Texas Title IV-E Foster Care Eligibility Review (AFCARS Review Period April 1 to September 30, 2005)

Introduction

From May 15 to May 17, 2006, Administration for Children and Families (ACF) staff from the Central and Regional Offices and State of Texas staff conducted an eligibility review of Texas' title IV-E foster care program on site in Austin, Texas.

The purposes of the title IV-E foster care eligibility review were (1) to determine if Texas was in compliance with the child and provider eligibility requirements as outlined in 45 CFR §1356.71and §472 of the Social Security Act; and (2) to validate the basis of Texas' 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 Texas title IV-E foster care eligibility 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 April 1, 2005 to September 30, 2005. A computerized statistical sample of 100 cases was drawn from the Adoption and Foster Care Analysis and Reporting System (AFCARS) data submission, 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 childcare institution in which the child was placed was licensed or approved for the period under review.

During the primary review, 80 cases were reviewed. 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 Administration for Children and Families has determined Texas to be in substantial compliance.

One case was identified that contained payments that were claimed improperly. Although this case is not considered an "error case" for determining substantial compliance, the ineligible maintenance payments and any administrative costs associated with this case, which were made outside the period under review, are subject to disallowance. A disallowance in the amount of $113.00 in maintenance payments and $0.00 in associated administrative costs is assessed for these ineligible payments.

Case Record Summary

The following details the one non-error case with ineligible payments, the reason for the ineligibility, ineligible payments, and appropriate citations:

- Sample number 62: Although the child's removal date was outside the period under review, payments were made from the date of physical removal, rather than the date on which the judicial determinations of "contrary to the welfare" and "reasonable efforts to prevent removal" were made (42 USC §672 (a)(1); 45 CFR §1356.21(k)(2)).

The erroneous payments associated with the one non-error case were calculated as follows and include all payments claimed on behalf of the child for the period of the ineligibility.

Texas Maintenance Cost Disallowance
FY 2006 IV-E Eligibility Subsequent Primary Review (May 15-May 17, 2006)

Sample #	FFY	Total Main.	FMAP	FFP Main.	FFP Admin.	Total Disallow.
62	2004	$188.00	60.22%	$113.00	0	$113.00

Areas in Need of Improvement

- Although the Child Care Licensing Automated Support System (CLASS) is strong, some of the form templates used for licenses need to be updated. Some confusion arose as to which agency was the responsible licensing agency.
- One area needing improvement is child specificity in court orders. This is more related to best practice than to compliance. Best practice standards require court orders to "definitively articulate" that the court has made a child-specific determination regarding "reasonable efforts" or "contrary to the welfare" rulings. The Texas affidavits, on which the orders are largely based, were well-written and comprehensive. Some, but not all, court orders referenced the affidavits.
- Suggestions for improving practice in this area include incorporating into templates blanks for the child's specific circumstances; developing collaborations between State regional staff and the courts to train staff who prepare court documents on the importance of child specificity; and possibly collaborating with the Court Improvement Program (CIP) to train court personnel, who prepare individual court orders for judges' signatures, on the methods and importance of child specificity.
- Nuances of case recording that may be improved include clarity regarding information entered from the actual removal month and clarity regarding the child's removal from the specified relative, rather than merely "a relative".

Strengths and Model Practices

- The State's excellent compliance rate results from a consistently strong eligibility function which employs the expertise of specialized regionally based eligibility staff. Eligibility staff members are well trained and well supervised.

- The eligibility function for juvenile justice placements made under title IV-E agreements with the Texas Juvenile Probation Commission and the Texas Youth Commission is centralized to the State Office to facilitate consistency statewide.
- The State's web-based Statewide Automated Child Welfare Information System (SACWIS) accurately and efficiently processes information regarding initial AFDC eligibility and re-determinations.
- A definite improvement since the last Texas IV-E Eligibility Review is that Texas no longer issues "provisional" or "temporary" child care licenses.
- Excellent intrastate communication and collaboration were obvious during preparations for the on-site review and the review itself.
- Case records were complete and well organized.
- Court orders uniformly contained appropriate language regarding "contrary to the welfare", "reasonable efforts to prevent removal", "placement and care", and "reasonable efforts to finalize permanency plans".
- Court orders, as well as reviews, are timely and required more frequently by Texas statute than by federal regulation.

Disallowance

The review included a sample of 80 cases. The sample was drawn from a universe of cases that received at least one title IV-E foster care maintenance payment during the 6-month AFCARS period of April 1, 2005 to September 30, 2005. Based upon the results of the review, the State of Texas is determined to be in substantial compliance.

One non-error case was determined to include ineligible payments claimed outside of the period under review. Therefore, a disallowance in the amount of $113.00 in Federal Financial Participation (FFP) is assessed for the two days that this case was determined to be ineligible.