

# **Oregon Title IV-E Foster Care Eligibility Review October 1, 2004 to March 31, 2005**

## **Introduction**

The Region X Administration for Children and Families (ACF) conducted a primary review of the State of Oregon's title IVE program in Salem from September 19 through September 22, 2005. A team of six ACF Regional staff, three ACF Central Office staff, and five Oregon Children, Adults and Families (CAF) staff completed the onsite review.

The purpose of the title IV-E foster care eligibility review was: (1) to determine if Oregon was in compliance with the child and provider eligibility requirements as outlined in 45 CFR 1356.71 and Section 472 of the Social Security Act, and (2) to validate the basis of Oregon'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 Oregon title IV E foster care 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, 2004 through March 31, 2005. A computerized statistical sample of 80 cases was drawn from the Adoption and Foster Care Analysis and Reporting System (AFCARS) data, 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 child care institution in which the child was placed was licensed or approved for the period of the review.

Of the 80 cases reviewed, all 80 cases were determined eligible for title IVE and no cases were determined to be in error for either part or all of the review period. Since the number of error cases was fewer than five, the ACF has determined Oregon to be in substantial compliance for this primary review.

However, a few cases were identified that contained payments that were not claimed properly; these are discussed below under Payment Issues. These cases are not considered "error cases" for determining substantial compliance.

## **Strengths**

In the title IVE cases reviewed, the following strengths were noted:

- "Contrary to the welfare to remain in the home" was consistently addressed as a finding in the first removal order. "Reasonable efforts to prevent placement" was almost always addressed as a finding in the first removal order; in a few cases the finding was made in a subsequent order within the same month.

- "Reasonable efforts to finalize the permanent plan" judicial determinations were made at least every 12 months in sampled IVE cases.
- Some cases contained very good individualized case specific judicial determinations.
- CIP has worked to improve the timeliness and quality of judicial determinations by developing model court orders and providing judicial training with noted improvements since the previous title IVE review.
- Clear forms and good documentation of AFDC income, resources, and deprivation were in eligibility files.
- Redeterminations of eligibility were completed on time.
- Documentation of licensing and criminal check requirements for children placed out-of-state was obtained from receiving states utilizing new procedures developed since the last title IVE review.
- Foster homes were continually certified with no lapse in certification at annual renewal.
- Many children are being placed with relatives certified to provide for their care.
- Oregon has dedicated knowledgeable eligibility specialists who make accurate eligibility determinations and work to ensure all eligible children receive title IVE.

## Concerns

In the title IVE cases reviewed, the following concerns were noted:

- "Reasonable efforts to prevent placement" and "reasonable efforts to finalize the permanency plan determinations" were sometimes not as distinct as they should be.
- "Reasonable efforts to finalize the permanent plan" findings were sometimes not addressed at the 12 month permanency hearing resulting in CAF specialists determining such children temporarily ineligible and requiring additional efforts to get the court to issue an order addressing this finding.
- Nunc pro tunc orders continue to be used creating confusion about when title IVE can be claimed and requiring staff time to obtain the transcripts.
- Criminal records check documentation for foster homes lacked clarity with some files missing forms, missing dates, missing signatures or lacking clear documentation of decisions made.
- The monitoring form for facilities which includes the employee criminal records clearance is not a numbered form and does not have written instructions.
- Child placing agencies are not required to certify homes following State standards and procedures.
- CAF information system and case records do not adequately capture the physical location or moves of children placed in child placing agency homes, potentially impacting Oregon compliance with the requirements of Section 422 (b)(10)(B)(i) and the accuracy of Oregon performance on the placement stability national standard.
- " Certification files need clearer documentation of decision-making and need to clearly demonstrate that all requirements including criminal records checks are met prior to issuing a full certification license.

## **Payment Issues**

### Overpayment

Sample #66: The State adjusted claims made prior to the criminal history check; however, the claims for the months of July and August 2002 were not adjusted. Total matchable payments of \$402.39 (\$378 + \$24.39), or \$238 FFP must be returned to the federal government.

### Underpayment

Sample #6 - This case was determined to be eligible for the complete PUR; however, we were unable to determine if a payment had been made for January 24 - February 4, 2005 to St. Mary's Home. If a payment had been issued, the State may report a prior period increasing adjustment.

Sample #36: This case was determined to be eligible for the complete PUR. However, a decreasing adjustment was made for March 2005, and we were unable to determine if a payment had been issued to the provider. If a payment had been issued, the State may claim total matchable costs of \$393, or \$240 FFP.

Sample # 47: This case was determined to be eligible for the complete PUR. However, payment for October 2004 was not charged to IVE but was charged to another funding source. The State may claim total matchable costs of \$393, or \$240 FFP.

Birthday Months: State staff indicated that when a child changes to the next age rate bracket, the payment system is supposedly programmed to pay the full month at the higher rate. However, Sample #34 payment for the birthday month of March 2005 was prorated at the old and new rate. The State should research this issue further to determine what caused this anomaly to ensure that the payment system is consistently dealing with changes in the age rate brackets.

Payment Histories: We observed that numerous increasing and decreasing manual adjustments had been made on the same day for the same month of care, and were unclear as to why this occurred. Additionally, we noted that there were significant delays in making corrections to the payments. The State should research these issues further as manual adjustments take considerable staff effort; the State should also consider these issues as it develops its new SACWIS system.

Residential Care Allocations: We were unable to determine the basis for the method the State currently uses to allocate costs between maintenance, administration, and social services. We have provided State staff with copies of the system that was developed in conjunction with the Regional Office many years ago; however, consideration should be given to updating and/or developing a new methodology in accordance with the Child Welfare Policy Manual, Section 8.3B.1, Question and Answer #1. We will continue to work with you on this issue.

## Disallowances

Based upon the results of the review, the State of Oregon has been determined to be in substantial compliance. No cases were determined ineligible for funding under title IV-E foster care; consequently, disallowances are not needed for ineligible cases. However, we are disallowing the following ineligible payment, as identified above:

<u>Sample #</u>	<u>FY</u>	<u>Amount</u>	<u>FMAP</u>	<u>FFP</u>
66	2002	\$402.39	59.20%	\$238