

North Carolina Title IV-E Review by ACF/CB Areas Needing Attention in Preparation

Among the most common issues found in the 2014 Federal Title IV-E review related to removal and review court orders, and completion of the DSS-5120's. In order to minimize the possibility of this occurring please pay special attention to the following things:

- Verify that the child's name is accurate on all court orders.
- Ensure that the removal order includes a date it was issued by the judge or judge's designee.
- The date of each hearing should be reflected on the hearing in addition to the date the order was signed by the judge. Verify that the date is correct for both.
- Confirm that "copying and pasting" sections from previous court orders doesn't result in inaccurate information being reflected in the current order.

Child Information

- Children who are over 18 and under a Contractual Agreement for Residential Services (CARS) are not eligible for IV-E funds. The funding source for any child that was IV-E eligible prior to their 18th birthday must be switched to State funds by the CPPS system update deadline for the services month in which their birthday occurs.
- All records must include birth certificates.

Relevant Dates

- The removal order (usually the Order to Assume Nonsecure Custody) must contain contrary to the welfare/best interests language and the petition must thoroughly demonstrate why the child would have been unsafe if not removed.
- Any initial secure custody order must have the contrary to the welfare/best interest language present in the order for the child to be IV-E eligible if the child is removed from the home by way of a secure custody order and then subsequently placed in DSS custody without returning home.
- The Placement Log must be in every record and up to date. Each entry should include the date of placement, name and address of placement, and type of placement. The Placement Log should match the DSS-5094 or indicate why there is a discrepancy.

Removal by Court Order

- Payment records should reflect that requirement that children are not eligible for IV-E until the first day of the month in which all of the eligibility requirements (including court order language such as contrary to the welfare/best interests and reasonable efforts to prevent removal) are in place.
- Contrary to the welfare/best interest language must be present in the initial removal order, usually the non-secure custody order, even when the child came into DSS custody as a result of a delinquency order. The use of the most current AOC form orders ensures that the appropriate findings are made.

Voluntary Placement Agreements

- The Voluntary Placement Agreement found in the file should be executed using the most recent form.
- The file should verify that the child is actually placed in a licensed facility for the entire period covered under the agreement.
- The file should contain court orders, when a VPA lasts longer than 90 days, as directed by G.S. 7B-910 (IV-E eligibility ends after the 180th day unless there has been a judicial determination finding that continued placement is in the best interest of the child).
- The signature on the VPA must be that of a parent or guardian who has legal responsibility for the child. The VPA is not in effect until signed by the parent or guardian and the Director or designee.

Ongoing Judicial Activity

- The file should verify that reasonable efforts to prevent removal findings were made within 60 days from removal. If not present, the child cannot be IV-E eligible for this removal episode. The reasonable efforts finding is required within 60 days of the removal from the home, regardless of whether that removal is by a delinquency order or by a dependency/neglect/abuse order.
- The file must contain a judicial determination of reasonable efforts to finalize/achieve the permanent plan no later than 12 months from the date the child was considered to have entered foster care and at least once every 12 months thereafter while the child remains in foster care. These findings must be child specific, addressing each individual child when the order applies to more than one child.
- Each court order covering the permanent plan must include:
 - What specific efforts were made by the agency toward any permanent plan in effect within the last twelve months.
 - Identification of the permanent plan that was in effect within the last twelve months.
 - The judge's determination that the efforts were reasonable.
- If the reasonable efforts to finalize/achieve the permanent plan finding were not made in a timely manner, the child would not be eligible for IV-E reimbursement from the last day of the month in which the finding was due until the first day of the month in which the finding was actually made. Payment records should reflect any lapsed eligibility.