

State of Wyoming
Primary Review
Title IV-E Foster Care Eligibility
Report of Findings for
April 1, 2009 – September 30, 2009

Introduction

During the week of March 29, 2010, the Children’s Bureau (CB) of the Administration for Children and Families (ACF) conducted a primary review of Wyoming’s title IV-E foster care program. The review was conducted in collaboration with the State of Wyoming Department of Family Services and was completed by a review team comprised of representatives from the Wyoming Department of Family Services, CB Central and Regional Offices, and the ACF Regional Financial Specialists.

The purposes of the title IV-E foster care eligibility review were (1) to determine whether Wyoming Department of Family Services’ title IV-E foster care program was in compliance with the 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 the State’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 the State’s foster care cases that received a title IV-E maintenance payment during the 6-month period under review (PUR) of April 1, 2009 – September 30, 2009. A computerized statistical sample of 80 cases (plus 10% oversample cases) was drawn from State data submitted to the Adoption and Foster Care Analysis and Reporting System (AFCARS) for the above period. Two cases were excluded from the original sample and one case was excluded from the oversample because no title IV-E foster care maintenance payment was made during the PUR. The State provided documentation to support excluding these cases from the review sample and replacing them with cases from the oversample.

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 §1356.71(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 and 45 CFR §1356.71(d)(1)(v);

- Placement in a licensed foster family home or child care 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 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 that 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.

Compliance Finding

The review team determined that all of the 80 cases in the sample met eligibility requirements and there were no errors during the PUR. One (1) non-error case was ineligible for Federal funding for inappropriately claiming title IV-E maintenance payments for a period of time outside the PUR. Accordingly, Federal funds claimed for title IV-E foster care maintenance payments associated with the non-error case with ineligible payments are being disallowed. Because the number of cases in error is fewer than four (4), the Wyoming Department of Family Services is found to be in substantial compliance for the PUR.

Case Summary

The following chart records the non-error case with ineligible payments and Federal provisions for which the State did not meet the compliance mandates.

Non-Error Case with Ineligible Payments

Sample #	Improper Payment & Ineligibility Period	Improper Payments (FFP)
WY #52	Foster care maintenance payment was made in March; all eligibility requirements were not met until April. [472(a) of the ACT; 45 CFR 1356.21(c) Ineligible: 03/27/09–03/31/09	\$104 – Total Maintenance FMAP .562 \$58 – FFP Maintenance Total Disallowance - \$58

Areas in Need of Improvement

The findings of this review indicate that the State needs to further develop and implement procedures to improve program performance in the following areas.

Issue: Court Order Language regarding Reasonable Efforts to Prevent Removal. In 36 cases identified, particularly in Laramie County, there was a lack of clarity and specificity in the finding addressing efforts the Agency had made to prevent removal from the home. Also, because of the wording and structure of the court order the findings easily were misinterpreted. Furthermore, the court orders were one-size-fits-all and did not give the appearance that the court reviewed on a case-by-case basis because it used the same language in the order for every child regardless of the circumstances surrounding the removal. Although a decision was made to accept the court findings in the cases in question for this review, the State must make efforts to improve the quality of court orders in child placement cases. In addition to the concerns about the content of the findings, it also became apparent during the team's discussion onsite about the Natrona County cases that there was confusion among State staff regarding the distinction in the "reasonable efforts to prevent removal" requirement for children placed in foster care before March 27, 2000, and for children placed in foster care on or after this date.

Title IV-E Requirement: Consistent with the Federal provisions at 45 CFR 1356.21(c), when a child is removed from his/her home through a court order, there must be a judicial determination as to whether reasonable efforts were made or were not required to prevent the removal and the determination must be made no later than 60 days from the date the child is removed from the home. The "reasonable efforts to prevent removal" judicial finding is required for children who are removed and placed in foster care on or after March 27, 2000. In specific instances where the removal and foster care placement occurred before March 27, 2000, a judicial determination that "reasonable efforts were made to reunify" the child and family after removal also can satisfy the "reasonable efforts to prevent removal" requirement.

Recommended Corrective Action: It is recommended that the State undertake corrective actions to ensure that the judicial determinations regarding reasonable efforts to maintain the family unit are child-specific, explicit, and reflective of the case facts and the Agency's involvement with the family. Addressing these concerns will require the Wyoming Department of Family Services, the Wyoming courts, and Wyoming law enforcement to work closely together to coordinate their respective roles in the removal process. We further advise the State to continue its efforts to educate the judiciary about issuing court orders that accurately and clearly document judicial findings. The Wyoming Court Improvement Program may be a good vehicle for this training effort.

Strengths and Promising Practices

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

Centralized Eligibility Unit: The State has centralized the determination of title IV-E eligibility in a specialized unit. These determinations previously were performed by case workers in field offices. The findings of previous reviews demonstrated that title IV-E determinations were not always consistently completed by field staff. The State agency centralized eligibility unit was put into place to manage the eligibility determination process by overseeing the tracking and monitoring of the title IV-E eligibility determination, documenting compliance, and conducting quality assurance activities. The centralization of the eligibility determination function has facilitated training on title IV-E eligibility requirements for caseworkers and licensing workers and a tracking system for eligibility events used by the unit. This enables staff in the unit to work with field offices, courts, the State licensing agency, and State agency fiscal officials to assure required actions and supporting paperwork are completed timely and that title IV-E claims are submitted only for those cases meeting all applicable requirements. It appears that these efforts were instrumental in reducing the number and proportion of title IV-E claims for cases not documented as meeting the eligibility criteria. It also permits more accurate and consistent application of policy, as well as timely issue and emerging trend identification and problem-solving. The work of the centralized eligibility unit has been a key component in enhancing the development and availability of documentation supporting title IV-E eligibility.

Automated Data System Interfaces: Wyoming has improved its process for determining title IV-E eligibility through the development and implementation of an automated data system which facilitates timely eligibility decisions and tracks eligibility throughout the foster care episode. The system is able to interface electronically with other State agencies such as the Department of Labor and the Department of Revenue to obtain information pertinent in determining financial need and deprivation for AFDC eligibility. These electronic system interfaces, when committed to the database of Wyoming's Statewide Automated Child Welfare Information System, eliminate duplicative data collection efforts by staff and increase the authenticity of data used for eligibility determinations.

Additional Observations

There is evidence that the improvements the State made of establishing the Permanency Unit and collaborating with the District Attorney to closely monitor oversight of the regularity of the permanency hearings has increased the effectiveness of the State's efforts and the progress made toward achieving permanency for children under the State's placement and care authority.

Next Steps

As part of the State's ongoing efforts to improve its title IV-E foster care eligibility determination process, CB recommends Wyoming examine identified program deficiencies and develop measurable, sustainable strategies that target the root cause of problems hindering the State from operating an accurate foster care eligibility program. Technical assistance is available through the Regional Office to assist the State in taking appropriate corrective action to achieve compliance with Federal laws and regulations.