

Tennessee Department of Children's Services
Division of Family and Children's Services
Title IV-E Program Improvement Plan
January 2010

During the review, the following areas were identified as areas that are in need of corrective action. All of these areas must be addressed in the PIP.

Issue 1. Judicial Determinations of Reasonable Efforts to Finalize a Permanency Plan.

One (1) error case had ineligible payments because the judicial requirement of "reasonable efforts to finalize a permanency plan" was not satisfactorily met. 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)(i) 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.

In order for a child to be eligible for title IV-E payments, there must be a judicial determination that reasonable efforts were made to finalize the child's permanency plan that is in effect. The permanency plan goal may be: reunification, adoption, legal guardianship, placement with a fit and willing relative, or another planned permanent living arrangement. The judicial determination that the agency has made reasonable efforts to finalize the permanency plan must be made no later than 12 months from the date on which the child is considered to have entered foster care and at least once every 12 months thereafter, while the child is in foster care.

A copy of the judicial determination must be maintained in each child's IV-E foster care eligibility file.

DCS's goal is to ensure that foster care maintenance payments are not claimed for cases in which "reasonable efforts to finalize a permanency plan" was not satisfactorily met within 12 months from the date on which the child was judicially removed and remains in foster care for 12 months or more.

In order to achieve this goal, DCS will take the following action steps:

1. The Department will complete quarterly mock IV-E reviews of 25% of unduplicated DCS resource home files along with the accompanying child, legal and child benefit files to determine compliance with Federal regulations.

2. Title IV-E eligibility materials will be developed and shared with all staff to emphasize the language for reasonable efforts to finalize the child's permanency plan requirement, and to convey the importance of the findings.
3. TN DCS will collaborate with the Court Improvement Program to collect sample permanency orders from sample county courts to assess whether these orders address federal requirements of reasonable efforts to finalize a permanency plan 12 months after the child was judicially removed and every 12 months thereafter as stated in the CFSR PIP.
4. The Eligibility Unit will review and verify that the required findings are in the court orders, contact counties if issues arise, and provide notification to appropriate Department staff to ensure the disbursement of payments from sources other than title IV-E until appropriate eligibility criteria have been established.

The evaluation of progress toward meeting this goal involves quarterly compliance reports or written corrective action plans derived from the quarterly reports

Issue 2. Court Documentation

In many cases, written court orders did not include the actual hearing date. These dates are critical in determining eligibility, as determinations must be made within specific timeframes.

As required in Section 472 of the Act and 45 CFR 1356.21(d) the judicial determinations regarding contrary to the welfare, reasonable efforts to prevent removal, and reasonable efforts to finalize the permanency plan in effect, including judicial determinations that reasonable efforts are not required, must be explicitly documented.

DCS's goal is to ensure that model court orders are used consistently throughout the state.

In order to achieve this goal, DCS will take the following action steps:

1. DCS will re-enforce the use of model court orders during monthly Regional General Counsel meetings.
2. DCS will train and re-enforce use of the model court orders through continuing legal education (CLE).
3. All field staff and field management staff will be informed of this issue to ensure corrective action.

The evaluation of progress toward meeting this goal involves DCS's use of feedback from quarterly IV-E reviews to document areas needing improvement and indicated corrective action.

Issue 3. Safety Requirements for Providers

The safety requirements for childcare institutions for direct care staff where the child was placed during the PUR had not been completed timely. The childcare institution was re-approved without receipt of criminal records checks on some of the staff. As required by 45 CFR 1356.30(f), in order for a child care institution to be eligible for title IV-E funding, the licensing file for the institution must contain documentation which verifies that safety considerations with respect to the staff of the institution have been addressed.

DCS's goal is to ensure that child care providers (resource homes), congregate care and residential institutions are in compliance with federal and state licensing requirements governing safety.

DCS and Private Provider Resource Home Eligibility-DRHET and RHET

In order to achieve this goal, DCS will take the following action steps:

1. Effective December, 2009, all safety information related to approval of a DCS resource home will be placed on a shared access drive that is maintained by regions. Once a home is initially approved, no placement is to occur until the Child Placement & Private Provider Division (CPPP) has reviewed the file for compliance with all safety and background checks.
2. CPPP staff will continue to maintain a data base of private provider resource home safety and background checks, a process that has been in place since May, 2007. Private providers approve their resource homes in accordance with DCS policy and then submit DCS and IV-E eligibility and safety documentation to CPPP for confirmation of compliance.
3. Each DCS region will be scheduled for a quarterly IV-E compliance review of 25% of the previous quarter's IV-E eligible files.
4. Any non compliance determined from CPPP reviews will be submitted to the Director of Finance and Program Support (OFPS) for reconciliation of funds. OFPS in turn, informs private providers of the Department's intent to recover funds paid in error.

Provider Congregate and Residential Direct Care Staff

1. State policy governing safety requirements will again be reviewed with all private providers during the May, 2010 quarterly provider meeting.
2. By April 15, 2010, the DCS Child Placement & Private Provider Division (CPPP) will draft, disseminate and discuss with providers, a protocol identifying safety check compliance requirements and penalties for non compliance.

3. By June 30, 2010, all private providers will be required to submit a current list of all direct care staff employed in their congregate and residential facilities.
4. Effective August 1, 2010, all private providers will be required to send monthly listings of all new and separated direct care staff.
5. Auditing for direct care safety requirements will be two-fold:
 - a. CPPP staff will conduct an initial targeted audit of safety documentation based on a randomly selected sample from the private provider spreadsheet. Any identified non compliance will trigger a full scale review of all direct care staff safety documentation for the provider in question.
 - b. Program Accountability Review (PAR) staff will continue to randomly monitor safety requirements for direct care staff through their annual audit process. Any identified non compliance issues will trigger a full scale review for that provider.
6. Any non compliance determined from CPPP reviews will be submitted to the Director of Finance and Program Support for reconciliation of funds. In turn, OFPS will inform the private provider leadership of the Department's intent to recover funds paid in error.

The evaluation of progress toward meeting this goal involves written records/lists on file supporting receipt from providers.