WYOMING TITLE IV-E
SECONDARY FOSTER CARE ELIGIBILITY REVIEW

I. INTRODUCTION

During the week of February 26 through March 2, 2007, the Administration for Children and Families' (ACF) staff from Region VIII and from Central Office along with staff from the State of Wyoming conducted a title IV-E Foster Care Eligibility Review of Wyoming's title IV-E foster care program in Cheyenne.

The purposes of the title IV-E Foster Care Eligibility Review are:

1. To determine if Wyoming was in compliance with the child eligibility and provider qualification requirements as outlined in 45 CFR 1356.71 and Section 472 of the Social Security Act; and
2. To validate the basis of Wyoming's financial claims to assure that appropriate payments were made on behalf of eligible children placed in qualified homes and institutions.

This secondary review was conducted because of the findings of the primary review that was completed during the week of June 21, 2004- June 25, 2004. As a result of the 2004 review, Wyoming was determined not to be in substantial compliance with the title IV-E Foster Care Eligibility Review requirements for the period under review (PUR). As required, Wyoming submitted a Program Improvement Plan (PIP) to correct the areas where deficiencies were noted. The State submitted regular reports of progress of the improvements made.

II. SCOPE OF THE REVIEW

The Wyoming title IV-E Foster Care Eligibility Review encompassed a sample of all the title IV-E foster care cases that received a foster care maintenance payment during the period of April 1, 2006 to September 30, 2006. An automated statistical sample of 150 cases plus a 10% over sample of 15 cases was drawn from the Adoption and Foster Care Analysis and Reporting System (AFCARS) data, which was transmitted by the State agency to the Administration for Children and Families (ACF). Each child's case file was reviewed for the determination of title IV-E eligibility and each provider's file was reviewed to ensure that the foster home in which the child was placed was licensed for the period of the review.

Initially, the review results determined two (2) cases to be in error for either part or all of the review period. After further review of the Wyoming's appeal of Sample Case WY #73 to the DAB (NO. A-07-103) by Central Office and the Regional Office, it has been determined that Sample Case WY # 73 is not an error.

While it may have been more appropriate for the court to rule that reasonable efforts were not required to prevent removal due to the absence of the parents, we have determined that the court's finding that reasonable efforts were made to locate the parents was sufficient.

However, we want to advise the State that court order language for reasonable efforts to prevent a child's removal from the home must speak to the efforts made to maintain the family unit and prevent the unnecessary removal of a child from his/her home. Therefore, we encourage the State to continue collaboration with the Children's Justice Project to ensure that this language is reflected in future court orders to ensure IV-E compliance.

The review results determined one (1) case to be in error for either part or all of the review period for reasons that are identified in the Case Record Summary section of this report. Since the number of error cases and the dollar error rate did not exceed the error threshold of 10%, Wyoming is considered to be in substantial compliance.

The review team was made up of twenty three individuals: ACF Regional Office Staff included: Gloria Montgomery, Marilyn Kennerson, Eric Busch, Kevin Gomez and Janet Motz. Eileen West and Mark Jazo represented the ACF Central Office. Henry Darrington, David Timmerman and Maryellen Nold participated on the federal team as peer reviewers. The State team members included: Glennda Lacey, Ellen Sevall, Linda Bostron, Pauline Carpenter, Maureen Clifton, Matt Frey, Rose Fry, John Hudson, Jona Jimeno, Richard Linson, Kay Reed, Ellen Rutledge and Sandy Stokes.

III. CASE RECORD SUMMARY

The following details the specific information on the two error cases, reasons for the errors, erroneous dollars, and appropriate citations:

Error Case

Sample# WY0S11
County- Rock Springs
Error- Foster care provider was not licensed during placement and the child was placed with a foster care provider who was not fully licensed during the period from 07/12/06-07/31/06. 7/12/06-7/31/06.
Erroneous dollars(disallowance)- ($226.00)
Adjusted Administrative Cost Disallowance- ($508.00)
Citation: Section 472(c) (1) & (2) of the Social Security Act - Foster care payments are made for care of children in foster family homes, private child care institutions or public child care institutions accommodating no more than 25 children, which are licensed by the State in which they are situated or have been approved by the agency in such State having the responsibility for licensing or approving foster family homes or child care institutions.
Citation: 45 CFR 1356.71 (d)(1)(iv)
(d) Requirements subject to review. States will be reviewed against the requirements of title IV-E of the Act regarding:
(1) The eligibility of the children on whose behalf the foster care maintenance payments are made (section 472(a)(1)-(4) of the Act) to include:
(i)Judicial determinations regarding "reasonable efforts"and "contrary to the welfare" in accordance with 1356.21(b)and (c), respectively;

(ii)Voluntary placement agreements in accordance with 1356.22;
(iv) Placement in a licensed foster family home or child care institution;…

Practice: Practices should be reviewed regarding lapses in foster home licensure.

The total disallowance associated with the error case is $734.

IV. UNDERPAYMENTS

An under payment will be considered to have occurred when a title IV-E maintenance payment or administrative cost is not made, but may be made, for an allowable title IV-E activity or a period of eligibility. Underpayments identified as the result of the review may be claimed subsequently by a State filing an increasing adjustment on its Form IVE-1 in the next quarter, but no later that 2 years after the calendar quarter in which the State agency made the expenditure(45 CFR 95.7).

The following cases have underpayments identified:

Case 1
Sample #: WY136
IV-E eligible for entire placement. IV-E payments were not claimed for the period 11/5/02- 12/3/02. The State cannot claim any amount for this case since the time has exceeded two years. **($0)**

Case 2
Sample#: **WY121**
IV-E eligible for entire placement. IV-E payments were not claimed for the period 6/2/06-6/30/06. Underpayment in the amount of **($217)** of FFP and administrative costs of **($508).**

Case 3
Sample#: WY146
IV-E eligible for entire placement. IV-E payments were not claimed for the period 7/1/06-9/30/06. Underpayment in the amount of **($1,266.)** of FFP and administrative costs of **($1,525)**.

Case 4
Sample#: WY43
IV-E eligible for entire placement. IV-E payments were not claimed for the period 8/1/06-8/31/06. Underpayment in the amount of **($360)** of FFP and administrative costs of **($508).**

Case 5
Sample#: WY60
IV-E eligible for entire placement. IV-E payments were not claimed for the period 12/1/05-2/28/06. Underpayment in the amount of **($813)** of FFP and administrative costs of **($1,525)**.

Case 6
Sample#: WY118
IV-E eligible for entire placement. IV-E payments were not claimed for the period 9/1/04-9/30/04. Underpayment in the amount of ($ **199)** of FFP and administrative costs of (**$463)**.

Case 7
Sample#: WY0S6
IV-E eligible for entire placement. IV-E payments were not claimed for the period 1/19/06-1/31/06. Underpayment in the amount of (**$553)** of FFP and administrative costs (**$0).**

The underpayments total is (7,937).

V. OVERPAYMENTS

Case 1
Sample#: WY49
No judicial finding that reasonable efforts were made to finalize the permanency plan. IV-E payments claimed for period 4/1/01-2/28/06.
An overpayment in the amount of (**$12,364) of FFP** and (**$4,403)** of administrative costs.

Case 2
Sample# WY81
There is no contrary to the welfare judicial finding until 1/26/05. IV-E payment was claimed for the period 12/6/04-12/31/04 resulting in an overpayment.
An overpayment in the amount of (**$182) of FFP** and (**$486**) of administrative costs.

Case 3
Sample# WY50
The Permanency hearing due 10/05/05 did not occur until 12/05 resulting in an ineligible payment for the period 11/1/05-11/30/05.
An overpayment in the amount of (**$271) of FFP** and (**$486)** of administrative costs.

Case 4
Sample# WY54
IV-E payments were claimed prior to timely judicial findings related to reasonable efforts to prevent removal on 3/3/04. Ineligible IV-E payments were claimed for the periods 1/26/04-1/31/04 and 2/1/04-2/29/04. An overpayment in the amount of (**$275) of FFP** and (**$463)** of administrative costs.

Case 5
Sample#: WY102

Foster care provider not certified until 6/28/05. Ineligible for IV-E claimed for period 2/11/05-2/27/05 and 6/1/05- 6/30/05. Since the certification covered eligibility for the period of 6/1/05-6/30/05, an overpayment was made for the period of 2/11/05-2/28/05. An overpayment in the amount of **($139) of FFP** and **($486)** of administrative costs.

THE TOTAL AMOUNT OF DISALLOWANCE FOR ALL IMPROPER PAYMENTS IS ($20,290).

SUMMARY OF ISSUES
STATE OF WYOMING
TITLE IV-E WLIGIBILITY REVIEW

VI. CHALLENGES AND RECOMMENDATIONS

- Develop State contractual agreements and procedures governing licensing of foster care providers by child placement agencies and contractors that provide documentation that coincides with IV-E eligibility requirements. This will ensure that licensing documentation is readily available to the State for future federal reviews.

- State should continue to work closely with the Children's Justice Project and ensure the following is done with regard to court orders:

  - Usage of new model court orders by those who write the Court Orders to ensure proper findings get in the orders as outlined in the following Federal requirements:

    1. **reasonable efforts to prevent removal/ reunify**
    Citation: 45 CFR 1356.21(b)(1)(i)

    (i)When a child is removed from his/her home, the judicial determination as to whether reasonable efforts were made, or were not required to prevent the removal, must be made no later than 60 days from the date the child is removed from the home.

    2. **reasonable efforts to achieve permanency**
    Citation: 45 CFR 1356.21(b)(2)((i)

    (i)The State agency must obtain a judicial determination that it has made reasonable efforts to finalize the permanency plan that is in effect within twelve months of the date the child is considered to have entered foster care… and at lease once every twelve months thereafter while the child is in foster care.

  - court orders should also have the following documentation:
    - correct dates of entry into foster care and
    - date of court hearing.

- Training workers on completing 605 form correctly and completely.

- Training of juvenile delinquent staff on IV-E requirements for juveniles placed in foster care placement.

- Consent decrees need to include a judicial finding to meet IV-E requirements if the State is to claim federal funds.

- Systems of record need to recognize partial months of eligibility and ineligibility.

- Therapeutic providers should submit IV-E claims more timely to avoid the appearance of underpayments and overpayments.

- Language in narrative should be standardized to fullest extent possible and used in a consistent manner throughout the State.

- Upgrading the State's WYCAPS system to incorporate new technology to scan court reports and improve quality control.

- To the maximum extent possible incorporate IV-E processes within the State's SACWIS system.

VII. STRENGTHS AND MODEL PRACTICES

- Centralization of the IV-E program throughout the State has brought about numerous improvements in IV-E program.

- IV-E team has a good understanding of IV-E regulations.

- Payment histories are clear and easy to understand.

- The narrative section in the IV-E file is an excellent tool, which provides information for reviewers to understand case history.

- The State's IV-E workers participation in cross-state reviews was a valuable key to Wyoming's IV-E improvements.

- Hearings and reviews are held more frequently.

- A clear eligibility process is in place. The re-determination process is clear and staff use diligence in consistently applying eligibility standards.