

**Final Report**  
**State of Ohio**  
**Primary Review**  
**Title IV-E Foster Care Eligibility**  
**Report of Findings for**  
**October 1, 2018 – March 31, 2019**

## Introduction

The Children’s Bureau of the Administration for Children and Families (ACF) conducted a primary review of the Ohio title IV-E foster care program. The title IV-E foster care review (IV-E Review) was conducted during the week of November 4, 2019, in collaboration with Ohio and was completed by a review team comprised of representatives from Ohio’s Department of Job and Family Services (ODJFS), the Children’s Bureau’s Central and Regional offices and the ACF Regional Grants Management Office.

Key purposes of the IV-E Review are (1) to determine whether Ohio’s 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 encompassed a sample of the state’s foster care cases in which a title IV-E maintenance payment was claimed for an activity that occurred in the six-month period under review (PUR) of October 1, 2018 – March 31, 2019. 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 73 cases from the original sample plus 7 oversample cases. Seven cases were excluded from the original sample because no title IV-E foster care maintenance payment was made for a period of activity that occurred 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 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;
- 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 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 §471(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 child care 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 payments 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.

The Children's Bureau and Ohio agreed the state would have two weeks following the onsite review to submit additional documentation for a case that during the onsite review was identified as in error, in "undetermined" status, or not in error but with ineligible payments. Supplemental documentation submitted by the state for sample cases 15, 21, 42, and 74 supported changing the improper payment findings to non-error.

## Compliance Finding

The review team has determined 73 of the 80 sample cases have met all eligibility requirements (i.e., are deemed non-error cases) for the PUR. Seven (7) cases have been determined as being in error for not meeting eligibility requirements for a period that includes the PUR. Four (4) non-error cases meet eligibility requirements for the PUR but are found to have periods in the foster care episode for which title IV-E maintenance payments are improperly claimed.

The Children's Bureau has determined the Ohio title IV-E foster care program is not in substantial compliance with federal eligibility requirements for the PUR. Non-substantial compliance in a primary IV-E Review means the total number of error cases is five or more cases. Additional findings for non-error cases with ineligible payments are not considered in determining the state's review results of non-substantial compliance with federal requirements.

## Case Summary

The following charts record the error cases and non-error cases with ineligible payments, reasons for improper payments; improper payment amounts; and federal provisions for which the state did not meet compliance mandates. Calculation of improper payments is based on the federal financial participation (FFP) rates of maintenance payments at the state's Federal Medical Assistance Percentages (FMAP) for applicable year(s) for each sample case.

**Error Cases:**

Sample Number	Improper Payment Reason & Ineligibility Period October 1, 2018 – March 31, 2019	Improper Payment (FFP)
25	<p>Safety requirements for caregiving staff of child care institution not met. Maintenance payments were made during the PUR for the child's placement in a child care institution that did not have the required background clearances. [§471(a)(20) of the Act and 45 CFR §1356.30(f)]</p> <p>Ineligible: 03/24/2019 to 04/03/2019.</p>	<p>\$1,069 Maint. \$0 Admin.</p>
37	<p>Judicial determination of reasonable efforts to finalize permanency plan not met timely. Maintenance payments were made during the PUR for when the court had not made the finding of reasonable efforts to finalize the permanency plan between 04/2017 and 06/2019. [§472(a)(2)(A)(ii) of the Act; 45 CFR §1356.21(b)(2)]</p> <p>Ineligible: 05/01/2017- 05/31/2019</p>	<p>\$9,152 Maint. \$35,121 Admin.</p>
39	<p>Judicial determination of reasonable efforts to prevent removal was not made for the period during the PUR for which foster care maintenance payments were made. [45 CFR §1356.60(a)(1)(i) and 45 CFR §1356.21(b)(1)]</p> <p>Ineligible: Entire Foster Care Episode Reported Disallowance Period: 11/01/2018-11/01/2018</p>	<p>\$63 Maint. \$0 Admin.</p>
44	<p>Safety requirements for caregiving staff of child care institution not met. Maintenance payments were made during the PUR for the child's placement in a child care institution that did not have the required background clearances for staff. [§471(a)(20) of the Act and 45 CFR §1356.30(f)]</p> <p>Ineligible: 06/18/2018-03/12/2019</p>	<p>\$58,286 Maint. \$11,910 Admin.</p>
66	<p>Removal from judicial determination and living with requirements not met by the same specified relative. Child lived with the grandmother for 11 years prior to being judicially removed from his parent. AFDC and contrary to the welfare determinations were made on the mother with whom the child had not lived for many years. [472(a)(1) and (3) of the Act and 45 CFR §1356.21(l)]</p> <p>Ineligible: Entire foster care episode Reported Disallowance Period: 07/11/2018-01/7/2019</p>	<p>\$37,618 Maint. \$8,899 Admin.</p>
67	<p>Safety requirements for caregiving staff of child care institution not met. Maintenance payments were made during the PUR for the child's placement in a child care institution that did not have the required background clearances for staff. [§471(a)(20) of the Act and 45 CFR §1356.30(f)]</p> <p>Ineligible: 05/22/2018-10/24/2018 and 12/03/2018-12/14/2018</p>	<p>\$42,284 Maint. \$7,348 Admin.</p>

<b>Sample Number</b>	<b>Improper Payment Reason &amp; Ineligibility Period October 1, 2018 – March 31, 2019</b>	<b>Improper Payment (FFP)</b>
68	Invalid removal. Removal did not coincide with the judicial order. Judicial order required child to be removed 11/2/2018; the child was not removed until 11/27/2018. [45 CFR 1356.21(k)(2)]  Ineligible: Entire foster care episode Reported Disallowance Period: 11/2/18 – 9/30/2019	\$5,221 Maint. \$15,055 Admin.

**Error Cases - Total Maintenance FFP: \$153,693**  
**Error Cases - Total Administrative FFP: \$78,333**  
**Total Error Cases: \$232,026**

**Non-error Cases with Ineligible Payments**

<b>Sample Number</b>	<b>Improper Payment Reason &amp; Ineligibility Period October 1, 2018 – March 31, 2019</b>	<b>Improper Payment (FFP)</b>
7	Ineligible payment. Foster home maintenance payment claimed twice for the same activity and activity dates per the payment history. The child was eligible under title IV-E for non-duplicative services [§475(4) of the Act; 45 CFR 1356.60(a)(1)(i)]  Ineligible:07/05/2018-09/30/2018	\$1,657 Maint. \$0 Admin.
35	Ineligible payment. Foster home maintenance payment claimed twice for the same activity and activity dates per the payment history. The child was eligible under title IV-E for non-duplicative services [§475(4) of the Act; 45 CFR 1356.60(a)(1)(i)]  Ineligible:09/01/2018-09/30/2018	\$520 Maint. \$0 Admin.
45	Ineligible Payment: Foster home maintenance payment claimed twice for the same activity and activity dates per the payment history. Child was eligible under title IV-E for non-duplicative services. [§475(4) of the Act; 45 CFR 1356.60(a)(1)(i)]  Ineligible: 09/01/2018-09/30/2018	\$765 Maint. \$0 Admin.
OS 7	Ineligible payment. Judicial order time frame lapsed for the time child was in placement. There were gaps in placement and care judicial court orders. [§472(a)(2)(B) of the Act and 45 CFR §1356.71(d)(1)(iii)]  Ineligible: 10/23/2017-12/07/2017	\$780 Maint. \$1,461 Admin.

**Non-Error Cases - Total Maintenance FFP: \$3,722**  
**Non-Error Cases -Total Administration FFP: \$1,461**  
**Total Non-Error Cases: \$5,183**

## Areas Needing Improvement

Findings of this review indicate the state needs to further develop and implement procedures to improve program performance in the areas listed below. For each issue, there is a discussion of the nature of the area needing improvement, the specific title IV-E requirement to which it relates and the corrective action Ohio should undertake.

Issue #1: Safety requirements for caregiving staff of child care institutions were not met. There were three (3) error cases where Ohio did not comply with its policy that addresses safety considerations with respect to caregiver staff in child care institutions. This was also an area of concern for Ohio during its previous IV-E Review. Ohio uses child care institutions licensed either through ODJFS or Ohio Department of Mental Health and Addictions Services (DMHAS). The ODJFS and DMHAS require investigation background checks on applicants and Federal Bureau of Investigation (FBI) checks if the person has not resided in Ohio for the immediate past 5 years or at the discretion of the agency. The DMHAS has more stringent requirements for licensed facilities which include database registry searches prior to hiring and repeat criminal background checks every five years. Specifically, in the three error cases, background checks of caregiver staff for the mental health child care facilities were not completed timely and cleared. The mental health facilities had instances where staff worked with residents prior to fingerprint clearance and worked with residents unsupervised prior to the clearance which did not adhere to their written policy timelines.

Title IV-E Requirement: For child care institutions, 45 CFR 1356.30(f) requires states to establish procedures that address safety considerations with respect to the caregiving staff of the institution. The mechanism used to satisfy the safety requirement must be written into state policy, procedures or statutes, and incorporated into the licensing documentation for ODJFS and the mental health facilities in which children are placed on whose behalf ODJFS claims title IV-E.

### Recommended Corrective Action:

- Ensure that all safety requirements are met for placements of children in child care institutions. The Family First Prevention and Services Act (P.L. 115-123) changes the criminal record check requirements for any adults working in a child care institution. Therefore, it will be critical for ODJFS to ensure that it complies with §471(a)(20)(D) of the Act and establishes procedures for conducting and completing fingerprint based checks of the FBI's National Crime Information Databases for any adult working in a child care institution prior to claiming title IV-E on behalf of any child placed in such an institution. Note that although Ohio is a county-administered state, the state of Ohio, through ODJFS, is responsible for ensuring that all title IV-E requirements are met, regardless of the county or type of facility in which a county ODJFS places a child on whose behalf ODJFS claims title IV-E. Ohio should develop a process to ensure that all employees of the child care institution have the required background clearances documented in the provider agency's licensing file in accordance with state policy. The state should clarify its policies with provider agencies and licensing staff as to who is subject to background checks and the documentation requirements. This will help ensure that the state is providing the safest possible environment for all children in care.
- Develop a system that alerts the state licensing unit when child care institutions hire new employees to ensure that the required background checks are completed prior to any

adults working in the child care institutions. Additionally, the state should initiate a quality control program where the licensing unit monitors the child care institution's safety compliance at regular intervals. The ODJFS should consider strengthening the licensing and monitoring protocols to require licensing representatives to review employee clearance information at frequent intervals.

- Ensure that, going forward, ODJFS policy and practice reflect the child care institution criminal records check requirements of title IV-E, as amended by the Family First Prevention Services Act, so that ODJFS only claims title IV-E on behalf of otherwise eligible children, regardless of the licensing entity or type of child care institution in which the child is placed. Staff training on this requirement and a quality assurance process will assist the state in monitoring for compliance.

Issue #2: Judicial determination regarding reasonable efforts to prevent the child's removal from the home was not met. In one (1) case, the agency claimed title IV-E on behalf of a child who was removed without a judicial determination that the state had made reasonable efforts to prevent removal (or that such efforts were not necessary). The state provided transcripts to assist in possibly changing the initial error determination for the case; however, the additional information provided did not include the requisite judicial determination.

Title IV-E Requirement: When a child is removed from his/her home, in accordance with §472(a)(2)(A)(ii) of the Act and 45 CFR §§1356.21(b)(1)(i) the court must make a judicial determination as to whether reasonable efforts were made or were not required to prevent the removal. The judicial determination must be obtained no later than 60 days from the date the child is removed from home and it must be explicitly documented in a court order or court transcript. If the determination concerning reasonable efforts to prevent the removal is not made as specified in federal mandates, the child is not eligible under the title IV-E foster care maintenance payments program for the duration of that stay in foster care.

Recommended Corrective Action:

The state should ensure that court orders include all of the findings required as outlined in §472(a)(2)(A)(ii) of the Act and 45 CFR §§1356.21(b). The state should consider working with the Administrative Office of the Courts (AOIC), Court Improvement Program (CIP), and ODJFS legal staff to ensure that judges are making the required findings at the required intervals in order to ensure a child's removal from home is necessary and to ensure eligibility for IV-E foster care. Additionally, the state and AOIC/CIP should consider retraining judges and court personnel to address the overall quality of court orders so that they comprehensively reflect the title IV-E requirements and specific information relating to the child and family. Staff Training on this requirement and a quality assurance process will assist the state in monitoring for compliance.

Issue #3: Judicial determination regarding reasonable efforts to finalize permanency was not met for the specified period. One (1) case is in error for having an ineligible payment for a period during the PUR because the judicial requirement of "reasonable efforts to finalize a permanency plan" was not satisfactorily met for the specified period. The ODJFS does not prescribe the hearing during which the reasonable efforts to finalize the permanency plan is made. However, the IV-E agency policy notes that it must obtain a judicial determination by a juvenile court that the agency made reasonable efforts to finalize the permanency plan for a child placed in substitute care every twelve months. However, if the permanency hearing is delayed, the delay results in the state obtaining a judicial determination beyond the 12 months required by federal regulation.

Title IV-E Requirement: For a child who is judicially removed and remains in foster care for 12 months or more, federal provisions at §472(a)(2)(A) of the Act and 45 CFR §1356.21(b)(2) require the state to obtain a judicial determination of whether the state has made “reasonable efforts to finalize a permanency plan” for the child. The judicial finding must occur at regular 12-month intervals for the duration of the foster care episode and no later than 12 months from the month in which the prior determination is obtained. If the judicial determination of “reasonable efforts to finalize” is not made or is not timely, the child becomes ineligible from the beginning of the first month after it is due and remains ineligible until the judicial determination is made.

Recommended Corrective Action:

The necessary judicial determination need not be tied to a permanency or other court hearing. The judicial determination may be rendered by the court at any point during the 12-month period. The state should continue to develop and implement procedures to ensure timely judicial determinations of “reasonable efforts to finalize the permanency plan” regardless of the timing of the permanency hearing. The accuracy and reliability of eligibility determinations generally are increased through training of the judiciary and other court officials to correct delays in judicial findings as well as to secure court orders that reflect title IV-E criteria on legal authority, best interests and reasonable efforts. Staff training will help to ensure workers make eligibility decisions based on the correct elements needed for compliance and to eliminate the authorization of payments prior to establishing compliance with requirements. In addition, the Children’s Bureau suggests the state put in place a quality assurance system to monitor accuracy of eligibility determination and claiming processes.

Issue #4: Judicial determination on removal from & living with requirements were not met by the same specified relative. In one (1) case, it was reported throughout the child welfare case notes that the maternal grandmother had custody of the child and the child had been residing with her for over 11 years, since age 4. However, the mother was named in the judicial court order as the specified relative for whom AFDC and contrary to the welfare determinations were based.

Title IV-E Requirement: If the child is not living with the specified relative from whom there is a judicial removal or voluntary placement, the child must have been living with that specified relative at sometime within the six months prior to the month of the initiation of court proceeding leading to the judicial removal or of the voluntary placement agreement. Sections 472(a)(1) and (3) of the Act and 45 CFR §1356.21(l) require a child to have lived in the home of a parent or other relative specified at 45 CFR §233.90(c)(1)(v) and to have been eligible for AFDC in that relative’s home in the month the removal court proceedings are initiated or the voluntary placement agreement is signed.

Recommended Corrective Action:

The state should ensure that all eligibility specialists note that the “living with/removal from” criteria must apply to the same specified relative. Enhancing quality assurance processes at the state level would increase accuracy in eligibility determinations for this requirement. The ODJFS and the CIP should work with staff, judiciary, and attorneys who file petitions to ensure that specificity regarding the living with/removal from requirement is clearly and specifically delineated in petitions and court orders, particularly in those instances where a child has lived with a specified relative other than the parent for a length of time prior to removal. Guidance should also be provided to eligibility specialists to ensure that they use the correct specified relative’s removal home on which to base the child’s eligibility determination. Staff training on this requirement and a quality assurance process will assist the state in monitoring for compliance.



Issue #5: A valid judicial determination order for removal did not occur for title IV-E purposes. The review identified one (1) case that was determined in error because the removal from the home was not valid as the physical removal did not coincide with the judicial determination that resulted in the child's removal. The child remained in the removal home 25 days after a judicial determination for removal for foster care placement was entered. The judicial order for removal required the child to be removed from the home on 11/2/2018; however, the agency did not remove the child until 11/27/2018.

Title IV-E Requirement: A removal is not valid for title IV-E purposes when legal custody (i.e. placement and care responsibility) has been removed from the parent or specified relative in accordance with the federal requirements and the child is allowed to remain in the home under the responsibility of the same parent or relative. [45 CFR §1356.21(k)(2)]. In judicial removals, the agency's action to physically remove the child from the home of the specified relative must coincide with the judicial determination of "contrary to the welfare." If the physical removal does not take place by the end of the next business day of the contrary to the welfare finding or by the date the court order specifies as an alternate time frame for removal, the child is ineligible for title IV-E for the entire foster care episode.

Recommended Corrective Action:

The ODJFS needs to ensure that removals are valid according to the judicial determination order. The agency must ensure judicial determination orders are adhered to and that judicial determinations during court proceedings are specifically articulated to court and agency personnel. The state should provide guidance to local agencies and courts that clearly indicates that if a court order sanctions a child's removal from the home, the physical removal of the child should occur timely if the court has not explicitly authorized an alternate timeframe in the court order. Staff Training on this requirement and a quality assurance process will assist the state in monitoring for compliance.

Issue #6: The payment histories that ODJFS submitted to the Children's Bureau included gaps in periods of time during the child's foster care episode. After extensive discussion during the onsite review week, ODJFS explained that it only captures child-level data for foster care expenses if the county submits a title IV-E reimbursement request to the state. The ODJFS cannot verify the amounts or sources of funds for each child that the county has submitted during the child's entire foster care episode. Also, ODJFS' payment systems at the county level do not generate non-IV-E payment histories that are segregated per child and, instead, bundle costs by site on a monthly basis. Thus, these payment systems do not produce a seamless, comprehensive record of payments made per child during the entire foster care episode. During the review week, the ACF Office of Grants Management Specialist worked diligently with ODJFS to present child-specific histories of title IV-E payments that covered the child's entire foster care episode for each sample and oversample case.

Title IV-E Requirement: For each of the sample and oversample case records, the title IV-E agency must provide the Children's Bureau Regional Office with the complete payment history before the on-site review [45 CFR §1356.71(b)(2)]. The complete payment history consists of all foster care payments, which includes title IV-E maintenance payments and administrative costs, claimed by the title IV-E agency for the most recent foster care episode. While on site, the title IV-E agency must provide an updated payment history for each sample and oversample case record to help identify payments claimed between the time the sample is drawn and the on-site review.



Recommended Corrective Action:

The Children's Bureau recommends that ODJFS enhance its automated data system to ensure that the state can verify the accuracy and appropriateness of all payments made for an entire foster care episode on behalf of a child in its care. The Children's Bureau Division of State Systems can provide technical assistance to ODJFS as it considers how to maximize the efficacy of its payment systems.

Issue #7: Seven (7) cases were excluded from the original sample of 80 cases because of incorrect coding of AFCARS data element 59. Documentation provided by the state confirmed the case replacements were necessary because a title IV-E maintenance payment was not made in the cases for an activity that occurred during the PUR. According to the state agency, these cases met all the requirements under title IV-E, but were coded incorrectly for title IV-E maintenance instead of the correct funding source.

Title IV-E Requirement: The case sample and oversample drawn for review consist of cases of individual children with a "1" coded in AFCARS data element 59, "Sources of Federal Financial Support/Assistance for Child", for the six-month reporting period of the PUR. Appendix A of 45 CFR §1355.40 provides that AFCARS element 59 is coded as "1" to indicate title IV-E foster care when title IV-E foster care maintenance assistance is the applicable source of income for the child's care at any time during the six-month AFCARS period for a child meeting all title IV-E eligibility criteria. Element 59 is coded as "0" when title IV-E foster care maintenance payments is not the applicable income source for the child's care.

Recommended Corrective Action: Validity of the sample and oversample is dependent on the accuracy of the state title IV-E agency's reporting of AFCARS foster care data element 59. The Children's Bureau recommends that the state, in answering foster care element 59, ensures a common understanding among staff to only indicate whether a title IV-E foster care maintenance payment is made on behalf of the child during the reporting period. Staff training and data monitoring should be conducted on an ongoing, regular basis to ensure that coding is accurately reflected. Data entry and processing systems should be evaluated to determine internal accuracy and consistency of the data.

Issue #8: Unallowable Program Costs: Three (3) of the ineligible payment cases had duplicate claiming. Foster care maintenance payments were claimed twice for the same activities and foster parents for the same period and child. This information is verified by the payment history.

Title IV-E Requirement: Consistent with federal provisions at 45 CFR 1356.60(a)(1)(i), claiming of title IV-E foster care maintenance payments is limited to the cost of providing certain expenditures covered within the federal definition of foster care maintenance at §475(4) of the Act. The state must document foster care maintenance payments claimed for title IV-E reimbursement are for allowable expenditures in accordance with the statutory definition, are in amounts conforming to state established rates of payment for the type and level of care provided, and reflect non-duplicative amounts of the costs of daily maintenance.

Recommended Corrective Action: Ohio should review its payment systems to determine whether adequate financial controls and edits are in place and properly functioning to prevent payments for ineligible children or unallowable program costs. It is recommended that the state provide ongoing training to its counties on the use of the state's automated title IV-E eligibility system with a focus on proper data entry. The state should also establish more careful controls to monitor proper entry of payment information. In addition, it is recommended that the state have close administrative oversight of the counties' title IV-E eligibility claiming.

## **Program Strengths and Promising Practices**

Though Ohio was not found in substantial compliance, continued commitment and willingness to improve its program and practice is evidenced by the following positive practices and processes of the title IV-E foster care eligibility program.

AFDC Eligibility Determinations: The ODJFS continues to do better with their eligibility determinations. Reviewers noted the following program practices during the on-site review in all cases except case number 66 that was ineligible for meeting AFDC requirements.

- AFDC worksheets demonstrating the path to eligibility were complete and easy to read;
- The month that court proceedings were initiated or voluntary placement agreement was signed for the child's removal, which is required to determine AFDC eligibility, was correctly and clearly identified;
- ODJFS consistently identified the correct specified relatives who were the subject of the contrary to welfare judicial determinations or who signed the voluntary placement agreement;
- Deprivation and dependency were well-documented in the files; and
- Documentation supporting financial need of the family unit was detailed and complete.

Licensing of Foster Family Homes: Foster parent licenses were up-to-date and covered the time the child was placed in the home. The state has a system in place to notify agencies well in advance of license expiration to ensure timely re-licensure. The Ohio's RAPBACK system ("retained applicant fingerprint database information exchange") is a program asset in monitoring safety after foster homes are licensed. The RAPBACK notifications are received online and reviewed by the ODJFS on a daily basis. Upon notification of a "hit" for criminal activity, the agency to which the foster or adoptive home belongs and the assigned ODJFS certification specialist or technical assistance supervisor are notified. A response from the agency is required and the ODJFS reviews it to determine whether the agency is properly notified by the foster parent of the conviction, the conviction is a prohibited offense, and a revocation of the foster care certificate is necessary.

Safety Requirements for Foster Homes: Required fingerprint-based FBI checks of the National Crime Information Database were completed timely for all foster family homes. It was easy to delineate the difference between the state's Bureau of Criminal Investigation (BCI) and FBI background checks for foster parents as these were clearly noted on the state Attorney General's Letterhead. Since the previous review, the state has worked closely with the Attorney General's office to put in place procedures to address both the BCI and FBI background checks. The process results in a signed letter identifying the results of the respective check and the date the check is completed.

## **Disallowances**

A disallowance in the amount of \$153,693 in maintenance payments and \$78,333 in related administrative costs of FFP is assessed for title IV-E foster care payments that were claimed for error cases. Additional amounts of \$3,722 in maintenance payments and \$1,461 in related administrative costs of FFP are disallowed for title IV-E foster care payments that were claimed improperly for non-error cases. The total disallowance as a result of this IV-E Review is \$237,209 in FFP.

Ohio also must identify and repay any ineligible payments for error and non-error cases that occur for periods subsequent to the PUR. No future claims can be submitted on these cases until it is determined all eligibility requirements are met.

### **Next Steps**

Federal regulations at 45 CFR §1356.71(i)(2) require a state to develop and implement a Program Improvement Plan (PIP) when, as here, a state is found not in substantial compliance in a primary review of its title IV-E foster care program. The PIP must be developed by the state in consultation with Children's Bureau staff and must address, at a minimum, each area the IV-E review identified as needing improvement. The state is expected to work closely with the Children's Bureau regional office for guidance and technical assistance throughout the PIP development and implementation processes.

The duration of the PIP is not to exceed 1 year unless the Children's Bureau approves the state's request for a longer implementation period. The PIP must be submitted to the Children's Bureau Region 5 office within 90 calendar days from the date Ohio receives the enclosed disallowance notice of non-substantial compliance. The state is requested to electronically submit its PIP documents to the Children's Bureau regional office.

The PIP must include the following elements, as noted in federal regulations at 45 CFR §1356.71(i):

- specific goals for improvement
- action steps needed to correct each identified weakness or deficiency
- time frames for completing each action step

The Children's Bureau does not require a state to use a particular format when developing its PIP. The PIP, however, must provide sufficient detail and context to ensure the Children's Bureau regional office and state staff can work in partnership to monitor the state's progress in implementing and completing the PIP.

To assist state staff with the PIP process, the Children's Bureau has developed a standard template that is recommended for state staff to use in preparing the PIP document for initial submission and for periodic reporting of progress to the Children's Bureau regional office. The suggested template and instructions for completing it are enclosed.

The state is strongly encouraged to use the PIP process to examine program deficiencies and develop measurable, sustainable strategies that target the root cause of problems preventing the state from operating an accurate foster care eligibility program. The PIP planning and implementation process provides the state with an excellent opportunity to engage the judiciary, licensing agency, and other state partners to develop strategies for making short-term and long-term changes necessary to improve state performance and service delivery. The state also should use the PIP process to enhance its internal quality assurance procedures to inform and eventually evolve into a systematic mechanism for continuous program improvement that support systemic change and sustain successful performance achievements over time. The Children's Bureau through its Region 5 office will work with state staff to identify technical assistance needs and obtain assistance through our funded organizations to help the state develop and implement program improvement strategies.

The PIP development may necessitate making changes to your automated information systems. We encourage you to include state data analysis staff and information technology staff in discussions with program staff about modifications. If your state has an active information technology project that qualifies for title IV-E funding under federal regulations at 45 CFR §1355.52, the information technology changes made must be reported and approved through the process described in 45 CFR §1355.54.

A secondary review in accordance with 45 CFR §1356.71(j)(2) will be conducted following the expiration of the state's approved PIP completion date. The review sample for the secondary review will be 150 cases drawn from the state's most recent AFCARS data submitted for the reporting period that immediately follows the approved PIP completion date.