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Informational Letter

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To:	Commissioners of Social Services
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Subject:	Adjusting Title IV-E Claims Found Not to Be Eligible
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Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
04-OCFS-INF-3 03-OCFS-LCM-5		18 NYCRR 628.1(b)(7)		Eligibility Manual for Child Welfare Programs	

I. Purpose

The purpose of the Informational Memorandum is to remind social services districts of their responsibility for adjusting Title IV-E foster care claims that are determined not to be Title IV-E eligible.

II. Background

In preparing for the upcoming Title IV-E Secondary Review, social services districts have raised questions regarding the adjustment of Title IV-E foster care claims.

Districts are reminded that in order for costs to be claimed as Title IV-E foster care they must remain eligible for that funding on an ongoing basis as evidenced by the necessary documentation. Documenting eligibility is a social services district responsibility. The following instructions advise districts of the guidelines for adjusting claims without unnecessarily interrupting revenues to which they may actually be entitled.

III. Program Implications

In re-reviewing Title IV-E foster care cases, either as part of preparing for an audit or in the normal course of performing eligibility re-determinations, once a district determines a foster care child to be ineligible, the Title IV-E status for his or her case must be adjusted back to the point of ineligibility. This involves adjusting the eligibility determination to one of the non-Title IV-E categories: Emergency Assistance to Families, Federally Non-Participating or Non-Reimbursable as well as adjusting any and all Title IV-E foster care claims from the point of ineligibility forward.

Note: Foster children found to be ineligible for Title IV-E at the time of placement due to errors in court orders can never be made eligible except in limited circumstances. These exceptions involve a child removed from home prior to March 27, 2000, the “reasonable efforts to prevent removal” language must be included in a court order but can be made at any time. Title IV-E eligibility does not begin until the reasonable efforts determination is made. For children removed from the home prior to March 27, 2000, the “best interests” or “contrary to the welfare” language must be included in a court order, or a petition, within 6 months of the removal that leads to such a finding. Title IV-E eligibility does not begin until that determination is made within the prescribed time period.

For children removed from home on or after March 27, 2000, the “best interest” or “contrary to the welfare” language must always be in the first court order removing the child from home. The court finding that reasonable efforts were made to prevent removal, or that reasonable efforts to reunify are not required, must always be in a court order within 60 days of the child’s removal from home. These errors cannot be corrected by a subsequent order.

Please refer to the OCFS Child Welfare Eligibility Manual for a complete description of the requirements.

Districts cannot rely on making “last-minute” adjustments on the automated claiming system. Districts have experienced difficulties in the past when trying to make large volume adjustments in the Welfare Management System (WMS) and Child Care Review Services (CCRS), the systems that drive the Statewide Services Payment System (SSPS) claims processing. In addition, claim adjustments are not processed until the State runs the retroactive claim process in SSPS, which may occur only once, or, at best, twice per month. Therefore, any adjustments that districts make after December 30, 2005 may not be subject to the retroactive claim process in time to remove the ineligible cases and payments from the audit universe.

Districts that are in the process of pursuing documentation to support Title IV-E foster care eligibility as part of the preparation for an audit and have yet to receive all relevant documentation as of December 30, 2005, must reverse all Title IV-E foster care claims that were filed in the prior 15 months, i.e. retroactive to October 1, 2004. Those cases must be adjusted to a non Title-IV-E foster care status for the period of ineligibility immediately. For cases that have been changed to another status, districts may reclaim Title IV-E foster care if they subsequently receive the missing documentation that makes the child fully eligible. However, if a district is unable to fully establish Title IV-E foster care eligibility for the child by May 1, 2006, the remaining Title IV-E foster care claims for the related case prior to October 1, 2004, and as far back as the onset of ineligibility must be adjusted to non-Title IV-E status. Title IV-E claiming cannot be resumed unless and until the district fully documents eligibility. If the district is able to fully document Title IV-E foster care eligibility after May 1, 2006, retroactive claims adjustments are allowed for the most recent 22 months.

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