

NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES

BISMARCK, NORTH DAKOTA

September 10, 2021

PI 21-20

TO: Human Service Zones
Division of Juvenile Services
Tribal Social Services
Field Service Specialists

FROM: Kelsey Bless, Permanency Administrator

SUBJECT: Financial Responsibility

PROGRAMS: Custodial Agency Financial Responsibility 623-05-15-30
~~Responsibilities of County of Financial Responsibility 623-05-15-30-05~~
~~Reimbursement by County 623-05-20-10~~

RETENTION: Until Manualized

EFFECTIVE: Immediately

Children and Family Services (CFS) reviewed the current maintenance payment policy and many references to financial county are outdated since the inception of law changes and budgetary revisions. In the past year, CFS has consulted with Zone Directors, Division of Juvenile Services, Tribes and NDDHS Executive office to update the 623-05 maintenance chapter to accommodate revisions. This policy issuance will remove two sections and maintain one section pertinent to the custodial agencies financial responsibility of the foster child.

If you have questions, feel free to contact Kelsey Bless, kmbless@nd.gov or 701-328-3581.

Custodial Agency Financial Responsibility for Foster Care Payment 623-05-15-30

~~The county of financial responsibility may arrange with another county to perform certain activities such as provision of on-going services, and payment management. This will always be done through a written agreement, "Placement Agreement Between Counties," which is negotiated between the involved counties and pertains to financial or service activities. This is a county form used whenever a child is placed by the financial county into family foster care in a different county. It is not used in therapeutic family foster care or group/RCCF/RTC/PRTF care.~~

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~~The "county having financial responsibility" means the county where the child's parent has or had residence at the time of court intervention. The county of financial responsibility could change after a 60-day lapse in placement. If the parents do not have residence in North Dakota, then the financial responsibility exists in the county where the child resided at the time of court intervention.~~

~~(Definition developed by County Directors, 1997).~~

The custodial agency is financially responsible to meet the needs of the foster child throughout the life of the foster care episode. Custodial agencies must submit required payment related documentation to Children and Family Services Foster Care and Sub-Adopt Eligibility Unit (CFS Eligibility Unit) when seeking foster care reimbursement for licensed providers. Custodial agencies must assist in securing necessary resources for unlicensed caregivers.

Human Service Zone:

The Human Service Zone is responsible for planning and management of financial expenditures for all children under their custody. All eligible payments to a licensed provider, on behalf of a foster child, are reviewed and authorized by the CFS Eligibility Unit. Any costs associated with a foster child that are ineligible for reimbursement by the CFS Eligibility Unit are the responsibility of the Zone.

Tribal Title IV-E:

The Tribal social service agencies are responsible for planning and management of financial expenditures for all children under their custody. Eligible payments may be reimbursed by the department based on a signed Title IV-E agreement. If the foster child is not Title IV-E eligible, all financial responsibility remains with the Tribe. If the child is Title IV-E eligible, the

CFS Eligibility Unit will review and authorize all eligible payments to providers. Any costs associated with a foster child that are ineligible for reimbursement by the CFS Eligibility Unit are the responsibility of the Tribe.

Tribal Transfer Cases:

The transfer of jurisdiction from a Human Service Zone to a Tribe will also result in the immediate transfer of financial responsibility. Expenses not reimbursed at the time of transfer will be the financial responsibility of the custodial agency at the time the expense was incurred.

1. A child initially determined IV-E eligible under Zone custody will remain eligible for federal Title IV-E reimbursement upon custody transfer to the Tribe. The CFS Eligibility Unit will continue to authorize eligible payments.
2. A child not initially determined Title IV-E eligible under Zone custody will remain ineligible for IV-E reimbursement for the entire foster care episode. All financial responsibility for the child will transfer solely to the Tribe (638 case).

Division of Juvenile Services (DJS): The Division of Juvenile Services is responsible for planning and management of financial expenditures for all children under their custody. Eligible payments may be reimbursed by the department based on a signed Title IV-E agreement. All eligible payments to a licensed provider, on behalf of a foster child, are reviewed and authorized by the CFS Eligibility Unit. Any costs associated with a foster child that are ineligible for reimbursement by the CFS Eligibility Unit are the responsibility of the DJS.

DJS/Zone Transfer Cases:

The transfer of custody from one agency (Human Service Zone or DJS) to the other agency (Human Service Zone or DJS), will also result in the immediate transfer of financial responsibility. Expenses not reimbursed at the time of transfer will be the financial responsibility of the custodial agency at the time the expense was incurred. A child's eligibility determination will remain as initially determined and the CFS Eligibility Unit will continue to authorize eligible payments. After transfer, any costs associated with a foster child that are ineligible for reimbursement by the CFS Eligibility Unit are the responsibility of the custodial agency.

~~Responsibilities of County of Financial Responsibility 623-05-15-30-05 (DELETE FULL SECTION)~~

~~Financial responsibility for the case always rests with the "financial county."~~

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~~The financial county generates the Foster Care Payment information on the appropriate CCWIPS screen unless an agreement to do so is negotiated with another county. If an agreement exists with another county, refer to CCWIPS Manual.—~~

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~~The county of financial responsibility maintains all case management responsibility not vested in the custodian. In cases where the financially responsible county is also the custodian, the county has complete responsibility for the case, including eligibility and payment and all activities associated with placement and supervision of the child.~~

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~~In certain circumstances, the financial/custodial county may negotiate an agreement with another county to provide specific services, such as placement and supervision. In such an instance, the financial/custodial county remains responsible for ensuring that permanency planning takes place, and that the case is documented, for example, in preparation for audit.—~~

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~~Therapeutic Family Foster Home, Group/RCCF/RTC/PRTF Facility:~~

~~1. Therapeutic Family Foster Home:~~

~~In therapeutic family foster care, the financial county for purposes of therapeutic family foster home cases is similar to the procedure for children in group/RCCF/RTC/PRTF care. The custodian refers the child, ensures that permanency planning takes place, maintains the county case file for purposes of ensuring that custodial duties are carried out and compliance issues met. Therefore, for purposes of therapeutic family foster care, the county of financial responsibility for eligibility and payment in most cases is the custodial county. In special circumstances there may be exceptions to this. Please refer questions to the regional human service supervisor.~~

~~2. Group/Residential Child Care Facility~~

~~The county of financial responsibility for children and youth in foster care in group and/or residential child care facilities, in or out of state, is the county where the child's parent has residence at the time of court intervention. Financial responsibility will remain with that county as long as the individual remains in care.~~

~~3. Subsidized Adoption~~

~~Prior to adoption, follow above guidelines for family foster care. Refer to Subsidized Adoption Manual Service Chapter 617-05 for further information.~~

~~Reimbursement by County 623-05-20-10~~

(DELETE FULL SECTION)

~~County responsibility for reimbursement to the state regarding foster care is handled according to N.D.C.C. Section 50-09-21.1, for all periods after January 1, 1998.~~