



Office of Children and Family Services

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Local Commissioners Memorandum

Transmittal:	19-OCFS-LCM-11
To:	Local District Commissioners
Issuing Division/Office:	Division of Administration
Date:	May 16, 2019
Subject:	Federal Administration for Children and Families Final Report on the 2018 Title IV-E Primary Foster Care Eligibility Review
Contact Person(s):	Please contact your regional office with any questions: BRO - Amanda Darling, (716) 847-3145 Amanda.Darling@ocfs.ny.gov RRO - Karen Lewter, (585)-238-8549 Karen.Lewter@ocfs.ny.gov SRO –Sara Simon, (315) 423-1200 Sara.Simon@ocfs.ny.gov ARO –John Lockwood, (518)-473-7763 John.Lockwood@ocfs.ny.gov NYCRO- Ronni Fuchs, (212)-383-1676 Ronni.Fuchs@ocfs.ny.gov SVRO - Thalia Wright, (845)-708-2499 Thalia.Wright@ocfs.ny.gov Native American Services - Heather LaForme (716) 847-3123 Heather.LaForme@ocfs.ny.gov
	ACF Final Report 2018, Title IV-E Foster Care Eligibility Report. For this and previous Title IV-E Foster Care Eligibility Reviews (FCER), click on “Previous FCER Findings,” on the left-side menu, at: http://www.ocfs.state.ny.us/main/fostercare/titleiv-e

I. Purpose

The purpose of this Local Commissioners Memorandum (LCM) is to inform local departments of social services (local districts) that New York State was recently found to be in substantial compliance with federal Title IV-E child and provider eligibility requirements by the federal Administration for Children and Families (ACF). This determination was based on the Subsequent Primary Title IV-E Foster Care Eligibility Review (FCER), completed at the New York State Office of Children and Family Services (OCFS) in Rensselaer, NY, during the week of

September 17-21, 2018. This LCM transmits the attached ACF Final Report on the 2018 Subsequent Primary Review issued by ACF on January 3, 2019.

OCFS wishes to thank everyone who participated in the activities undertaken to prepare for the Subsequent Primary Review. New York State passed this Subsequent Primary Review with ACF findings of two error cases and two non-error cases with improper payments. In the final report, ACF commends New York State for its significant efforts in continuing to improve case practices and compliance with Title IV-E eligibility requirements. These improvements could not have occurred without the hard work and diligence of the local districts, New York State Family Courts, voluntary authorized agencies, and other local and state partners over the last three years.

The review results bring to light how important it has been and will be for New York State stakeholders to work together and focus efforts on improving Title IV-E compliance and case documentation to be ready for the next Subsequent Primary review in 2021.

If New York State had been found not to be in substantial compliance for this Subsequent Primary Review, a new Performance Improvement Plan (PIP) would have been required, followed by a Secondary Review in 2021. The Secondary Review would have entailed an extensive review of 150 cases with an error threshold of 10 percent (case error rate and dollar error rate cannot exceed 10 percent). Due to the successful completion of the 2018 Primary Review, a PIP and a Secondary Review are not required.

II. Background

The 2018 FCER was performed on a random sample of 80 Title IV-E eligible foster care cases with a Title IV-E claim. ACF randomly selected the sample from the Adoption Foster Care Analysis and Reporting System (AFCARS) for the October 1, 2017, to March 31, 2018, Period Under Review (PUR). The outcome of the 2018 FCER reflects the ongoing statewide commitment to improve on previous ACF review findings. For a complete summary of past FCER results, visit the OCFS Title IV-E website at: <http://www.ocfs.state.ny.us/main/fostercare/titleiv-e>

III. Program Implications

Local districts are reminded that the federal Title IV-E FCER occurs on a three-year cycle with the next Primary Review to be held in 2021. This Subsequent Primary Review will continue the 95 percent compliance requirement (that is, no more than four sample cases can be found in error during the selected PUR). Accordingly, OCFS and New York State stakeholders must continue to focus efforts to improve eligibility determination procedures, and improve procedures to gather and store Title IV-E eligibility documentation. The attached report provides ACF's findings of our strengths and areas in need of improvement.

Local districts are encouraged to review and update their Title IV-E eligibility determination procedures and to continue necessary activities to maintain and improve Title IV-E compliance. The local district review should specifically address the areas noted in the ACF Final Report as needing improvement. Local districts need to create a separate eligibility file for each child for whom Title IV-E is being claimed. The file should be organized as outlined in the OCFS-2125, *Title IV-E Eligibility Documentation File*, and include all completed eligibility checklists and copies of all eligibility documents that support the eligibility decision.

To meet federal and state requirements for foster boarding homes and safety requirements, local districts must satisfy state policy in that a foster home in which a child is placed must be fully certified or approved. Once the foster home is fully certified or fully approved, the child's eligibility case file must contain in Section F of the OCFS-2125 file template: (1) a copy of the

CONNECTIONS certificate to board children, indicating that the foster care home or foster care facility has been fully certified or approved for the duration of the child's foster care placement; (2) the criminal history record summary, fingerprinting results, and safety assessment letter where the result was other than "no record" for all household members 18 years of age and older; (3) letter of the New York Statewide Central Register (SCR) database check; and (4) the clearance result of the Staff Exclusion List (SEL). These measures will reduce placing children at risk in foster care homes that are not certified or approved.

To meet federal and state requirements for eligibility determinations the *Initial Foster Child Eligibility Checklist* (LDSS-4809) has been revised in section 8, as recommended by ACF, to include the income as of date. The revised form is available on the OCFS Title IV-E website: <http://www.ocfs.state.ny.us/main/fostercare/titleiv-e/>

Additionally, OCFS will continue to work closely with all stakeholders to support additional activities and communications that are essential to New York State's success in future federal Title IV-E Foster Care Eligibility Reviews. OCFS will be updating the *Title IV-E Eligibility Manual* and checklist, as well as initiating additional training for local district staff. Information will be made available on the OCFS Title IV-E website <http://www.ocfs.state.ny.us/main/fostercare/titleiv-e/>

Please contact your OCFS Regional Office listed above if you have any recommendations, questions, or concerns.

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