

The federal Administration for Children and Families (ACF) Children's Bureau (CB) has officially notified New York State that the Primary Title IV-E Foster Care Eligibility Review (FCER) will be conducted at the Office of Children and Family Services home office during the week of June 25, 2012. A statistical sample of 80 cases will be reviewed by a team comprised of federal, state and local staff to determine the state's compliance with federal mandates of Section 472 of the Social Security Act, and 45 CFS 1356.71.

The random sample will be drawn from the State's submission of data to the Adoption and Foster Care Analysis and Reporting System (AFCARS) for the April 1, 2011-September 30, 2011 Period Under Review (PUR).

For reviewers to accurately and expeditiously determine Title IV-E case eligibility, NYS OCFS must receive copies of the complete case record available for each child included in the sample. This is an important requirement of the review process. Access to the complete case record immediately helps resolve any questions case determinations. Please make certain that the following items are included in the complete case record:

- Licenses for the child's foster care placement(s) for the entire foster care episode
- Criminal record verification for the child's foster parent(s)
- Payment rates on each child
- Placement history for each child for the entire foster care episode
- Court petitions, court orders, and other pertinent court documents
- Safety documentation for caregiver staff of child care facility

It is important for districts to timely comply with all requests for information during the 2012 FCER. Failure to do so could jeopardize a district's Title IVE federal reimbursement on submitted cases that lack proper documentation. If the FCER Primary Review results in the State exceeding the case error threshold (four or fewer ineligible cases), and the dollar error rate, federal regulation 1356.71 provides for a Program Improvement Plan (PIP) for states found not in substantial compliance as well as the loss of federal Title IV-E reimbursement.

The State has a maximum of one year to implement the PIP. At the end of the PIP period, the ACF conducts a Secondary Eligibility Review. If the State still exceeds the error threshold for the case error rate and the dollar error rate, the federal government may impose a disallowance related to the State's entire Title IV-E claim. Failure of the Secondary Review results in the extrapolation of this disallowance across all claims.

Accordingly, it is very important that the State pass the 2012 FCER. We can only pass with the local districts maintaining accurate case records that comply with the federal and state requirements. Districts should be sure that Title IV-E case records contain all of the required information noted within the Title IV-E FCER on-site review instrument, and that court related standards and reasonable effort issues are properly documented.

In an effort to support our ongoing commitment to assist local districts in their efforts with compliance with federal Title IV-E requirements, OCFS will continue its partnership with local districts. Training has been updated to reflect changes brought about by the 2009 FCER as well as changes from recently enacted federal legislation. All local district staff, regardless of their tenure with the county, are strongly encouraged to attend the various Title IV-E training classes to learn of the changes and updates to Title IV-E eligibility, requirements and claiming as well as refresh their skills. Technical assistance remains available as needed.

Administration for Children and Families FCER Review Instrument

http://www.acf.hhs.gov/programs/cb/cwmonitoring/general_info/instrument.htm

Districts should note that the Review Instrument, which is included within the Title IV-E Foster Care Eligibility On-Site Review Instrument and Instructions, is in the process of being updated from its current 2006 version. This new version will be posted to the OCFS Title IV-E website as soon as it becomes available.

Administration for Children and Families (ACF) Web Site

For information on the Foster Care Eligibility Review process, visit the ACF web page located at http://www.acf.hhs.gov/programs/cb/laws_policies/policy/im/2001/im0111a1_2007.htm

Court Related Standards and Reasonable Efforts Issues

[Title IV-E Foster Care Eligibility: Court Related Standards \(PDF\)](#) - This document outlines federal Title IV-E eligibility standards that involve the court and addresses compliance issues relating to those standards.

[Reasonable Efforts Issues \(PDF\)](#)

The federal Title IV-E standards require a case specific court determination within 60 days of removal whether reasonable efforts were made to prevent removal or were not required.

[The Office of Court Administration](#)

The use of the court forms developed by the New York State Office of Court Administration will help increase the likelihood of complying with federal Title IV-E court related standards required for Title IV-E eligibility