

**State of Utah**  
**Department of Human Services**  
**Primary Review**  
**Title IV-E Foster Care Eligibility**  
**Report of Findings for**  
**October 1, 2010 – March 31, 2011**

## **Introduction**

During the week of September 12, 2011, the Children's Bureau (CB) of the Administration for Children and Families (ACF) conducted a primary review of the State's title IV-E foster care program. The review was conducted in collaboration with the Utah Department of Human Services (DHS) and was completed by a review team comprised of representatives from DHS, CB Central and Region VIII staff, and ACF Regional Grants Management staff.

The purposes of the title IV-E foster care eligibility review were (1) to determine whether Utah's title IV-E foster care program was in compliance with eligibility requirements as outlined in 45 CFR §1356.71 and §472 of the Social Security Act (the Act); and (2) to validate the basis of Utah's financial claims to ensure that appropriate payments were made on behalf of eligible children.

## **Scope of the Review**

The primary review encompassed a sample of Utah's foster care cases that received a title IV-E maintenance payment during the six-month period under review (PUR) of October 1, 2010 through March 31, 2011. A computerized statistical sample of one-hundred (100) cases (eighty (80) cases plus twenty (20) over-sample cases) was drawn from State data submitted to the Adoption and Foster Care Analysis and Reporting System (AFCARS) for the above period. Eighty (80) cases were reviewed, seventy-three (73) cases were from the original eighty (80) case sample, and seven (7) cases from the over-sample. Prior to the onsite review, seven (7) cases from the original sample were eliminated after it was determined that title IV-E payments were not made during the PUR.

In accordance with Federal provisions at 45 CFR § 1356.71, the State was reviewed against the requirements of title IV-E of the Act and Federal regulations regarding:

- Judicial determinations regarding reasonable efforts and contrary to the welfare as set forth in §472(a)(2)(A) of the Act and 45 CFR §§1356.21(b)(1) and (2) and (c), respectively;
- Voluntary placement agreements as set forth in §§472(a)(2)(A) and (d)-(g) of the Act and 45 CFR §1356.22;
- Responsibility for placement and care vested with State agency as stipulated in §472(a)(2)(B) of the Act and 45 CFR §1356.7(d)(1)(iii);
- Eligibility for Aid to Families with Dependent Children (AFDC) under the State plan in effect July 16, 1996 as required by § 472 (a)(3) of the Act 45 CFR §1356.71(d)(1)(v);

- Placement in a licensed foster family home or childcare institution as defined in §§472(b) and (c) of the Act and 45 CFR §1355.20(a); and
- Safety requirements for the child's foster care placement as required at 45 CFR §1356.30.

The case file of each child in the selected sample was reviewed to verify title IV-E eligibility. The foster care provider's file also was examined to ensure that the foster family home or childcare institution where the child was placed during the PUR was licensed or approved and that safety requirements were appropriately documented. Payments made on behalf of each child also were reviewed to verify the expenditures were allowable under title IV-E and to identify underpayments that were eligible for claiming. A sample case was assigned an error rating when the child was not eligible on the date of activity in the PUR for which title IV-E maintenance was paid. A sample case was cited as non-error with ineligible payment when the child was not eligible on the activity date outside the PUR or the child was eligible in the PUR on the service date of an unallowable activity and title IV-E maintenance was paid for the unallowable activity. In addition, underpayments were identified for a sample case when an allowable title IV-E maintenance payment was not claimed by the State for an eligible child during the two-year filing period specified in 45 CFR §95.7, unless the title IV-E agency elected not to claim the payment or the filing period had expired. CB and the State agreed that the State would have two weeks following the onsite review to submit additional documentation for a case that during the onsite review was identified as in error, in undetermined status, or not in error but with ineligible payments.

### **Compliance Finding**

The review team determined that all eighty (80) cases met eligibility requirements for the PUR. There was one case identified as having an underpayment, where the State did not claim title IV-E reimbursement of \$18.36 for transportation costs for an eligible child during the PUR. Reimbursement for the underpayment may be claimed by filing an increasing adjustment on Form CB-496 within the 2-year limitation described in 45 CFR 95.7.

Initially two cases were determined to be in error for title IV-E foster care maintenance payments, including related administrative costs associated with the error cases. CB and the State agreed that the State would have two weeks following the onsite review to submit additional documentation for the cases during the onsite review that were identified as being in error. Based on review of the supplemental documentation, the improper payment finding for sample cases 14 and 62 were changed to non-error cases. Because no error cases were identified Utah DHS is found to be in substantial compliance for the PUR.

### **Strengths and Promising Practices**

The following positive practices and processes of the title IV-E foster care eligibility program were observed during the review. The approaches seem to have led to improved program performance and successful program operations.

### **Judicial Determinations**

Ongoing collaboration between DHS, Courts, and the Attorney General has resulted in judicial

determination improvements since the last review. The court orders reviewed were well organized and contained individualized information supported by court findings. Juvenile court proceedings are now recorded on CD or DVD and available to the Eligibility Unit (EU) to confirm eligibility information. The Court Improvement Program has supported continued interface between DHS and the court management information systems that have resulted in greater access and accuracy of title IV-E eligibility information.

#### Eligibility Processes

The EU has continued to develop as a professional team and is recognized within the Division of Child & Family Services (DCFS) as being an important partner in the child's case. As a result of the partnership, there is increased collaboration and sharing of information that assists the EU to obtain the detailed information necessary for accurate title IV-E eligibility. Program consistency is enhanced through combined training and quality assurance reviews between the EU and Divisions of Licensing (DOL) and Juvenile Justice Services. Quality assurance reviews include peer review, internal monitoring and annual audit through the State Auditors office. The EU uses a format that guides users through a sequential process to accurately determine eligibility. Access to the State's Electronic Resource and Eligibility Product system (eRep) enables the EU to access and verify timely eligibility information including birth certificates, benefits/earnings and other assets. The eREP system is used to determine eligibility and issue benefits for over 60 Federal and State programs.

#### Licensing

There has been continuous improvement in the partnership with DOL resulting in greater communication and responsiveness between organizations. The safety documentation process is easy to follow and all licensing records were complete and current. Sharing of key eligibility information has greatly improved since the DOL transition to DHS's SACWIS system (SAFE). SAFE is able to provide all staff with timely notice regarding changes occurring in the case.

#### Additional Observations

Eligibility staff noted that DHS has created a "culture of permanency" throughout the system as evidenced through more frequent case staffings and increased emphasis on family connections. Mandatory inter-disciplinary staffings are scheduled for all children within 24 hours of removal from their homes due to alleged neglect or abuse. The purpose of the inter-disciplinary staffing is to share information and expedite planning for children entering the child welfare system. Participants include: assistant attorney generals, guardian ad litem, mental and physical health providers and other agency staff. The State's continued strides to maximize the use of automation were cited as a key component to the successful administration of the title IV-E program.