

October 22, 2004

Mary Ann Higgins
Regional Administrator
ACF Region II
26 Federal Plaza, Room 4114
New York, NY 10278

Dear Ms. Hggins:

Earlier this year we sent you a draft corrective action plan for Title IV-E. We also included corrective actions impacting IV-E in the Program Improvement Plan for CFSR. We are now submitting specific actions we have taken to ensure that any claims made by the Commonwealth of Puerto Rico under Title IV-E are made for eligible children.

We have conducted reviews of individual cases open for foster care services to determine eligibility under Title IV-A. Additionally, we have reviewed for IV-E eligibility factors such as initial court determination, placement in certified or licensed foster homes and timeframes for court reviews and timeliness of achievement of permanency goals.

ADSEF issued policy clarifying eligibility determination process including exemption of Social Security income and Child Support and establishing a higher resource limit up to \$10,000.00,

We have reviewed about 65% of the caseload. We expect to complete the reviews by November 30, 2004. We anticipate submitting claims for approximately 2,042 children for 2004. This number should increase to approximately 3,500 to 4,000 children for FY2005.

In a telephone conversation held last week with Region II program staff Junius Scott requested that we send you this letter explaining our actions and he indicated that this would serve as our final IV-E Program Improvement Plan.

Best Regards,

Carmen R. Nazario, Administrator



DEPARTMENT OF HEALTH & HUMAN SERVICES

Administration for
Children and Families

Region II
26 Federal Plaza, Rm 4114
New York, NY 10278

November 30, 2004

Honorable Yolanda Zayas, Secretary
Puerto Rico Department of the Family
Office of the Secretary
P.O Box 11398
Santurce, Puerto Rico 00910

Dear Secretary Zayas:

This is in response to a letter dated October 22, 2004 from Mrs. Carmen Nazario, Administrator, Administration for Families and Children (ADFAN) regarding Puerto Rico's title IV-E Program Improvement Plan (PIP). A PIP was determined necessary as a result of the Puerto Rico Initial Primary Title IV-E Foster Care Eligibility Review that was jointly-conducted by the Federal Administration for Children and Families (ACF) and ADFAN during the week of August 11, 2003. ADFAN had previously submitted a draft PIP which required revisions prior to its approval by the Regional Office. Subsequent to the first submission and Regional Office review of the PIP, it was agreed during an October 13, 2004 conference call between ACF and ADFAN that, in lieu of revisions to the first PIP submission, a letter containing sufficient detail as to the proposed corrective actions and those already taken, would suffice to constitute Puerto Rico's title IV-E PIP.

ACF finds that the documents included in the first submission along with the October 22, 2004 letter, serve to meet Federal requirements at 45 CFR §1356.71(i). In accordance with those requirements, the PIP: 1) is designed to correct the areas determined not to be in substantial compliance resulting from the findings of the initial primary eligibility review; 2) contains specific goals, either completed and/or planned, action steps required to correct those areas identified in the final report, and the date of completion of each action step; 3) was developed jointly with the ACF; and 4) does not extend beyond one year from the date of approval.

Based on the first and second submissions of the title IV-E PIP, the following goals will be met:

- All court orders and voluntary agreements will include "contrary to the welfare" language in the first court ruling that sanctions the removal from home.
- Judicial determinations will be made no later than 60 days from the day of the child's removal from home.
- All judicial determinations of "reasonable efforts" to finalize the permanency plan will be made within the 12-month timeframe.

- The Commonwealth will revise policies and procedures to ensure that eligibility is determined correctly with appropriate and complete documentation in all cases.
- All minors (100%) will be placed in licensed or certified foster homes.
- The Commonwealth will review 100% of foster care cases to ensure that all claims made under title IV-E will be made on behalf of eligible children.

Accordingly, this is to notify you of our approval of Puerto Rico's title IV-E PIP. The effective date of the PIP will be December 1st, 2004 through November 30, 2005, not to exceed one year. During the year that the PIP is in effect, the ACF Regional Office will monitor progress in implementing the PIP, through quarterly reports, which must be submitted to the Regional Office 30 days from the end of each quarter. The first quarter will begin December 1st, 2004 through March 1, 2005. While approval of the PIP does not ensure that Puerto Rico will be found in substantial compliance in future reviews, we believe that the implementation of the PIP will significantly improve the results of subsequent title IV-E reviews. In accordance with 45 CFR §1356.71(j)(2), a secondary title IV-E Review will be conducted following the completion of your title IV-E PIP. During the secondary review, a sample of 150 cases plus an over-sample of a minimum of 15 cases will be reviewed by the Federal-State team. The sample will be drawn from the most recent AFCARS submission using a probability sampling methodology. An alternate data source may not be substituted for the AFCARS for sample selection purposes.

We want to thank you and your staff for the diligent efforts in developing an approvable title IV-E Program Improvement Plan, and look forward to our continued partnership as Puerto Rico continues to improve its child welfare system to achieve better outcomes for children and families. Should you have any questions or need further clarification, please have your staff contact Maria A. Vazquez, Children and Families Program Specialist, at (212) 264-2890, extension 273 or Bill Meltzer, Family Services Financial Operations Specialist, at (212) 264-2890, extension 143.

Sincerely,

Mary Ann Higgins
Regional Administrator

Enclosure

Cc: Susan Orr, Children's Bureau
Paul Kiristz, Children's Bureau
Carmen Nazario, PR ADFAN
Janet Perea, PR ADFAN