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Informational Letter

Transmittal: 04-OCFS-INF-03
To: Local District Commissioners
Issuing Division/Office: Division of Development and Prevention Services/ Office of Field Operations
Date: May 14, 2004
Subject: Federal Administration for Children and Families' Approval of the New York State Title IV-E PIP
Suggested Distribution: Directors of Services
County Attorneys
Family Court
Contact Person(s): Any questions concerning this release should be directed to the appropriate Regional Office, Division of Development and Prevention Services.

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Attachments: Title IV-E Program Improvement Plan
Attachment Available On – Line: x

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
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I. Purpose

The purpose of this release is to notify local districts that the federal Administration for Children and Families (ACF) has approved the New York State title IV-E Program Improvement Plan (PIP) effective April 20, 2004 through April 19, 2005 and thus making October 1, 2005, to March 31, 2006, the review period for the title IV-E secondary review. A copy of the approved PIP is attached.

II. Background

As a result of the federal title IV-E Foster Care Eligibility primary review that occurred the week of April 28, 2003, through May 2, 2003, New York State was determined not to be in substantial compliance with Title IV-E eligibility requirements and was required to develop a PIP designed to correct those areas needing improvement. In support of the State PIP, each social services district has developed a district specific PIP.

Included as an action step in the New York State PIP are three bills seeking changes in State law by the Legislature. Information about these legislative proposals may be found on OCFS's website at <http://www.ocfs.state.ny.us/main/legal/>. New York explained to ACF in the PIP that these legislative initiatives were needed to address certain issues regarding legal authority and reasonable efforts to achieve permanency. Due to the proposed legislative action, New York State was provided additional time to implement certain portions of its PIP. The review period for the secondary eligibility review will be October 1, 2005 to March 31, 2006.

III. Program Implications

While the change in review period for the secondary review is good news, significant work is still needed on issues involving making and documenting eligibility determinations, legal authority and court determinations of reasonable efforts to finalize permanency plans. The State PIP sets forth the activities that must occur and the corresponding time frames on a statewide basis. In addition, each social services district is expected to implement its approved title IV-E PIP. There are other issues relating to eligibility determinations, legal authority and court orders that also must be addressed irrespective of whether the proposed legislation is enacted. The State and districts can well use this additional time to bring about the changes needed to our system.

OCFS will be implementing the various action steps in the State's title IV-E PIP in accordance with the specified time frames. It is critical that districts continue to implement all of the action steps in their title IV-E PIPs and work with Regional Offices to achieve successful outcomes. Please note that OCFS will continue to survey court order and foster home licensing compliance, perform reviews of district title IV-E cases, and complete implementation of the Statewide Services Payment System (SSPS), all of which are significant components of the PIP. Please contact your OCFS Regional Office if you have any recommendations, questions or concerns. A copy of the approved PIP is attached to this INF. OCFS will be working closely with districts to support the communications that are essential to a successful title IV-E PIP and secondary review.

Larry G. Brown s/s

Issued By:

Name: Larry G. Brown

Title: Deputy Commissioner

Division/Office: Development and Prevention Services

Title IV-E Program Improvement Plan

New York State's Title IV-E Program Improvement Plan (PIP) has been developed in response to the Title IV-E initial primary review conducted during the week of April 28, 2003. The Administration for Children and Families' (ACF's) report issued to the Office of Children and Family Services (OCFS) on June 2, 2003 required the submission of this PIP to ACF by September 1, 2003. The PIP addresses the issues identified in the report as well as other Title IV-E eligibility and payment requirements. The PIP prioritizes the review issues by degree of significance and complexity. Issues discussed are referenced to the ACF report by page number, as appropriate.

This document incorporates feedback from ACF. Because of the importance of our improvement efforts, OCFS has taken some initial action in contemplation of final approval of the PIP. Those actions are noted in the document. The PIP describes the issues as reported by ACF and the strategies and tasks in which the State, its social services districts and external stakeholders are or will be engaged. A separate section discusses the process for quarterly progress reports to ACF.

To put the State's PIP in context, the following information should be noted:

- OCFS, the State Title IV-E Agency, supervises 58 social services districts and the St. Regis Mohawk Tribe having responsibility for administering the Title IV-E program. In addition, OCFS provides care to juvenile delinquents. The State has learned from prior experience that entities in addition to the 58 districts and the tribe must be actively involved in the execution of the PIP if it is to be successful. Among them are: the New York State Office of Court Administration (OCA); the Court Improvement Project; New York State Family Courts; State and county probation offices; county attorneys; and voluntary child care agencies. OCFS has been actively engaged with these entities in a variety of forums prior to the submission of this PIP to ACF. OCFS provided the Court Improvement Project (CIP) with the results of the initial primary review so that complementary activities can be developed in CIP work plans. The collaboration between the Court Improvement Project and OCFS will continue throughout the duration of the PIP. On 7/16/03, in collaboration with OCA, OCFS attorneys and program staff conducted orientation to the Title IV-E review and training for supervising Family Court judges and court clerks. OCFS is providing additional training to court personnel to support their important role in the Title IV-E process with local districts.
- Based on the Statewide PIP, each social services district will develop its own PIP that incorporates the Title IV-E issues tailored to the social services district's particular needs and circumstances. The local district PIPs are an integral part of the Office of Children and Family Services (OCFS) Title IV-E PIP, as it is at the district level that Title IV-E eligibility determinations are made and documented. The OCFS regional office staff provided guidance to the districts for completing their PIPs. OCFS provided to the districts the version of the State's Title IV-E PIP as submitted to the Administration for Children and Families (ACF) on September 1, 2003 as well as related materials, including reference materials on *Title IV-E Foster Care: Court Related Standards and Reasonable Efforts Issues* to assist in the local Title IV-E PIP development. These materials assisted in determining what specific actions are needed to achieve compliance. Districts were required to identify how, when and by whom corrective actions were to be undertaken, and if the district determined why a certain area did not require additional effort, explain how they made that determination. Districts were specifically required to consult with their partners in the judicial system in developing strategies for corrective action that addressed court order preparation, language and documentation.

- OCFS, through its Division of Information Technology, continues to enhance the Statewide Services Payment System (SSPS). SSPS applies financial editing to support proper claiming of payments to comply with Title IV-E requirements. As part of the PIP, the enhancement will extend the edits and review processes to foster care payments made to voluntary authorized agencies and to all 58 social services districts. SSPS and related payment records will provide the basis for the Adoption and Foster Care Analysis and Reporting System (AFCARS) Data Report element 59, which identifies Title IV-E foster care cases. SSPS is expected to be operational Statewide by June 30, 2004.
- Based on the results of the Title IV-E review, OCFS is preparing a set of legislative initiatives needed to address certain issues regarding legal authority and reasonable efforts to achieve permanency. As discussed with the ACF officials during the conference call on December 8, 2004, without key legislative changes, federal compliance will be extremely difficult to achieve. OCFS requests an extension of the PIP as contemplated in 45 CFR 1356.71 to extend the PIP period to July 31, 2005, (anticipated end of the 2005 legislative session) to provide the State the ability to secure the necessary legislation and implement its provisions. OCFS understands that only the activities relating to the proposed legislation, which involves court orders, will be extended to July 31, 2005. OCFS will voluntarily continue the other activities discussed in this PIP until that time to better meet the federal standards for the review period that we anticipate will commence October 1, 2005 if this PIP is approved in its entirety.
- OCFS has established a new schedule of Title IV-E foster care audits, effective July 2003, thus continuing and enhancing quality assurance efforts throughout the State. This includes reviews of all major social services districts and will provide an objective view of the Title IV-E eligibility determination practices in New York State.

The PIP is designed to correct the areas determined not to be in substantial compliance. The PIP contains specific goals and action steps required to correct each deficiency identified in the final report, and the date of completion of each action step. Some of the action steps are repeated since they respond to more than one goal. The action steps are being mapped back to specific goals as per our understanding of ACF's instructions.

Areas in Need of Improvement

- I. Removal Pursuant to a Court Order
 - Contrary to Welfare/Best Interests of the Child
 - Reasonable Efforts to Prevent Removal/Reasonable Efforts to Reunify Child and Family
- II. Voluntary Placements
- III. Ongoing Judicial Activity
 - Reasonable Efforts to Finalize the Permanency Plan
- IV. State Agency Responsibility for Placement and Care
- V. AFDC Eligibility
 - Eligibility for AFDC at Removal
 - School Attendance for Students Who Are Age 18
- VI. Ineligible Payment

Goals Included in the PIP:

1. Increase the accuracy and reliability of the social services district Title IV-E eligibility determination and re-determination process;
2. Make automated changes to increase reliability in the Title IV-E claim process;
3. Secure court orders in a timely manner that reflect Title IV-E criteria on legal authority, best interests and reasonable efforts;
4. Improve Title IV-E eligibility documentation; and
5. Eliminate from Title IV-E claims any costs that are not documented as eligible.

Goals and Action Steps Required to Correct Each Identified Area Needing Improvement and Dates of Completion for each Action Step

Goal 1- Increase the accuracy and reliability of the social services Title IV-E eligibility determination and re-determination process. The definition for compliance in each area is included in the new federal review instrument issued by ACF on January 2004. OCFS will use the new review instrument beginning May 1, 2004. The expected goal is 100% compliance.

Action steps required to achieve this goal are:

- OCFS has invested substantial resources to improve eligibility determinations by local casework staff. The issuance of an eligibility manual includes a chapter on Title IV-E for social services district staff. The manual provides the basis for ongoing training, provided regionally by training contractors, of social services district staff. This, in combination with an Automated Eligibility Work Sheet, will assist caseworkers in collecting and recording required information in determining financial eligibility for Title IV-E and other federal and State funding. The Automated Eligibility Work Sheet will be incorporated into New York State's Statewide Automated Child Welfare Information System (SACWIS) beginning in September 2005. At this time, the Automated Eligibility Worksheet is a standalone application that calculates funding and programmatic eligibility. The application replicates the WMS ABEL logic required in Title IV-E determinations. OCFS will develop a plan by the end of June 2004 to provide technical assistance to social services districts that request it.
Date of completion – April 1, 2004-June 30, 2004
- Title IV-E Eligibility Training, regionally based to allow easier access for local districts, is being provided by OCFS. OCFS will continue to provide initial and refresher training to address staff turnover in local districts. Training was provided as follows:

07/29/03-07/30/03	Rensselaer
09/10/03-09/11/03	Nassau
09/23/03-09/24/03	Westchester
10/07/03-10/08/03	Tioga
10/15/03-10/16/03	St. Lawrence
10/20/03-10/21/03	NYC
10/22/03-10/23/03	NYC
10/29/03-10/30/03	Albany
11/05/03-11/06/03	Erie (Buffalo)
11/18/03-11/19/03	NYC
12/02/03-12/03/03	Onondaga
12/09/03-12/10/03	Monroe (Rochester)

Regional training will continue to be provided during 2004.

Training in New York City was completed Jan. 27 & 28, 2004. Training will continue to take place between May and October of 2004 in the following locations:

Erie (Buffalo)
 Monroe (Rochester)
 Onondaga (Syracuse)
 Albany
 Oneida (Utica)
 Broome (Binghamton)
 Westchester
 Nassau

Draft dates have not yet been associated with the specific location, but draft dates for eligibility training are as follows:

May 11 & 12, 2004
 June 1 & 2, 2004
 June 15 & 16, 2004
 July 20 & 21, 2004
 July 22 & 23, 2004
 August 10 & 11, 2004
 August 24 & 25, 2004
 August 26 & 27, 2004
 September 28 & 29, 2004
 October 5 & 6, 2004
 12th two-day session - no draft dates available.

Date of completion – March 31, 2005

The schedule for training year 2005 has not yet been developed.

Three proposed bills have been submitted to the Legislature for introduction.

- The first bill proposes legislative remedies to facilitate the ability of the court to make determinations regarding reasonable efforts to finalize the child's permanency plan in hearings other than permanency hearings. ACF permits such determinations outside of a permanency hearing based on its review guide instructions. One legislative proposal would address the following:
 - Provide the family court with continuing jurisdiction over a proceeding to preclude lapse of legal authority for a child placed in foster care;
 - Require the court to calendar a date certain for the next permanency hearing at the disposition of the previous hearing;
 - Authorize the court to proceed with a permanency hearing when a parent fails to appear without prior excuse;
 - Authorize the court to make a reasonable efforts determination when the permanency hearing must be adjourned;

- Reduce the time between permanency hearings, currently 12 months in most cases to ten months after placement or disposition, to coincide with the proposed changes to service plan development and review; and
- Require that permanency hearings be completed within 60 days.

Another legislative proposal would:

- Mandate early court review of the removal of a child from his or her home and whether reasonable efforts have been made by a local social services district to prevent the removal of a child by requiring that the court hold a hearing within five court days of any removal.
- Affirmatively state that certain activities, such as the use of concurrent planning by a district, may not be deemed a failure to make reasonable efforts to return a child home.

A third legislative proposal would:

- Amend Articles 3 and 7 of the Family Court Act pertaining to juvenile delinquents and PINS, respectively, to require a local department of probation to consult with the applicable social services district or OCFS regarding the appropriate placement for a child before placement recommendations are made to the court in the pre-dispositional investigation report.
- Allow the court to go forward in both Article 3 and 7 permanency hearings to make the determination whether reasonable efforts have been made where the permanency hearing must be adjourned.
- Require that where a permanency hearing is required in PINS cases, a date certain for the next permanency hearing be set at the disposition of the prior dispositional or permanency hearing and that the permanency hearing be completed within 60 days of the originally scheduled date.

Attachment 1 is a description of the legislative process in New York State.

Date of completion - OCFS requests an extension of the PIP as contemplated in 45 CFR 1356.71 to extend the PIP period to July 31, 2005, (anticipated end of the 2005 legislative session) to provide the State the ability to secure the necessary legislation and implement its provisions. OCFS understands that only the activities relating to the proposed legislation, which involves court orders, will be extended to July 31, 2005. OCFS will voluntarily continue the other activities discussed in this PIP until that time to better meet the federal standards for the review period that we anticipate will commence October 1, 2005 if this PIP is approved in its entirety.

- OCFS developed a request for additional resources to function as quality assurance specialists that would assist the social services districts and the courts in verifying that appropriate documentation is immediately available. Due to fiscal constraints in the State of

New York, OCFS was unable to go forward with this. OCFS has revised other PIP activities to better reflect existing capabilities.

Date of completion – N/A

- As previously discussed, OCFS will conduct Title IV-E foster care audits of all major districts and provide written reports to social services districts. A quarterly audit schedule has been established. The ACF Title IV-E foster care eligibility review instrument issued January 2004 will be the basis of the audits beginning May 1, 2004. OCFS audit reports will be issued to the social services districts and the findings of each report issued will be reviewed against the context of the State's PIP. The districts will be required to adjust their program improvement plans to improve compliance with Title IV-E Eligibility requirements, as appropriate. Audits have been commenced in the following districts: Erie, Monroe, Onondaga, Albany, Westchester, Nassau, Chautauqua, Suffolk, Dutchess, Orange, Rensselaer, Schenectady, and Broome.

Date of completion - March 31, 2005. The audit schedule for 2004 is included as Attachment 2, and the schedule for 2005 is not yet completed.

Goal 2 - Make automated changes to increase reliability in the Title IV-E claim process;

Action steps required to achieve this goal are:

- This step, in large measure, is tied to the State's plan for implementing the Statewide Services Payment System (SSPS), Phase II-A. SSPS will embrace all foster care payments made by social services districts to voluntary authorized agencies and subject the payments to various system edits. SSPS and the associated Benefits Issuance Control System (BICS) will then become the basis for the data elements in the Automated Foster Care and Adoption Reporting System (AFCARS) for reporting Title IV-E claims. SSPS edits will assist districts to identify payments not adequately documented as being Title IV-E compliant. The edits will address continuing legal authority vulnerability.

Date of completion - 6/30/04

Goal 3 - Secure court orders in a timely manner that reflect Title IV-E criteria on legal authority, best interests and reasonable efforts;

As demonstrated in the Title IV-E initial primary review, there were significant errors related to court orders. OCFS is making concerted efforts with its courts and other partners in securing orders, particularly those pertaining to extension of placements and permanency hearings to meet Federal (ASFA and Title IV-E) and State requirements. This corrective action will apply to all children placed into foster care.

Results of the review indicated court-related problems in the following areas:

- Ongoing Judicial Activity - Reasonable Efforts to Finalize the Permanency Plan
- Contrary to Welfare/Best Interest of the Child
- Reasonable Efforts to Prevent Removal/Reasonable Efforts to Reunify Child and Family
- Voluntary Placements
- State Agency Responsibility for Placement and Care

Ongoing Judicial Activity - Reasonable Efforts to Finalize the Permanency Plan

Results of the review indicated that 20 cases were determined ineligible for Title IV-E because: (1) the case record did not contain the court order and a determination could not be made regarding reasonable efforts to finalize the permanency plan; (2) the judicial determination was not made in a timely manner; or (3) the court order did not contain a reasonable efforts determination. (Page 4 of report. The number of cases cited reflect those in the report and does not reflect cases under appeal nor other data reported by ACF in accompanying worksheets.)

In order for a child to be eligible for Title IV-E payments, there must be a judicial determination that reasonable efforts are being made to finalize the child's permanency plan that is in effect. The permanency plan goal may be: reunification, adoption, legal guardianship, placement with a fit and willing relative, or another planned permanent living arrangement. The judicial determination of reasonable efforts to finalize the permanency plan must be made no later than 12 months from the date on which the child is considered to have entered foster care and at least once every 12 months thereafter, while the child is in foster care.

If a judicial determination regarding reasonable efforts to finalize a permanency plan is not made within this timeframe, the child is ineligible at the end of the 12th month from the date the child was considered to have entered foster care or at the end of the month in which the subsequent judicial determination of reasonable efforts was due. The child remains ineligible until such a judicial determination is made. This requirement may also be satisfied by a judicial determination that reasonable efforts were made to reunify child and family.

The ACF recommended that OCFS work with the local social services districts to correct and improve the issues regarding judicial determinations. The State must continue to emphasize to social services districts, Family Court judges, and staff of the Family Court system the importance of the Federal requirements regarding judicial determinations. A clear understanding must be achieved of the need for court orders to contain the necessary judicial findings regarding legal authority, best interests/contrary to welfare, reasonable efforts to prevent removal, and reasonable efforts to finalize the child's permanency plan. These findings must be rendered in a timely manner, explicitly documented and maintained in the case record. OCFS will encourage all districts to use OCA court forms or substantively equivalent forms, as the OCA court forms meet Title IV-E requirements.

Contrary to Welfare/Best Interest of the Child

Based on the results of this review (page 4), seven cases were found ineligible for federal financial participation (FFP) because: (1) the case record did not contain the removal petition or court order and a determination could not be made regarding "contrary to welfare"; (2) the judicial determination was not made in a timely manner; or (3) the court order did not contain a "contrary to the welfare" or "best interest of the child" finding.

Reasonable Efforts to Prevent Removal/Reasonable Efforts to Reunify Child and Family

Nine cases were determined ineligible (page 4) for FFP because: (1) the case record did not contain the court order and a determination could not be made regarding reasonable efforts to prevent removal or reunify child and family; (2) the judicial determination was not made in a timely manner; or (3) the court order did not contain a reasonable efforts determination.

The following action steps are required to correct the deficiencies related to court orders and achieve Goal 3:

- OCFS will review a statewide sample of court orders to verify that all necessary legal requirements and language are found in these orders. OCFS will provide a report to the OCA and social services districts on the findings. The review of court orders has begun with court orders from New York City and Nassau County.

Date of completion - Court order reviews will be completed during April 1, 2004-June 30, 2004 and October 1, 2004-December 31, 2004. OCFS will conduct additional reviews of court order activity in 2005. They have not yet been scheduled.

- OCFS has participated in regional judicial training forums as requested by OCA. OCFS attorneys and program staff conducted the training. To date regional judicial training forums have been held as follows:

06/26/03	Rochester
07/10/03	Long Island
07/15/03	Albany
07/17/03	White Plains
07/22/03	NYC
07/23/03	NYC
01/08/04	Nassau County
01/09/04	White Plains
01/13/04	Nassau
02/04/04	White Plains (for NYC judges and court staff)

In addition to the judicial training forums, OCFS attorneys and program staff also conducted training for court clerks as part of the Court Improvement Project. Training sessions were held as follows:

09/18/03	Warsaw
09/23/03	Saratoga
09/30/03	Rochester
10/16/03	White Plains

Date of completion - Additional training is being developed for 2004 and will continue through March 31, 2005.

- OCFS, OCA and other parties will identify specific reasons causing late filing, scheduling or delays in holding permanency hearings in a variety of court settings and involving numerous parties. OCFS will work with the court system and other stakeholders to share recommended practices and provide support where possible to remedy problems. This activity was begun on 7/16/03 with coordination of efforts of the OCA and the Court Improvement Project in New York City and the meeting of NYC supervising judges and court clerks. On September 9 and 10, the "Sharing Success" Conference occurred in Albany. This conference brought together court personnel, OCFS staff, and local district staff from across the State. The Chief Judge and OCFS Commissioner held a meeting during the event and re-committed to continued collaboration between their respective systems. As a result of this meeting all local districts were required to consult with court personnel (clerks, judges) during the

development of district PIPs and to describe how the parties would work together to obtain compliance with federal IV-E requirements.

Date of completion – The local district consultation with the courts on the development of their PIPs was completed by November 26, 2003. The cooperative effort will continue throughout the PIP period.

- OCFS will propose legislative remedies to facilitate the ability of the court to make determinations regarding reasonable efforts to finalize the child's permanency plan in hearings other than permanency hearings. ACF permits such determinations outside of permanency hearings based on its review guide instructions. See the legislative bullets described on page five of this document.

Date of completion – A description of the legislative process in New York State is included as Attachment 1. Assuming passage, the legislation requires a reasonable time for implementation. OCFS requests an extension of the PIP as contemplated in 45 CFR 1356.71 to extend the PIP period to July 31, 2005, (anticipated end of the 2005 legislative session) to provide the State the ability to secure the necessary legislation and implement its provisions. OCFS understands that only the activities relating to the proposed legislation, which involves court orders, will be extended to July 31, 2005. OCFS will voluntarily continue the other activities discussed in this PIP until that time to better meet the federal standards for the review period that we anticipate will commence October 1, 2005 if this PIP is approved in its entirety.

Voluntary Placements

Title IV-E payments may be made on behalf of a child who is in foster care pursuant to a voluntary placement agreement only for the first 180 days of the foster care placement, unless there is a judicial determination that continued voluntary placement is in the best interest of the child. To be eligible for Title IV-E payment, a valid voluntary placement agreement must be signed by the parent or legal guardian and the Titles IV-B/IV-E agency representative(s).

Two cases were found ineligible (page 5) because: (1) the court order was not obtained within 180 days of placement, and (2) the voluntary placement agreement was not valid.

Action Steps required to correct this deficiency and achieve Goal 3.

- OCFS will issue written guidance to local attorneys regarding the timeframes and standards regarding appropriate signators by the end of the first quarter.

Date of completion – April 1, 2004-June 30, 2004

- Regional eligibility training will address the State requirement that a petition must be filed by day sixty if the child is to remain in care. The steps to secure an appropriate court order will be addressed in regional eligibility training sessions. See the dates of training listed under Goal 1 on pages four and five of this document. Regional training will continue to be provided during 2004. The schedule for training year 2005 has not yet been developed.

Date of completion - March 31, 2005

State Agency Responsibility for Placement and Care

Title IV-E payments can only be made for a child's placement and care that is under the responsibility of the State agency administering the Title IV-E State Plan (or another public agency, including an Indian tribe, with which the Title IV-E agency has a written agreement that is in effect). The court order or voluntary placement agreement must indicate that the agency has this responsibility.

The review (page 6 of report) results indicated that either the court order that extended the child's placement in foster care was not renewed in a timely manner, or that the placement and/or extension order could not be located for review. As a result, in four cases, it could not be determined if the child was under the responsibility of the State agency or if the State maintained responsibility for placement and care of the child during the review period, and the child was determined ineligible for FFP.

Action Step to correct this deficiency and achieve Goal 3

- OCFS will review a statewide sample of court orders to verify that the order or voluntary placement agreement indicates that the child is in the custody of the local county commissioner of social services or the OCFS commissioner and that there was no lapse in legal authority. OCFS will provide a report to the OCA and social services districts on the findings.

Date of completion – April 1, 2004-June 30, 2004 and October 1, 2004-December 31, 2004. The schedule for 2005 has not yet been developed.

Goal 4 - Improve Title IV-E eligibility documentation;

Results of the review indicated problems in the following areas related to AFDC eligibility:

- Eligibility for AFDC at removal
- School attendance for students who are age eighteen

Eligibility for Aid to Families with Dependent Children (AFDC) at Removal

Review results indicated that four children were determined ineligible for FFP (page 6 of report) because the case record did not contain the necessary documentation to determine whether the child received AFDC at the time of placement, or would have received AFDC within six months of placement based on financial need and deprivation of parental support.

Action Steps to correct this deficiency and achieve Goal 4

- OCFS has invested substantial resources to improve eligibility determinations by local casework staff. The issuance of an eligibility manual includes a chapter on Title IV-E for social services district staff. The manual provides the basis for ongoing training, provided regionally by training contractors, of social services district staff. This, in combination with an Automated Eligibility Work Sheet, will assist caseworkers in collecting and recording required information in determining financial eligibility for Title IV-E and other federal and State funding. The Automated Eligibility Work Sheet is being incorporated into New York State's SACWIS beginning in September 2005.

OCFS will develop a plan by the end of the first quarter to provide technical assistance to social services districts that request it.

Date of completion – April 1, 2004-June 30, 2004

- Title IV-E Eligibility Training, regionally based to allow easier access for local districts, was provided. See the dates of training listed under Goal 1 on pages four and five of this document. Regional training will continue to be provided during 2004. The schedule for training year 2005 has not yet been developed.

Date of completion – March 31, 2005

- As previously discussed, OCFS will conduct Title IV-E foster care audits of all major districts and provide written reports to social services districts. A quarterly audit schedule has been established. The ACF Title IV-E foster care eligibility review instrument issued January 2004 will be the basis of the audits beginning May 1, 2004. OCFS audit reports will be issued to the social services districts and the findings of each report issued will be reviewed against the context of the State's PIP. The districts will be required to adjust their program improvement plans to improve compliance with Title IV-E Eligibility requirements, as appropriate. Audits have been commenced in the following districts: Erie, Monroe, Onondaga, Albany, Westchester, Nassau, Chautauqua, Suffolk, Dutchess, Orange, Rensselaer, Schenectady, and Broome.

Date of completion - March 31, 2005. The audit schedule for 2004 is included as Attachment 2, and the schedule for 2005 is not yet completed.

School Attendance for Students who are Age 18

When a child reaches his or her 18th birthday, eligibility for AFDC ceases unless, at State option, the child is a full-time student in a secondary school or its equivalent and is expected to complete the program before age 19. If the State does exercise this option, eligibility for Title IV-E foster care ceases at the end of the month in which the child leaves school or when the child turns 19, whichever occurs earlier.

The review (page 6) indicated that in one case the child was age 18 and not expected to graduate prior to age 19.

Action Steps to correct this deficiency and achieve Goal 4

- Title IV-E Eligibility Training, regionally based to allow easier access for local districts, was provided. See the dates of training listed under Goal 1 on pages four and five of this document. Regional training will continue to be provided during 2004. The schedule for training year 2005 has not yet been developed.

Date of completion – March 31, 2005

- This issue will be addressed through local program improvement plans submitted by the end of 2003. As part of the local district PIP, the district was asked to indicate how they identify and document Title IV-E eligibility for students who turn eighteen to verify that IV-E funding is claimed only for those children who are in secondary school and are expected to graduate by age nineteen. If this is an area needing improvement, the district will identify specific actions they will take to correct any deficiencies.

Date of completion – April 1, 2004-June 30, 2004

- As previously discussed, OCFS will conduct Title IV-E foster care audits of all major districts and provide written reports to social services districts. A quarterly audit schedule has been established. The ACF Title IV-E foster care eligibility review instrument issued January 2004 will be the basis of the audits beginning May 1, 2004. OCFS audit reports will be issued to the social services districts and the findings of each report issued will be reviewed against the context of the State's PIP. The districts will be required to adjust their program improvement plans to improve compliance with Title IV-E Eligibility requirements, as appropriate. Audits have been commenced in the following districts: Erie, Monroe, Onondaga, Albany, Westchester, Nassau, Chautauqua, Suffolk, Dutchess, Orange, Rensselaer, Schenectady, and Broome.

Date of completion - March 31, 2005

The audit schedule for 2004 is included as Attachment 2, and the schedule for 2005 is not yet completed.

Goal 5 – Eliminate from Title IV-E claims any costs that are not documented as eligible.

Ineligible Payment

Title IV-E foster care maintenance assistance payments may only cover the costs of providing certain items encompassed within the definition of this term.

The review (page 7 of the report) indicated that for one child a Title IV-E claimed payment was ineligible based upon documentation establishing that the service provided was therapeutic counseling. This item of cost constitutes the provision of social services and is not allowable as a Title IV-E claim. The payment was classified in the State's automated system as "Type 63 – Additional Per Diem".

Action Step

- Local districts received training in the fall of 2003 regarding proper data entry for the SSPS that includes relevant coding instructions.

Date of completion – Fall 2003

Foster Placement Licensing and Safety

The review indicated that in all foster family home cases reviewed, the files contained the required documentation verifying that the safety consideration had been addressed for foster care providers. Specifically, it was determined that the State-required criminal records check had been conducted for all foster home cases reviewed and any concerns reviewed.

Concurrently, the review also indicated that in all institutional cases reviewed, the files contained the required documentation verifying that the safety consideration had been addressed for staff/caretakers in child care institutions.

Action Steps to maintain compliance in this area and achieve Goal 5

- OCFS intends to maintain compliance in this area and will continue to periodically monitor these areas on a sampling basis for the duration of the PIP. OCFS will complete reviewing the foster care home certification activities by the end of the third quarter. This will include a random sample of district and agency foster home certifications using a checklist to verify documentation of key elements.

Date of completion – October 1, 2004-December 31, 2004

- As previously discussed, OCFS will conduct Title IV-E foster care audits of all major districts and provide written reports to social services districts. The ACF Title IV-E foster care eligibility review instrument issued January 2004 will be the basis of the OCFS audits beginning May 1, 2004. The findings of each report issued will be reviewed against the context of the State's PIP. A quarterly audit schedule has been established for all major social services districts. OCFS audit reports will be issued to the social services districts and the findings of each report issued will be reviewed against the context of the State's PIP. The districts will be required to adjust their program improvement plans to improve compliance with Title IV-E Eligibility requirements, as appropriate. Audits have been commenced in the following districts: Erie, Monroe, Onondaga, Albany, Westchester, Nassau, Chautauqua, Suffolk, Dutchess, Orange, Rensselaer, Schenectady, and Broome.

Date of completion - March 31, 2005

The audit schedule for 2004 is included as Attachment 2, and the schedule for 2005 is not yet completed.

- Title IV-E Eligibility Training, regionally based to allow easier access for local districts, was provided. See the dates of training listed under Goal 1 on pages four and five of this document.

Date of completion – March 31, 2005

Regional training will continue to be provided during 2004. The schedule for training year 2005 has not yet been developed.

Description of How Progress Will Be Evaluated by State and ACF, Including Frequency and Format

Thirty days after the end of each quarter, OCFS will provide ACF with a written update on each of the activities included in the PIP. Any changes that need to be made to the PIP will be reported to ACF no later than the quarterly report. At the six-month point, OCFS will convene a meeting or conference call with ACF to discuss progress and adherence to timetables. The quarterly reports will address the following areas:

1. OCFS will review all social services district PIPs and provide feedback on any areas that need to be strengthened. OCFS has developed a written review tool.
2. Checklists have been developed for use by local districts and voluntary agencies for legal activities and foster home certification and approval.
3. OCFS will review legal activities through sampling court orders and provide written feedback to social services districts and OCA.
4. OCFS will review foster home certifications/approvals and licensing/safety requirements of programs and provide written feedback to all relevant parties.
5. Evaluations from regional eligibility training sessions on the Title IV-E Eligibility Manual will be reviewed, including pre-tests and post-test information.

6. OCFS audit reports will be independent measures of compliance on a social services district specific level. As audit reports are released, districts will be required to adjust local program improvement plans if any deficiencies are noted.
7. OCFS will provide ACF with summary information on local social services district PIPs and court order review activities, including types of orders reviewed and general areas in need of improvement. OCFS will provide ACF with a copy of all title IV-E audits.
8. OCFS will provide ACF with the 2005 training, review, and audit schedules to the extent they are scheduled, as outlined in the PIP, as part of the second quarter report. OCFS will provide updated information quarterly thereafter.

Re-submitted 04/05/04

Attachment 1

Description of the Legislative Process in New York State

In October, a list of Departmental proposals, called the Legislative Agenda is submitted to the Governor's office. In the next two months, each proposal is drafted as a bill for submission to the Governor's Office. The Governor's Counsel's Office determines which legislative proposals will be approved for submission to the Legislature. The Governor's office sends approved departmental bills and memoranda to the Senate and the Assembly for introduction until March 1st, the last day for submission of departmental bills to the Senate. The Legislature recesses usually anytime between the third week in June and the end of August. Legislation must pass both the Senate and the Assembly of the Legislature before it may be sent to the Governor for action. It is within the discretion of the Legislature to decide when it sends a bill to the Governor for action, even when the Legislature is in recess. Even though a bill passes both houses of the Legislature and the Legislature recesses in late August, it could be October or November before the Governor receives a bill for signature.

Attachment 2
OCFS 2003-2004 Audit Schedule

<u>District</u>	<u>Entrance Conference</u>
Albany	August-03
Erie	August-03
Monroe	August-03
Nassau	August-03
Onondaga	August-03
Suffolk	August-03
Westchester	August-03
Broome	November-03
Chautauqua	November-03
Dutchess	November-03
Ontario	December-03
Orange	November-03
Rensselaer	November-03
Schenectady	November-03
Niagara	January-04
Rockland	January-04
Cattaraugus	February-04
Chemung	February-04
Jefferson	February-04
Oneida	February-04
Oswego	February-04
Putnam	February-04
Ulster	March-04
New York City	Date is being finalized