



DEPARTMENT OF HEALTH & HUMAN SERVICES

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ADMINISTRATION FOR CHILDREN AND FAMILIES  
Administration on Children, Youth and Families  
1250 Maryland Avenue, S.W.  
Washington, D.C. 20024

SEP 19 2008

Reginald Bicha  
Secretary  
Wisconsin Department of Children and Families  
201 East Washington Avenue, 2<sup>nd</sup> Floor  
P.O. Box 8916  
Madison, Wisconsin 53708-8916

Dear Mr. Bicha:

From August 4 through 7, 2008, staff from the Central and Region V Offices of the Children's Bureau (CB) of the Administration for Children and Families (ACF), in collaboration with staff from the Wisconsin Department of Children and Families (DCF), conducted a primary review of Wisconsin's title IV-E foster care program in Madison. The purpose of the review was to determine if payments made on behalf of children in foster homes and institutions were made in accordance with title IV-E (Sections 471 and 472) of the Social Security Act and title 45 of the Code of Federal Regulations (CFR), Sections 1355 and 1356.

This is to inform you that CB has determined that the State of Wisconsin's title IV-E foster care maintenance program is in substantial compliance with Federal eligibility requirements for the period under review (PUR), October 1, 2007 through March 31, 2008. No error cases were identified as a result of the review. Disallowances of title IV-E funds to be taken for this review will be for the payments, including the administrative costs, associated with the one non-error case with an ineligible payment outside the PUR listed in the enclosed final report of review findings.

This letter also constitutes our formal notice of disallowance of \$10.00 in maintenance payments and \$748.00 in related administrative costs for a total of \$758.00 in Federal Financial Participation (FFP) claimed for the above-noted case.

Since the amount of disallowed funds was previously included in Federal payments made to the State, please repay these funds by including a prior period decreasing adjustment on the Quarterly Report of Expenditures (Form ACF-IV-E-1), Part 1, Line 1, Columns (c) and (d) within 30 days from the date of this letter to avoid the assessment of interest.

This is CB's final decision. Under regulations at 45 CFR Part 16, you have an opportunity to appeal this decision to the Departmental Appeals Board (DAB). This decision shall be the final decision of the Department of Health and Human Services unless, within 30 days of receiving this decision, you deliver or mail (using registered or certified mail to establish the date) a written notice of appeal to:

U.S. Department of Health and Human Services  
Departmental Appeals Board, MS 6127  
Appellate Division  
330 Independence Avenue, S.W.  
Cohen Building, Room G-644  
Washington, DC 20201

Please attach to the notice a copy of this decision, note that you intend to appeal, state the amount in dispute, and why you think this decision is wrong. A copy of any appeal also must be sent to Carolyn Wilson-Hurey, CB's Child Welfare Regional Program Manager in Region V. The DAB will notify you of further procedures.

If Wisconsin appeals, it may elect to repay the amount at issue pending a decision by the DAB, or may retain the funds pending that decision. An adjustment to return the disallowed funds for the purposes of avoiding interest assessment is to be made through the use of a supplemental submission of Form ACF-IV-E-1, as described above. If Wisconsin retains the funds and the DAB sustains all or part of the disallowance, interest will be charged from the date of this letter on the funds the DAB decides were disallowed properly. Regulations at 45 CFR Part 30 detail how interest will be computed.

In the event Wisconsin chooses to take no action to return the funds, it will be assumed that it has elected to retain the funds either to appeal or to delay recoupment until the next grant award. Interest will continue to accrue on the Federal funds retained by the State during this period.

The result of the review speaks for itself regarding the quality of Wisconsin's title IV-E process. The high quality is due to the work of DCF leadership, the counties, the courts, private agencies, and community advocates. Contributing to the quality are ongoing training and regular meetings with the counties and county involvement in the development of all new rules. In reviewing cases, we were impressed by the consistency across counties, an especially noteworthy achievement in a State with the challenges of a State-supervised, County-administered structure. Also, we would like to commend the efforts by DCF and the Supreme Court, undertaken after the State's 2005 title IV-E review, that led to the enactment of legislation which insures that court documents identify clearly the responsibility for placement and care of children in the system.

We thank John Tuohy, Deputy Administrator, DCF Division of Safety and Permanence, for his leadership. We also thank county, eligibility, fiscal, licensing and court staffs for their months of hard work in preparation for the review. We appreciate the State

members of the review team who took time from their duties to participate, and we especially appreciate the leadership of David Timmerman, the Review Coordinator, for all of his efforts.

We support your guiding principle of always putting the interests of the child first and look forward to continuing to work together for the children and families of Wisconsin. Wisconsin's next primary eligibility review will take place in three years. If you have any questions, please contact Mary Doran, CB's Program Specialist in Region V, at (312) 886-4597, or by e-mail at [Mary.Doran@acf.hhs.gov](mailto:Mary.Doran@acf.hhs.gov). Questions concerning the disallowance should be directed to Chuck Sigl, ACF's Financial Management Specialist in Region V, at (312) 886-4938, or by e-mail at [Charles.Sigl@acf.hhs.gov](mailto:Charles.Sigl@acf.hhs.gov). The Final Report of the review is enclosed.

Sincerely,



Christine M. Calpin  
Associate Commissioner  
Children's Bureau

Enclosure

cc: Cyrus Behroozi, Administrator, Division of Safety and Permanence, WI DCF;  
Madison, WI  
John Tuohy, Deputy Administrator, Division of Safety and Permanence, DCF;  
Madison, WI  
David Timmerman, Review Coordinator; WI DCF; Madison, WI  
Michelle Rawlings; WI DCF; Madison, WI  
Cindy Schultz; WI DCF; Madison, WI  
Michelle Jensen-Goodwin; Office of Director of State Courts; Madison, WI  
Carolyn Wilson-Hurey, Child Welfare Regional Program Manager; CB, Region V;  
Chicago, IL  
Gail Collins, Director; CB, Division of Program Implementation; Washington, DC  
Jennifer Butler-Hembree, Program Specialist; CB, Division of Program  
Implementation; Washington, DC  
Charles Sigl, Financial Management Specialist; ACF, OA, OGM; ACF, Region V;  
Chicago, IL  
Mary Doran, Program Specialist; CB, Region V; Chicago, IL

**WISCONSIN TITLE IV-E  
FOSTER CARE ELIGIBILITY REVIEW  
August 4 through 7, 2008**

**Introduction**

Staff from the Central and Region V Offices of the Children's Bureau (CB), in the Administration for Children and Families (ACF), and from the Wisconsin Department of Children and Families (DCF) conducted a primary review of Wisconsin's title IV-E foster care program. The eligibility review was held in Madison, Wisconsin from August 4 through 7, 2008. The purpose of the review was to determine if payments made on behalf of children in foster homes and institutions were made in accordance with title IV-E (Sections 471 and 472) of the Social Security Act and title 45 of the Code of Federal Regulations (CFR), Sections 1355 and 1356.

A random sample of 100 (80 and an over-sample of 20) cases was drawn from the State's Adoption and Foster Care Analysis and Reporting System (AFCARS) data. The listing of sample cases was transmitted to State staff who verified that a foster care maintenance payment had been made in each case during the period under review (PUR), October 1, 2007 through March 31, 2008. On-site, the Review Team examined 80 cases to determine title IV-E eligibility for the child in care and to determine whether the foster home or child care institution was licensed and met safety requirements.

**Case Record Summary**

Of the eighty (80) cases reviewed, no error cases were identified. One non-error case was determined to have an ineligible payment outside of the PUR.

Ineligible Payment Case-Sample Number 13

The State claimed title IV-E foster care maintenance payments and administrative costs for one day (December 31, 2005) before the initial judicial determination regarding *Reasonable Efforts to Prevent Removal* was made.

Reference: 45 CFR 1356.21

Disallowances: Federal Financial Participation (FFP)  
Maintenance, \$9.81 (\$10.00); Administrative, \$747.94 (\$748.00) = Total: \$758.00 FFP

The disallowance covers one day, December 31, 2005, for maintenance payment and the entire month of December 2005 for associated administrative costs. The child was placed on December 31, 2005; however, the judicial requirement was satisfied in January 2006.

### **Strengths of the State's title IV-E system**

- All court findings were timely.
- The effectiveness of the team effort by the State DCF and the State Supreme Court to educate social workers, court personnel, and judges is apparent from the overall high quality of court documents. Court orders were child-specific, comprehensive and detailed. Actions by courts and county agencies related to reasonable efforts to prevent removal and best interests of children were well documented. In many instances, final case dispositions were made well within six months.
- Court hearings to finalize permanency plans and to obtain the related reasonable efforts finding were, in many instances, held more frequently than every 12 months. Many were held every six months or more frequently depending on case circumstances.
- The CFS-Form 205 that documents the initial determination of Aid to Families with Dependent Children (AFDC)-related eligibility showed clearly the mathematical calculations, reason for deprivation, specified relative from whom a child was removed, and the eligibility decision.
- The eWiSACWIS (Electronic Wisconsin Statewide Automated Child Welfare Information System) is capable of storing and producing needed information so that counties are able to minimize the paper they must retain, resulting in more orderly and manageable case records.
- The State and County Child Support Enforcement Units appear effective in collecting from parents whose children are in foster care. Many of the sample cases documented payments collected and used to help defray the cost of the child's care. Continuing payments from the non-custodial parent may be used for the child's care after he or she leaves foster care.

### **Areas in Need of Improvement**

- The eWiSACWIS currently is not capable of determining AFDC-related initial title IV-E eligibility.

### **Disallowances**

The review included a sample of 80 cases drawn from a universe of cases that received at least one title IV-E foster care maintenance payment during the six-month AFCARS period of October 1, 2007 through March 31, 2008. As indicated earlier in this report, based on the results of the review, Wisconsin has been found to be in substantial compliance. One non-error case was determined to have an ineligible payment. A disallowance in the amount of \$758.00 FFP in maintenance assistance and in associated administrative costs is assessed for the period of time of the ineligible payment.

### **Conclusion**

Wisconsin is in substantial compliance with Federal title IV-E review requirements and the next primary eligibility review will take place in three years.