

**West Virginia Department of Health and Human Resources
Division of IV-E Finance
Title IV-E Foster Care
Program Improvement Plan**

Goals	Action Steps	Activity Start Date	Estimated Date of Completion	Lead Person Responsible	Description of Progress
<p>1 - Issue # 1 is the basis for this goal and addresses the department's responsibility to ensure AFDC eligibility is determined correctly in all IV-E initial eligibility determinations completed consistent with 45 CFR1356.71(d)(1)(v)</p>	<p>A. Conduct monthly training sessions either in person or by teleconference with IV-E staff on issues found during QA reviews of the AFDC eligibility requirements as contained in the WV income maintenance manual of 1996.</p>	6/27/2011	Ongoing	IV-E Program Managers and HHR Program Specialist, Seniors	
	<p>B. Conduct quarterly group training sessions with IV-E staff to review and discuss the progress made on correct AFDC eligibility determination and what action needs taken to correct deficiencies.</p>	7/1/2011	Ongoing	IV-E Program Managers and HHR Program Specialist, Seniors	
	<p>C. Perform QA on 100% of the cases looking for clear evidence of AFDC eligibility. Upon identification, the federal share of ineligible payments will be accounted for on the Retro/Recon process and IV-E claiming will be discontinued.</p>	7/1/2011	Ongoing	IV-E Specialist Staff	
<p>2 - Issue #2 is the basis for this goal and addresses the departments responsibility to ensure that all payments claimed for Title IV-E Reimbursement are allowable expenditures consistent with 45CFR1356.60(a)(1)(i) and 475(4) of the Act</p>	<p>A. Work in collaboration with appropriate state SACWIS (FACTS) staff and BCF Policy Staff, as needed, to ensure adequate financial edits are in place to prevent payments for ineligible children or unallowable program costs.</p>	11/1/2011	Ongoing	WV Bureau for Children and Families Chief Financial Officer	
	<p>B. Work in collaboration with appropriate state SACWIS (FACTS) staff and BCF Policy Staff to review and revise applicable policy, as needed, to clearly define what may be appropriately claimed under IV-E.</p>	11/1/2011	Ongoing	WV Bureau for Children and Families Chief Financial Officer	

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<p>3 - Issue #3 and Issue #4 of the West Virginia's Title IV-E Foster Care Eligibility Report of Findings is the basis for this goal which is to ensure: (1) that judicial determinations contain the necessary language in court orders specifying whether or not the Department has made reasonable efforts to finalize the permanency plan in effect within 12 months from the date the child is considered to have entered foster care, and every 12 months thereafter; and (2) that when a court ruling sanctions the removal of the child and the child is subsequently allowed to remain in the same home that the court authorize the delayed physical removal and specifies the alternative timeframe for physical removal in the court ruling. Circuit Judges will be provided educational opportunities to enhance their understanding of the Title IV-E requirements that must be met and documented in court orders. The educational opportunities will be developed through collaboration with the state CIP.</p>	<p>A. Request the West Virginia Supreme Court of Appeals Administrative Office work in collaboration with the Department through the Court Improvement Program to develop and issue a memorandum and a copy of the ACF report to all WV Circuit Court Judges. The memorandum should emphasize that issues #3 and #4, in part, speak to court actions that affect the state's ability to collect Federal IV-E funding for an otherwise IV-E eligible child. Legal reference for Issue #3 is cited in Section 472 (a)(2)(A) of the Social Security Act and further codified in 45 CFR 1365.21 (b)(2) regarding reasonable efforts to finalize a permanency plan; Legal reference for Issue #4 is cited in Section (472(a)(1) of the Social Security Act and further codified in 45 CFR 1365.21 (k)(2) regarding a valid removal of a child from the parent or another specified relative.</p>	11/1/2011	2/1/2012	Niki Tennis, Supreme Court Administrative Office and Doug Robinson, BCF	
	<p>B. Request the West Virginia Supreme Court of Appeals Administrative Office work in collaboration with the Department through the Court Improvement Program to continue developing and implementing statewide procedures and training to address the judicial responsibilities in regard to issues #3 and #4 of the report. Specific emphasis should be placed on the importance of timely judicial determinations of reasonable efforts to finalize the permanency plan, contrary to the welfare, reasonable efforts to prevent removal and physical and constructive removals without delay as specified in the report and in the legal cites referenced above.</p>	11/1/2011	Ongoing	Niki Tennis, Supreme Court Administrative Office and Doug Robinson, BCF	
	<p>C. BCF will provide to each Circuit Court Judge and to the WV State Supreme Court of Appeals Administrative Office on a quarterly basis a copy of all Title IV-E non-compliant court orders.</p>	11/1/2011	Ongoing	Niki Tennis, Supreme Court Administrative Office and Doug Robinson, BCF	

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<p>4 - Issue #3 and Issue #4 of the West Virginia's Title IV-E Foster Care Eligibility Report of Findings is the basis for this goal which is to ensure: (1) that judicial determinations contain the necessary language in court orders specifying whether or not the Department has made reasonable efforts to finalize the permanency plan in effect within 12 months from the date the child is considered to have entered foster care, and every 12 months thereafter; and (2) that when a court ruling sanctions the removal of the child and the child is subsequently allowed to remain in the same home that the court authorize the delayed physical removal and specifies the alternative timeframe for physical removal in the court ruling. This goal is to make prosecutors statewide aware of the legal issues in the report and to provide a way for prosecutors to be notified of trainings developed through the CIP that address the IV-E requirements.</p>	<p>A. Request the West Virginia Prosecuting Attorney's Institute work in collaboration with the Department through the Court Improvement Program to develop and issue a memorandum and a copy of the ACF report to all WV Prosecutors. The memorandum should emphasize that issues #3 and #4, in part, speak to court actions that affect the state's ability to collect Federal IV-E funding for an otherwise IV-E eligible child. Legal reference for Issue #3 is cited in Section 472 (a)(2)(A) of the Social Security Act and further codified in 45 CFR 1365.21 (b)(2) regarding reasonable efforts to finalize a permanency plan; Legal reference for Issue #4 is cited in Section (472(a)(1) of the Social Security Act and further codified in 45 CFR 1365.21 (k)(2) regarding a valid removal of a child from the parent or another specified relative.</p>	11/1/2011	2/1/2012	Phil Morrison, WV Prosecuting Attorney's Institute and Doug Robinson, BCF	
	<p>B. Request the West Virginia Prosecuting Attorney's Institute work in collaboration with the Department through the Court Improvement Program to inform/notify prosecutors of available trainings to address the judicial responsibilities in regard to issues #3 and #4 of the report. Specific emphasis should be placed on the importance of timely judicial determinations of reasonable efforts to finalize the permanency plan, contrary to the welfare, reasonable efforts to prevent removal and physical and constructive removals without delay as specified in the report and in the legal cites referenced above.</p>	11/1/2011	Ongoing	Phil Morrison, WV Prosecuting Attorney's Institute and Doug Robinson, BCF	

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<p>5 - Issue #3 and Issue #4 of the West Virginia's Title IV-E Foster Care Eligibility Report of Findings is the basis for this goal which is to ensure: (1) IV-E eligibility staff will review all court orders to verify the court has made a finding that the WV agency has made reasonable effort to finalize the permanency plan consistent with 45 CFR 1356.21(b)(2); and (2) IV-E eligibility staff will review all court orders to verify the court has made a finding that the WV agency has made a judicial determination that results in the child's removal from the home and coincides with the agency's actions to physically remove the child from the home, unless there is authorization to delay the removal consistent with 45 CFR 12356.219(b)(2). This goal is to make all regional DHHR attorneys aware of the legal issues in the report and to provide a way for the attorneys to be notified of trainings developed through the CIP that address the IV-E requirements.</p>	<p>A. The Commissioner for BCF will develop and issue a memorandum and a copy of the ACF report to all Regional DHHR Attorneys. The memorandum should emphasize that issues #3 and #4, in part, speak to court actions that affect the state's ability to collect Federal IV-E funding for an otherwise IV-E eligible child. Legal reference for Issue #3 is cited in Section 472 (a)(2)(A) of the Social Security Act and further codified in 45 CFR 1365.21 (b)(2) regarding reasonable efforts to finalize a permanency plan; Legal reference for Issue #4 is cited in Section (472(a)(1) of the Social Security Act and further codified in 45 CFR 1365.21 (k)(2) regarding a valid removal of a child from the parent or another specified relative.</p>	11/1/2011	2/1/2012	Jason Najmulski, Commissioner, WVDHHR Bureau for Children and Families	
	<p>B. The Commissioner of BCF will work in collaboration with the with the Court Improvement Program to inform/notify all regional DHHR attorneys of available trainings to address the judicial responsibilities in regard to issues #3 and #4 of the report. Specific emphasis should be placed on the importance of timely judicial determinations of reasonable efforts to finalize the permanency plan, contrary to the welfare, reasonable efforts to prevent removal and physical and constructive removals without delay as specified in the report and in the legal cites referenced above.</p>	11/1/2011	Ongoing	Niki Tennis, Supreme Court Administrative Office and Jason Najmulski, Commissioner, WVDHHR Bureau for Children and Families	

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<p>6 - Issue #3 and Issue #4 of the West Virginia's Title IV-E Foster Care Eligibility Report of Findings is the basis for this goal which is to ensure: (1) IV-E eligibility staff will review all court orders to verify the court has made a finding that the WV agency has made reasonable effort to finalize the permanency plan consistent with 45 CFR 1356.21(b)(2); and (2) IV-E eligibility staff will review all court orders to verify the court has made a finding that the WV agency has made a judicial determination that results in the child's removal from the home and coincides with the agency's actions to physically remove the child from the home, unless there is authorization to delay the removal consistent with 45 CFR12356.219(b)(2).</p>	<p>A. Conduct monthly training sessions either in person or by teleconference with IV-E staff on issues found during QA reviews regarding acceptable court order language that meets the REFPP requirement and verification of the judicial determination that results in the child's removal from the home and coincides with the agency's actions to physically remove the child from the home, unless there is authorization to delay the removal.</p>	1/1/2012	Ongoing	Program Managers	
	<p>B. IV-E eligibility staff will make a determination of Eligible/Not Reimbursable in WVSACWIS to discontinue FFP for IV-E eligibility redeterminations requiring but lacking clear court order stipulations of "Reasonable Efforts to Finalize the Permanency Plan"</p>	7/1/2011	Ongoing	IV-E Specialist Staff	
	<p>C. For cases lacking clear evidence of a valid removal, IV-E eligibility staff will make an initial determination of Not Eligible in WVSACWIS or in a case redetermination, discontinue FFP in WVSACWIS.</p>	7/1/2011	Ongoing	IV-E Staff	
	<p>D. Perform QA on 100% of the cases to ensure compliance with the judicial requirements. Upon identification, the federal share of ineligible payments will be accounted for on the Retro/Recon process and IV-E claiming will be discontinued.</p>	7/1/2011	Ongoing	IV-E Staff	
<p>7. Review and evaluate the the payment process to identify the cause of underpayments. Develop process to ensure appropriate mazimum of IV-E FFP.</p>	<p>A. Identify stragies to prevent underpayments and work in collaboration with appropriate state SACWIS (FACTS) staff and BCF Finance, as needed, to ensure adequate financial edits are in place to prevent underpayments for eligible children or allowable program costs.</p>	7/1/2011	Ongoing	WV Bureau for Children and Families Chief Financial Officer	