

Wisconsin Program Improvement Plan (PIP) for Title IV-E Review

Department of Health and Family Services

Division of Children and Family Services

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Introduction

The federal IV-E review process is designed to test the accuracy of state determinations of Title IV-E eligibility determinations for children in out-of-home care and the ongoing reimbursability of maintenance or placement costs for the children and the associated child welfare program administrative costs.

The IV-E review process includes an initial review of cases for eligibility and reimbursability by a team of federal and state reviewers using the federal review instrument. Federal IV-E disallowances are assessed for all cases determined to have errors. If the number of error cases exceeds 10% of the cases sampled, then the state must implement a program improvement plan (PIP) and a secondary IV-E review is conducted following the end of the program improvement period. For the secondary review, if 1) the number of error cases exceeds 10% of the cases sampled and 2) the dollar amount of the disallowances exceeds 10% of the IV-E funds claimed for the sample cases, then the case disallowances will be used to extrapolate a federal financial penalty against the state.

The PIP for the IV-E review must address the specific issues that were associated with the errors identified in the review. The PIP must identify specific action strategies for improvement IV-E compliance for those issues and time frames for the state to complete program improvements.

Subsequent federal IV-E reviews will be conducted approximately every three years with the error tolerance level dropping to 5% for subsequent reviews.

State Contact Person

The Division of Children and Family Services (DCFS) is the unit within the Department of Health and Family Services (the Department) responsible for managing the IV-E program in Wisconsin. DCFS is the state IV-E agency in Wisconsin, which is primarily a state-supervised, county-operated system for delivering child welfare program services. DCFS directly operates child welfare services in Milwaukee County and the statewide Special Needs Adoption Program and supervises county agencies in the rest of the state.

Within DCFS, the Office of Policy, Evaluation and Planning has lead responsibility for developing the PIP for the IV-E review. Several units will be involved in implementation of the PIP. The Office will work closely with the Bureau of Programs and Policies, the Bureau of Milwaukee Child Welfare, Department Area Administration regional offices, county child welfare agencies and the Director of State Courts Office to implement the PIP and measure progress in achieving the goals outlined in the PIP.

The primary state contact person for the PIP is:

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Summary of Wisconsin IV-E Review Results

A total of 80 cases were reviewed the week of March 4, 2002 for the initial determination of IV-E eligibility, the ongoing IV-E reimbursability of the out-of-home care episode, and the licensing of the out-of-home care provider to receive IV-E reimbursable payments. The cases were selected at random by the federal government from data files submitted by the state with 43 cases from Milwaukee County and 37 cases from 21 other counties, including 5 cases that originated with counties but were with the state adoption program during the review period. One case from the original sample was replaced with a case from the over-sample because the child received SSI payments and no IV-E maintenance costs were claimed by the state for the child. Other cases initially selected as part of the over-sample were not examined during the IV-E review.

The period reviewed for the cases was April 1, 2001 through September 30, 2001. Most of the review concentrated on this six-month period, except that initial eligibility was examined back to the beginning of the out-of-home care episode. For some cases, the beginning of the episode dated back several years. The timing of the review period is significant because Wisconsin is the first state in the country to have the case sample drawn from a period after all the new federal Title IV-E requirements established by federal rule in 2000, such as the judicial finding of reasonable efforts to finalize the permanency plan, were fully effective in March 2001. Depending on the point that cases first entered out-of-home care, old federal rules regarding initial IV-E eligibility applied to some of the cases, but the new federal rules regarding ongoing IV-E reimbursability applied to all of the cases in the sample.

Of the 80 cases reviewed, 23 cases were determined to have a total of 29 errors relating to Title IV-E eligibility and reimbursability requirements. Eighteen cases had a single error and five cases had multiple errors. Specifically:

- Seven cases had errors relating to initial IV-E eligibility, including conversion of voluntary placements, contrary to the welfare finding or reasonable efforts to prevent removal finding.
- Sixteen cases had errors relating to ongoing reimbursability, including lapses in legal responsibility (i.e. CHIPS orders) and the new reasonable efforts to finalize the permanency plan (REPP) finding. The REPP finding was the largest source of errors in the IV-E review, with the format of the finding and the timing of the first REPP finding for cases resulting in errors.

- Three cases had licensing errors relating to gaps in licensing or expired licenses.

Federal disallowances were assessed for \$206,833 of Title IV-E maintenance and administration costs claimed by the state for the individual error cases. The federal disallowances were paid by making an adjustment to quarterly IV-E claim submitted by the state in April 2002.

Time Period for Program Improvement

Wisconsin must submit the PIP to the Administration for Children and Families (ACF) for approval by July 2002. Assuming there are no issues delaying federal approval, it is anticipated that the program improvement period will begin in August 2002 and continue for one year until August 2003. Wisconsin is already beginning to implement IV-E program improvement strategies, with most strategies scheduled for implementation by the Fall of 2002.

The time period for IV-E program improvement can be extended by ACF if state legislative approval is needed for statutory changes or administrative rules necessary to address IV-E compliance issues. Statutory changes are a key part of Wisconsin's PIP, so it is possible that the timing of legislative action may affect the duration of the program improvement period. This point is addressed in more detail later in the PIP.

Once the PIP has been approved, the state will submit quarterly progress reports to the ACF Chicago regional office. The progress reports will identify the extent of progress on program improvement strategies. Assuming the program improvement period starts in August 2002, the first progress report will be submitted in December 2002 for the period of August through November, or as otherwise agreed to by ACF regional office staff

Wisconsin anticipates that the review period for the secondary IV-E review will be no earlier than the 6-month period beginning October 1, 2003 through March 30, 2004. This period is the first full 6-month period for federal AFCARS reporting following the likely conclusion of the program improvement period in August 2003. Should the program improvement period be extended or other factors influence the timing of the secondary review, a later review period may be used for the secondary review.

Assuming the October 1, 2003 through March 30, 2004 period is used for the secondary review, the sample for the secondary review will be drawn from the AFCARS file submitted in May 2004. To have time to collect cases files and make arrangements for the secondary review, the state anticipates the secondary review taking place in late Summer or early Fall of 2004. The timing of the review period and on-site review for the secondary review will be determined at a later date working with the ACF regional office staff. These tentative dates are identified in the PIP primarily for state planning purposes.

Overall Program Improvement Strategies

Wisconsin is implementing several overall IV-E program improvement strategies. Among the overall program improvement strategies, state statutory changes and expansion of the centralized IV-E eligibility unit are major efforts that will significantly improve compliance with IV-E requirements and address many of the specific issues identified in the IV-E review. The statutory changes and centralized eligibility unit strategies were being pursued by DCFS prior to the IV-E review in March 2002 and have had strong support by the Department, the State Legislature and the Governor's Office.

Overall Improvement Strategy 1: Statutory Changes:

Statutory changes are an integral part of the program improvement approach to ensure there is clear direction to county circuit courts and child welfare agencies on the actions necessary for IV-E eligibility and reimbursability. A package of statutory changes to the Chapter 48, the Children's Code, and Chapter 938, the Juvenile Code, is currently pending with the Legislature as part of a state budget adjustment bill. These statutory changes will update Wisconsin statutes to reflect all of the new IV-E requirements in the recent federal rule.

The statutory changes were approved by the State Assembly and the State Senate as part of a budget adjustment bill. As of early July, the legislative budget conference committee reached agreement on a budget adjustment bill package that includes the statutory changes. It is expected that final action on the budget adjustment bill, including the statutory changes, will be completed by the two legislative houses during July 2002 and then the budget adjustment bill must be approved by the Governor. Assuming the statutory changes are approved, the changes will be effective upon signature of the bill by the Governor. Specific implementation strategies for the legislation are described later in the PIP.

In the event that the statutory changes are not adopted as part of the budget adjustment bill, DCFS will reintroduce the statutory changes in the next legislative session beginning in February 2003. The legislative session will run from February 2003 through May 2004, with several specific floor periods that bills can be acted on during the overall session. If necessary, some issues could be addressed through administrative rule although statutory changes are preferable to provide clear direction to courts and county agencies. The other issues can only be addressed through statutory changes. If administrative rules are pursued, the rules would require legislative approval by the Joint Committee on Administrative Rules during the same legislative session.

Overall Improvement Strategy 2: Centralized Eligibility Unit Expansion

As a county-operated child welfare system, Wisconsin has traditionally allowed counties to determine IV-E eligibility for their cases. To ensure consistency in making IV-E determinations, the state implemented a centralized eligibility unit (CEU) in fall of 2000 starting with a group of 20 counties. Participation in the CEU has grown to 34 counties by June 2002 with additional counties interested in beginning participation. The state will accelerate the pace of adding counties to the CEU, with the goal of having all 71 counties outside of Milwaukee (DCFS has done IV-E eligibility in Milwaukee since 1998) participating by January 2003.

Expansion of the CEU will include placing eligibility determination staff in regional offices to develop closer working relationships with county agencies. The schedule for putting CEU staff in regional offices will begin in July 2002 and is expected to be completed by January 2003, with the availability of space determining the timing for when the CEU can begin operating in each of the five regional offices.

As part of the CEU expansion, additional technical assistance will be provided to counties to ensure that local child welfare and court staff understand the requirements for court orders and other actions that are critical for IV-E purposes.

Expansion of the CEU will also include a more extensive quality assurance process to review the work done by individual eligibility specialists. The quality assurance results will be used to measure achievement of performance standards by the CEU.

The results of IV-E eligibility determinations will be closely monitored by DCFS to identify any problem issues or problem counties in the state. If issues or counties are identified as problems, technical assistance provided by the CEU will be targeted at these areas. As needed, individual counties will be directed to implement corrective action plans monitored by Department Area Administrative staff.

Overall Improvement Strategy 3 – IV-E Eligibility Policy

The Wisconsin handbook for IV-E eligibility and reimbursability was updated in Fall of 2001 and statewide training was provided to county agency staff. The handbook will be updated again and reissued in Fall 2002, to emphasize issues from the IV-E review, such as the REPP finding. Using the new technical assistance capacity of the expanded CEU, the handbook will be used with local agency staff to promote understanding of IV-E requirements and the format and timing for required actions.

A central point of contact in the Bureau of Programs and Policies will be responsible to respond to any eligibility question from the CEU or the county agencies and will make this information available to all parties responsible for IV-E eligibility. This will result in consistent application of IV-E requirements statewide.

Overall Improvement Strategy 4 - WiSACWIS Enhancements

Title IV-E eligibility determinations, redeterminations and information about income and assets are automated in Wisconsin's new SACWIS system called WiSACWIS. The IV-E review identified a need to make enhancements to the IV-E eligibility screens in the system to better show the effective period for IV-E determinations. In addition, listing key dates for IV-E eligibility purposes on the IV-E eligibility screens may help eligibility determination staff and child welfare workers to be more aware of the IV-E "clock" for eligibility and reimbursability purposes.

DCFS is beginning a process of system business requirements analysis to identify specific enhancements that could be pursued and the estimated cost of making system changes. These enhancements analysis will be conducted during Summer 2002 with specific enhancements identified by Fall 2002. Depending on the availability of staff resources to work on the system changes, the enhancements will hopefully be put into production by the beginning of calendar year 2003

Specific Issues That Must be Addressed in PIP

The state was notified of the IV-E review results on April 8, 2002 in a letter from Joyce Thomas, the Midwest Hub Director for the Administration for Children and Families. The April 8, 2002 letter identified the following items associated with IV-E errors that must be addressed in the PIP:

- Reasonable efforts to finalize the permanency plan
- Contrary to the welfare finding
- Foster parent licensing issues
- Voluntary placements beyond 180 days
- Placement and care responsibility
- AFDC relatedness requirements

Reasonable Efforts to Finalize Permanency Plans

Background: The requirement for an annual judicial finding of reasonable efforts to finalize the permanency plan (REPP) was established by federal rule that implemented provisions of the Adoption and Safe Families Act (ASFA). The new federal IV-E rule was effective in March 2000. The REPP finding must be made no later than 12 months after the child enters out-of-home care and at least every 12 months thereafter. All cases of children in out-of-home care needed an initial REPP finding by March 2001.

The REPP finding accounted for largest source of IV-E errors for Wisconsin, including errors related to the format for the REPP finding, the timing of the REPP finding, and the process for making REPP findings for children going through termination of parental rights (TPR) proceedings and awaiting adoption. Specifically:

- New model court forms were issued in June 2001 in response to the new federal rules to provide a specific format for courts to make the REPP finding. In most of the REPP error cases, the last annual court review of the case going into the IV-E review period of April 1, 2001 through September 30, 2001 occurred prior to the new court forms being in wide use. These cases processed by the county agency for court review in late 2000 or early 2001 using old court forms lacked a specific REPP finding, although the courts did review the permanency plan as part of the annual review.
- Since the cycle for annual court reviews in Wisconsin is currently statutorily based on the anniversary date of the initial dispositional order, there is the potential for REPP findings to not be linked with the anniversary date of when the child entered care. Annual extensions of dispositional orders can be delayed, thus the effective date of the REPP finding can be delayed until the court hearing is held. These factors can result in periods of more than 12 months for the initial REPP finding or between subsequent REPP findings.
- For children going through TPR and awaiting adoption, the normal cycle of annual court reviews can change with the TPR date becoming the reference date for future court reviews. The transition these cases go through can result in periods of more than 12 months between the last REPP finding pre-TPR and the next REPP finding post-TPR while the children are awaiting adoption.
- The language of the REPP finding is also important, with the finding having to specifically state that the permanency plan is being finalized, effectuated, achieved, or similar words. It is not sufficient to show that the permanency plan was simply reviewed by the court.

GOAL: The judicial determination of reasonable efforts to finalize the permanency plan will be made timely using the proper format for all children in out-of-home care.

REPP Action Step 1 - Statutory Changes

Current Wisconsin law does not provide a specific statutory basis for courts to make the REPP finding. While model court forms are helpful to ensure that the REPP findings are made, state statutory provisions are needed to indicate how and when REPP findings must be made by courts. These statutory changes will establish the specific statutory basis for agencies to request and courts to make REPP findings, including establishing the date of removal from the home as the reference point for court action on cases. The statutory basis will lead to improved consistency and timeliness in making REPP findings.

To implement the statutory changes, DCFS will work with the Director of State Courts Office and the Wisconsin Court Improvement Program to further update model court forms and educate judges and other court staff regarding the format and timing for making the REPP finding. County agencies will be directed to implement the statutory changes through the DCFS Numbered Memo process and training will be provided to county agency staff. .

Time Frame: As noted previously, timing of the statutory changes is uncertain. Revised court forms will be developed and issued after the statutory changes take effect. The education efforts for court staff will be coordinated with the Director of State Court's Office and the county staff training efforts will be coordinated with the Wisconsin child welfare training partnerships. More definite time frames will be provided in the first PIP progress report.

REPP Action Step 2: Six Month Reviews

In Milwaukee County, which accounts for more than half of the IV-E eligible caseload, DCFS will use court commissioners to make REPP findings as part of the 6-month permanency plan reviews in addition to the judicial finding in the annual court review of the permanency plan. Making REPP findings in Milwaukee County at the 6 month reviews will ensure that there are no REPP "gaps" should there be delays in annual court reviews of cases.

This step has already been implemented by the Bureau of Milwaukee Child Welfare working with the Milwaukee County Children's Court. The court commissioners have been authorized by the court to approve permanency plans. The process will be monitored to ensure that the REPP findings meet the IV-E requirements.

Time Frame: This step is already in process.

REPP Action Step 3 - TPR Orders:

The court forms used for termination of parental rights (TPR's) will be modified to provide a format for making a REPP finding as part of the order. Making the REPP finding part of the TPR order will ensure that REPP gaps does not occur while children are going through the TPR process.

This step will be implemented by working with the Director of State Courts Office and the Wisconsin Court Improvement Program to issue a revised model court form for TPR orders. The forms will be distributed to county courts and county child welfare agencies and communication will be done with court and county staff regarding the use of the revised form. The state adoption program staff will work with county agencies and courts to ensure that REPP findings are made appropriately in TPR orders.

Time Frame: This step will begin in Summer 2002 and more specific time frames will be provided in the first PIP progress report.

Contrary to the Welfare Finding

Background: Under the new federal IV-E rules, the contrary to welfare (CTW) finding must be made by the court in the first order authorizing the removal of the child from the home. In Wisconsin, the CTW finding is typically made in the Temporary Physical Custody (TPC) order or the dispositional order. The IV-E errors for Wisconsin occurred in cases that the CTW finding was not made in the first court order authorizing removal, or the CTW finding was not made for a youth who initially went into secure detention and subsequently was placed in out-of-home care

GOAL: For all children entering out-of-home care, the first court order sanctioning the child's removal from the home will contain an appropriate CTW finding.

CTW Action Step 1: Educate Court Staff and Attorneys

DCFS will work with the Director of State Courts office and the Wisconsin Court Improvement Program to educate court staff of the importance of making CTW findings for a child in the first court order. DCFS will also work with District Attorney and Corporation Counsel offices across the state given that these attorneys often prepare the orders signed by the court. These efforts will be coordinated with the release of updated court forms reflecting the pending statutory changes.

Time Frame: This step will begin in Fall 2002 and more specific time frames will be provided in the first PIP progress report.

CTW Action Step 2: Technical Assistance to County Agencies

DCFS will educate county agency staff about avoiding problems with CTW findings through the numbered memo process and updating the DCFS IV-E eligibility handbook. Individualized technical assistance will be provided by CEU staff to counties where CTW findings are a problem.

Time Frame: The written materials will be distributed by Fall 2002. The technical assistance will begin as the CEU is expanded to regional offices over the period of July 2002 through January 2003.

Reasonable Efforts to Prevent Removal

Background: Under the new federal rules, the reasonable efforts to prevent removal (RE) finding must be made within 60 days of the removal date. In Wisconsin, the RE finding is typically made in the temporary physical custody (TPC) order or the dispositional order. In situations where the hearing for the dispositional order is delayed and a TPC order is not issued, there is potential that the RE finding will not be made with the 60-day time frame.

GOAL: For all children entering out-of-home care, the reasonable efforts to prevent removal finding will be made within 60 days of the removal date.

RE Action Step 1: Statutory Changes

The pending legislative package includes statutory changes requiring that RE findings be made for all cases within the 60-day time frame. These changes will ensure that RE findings are made timely in cases where the initial disposition is delayed.

The implementation and timing for this action step will be coordinated with REPP Action Step 1 described earlier in the PIP.

RE Action Step 2: Educating Court Staff and Attorneys

DCFS will work with the Director of State Courts Office and the Wisconsin Court Improvement Program to educate court staff, of the importance of making RE findings in a timely manner. DCFS will also work with District Attorney and Corporation Counsel offices across the state given that these attorneys often prepare the orders signed by the court. These efforts will be coordinated with the release of updated court forms reflecting the pending statutory changes.

Time Frame: This step will begin in Fall 2002 and more specific time frames will be provided in the first PIP progress report

RE Action Step 3: Technical Assistance to County Agencies

DCFS will educate county agency staff about avoiding problems with RE findings through the numbered memo process and updating the DCFS IV-E eligibility handbook. Individualized technical assistance will be provided by CEU staff to counties where RE findings are a problem.

Time Frame: The written materials will be distributed by Fall 2002. The technical assistance will begin as the CEU is expanded to regional offices over the period of July 2002 through January 2003.

Foster Parent Licensing

Background: Foster parent and other provider licenses must be in effect during the entire period that a child is placed in the foster home or facility for the placement to be reimbursable. In Wisconsin, foster parent licenses are issued for a period of up to two years with license renewals being on a two-year cycle.

The IV-E errors cases for Wisconsin occurred in cases where there was a gap in the renewal of the foster parent license or the license expired, with the result that during the IV-E review period there were months that children were in placements where the provider's license was not in effect. In some cases, the child was reunified and the provider's license was not renewed based on the expected ending of the placement which took longer than expected. In other cases, the license was not renewed properly with a gap between the end date of the prior license and the start date of the new license.

GOAL: All children placed in out-of-home care will reside in licensed homes or facilities with the provider's license in effect for the full duration of the placement.

Licensing Action Step 1: Monitoring Licensing Rule Compliance

Child welfare agencies will be instructed through DCFS numbered memo to pay particular attention to the effective periods for licenses to avoid licensing gaps or extend licenses as necessary until placements end. Area Administrative staff in the balance of state and Bureau of Milwaukee Child Welfare program evaluation monitoring staff in Milwaukee will do monitoring of child welfare agency licensing files to ensure compliance with the updated licensing rules, completeness of licensing file documentation and ensure that providers with children in placements have licenses that are currently in effect.

Time Frame: The DCFS numbered memo will be issued by September 2002. Licensing monitoring activities are already in process in Milwaukee and the Area Administrative staff monitoring efforts will begin in late Fall 2002 after the memo is issued. A more specific monitoring schedule will be identified in the first PIP progress report.

Licensing Action Step 2: Review Licensing at Redetermination

Foster parent licenses are documented in the WiSACWIS system, which is currently being implemented statewide. The WiSACWIS information shows the effective dates of licenses. Through the IV-E redetermination process done by the centralized eligibility unit (CEU) statewide and the Milwaukee eligibility unit, the licensing dates in the system will be checked to ensure the provider is properly licensed for the entire period of the placement and to ensure that license renewal activities are underway for those providers whose license is due to expire soon.

Note: The extent that WiSACWIS licensing information is used will increase as additional counties come up on the system through the Summer of 2004. Currently about two-thirds of out-of-home care cases statewide are being managed in WiSACWIS.

In addition, complete licensing files will be reviewed for selected cases as part of the redetermination process as a check on the quality of licensing information in WiSACWIS and to sample the licensing records from counties that are not yet using WiSACWIS.

Time Frame: The review of licensing information as part of the redetermination process will start in Fall 2002 and be fully integrated by January 2003. The sampling of licensing case files will begin by January 2003.

Voluntary Placement Cases Beyond 180 Days

Background: Out-of-home care placements can begin as voluntary placement agreements (VPAs), but a judicial finding must be made that continued placement is in the child's best interest within 180 days for the child to remain reimbursable. The Wisconsin error cases involved situations where the judicial finding to continue the placement was made after 180 days.

GOAL: All children entering out-of-home care through a voluntary placement will have a judicial finding regarding the child's best interest within 180 days of the voluntary placement.

VPA Action Step 1: Monitoring Agency Compliance

Local agencies will be instructed through DCFS numbered memo to pay particular attention to the 180-day time frame. Technical assistance will be provided by CEU staff and monitoring conducted by Area Administrative staff with selected counties that make more extensive use of VPAs to ensure compliance.

Note: The use of VPAs is currently limited in Milwaukee County, with the one Milwaukee VPA error being for a case that entered voluntary placement in 1996 prior to DCFS managing child welfare services in Milwaukee.

Time Frame: DCFS will develop reports to measure the use of VPAs by Fall 2002 and use those reports to begin technical assistance and monitoring activities in late Fall 2002.

VPA Action Step 2: Review at Redetermination

As IV-E redeterminations are completed, current cases that originated as VPAs will be carefully reviewed to ensure that the conversion of the case to court-ordered occurred within the 180-day time frame. This step will be taken by the CEU statewide and the Milwaukee eligibility unit.

Time frame: This step will be initiated in Fall 2002 as the reports are developed.

Agency Responsibility for Placement and Care

Background: The child welfare agency must have continuous responsibility for the placement and care of children for children to remain IV-E reimbursable. The IV-E errors in Wisconsin resulted in situations where reunification efforts had not been completed at the time that the court order giving the agencies responsibility for the children expired, resulting in the children remaining in placement with no order in effect. While agency responsibility can be re-established if there are lapses in agency responsibility, the process of re-establishing responsibility can result in the child losing IV-E eligibility from that point forward

GOAL: The child welfare agency will have continuous legal responsibility for all children in out-of-home care for the full duration of the placements.

Agency Responsibility Action Step 1: Statutory Changes

The pending statutory changes will have a major impact on the effective period for court orders that give agencies legal responsibility for placements. The legislation includes elimination of the current state requirement for annual extensions of dispositional orders to retain legal responsibility. The change will allow agencies to be given responsibility for care and placement for periods longer than one year, and this change will allow orders to be structured so that legal responsibility does not expire prior to children leaving placements. The change will significantly reduce the potential for lapses in legal responsibility.

Once the statutory changes are enacted, DCFS will work with county agencies and courts to implement the changes regarding legal responsibility as cases come up for review. The statutory changes will ensure that legal responsibility for care and placement does not lapse if there are delays in annual court review of cases.

The implementation and timing for this action step will be coordinated with REPP Action Step 1 described earlier in the PIP.

Agency Responsibility Action Step 2: Educating Court Staff and Attorneys

DCFS will work with the Director of State Courts Office and the Wisconsin Court Improvement Program to educate court staff regarding how the time period for legal responsibility should be reflected in court orders issued under the new statutory language. DCFS will also work with District Attorney and Corporation Counsel offices across the state given that these attorneys often prepare the orders signed by the court. These efforts will be coordinated with the release of updated court forms reflecting the pending statutory changes.

Time Frame: This step will begin in Fall 2002 and more specific time frames will be provided in the first PIP progress report

Agency Responsibility Action Step 3: Educating County Agency Staff

Training on the new legislation will be provided to county agencies by DCFS working with the Wisconsin child welfare training partnerships. DCFS will also educate county agency staff about avoiding problems with legal responsibility through the numbered memo process and updating the DCFS IV-E eligibility handbook. Individualized technical assistance will be provided by CEU staff to counties where legal responsibility lapses are a problem.

Time Frame: The training will be coordinated with the overall effort to implement the statutory changes. The written materials will be distributed by Fall 2002. The technical assistance will begin as the CEU is expanded to regional offices over the period of July 2002 through January 2003.

AFDC Relatedness Requirements

Background: The requirements for IV-E eligibility include identifying the parent or other specified relative as the “reference” person for determining that the family unit meets AFDC program income and deprivation requirements. In determining the reference person, it must be shown that the child resided with the parent or relative within the six months prior to the removal date. If the child has not lived with the parent or relative for more than six months, then the child is not considered to be removed from the home when taken into care. The Wisconsin error case involved a situation where the child did not live with the specified relative within six months of the removal, so the AFDC relatedness determination for that relative was in error.

GOAL: For all children for whom Title IV-E eligibility is determined, the appropriate specified relative will be identified to accurately apply the AFDC relatedness requirement for IV-E eligibility.

Relatedness Action Step 1: Centralized Eligibility Unit Expansion

As described earlier in the PIP, Wisconsin is expanding the use of the centralized eligibility unit (CEU) to do IV-E eligibility determinations. The relatedness error case was from a small county that was not participating in the CEU at the time and the case involved a complex aspect of IV-E eligibility policy. The higher level of IV-E expertise in the CEU will ensure that children determined IV-E eligible meet all of the eligibility requirements

The time frame for expanding the CEU is described earlier in the PIP.

State Comment on Verifying AFDC Relatedness

While not specifically identified as an issue requiring action by the state, the April 8, 2002 federal letter on the IV-E review noted that Wisconsin uses public assistance determinations for Medicaid and other benefit programs to document that families meet the AFDC relatedness criteria. Documentation of eligibility for AFDC-related Medicaid is obtained from the MMIS/EDS system that tracks Medicaid recipients by eligibility category and from the CARES system that documents eligibility for Medicaid, TANF, Food Stamps and Child Care. The accuracy of Medicaid eligibility determinations is regularly validated through a Medicaid eligibility quality assurance process that is approved by the U.S. Department of Health and Family Services. Food Stamp determinations are also regularly validated through a quality assurance process approved by the U.S. Department of Agriculture. These quality assurance efforts ensure that financial information about families in the CARES system is accurate.

As pointed out by Wisconsin in the entrance conference for the IV-E review, the families of the children in the cases sampled for the IV-E review almost always have a history of receiving some form of public assistance at the time children are removed from the home. Since families by definition must meet AFDC relatedness criteria for a child to be IV-E eligible, such families are the primary target population for public assistance programs. Since the IV-E review only looks at those cases of children who are IV-E eligible and reimbursable, the review did not look at cases which would have shown Wisconsin's efforts to document income for other children who were ultimately found not IV-E eligible. Other sources of income information are used extensively for cases where the families do not have a record of receiving public assistance.

To more fully document the income information used for making IV-E determinations, DCFS will make expanded use of the screens in CARES that document family income and composition. DCFS is also pursuing access to the state Unemployment Insurance Wage Record system as an additional source of income information.

State Technical Assistance Needs

Wisconsin will pursue the following forms of technical assistance during the program improvement period to improve compliance with IV-E requirements. Technical assistance will be coordinated through the ACF regional office in Chicago and the Children's Bureau in Washington D.C.

1. Reasonable Efforts to Finalize Permanency Plan

Wisconsin was the first state reviewed for full compliance with the requirement for annual REPP findings. The results of the Wisconsin IV-E review indicate a need for more guidance about the format for the REPP finding and the specific types of language that are acceptable for IV-E review purposes.

DCFS will work with national resource centers as necessary to assist in the preparation of instructions to local agencies and updates to model court forms. This assistance should not require on-site visits by resource center staff. As these materials are completed, DCFS will request that the Children's Bureau review the materials to ensure that the format and language used are sufficient for Wisconsin to be in compliance with the REPP requirement for the secondary IV-E reviews in 2004 and subsequent IV-E reviews.

DCFS will request that staff from the Children's Bureau participate in one or more meetings with state staff to provide technical assistance regarding the REPP requirement and other IV-E program requirements. Since the federal expectations for the type of documentation necessary for the REPP finding are critical to the IV-E review process, direct technical assistance from federal staff is essential to state efforts to improve IV-E compliance.

Wisconsin understands that national level discussions are being held by the Children's Bureau to develop more federal policy direction regarding the format and substance of the REPP finding. As the national policy effort proceeds, Wisconsin staff would like to have opportunities to directly participate in those discussions.

2. Education for Court Staff on IV-E Requirements

DCFS will work with the Wisconsin Court Improvement Program to request technical assistance from the National Resource Center on Legal and Judicial Issues to develop reference materials and training curriculum for court staff to improve understanding of Title IV-E requirements. The technical assistance request will be processed through the ACF regional office, with the timing related to the implementation of the pending state statutory changes. State staff will also contact other organizations to identify materials that can be adapted for use in Wisconsin.