack of appropriate documentation. A large amount of the pre-review phase was spent discussing safety requirements and a means in which to obtain needed documentation to satisfy the requirements.

There appear to be systemic barriers impacting Ohio's capacity to obtain needed documentation regarding required safety checks at the state level. Two barriers noted centered on accessing information directly from the Ohio Attorney General Office regarding checks of the state Bureau of Criminal Identification & Investigation (BCI&I) and FBI databases and the state's abuse/neglect registry for foster parents. Currently the information is given to the caregiver requesting the background check, who then presents it to the agency recommending licensing. Therefore, the state does not have direct access to the information. Though the state is the actual licensing body, private agencies are reluctant to release the information unless the caregiver signs a release of information.

While the state has a process to ensure that the state level (BCI&I) background checks are completed on new residential child caring facility employees prior to hiring, the review relied on obtaining specific information from the provider which included information on employee hire dates, background clearance dates and copies of the resultant clearances. This proved time-consuming and required a great deal of follow-up, specifically to address those new hires between licensure periods.

Title IV-E Requirement: To ensure a child is not placed in a foster care setting where the potential caregiver has caused or is likely to cause harm to a child, §471(a)(20) of the Act and 45 CFR 1356.30 require states to examine the potential safety risks posed to the child by a foster care provider. For a foster parent who is newly licensed on or after the state's effective date for implementing the fingerprint-based criminal records check (CRC) requirement, the title IV-E agency must conduct a CRC that includes a fingerprint-based check of the National Crime Information Databases (NCID). Ohio complied with the requirement to implement the fingerprint-based CRC requirement by October 2008. The state agency must document that the foster care provider meets the established safety standards before the foster care provider is fully licensed and before the period the title IV-E foster care maintenance payments are claimed.

For childcare institutions, 45 CFR §1356.30(f) requires states to set procedures that address safety considerations with respect to the caregiving 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 safety requirement is applicable to all child care institutions operating as foster care facilities licensed on or after March 27, 2000.

Recommended Corrective Action: Safety requirements are in place for both foster family homes and residential child caring facility staff. Accessing the information on an ongoing systematic basis at the state oversight level should be reviewed and addressed to ensure that compliance is routinely and fully met in a timely manner. Barriers that impede accessing information with the BCI&I process and abuse/neglect registry should be further identified and addressed with processes that enable the state in its oversight role to obtain necessary information in an expedient and well-organized manner. Current residential child care facility monitoring provisions require a sampling of personnel files to be reviewed during re-licensure and annual visits. To ensure that all staff meet safety requirements the CB recommends that Ohio implement a process where facilities submit quarterly updated employee rosters, hire dates, and safety check information to Ohio's licensing unit.

While not required, Ohio may want to consider the feasibility of enhancing its safety practices by including perpetrator registry checks in its requirements for child care residential facility child employees and sex offender registry checks for both foster and residential child caring facility staff. The latter is available without cost.

Additional Observations and Program Recommendations

The payment histories received for the review were detailed and accurate. Ohio has been able to identify and capture non-board payments like clothing, alternative care, and employment related daycare into specific categories in its payment histories. These were easily tracked and verified during the review. However, nearly one third of the histories included a category called "foster care miscellaneous". The specific costs in this category were not easily discernible or verifiable. Reviewers and state staff needed to look through the record for specific billings and receipts to substantiate allowable costs charged as maintenance payments to the title IV-E program. The CB recommends Ohio consider separating the costs in the broad category of "foster care miscellaneous" into additional subcategories that are easily identifiable, which would eliminate the need for state and county agency staff to sort through individual records to review documentation to

substantiate costs charged to title IV-E. Specific categories will allow for an analysis of maintenance costs being provided on an aggregate level.

Strengths and Promising Practices

Though Ohio was not found to be in substantial compliance, a number of strengths were identified during the review process. These strengths are important as they will serve as a foundation on which to address areas that need to be improved during the course of the state's PIP.

Valid Removals

Children can be removed from the home either through a court order or voluntary placement agreement in Ohio. The review contained instances of both types of removals. Court orders contained the requisite finding of contrary to the welfare in the initial court order followed by a physical removal that coincided with that finding. Voluntary placement agreements were executed timely and exceeded federal requirements for a best interest determination within 180 days. "Best interests" determinations for voluntarily placed children occurred within 30 days in accordance with Ohio state law. The state has a number of processes in place that contribute to its performance in these areas. Ohio's SACWIS has been built with edits that will not allow payments unless information regarding removals and findings are entered into the system and meet eligibility requirements; however the system does not prevent payments in instances where incorrect information is entered. Additionally, staff from the ODJFS' Office of Fiscal Monitoring conducts ongoing IV-E trainings and webinars throughout the state on a yearly basis. Detailed technical assistance is provided to those court systems the state has title IV-E agreements in place to ensure there is a clear understanding of the eligibility requirements and programmatic expectations prior to entering the agreement. The ODJFS conducts ongoing court roundtables to discuss requirements and updates as needed.

Judicial Findings

Appropriate and timely initial judicial determinations regarding contrary to the welfare and reasonable efforts to prevent removal efforts occurred in all instances where a child was judicially removed from the home. A follow-up court hearing, occurring generally the next day, referenced verbal orders issued by the judiciary for removal during non-traditional business hours. Most often, petitions specified the particular circumstances that contributed to need to remove the child from the home and demonstrated efforts made by the county agency to maintain the child in the home. Often the family was receiving services from the agency and was under court supervision prior to the need for removal which provided a basis for obtaining a "reasonable effort to prevent removal" finding during the initial court hearing sanctioning removal. In addition, reviewers noted that fathers were identified in all cases reviewed and noted some instances where services were being provided to fathers prior to the removal.

Quality of court order documentation varied, ranging from check box templates to those with more specific child-centered information which supported the findings. Lucas and Montgomery County initial orders were identified as those that included more specificity beyond a check box template. This included detailing the efforts made by the agency to prevent removal and documentation of the reasons why it was contrary to the welfare for the child to remain in the home.

Ongoing court hearings occurred more frequently than prescribed by federal statute, sometimes as often as quarterly. Though court orders, requisite findings and hearing content were cited above as opportunities to improve, the state's practice of more frequent court hearings lends itself to timelier and greater oversight of children's progress toward permanency. The hearing frequency also is a basis on which the agency and court can build to improve content and findings of the court hearings and documentation in court orders.

AFDC Eligibility Determinations & Automation

Ohio has an automated title IV-E foster care maintenance application in its Statewide Automated Child Welfare Information System (SACWIS) to determine eligibility. Case record requirements in the state mandate inclusion of the SACWIS screen prints to document a child's eligibility status. The SACWIS system now captures critical information gathered by staff such as income, resource information on the family using birth certificates, court orders, CRIS-E (Ohio's AFDC system) information, parent reporting, an employment reporting system, school records, and education and medical information. Beginning in 2012, SACWIS has an interface with CRIS-E although some workers still have direct full access to CRIS-E and can look back six months to two years from the date of custody, if needed, to determine the principal wage earner for establishing unemployment as a deprivation factor. Agencies also have access to the Child Support System (SETS), which provides a report to help determine any child support income or payments being made.

The ODJFS' Office of Fiscal Monitoring (OFM) routinely pulls samples from all 88 counties to review eligibility on a periodic basis using the most recent federal IV-E eligibility review instrument. Plans are in effect to begin using the 2013 revised review instrument in its quality assurance monitoring. All findings initiate repayment and corrective actions.

In summary, the IV-E Review found that:

- Eligibility was completed in a timely manner
- SACWIS screen prints were useful and contained detailed and accurate information which supported eligibility determinations
- Financial and family composition information was thorough and precise
- Deprivation and need were well documented
- While "absent parent" was most often used as a reason for deprivation, unemployment and capacity also were documented based upon the thoroughness of the system
- SACWIS includes edits and stopgaps ensuring that payments are stopped when a child changes placements and payments are not made to unlicensed providers
- Payments are being claimed and disbursed timely

Safety Requirements and Monitoring

The state has a systematic process to ensure background and other safety checks are completed and risk factors are routinely monitored. (However, as noted above, the process should enable the ODJFS central office to obtain necessary information in an expedient and coordinated manner). The following are examples of the state's process to help ensure child safety in a foster family home or child care institution.

Ohio opted out of the 1997 criminal records check provision for foster parents because its requirements at that time were more stringent than what was federally-required. Current state requirements include a check of the state criminal investigation bureau, FBI and central registry databases and an updated check of the state and FBI databases every four years.

A state criminal check is required for child caring staff of residential child caring facilities at time of hire and must be completed prior to any supervision of youth. State monitoring staff reviews a sampling of personnel files at the point of licensure, during annual visits and at re-licensure. Specific tools are used to review these files.

The Ohio's RAPBACK system also is a program asset in monitoring safety after foster homes are licensed. The RAPBACK, ("retained applicant fingerprint database information exchange") was created to regulate the information exchanged between the Bureau of Criminal Identification and Investigation, ODJFS, and agencies that recommend or approve foster or adoptive homes. It is an ongoing check to determine if convictions occur after licensure. The RAPBACK notifications are received online and reviewed by the ODJFS on a daily basis. Upon notification of a "hit", the agency to which the foster or adoptive home belongs and the assigned ODJFS certification specialist or technical assistance supervisor are notified. A response from the agency is required and the ODJFS reviews it to determine whether the agency is properly notified by the foster parent of the conviction, the conviction is a prohibited offense, and a revocation of the foster care certificate is necessary.

Disallowance

For the eight (8) cases determined to be in error for title IV-E foster care maintenance payments during the PUR, and the one (1) ineligible payment case outside of the PUR, the state is ineligible to receive federal financial participation (FFP). Also, the state is ineligible for title IV- E foster care administrative costs relating to these cases. The amount of ineligible maintenance payments for these cases is \$69,295 in FFP. The associated unallowable administrative cost for these cases is \$9,419 in FFP. The total amount of disallowance is \$78,714.

The erroneous maintenance payments and administrative costs include all payments claimed through July 31, 2013. In addition to this amount, any costs claimed subsequent to July 31, 2013 pertaining to the ineligible periods must be refunded to the ACF.

Next Steps

Ohio has 90 days from receipt of this report and its accompanying letter to develop and submit its PIP to the CB regional office. The PIP must address the areas listed in this report in addition to other areas in its title IV-E program that the state identifies it needs to strengthen to improve overall program performance. Ohio may request technical assistance from the CB's Technical Assistance Network to help support its program improvement activities. The PIP must include the following components:

- Specific goals or outcomes for program improvement;
- Action steps required to correct each identified weakness or deficiency;
- Date for completing each action step;

- Description of how progress will be evaluated by the state agency and reported to the CB regional office, including the frequency and format of the evaluation procedures; and
- Description of how the CB regional office will know that an action step has been achieved.

Following the expiration of the approved PIP completion date, a secondary review consisting of 150 cases must be held during the second AFCARS reporting period that immediately follows the approved completion date of the PIP.