

Children's Bureau Program Assessment for Child and Family Services Reviews and Title IV-E Foster Care Eligibility Reviews

History

The 1994 Amendments to the Social Security Act (SSA) authorize the U.S. Department of Health and Human Services (DHHS) to review State child and family service programs to ensure conformance with the requirements in titles IV-B and IV-E of the SSA. Traditionally, reviews have focused primarily on assessing State agencies' compliance with procedural requirements, as evidenced by case file documentation, rather than on the results of services and States' capacity to create positive outcomes for children and families. In addition, reviews have not provided States with opportunities for making improvements before penalties have been imposed.

On January 25, 2000, the DHHS published a final rule in the *Federal Register* to establish a new approach to monitoring State child welfare programs. Under the rule, which became effective March 25, 2000, States will be assessed for substantial conformity with certain Federal requirements for child protective, foster care, adoption, family preservation and family support, and independent living services. The Children's Bureau, part of the Administration for Children and Families (ACF) within DHHS, is administering the review system. The system comprises two review components: (1) child and family services reviews and (2) title IV-E foster care eligibility reviews.

Purpose

The child and family services reviews are an important tool that will enable the Children's Bureau to accomplish the following: (1) ensure conformity with Federal child welfare requirements; (2) determine what is actually happening to children and families as they are engaged in child welfare services; and (3) assist States to enhance their capacity to help children and families achieve positive outcomes.

Ultimately, the goal of the reviews is to help States to improve child welfare services and achieve the following outcomes for families and children who receive services:

Safety

- Children are, first and foremost, protected from abuse and neglect.
- Children are safely maintained in their homes whenever possible and appropriate.

Permanency

- Children have permanency and stability in their living situations.
- The continuity of family relationships and connections is preserved for children.

Family and Child Well-Being

- Families have enhanced capacity to provide for their children's needs.
- Children receive appropriate services to meet their educational needs.
- Children receive adequate services to meet their physical and mental health needs.

The Federal Government will conduct the reviews in partnership with State child welfare agency staff; peer consultants will supplement the Federal review team. The reviews are structured to help States identify strengths and areas for improvement within their agencies and programs.

The Review Process

Each child and family services review is a two-stage process that comprises a Statewide Assessment and an onsite review of child and family service outcomes and program systems. For the Statewide Assessment, the Children's Bureau prepares and transmits to the State the data profiles that contain aggregate data on the State's foster care and inhome service populations. The data profiles allow each State to compare certain safety and permanency data indicators with national standards determined by the Children's Bureau.

After the Statewide Assessment, an onsite review of the State child welfare program is conducted by a joint Federal-State team. The onsite portion of the review includes the following: (1) case record reviews; (2) interviews with children and families engaged in services; and (3) interviews with community stakeholders, such as the courts and community agencies, foster families, and caseworkers and service providers.

At the end of the onsite review, States determined not to have achieved substantial conformity in all the areas assessed will be required to develop and implement Program Improvement Plans addressing the areas of nonconformity. The Children's Bureau will support the States with technical assistance and monitor implementation of their plans.

States that do not achieve their required improvements successfully will sustain penalties as prescribed in the Federal regulations.

Title IV-E Foster Care Eligibility Reviews

The regulatory reviews of the foster care program focus on whether a child meets title IV-E eligibility requirements for foster care maintenance payments. Just as in the child and family services reviews, the review team comprises Federal and State representatives who examine cases for Federal eligibility requirements, such as the following:

- A court order confirming the need to remove the child from the home
- A court order confirming the State's reasonable efforts to preserve the family, when it is safe to do so, and to finalize a permanency plan
- A valid agreement for the child voluntarily placed in foster care and a court order authorizing continued placement
- Completed criminal background checks on prospective foster and adoptive parents
- Compliance with safety requirements for child-care institutions
- Licensed foster care providers

- Needs-based test to confirm the child's eligibility
- State responsibility for placement and care of the child

A payment disallowance is taken for all cases that fail to meet Federal eligibility requirements. If a State fails in more than a specific percentage of cases, it is considered not in substantial compliance with the Federal foster care program requirements. States that do not achieve substantial compliance will develop Program Improvement Plans; then a secondary review is conducted. After the secondary review, if the State is not in substantial compliance then, a larger disallowance is assessed on the basis of the State's total foster care population during the period under review.