



Iowa Children's Justice

Iowa Children's Justice Update

To inform the courts and other interested members of our state community, Iowa Children's Justice will send out periodic information about issues and activities related to Juvenile Court.

October 2009
Title IV-E

Title IV-E Audit

From September 27 – 30, 2010, Iowa will host a federal audit of the state's use of IV-E funds. The audit, conducted by the Administration for Children and Families – Children's Bureau, is required to "monitor and regularly review states' documentation supporting IV-E claiming." In recent years, Iowa has undergone close federal scrutiny and has been found to be in compliance with federal requirements in the last two IV-E reviews conducted in 2004 and 2007.

The details of the 2010 review include:

- 80 cases will be reviewed from the federal report of children who were in paid foster care anytime during the period under review – which is between **October 1, 2009 and March 31, 2010**. For that same period in 2008/2009, 8,976 children were placed in out of home care in the state.
- The audit sample is typically a random selection from all cases statewide, with a closer look at specific types of cases – such as Juvenile Court Services cases, APPLA cases or cases with Tribal involvement
- Any case with a claiming error in this period results in an error case. For example, if the state didn't get the annual Reasonable Efforts to Finalize Permanency court order language for a case until December 2009 – and it was due October 2009 – any IV-E claiming done for the months of October 2009 and November 2009 would be 'in error.'
- Five+ error cases = non-compliance. If the state is found not to be in compliance, the next IV-E audit will involve 150 cases rather than 80 and the state would be required to develop a Program Improvement Plan (PIP) prior to the next review.

IV-E Funds

Federal dollars, available through the IV-E Foster Care and Subsidized Adoption programs represent a significant funding resource for Iowa's efforts to assure children have safe and permanent homes. IV-E funding is a reimbursement of expenses for costs and activities necessary to provide foster care and adoption subsidy - not a capped resource.

For every child the state can document that criteria are met, the child welfare system is entitled to claim federal dollars for part of the cost of that child's out of home care. Clear documentation of key judicial findings related to IV-E requirements helps to assure best practice, and allows the state to support and increase federal funding where possible. In addition to required language in the court order, family composition, income and resources during the month a child is removed impact the state's ability to claim IV-E.

No Need for Magic language

Documentation of judicial findings in court orders that meet federal requirements for IV-E is necessary to support the state's claiming. Most of the time it's just a matter of clearly stating in the court order what the overall issues are before the court on a particular day. Is the child safe at home? If not, why? Has everyone done everything possible - within reason - to keep the child at home? Are we getting closer to providing this child with a safe and permanent home?

These questions that are answered every day in court are the basis for documenting IV-E requirements in court orders. See the chart on the next page for specifics.

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IV-E Requirements

Court Order Language Requirement per Federal Regulations	# Cases Not Meeting the Requirement in CFY 2008	What Judges Can Do
<p>The first order sanctioning removal of the child must specify that remaining in the home is contrary to the child's welfare.</p> <p>If the child was placed by a Voluntary Placement Agreement and court continues that placement a finding that placement is in that child's best interest in necessary for IV-E claiming beyond 180 days.</p>	310	<p>Clearly include in the first written order why the child can't stay at home.</p> <p>This finding must be in the first written order sanctioning removal whether that be an ex-parte order, commitment order, pick up or detention order or a modification of disposition order.</p> <p>All needed IV-E language must be in the Findings Order, not in support affidavits, petitions, etc.</p>
<p>A finding that Reasonable Efforts to Prevent Removal must be made within 60 days of the removal order</p>	128	<p>Clearly include in the written order at the time or just following a removal a statement that what was done to prevent the removal was adequate and reasonable.</p> <p>Activity described to support this finding must clearly be those efforts made before the child is removed.</p>
<p>At 12 month intervals a finding that Reasonable Efforts have been made to finalize the Permanency must be made for each child in care.</p>	<p>510 out of 11,168 orders reviewed at the 12-month point or were overdue</p> <p>168 of these had conflicting language within</p> <p>342 had no finding at all</p>	<p>With the permanency goal in mind for a specific child, clearly document in the written order that there have been sufficient efforts to help the family provide a safe and permanent home or that work is progressing to find another permanent home for the child.</p> <p>Description of activity to support this goal should be clearly different from those efforts to prevent removal. The description should state clearly what efforts have been accomplished to reunify or achieve permanency for the child in another home.</p>

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**For More Information
about IV-E**

For more information about IV-E funding and the upcoming audit contact Cheryl Zach, IV-E Eligibility Unit Manager, Iowa Department of Human Services at czach@dhs.state.ia.us

**For More Information
on Iowa Children's
Justice**

This e-letter may be forwarded to others you think might be interested. If you would like to add someone to our mailing list, please send their email address to jane.kieler@iowacourts.gov