Oct – Dec 2011 Quarterly Meeting Questions

1. If a service is in your Title XX plan and the budget is met does the agency need to continue to provide the service?

   Answer: The county must continue to provide and pay for Title XX services identified in their budget using other appropriate Federal or State funds even if they spend the amount budgeted prior to the end of the year. However, if the county completes an amendment to their Title XX profile removing said service and it is signed by all pertinent parties and submitted to the state as an approved amendment, at that point, the county can discontinue providing the service.

2. Can Non-recurring Adoption be used for children who are being adopted outside of the United States?

   Answer: Effective June 1, 2010

   5101:2-49-21 Reimbursement of Nonrecurring Adoption Expenses for a Child with Special Needs

   (R) International adoption payment prohibition.

   (1) Notwithstanding any other paragraph of this rule, no payment may be made to parents with respect to a child who meets the requirements specified in paragraph (J) of this rule but who is not a citizen or resident of the United States and was adopted outside of the United States or was brought into the United States for the purpose of being adopted.

   (2) Paragraph (R)(1) of this rule shall not be construed as prohibiting payments where the child is placed in foster care subsequent to the failure, as determined by the PCSA, of the initial adoption of the child by the parents described in paragraph (R)(1) of this rule.

3. Does Chafee have to be spent before TANF IL can be used?

   Answer: In reviewing OAC 5101:9-6-08.6, if services provided are eligible under Chafee IL then Chafee should be utilized prior to TANF IL. If services provided are not eligible under Chafee IL but are eligible under TANF IL then TANF IL can be utilized even though Chafee IL may not be fully spent.

4. Does the foster parent liability insurance rider under I-VE cover foster care parents liability?

   Answer: The following highlights questions and answers from 8.1 Title IV-E, Administrative Functions/Costs, Allowable Costs – Foster Care Maintenance Payments Program.

   - *Question: How should the costs of foster parent insurance be claimed, as maintenance payments or as administrative expenditures subject to reimbursement? What types of insurance costs are allowable? Is liability insurance sometimes considered a service? What should be included in the definition of "liability insurance"?*

Answer: Section 475 (4) of the Social Security Act, by including "liability insurance with respect to a child" in the definition of foster care maintenance payments, gives States the option of considering insurance for foster parents as a direct foster care maintenance cost or as an administrative cost of the foster care maintenance program under title IV-E.

Some States include payment for insurance coverage in the monthly foster care payment to foster parents; others provide the protection through a group insurance policy or through the State's self-insuring procedures. Using self-insurance, the State may be able to provide broad coverage at low cost.

Foster parent insurance should include coverage of damages by a foster child to the home or property of the foster parents and of harm done by a foster child to another party.

- *Source/Date: ACYF-CB-PIQ-82-04 (1/29/82)Legal and Related References: Social Security Act – section 475 (4)*

- *Question: If foster parent insurance is an administrative cost when purchased by the State agency, then the State receives a 50% match rather than FMAP. Doesn't this provide a disincentive for the State to take responsibility for insurance of foster parents and encourage the State to have the foster parents obtain their own insurance?*

Answer: Although, under title IV-E, Federal match may be lower for administrative costs than for maintenance costs, there is advantage to the State in assuming the overall responsibility for the protection for foster parents caring for children under the State's custody as a recruitment incentive. If the State chooses to use its self-insuring procedures, it may be able to provide a broad scope of coverage at relatively low cost. Foster parents are valuable resources to the agency, and the provision of protection against possible risks they face in providing care is a strong inducement to participate in the program.

- *Source/Date: ACYF-CB-PIQ-82-04 (1/29/82)*
- *Legal and Related References: Social Security Act – sections 424(a) and (c), 475(4)*

- *Question: There appears to be no agreement between insurers on the meaning of "liability insurance". Is the interpretation to include coverage of damages to the home or property of the foster parents as well as coverage for harm done by the child to another party, or accidental harm done by the foster parents to the child?*

Answer: The terminology may be misleading, because foster parents are interested in more than "liability insurance". The correct interpretation includes coverage of damages *to the home or property of the foster parents, as well as liability for harm done by the child to another party. In addition, protection against suit for possible malpractice or situations such as alienation of affection are often realistic concerns of persons who care for the children of others.*

Several States have responded to these concerns by providing coverage for foster parents under a "pooled" liability program which provides in effect a self-insurance for departments of State government. Other States have legislated or otherwise defined foster parents as employees or as persons acting on behalf of the State, thus providing protection to those persons for claims made against them as agents of the State. Some States have purchased insurance coverage for foster parents, although the policies available often do not cover all of the risks incurred.

- *Source/Date: ACYF-CB-PIQ-82-04 (1/29/82)*
- *Legal and Related References: Social Security Act - sections 424(a) and (c), 475 (4)*

5. Does RMS codes 776 Kinship Navigator Outreach and 777 Kinship Permanency Incentive Program map to TANF?

   Answer: As of the Oct – Dec financial period these codes map to TANF in combined agencies. Stand alone PCSA agencies map to non-reimbursable. To be reimbursed, stand alone PCSA agencies need to have a contract or MOU with the CDJFS.

6. SACWIS custody and placement, how is the number in 1A of the 4281 being generated?

   Answer: SACWIS pulls distinct child ids where the birth date of the child is less than or equal to 21 years from the last day of the last month in the reporting quarter from placement settings for the applicable agency where the placement begin date is less than or equal to the last day in the reporting period and the end date is null or greater than the last day in the reporting period and the agency has a valid custody episode. Placement dates must be within custody begin and end dates. Included in this number are children in adoptive placements where no adoption subsidy exists as of the last day of the reporting quarter.