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## FACT SHEET

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### Upcoming Federal Title IV-E Review

The purpose of this fact sheet is to inform you of the timeframe and scope of California's next Title IV-E Foster Care Eligibility Review (review), which will take place during the summer of 2015. The federal Department of Health & Human Services Agency, Administration for Children and Families, has selected October 1, 2014 through March 31, 2015 as the review period.

#### The Review

The foster care eligibility review will focus on whether a child meets title IV-E eligibility requirements for foster care maintenance payments. "Title IV-E" refers to title IV-E of the Social Security Act (42 U.S.C. § 670 et. seq.) With respect to the courts, the review team, comprised of federal and state representatives, will examine cases to determine if federal eligibility requirements were met, including:

- Judicial determinations regarding "contrary to the welfare" in accordance with 45 C.F.R § 1356.21(c);
- Judicial determinations regarding the state's "reasonable efforts" to prevent removal of the child in accordance with 45 C.F.R § 1356.21(b)(1);
- Judicial determinations regarding the state's "reasonable efforts" to finalize a permanency plan in accordance with 45 C.F.R § 1356.21(h)(2); and
- Judicial determinations regarding voluntary placement agreements in accordance with 45 C.F.R § 1356.22(b).

The files used at the review will be those maintained by the social services or probation department. If the required judicial determinations are not found in those files, Judicial Council staff will contact the local court and request documents from the court file and/or transcripts.

A statewide sample of 80 cases will be drawn from the Adoption and Foster Care Analysis and Reporting System (AFCARS) for the review period of October 1, 2014 through March 31, 2015. Each case selected will involve a child for whom at least one title IV-E foster care maintenance payment is made during the period under review. This will include payments made on behalf of children supervised by both social services and probation departments. Substantial compliance with all federal eligibility requirements must be achieved. To be considered in substantial compliance, no more

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than 4 of the 80 cases reviewed can be found in error. A payment disallowance is taken for all cases that fail to meet federal eligibility requirements. If the State does not achieve substantial compliance, the State will be required to develop and implement a Program Improvement Plan; thereafter, a secondary review would be conducted. After the secondary review, if the State still is not in substantial compliance, a larger disallowance is assessed on the basis of the State's total foster care population during the period under review.

California was determined to be in substantial compliance during the first Title IV-E review in June 2003, as well all subsequent reviews conducted in July 2006, September 2009, and November 2012. We anticipate the results of next year's review to be equally positive, and want to support that outcome by ensuring that the courts are aware of the review period and the key findings at issue.

*Contact:*

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*Additional resources:*

Title IV-E Foster Care Eligibility Reviews Fact Sheet,  
<http://www.acf.hhs.gov/programs/cb/resource/title-iv-e-fact-sheet>  
Title IV-E Foster Care Eligibility On-Site Review Instrument,  
<http://www.acf.hhs.gov/programs/cb/resource/title-iv-e-fostercare-review-instrument>