

**Final Report
State of Montana
Title IV-E Foster Care Eligibility
Primary Review**

**Report of Findings for
April 1, 2017 - September 30, 2017**

Introduction

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 title IV-E foster care review (IV-E Review) was conducted during the week of June 11, 2018, in collaboration with the state of Montana's Department of Public Health and Human Services and was completed by a review team comprised of representatives from the state title IV-E agency, CB Central and Regional Offices, ACF Regional Grants Management office and cross-state peer reviewers.

Key purposes of the title IV-E review were (1) to determine whether the Montana Department of Public Health and Human Services' title IV-E foster care program is 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 the state's financial claims to ensure appropriate payments are made on behalf of eligible children.

Scope of the Review

The IV-E Review encompasses a sample of the state's foster care cases in which a title IV-E maintenance payment is claimed for an activity that occurs in the six-month period under review (PUR) of April 1, 2017 - September 30, 2017. A computerized statistical sample of 100 cases (80 cases plus 20 oversample cases) was drawn from data the state submitted to the Adoption and Foster Care Analysis and Reporting System (AFCARS) for the above period. Eighty (80) cases were reviewed, which consisted of seventy-seven (76) cases from the original sample plus four (4) oversample cases. The four (4) cases in the original sample were replaced because no title IV-E payment was made for a period of activity during the PUR.

In accordance with federal provisions at 45 CFR 1356.71, the state is reviewed against 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) and (c), respectively; 2
- Voluntary placement agreements as set forth in §§472 (a)(2)(A)(i) and (d)-(g) of the Act and 45 CFR §1356.22;
- Responsibility for placement and care vested with the 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 1356.71(d)(1)(iv); and

- Safety requirements for the child's foster care placement as required at §472(a)(20)(A) of the Act and 45 CFR §1356.30.

The case record of each child in the selected sample is reviewed to verify title IV-E eligibility. The foster care provider's record also is looked at to ensure the foster family home or childcare institution where the child resided during the PUR is fully licensed and meets safety requirements. Payments made on behalf of each child also are reviewed to verify expenditures are properly claimed under title IV-E and to identify underpayments eligible for claiming. A sample case is assigned an error rating when the child is not eligible on the date of activity in the PUR for which title IV-E maintenance is claimed. A sample case is cited as non-error with ineligible payment when the child is not eligible on the activity date outside the PUR or the child is eligible in the PUR on the date of an unallowable activity and title IV-E maintenance is claimed for the unallowable activity in either situation. In addition, underpayments are identified for a sample case when the state unintentionally has not claimed an allowable title IV-E maintenance payment for an eligible child within the 2 year filing period specified in 45 CFR §95.7 and the filing period has not expired.

Compliance Finding

The review team has determined that all of the 80 sample cases have met all eligibility requirements for the PUR. There also were no cases with underpayments or non-error cases with ineligible payments.

The Children's Bureau has determined the Montana Department of Public Health and Human Services' Title IV-E foster care program is in substantial compliance for the PUR. Since the state is in substantial compliance, a secondary review of 150 sample cases is not required. The next primary review will be held in three years.

Program Strength and Promising Practices

Since 2000, the state of Montana has met substantial compliance in all IV-E Reviews with two or fewer error cases, except in 2013 in which it was in non-substantial compliance and underwent a program improvement plan to strengthen deficient areas. During the current on-site review, it was noted the agency has maintained practices that lead to positive outcomes pertaining to judicial findings, eligibility determinations and proper claiming of federal reimbursements. Judicial findings of contrary to welfare and reasonable efforts were determined early in the case before the federally-mandated timelines. A strong working relationship and good communication between eligibility specialists and case workers was evident throughout the review process and well documented in the eligibility files. Additionally, Montana has worked towards improving statewide uniformity in maintaining its IV-E records and improving consistency with monitoring background checks for residential facilities.

The following positive practices and processes of the state's title IV-E program were observed during the IV-E Review. These approaches have continued to improve program performance.

Automated Data System Interface:

Montana continues its timely effort for determining title IV-E eligibility by use of CHIMES (Combined Health Care Information and Montana Eligibility System), which tracks timely eligibility decisions and tracks eligibility throughout the child's foster care episode. The system is able to electronically communicate with other state agency systems to obtain information pertinent in determining financial need and deprivation for AFDC eligibility. The CHIMES also can electronically send requests for and receive transmissions of criminal record checks from

state and federal law enforcement agencies. Eligibility staff use information from the CHIMES' screens to help make the title IV-E eligibility determinations. The CHIMES configuration is the agency's safeguard for ensuring payment accuracy and sharing of information with other child welfare professionals during the life of the case.

Clear and Accurate Eligibility Determinations:

Montana's eligibility determination process accurately captures and documents relevant income, resource and deprivation information of the home of removal for the month the voluntary placement agreement is signed or court proceedings are initiated that lead to the judicial removal, as required for title IV-E eligibility. Per the 2015 report, materials documenting title IV-E eligibility determinations were thorough and readily available for the IV-E Review. The state's strong practice in eligibility determinations is due, in part, to systemic and procedural improvements made following recommendations in prior title IV-E Reviews. For example, per the 2015 report, Montana has centralized its determination of title IV-E eligibility into a specialized unit that works with field offices, tribes, courts, state licensing agency and state fiscal officials to help assure required actions and supporting paperwork is completed timely.

Judicial Determinations:

The state electronically tracks court hearings through a process that scans paper copies of court documents into an electronic version and the system tracks subsequent court dates based on the scanned history. Court orders documenting judicial determinations of contrary to welfare and reasonable efforts to prevent removal were notably improved since the last review in which there were general concerns about the quality of the court orders for children. The review team in the current IV-E Review found that court orders in most jurisdictions included the requisite judicial findings that were child specific and more detailed. The state should continue its collaborative effort with the CIP, to ensure ongoing quality child-specific findings statewide.

Next Steps:

As part of the state's ongoing efforts to improve its title IV-E foster care eligibility determination process, the Children's Bureau encourages Montana to continue its efforts to improve overall program performance in determining eligibility and processing financial claims for federal reimbursement. The Children's Bureau Region 8 staff is available to assist the state in obtaining support available through our national network of training and technical assistance centers to help the state address issues and concerns raised during this IV-E Review.