



Adoption Assistance Program Monitoring Manual



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**CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
ADOPTIONS SERVICES BUREAU**



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Contents

Framework for Adoption Assistance Program Monitoring.....	1
Adoption Assistance Program Overview	1
Definitions	1
Requirements Subject to Monitoring	1
Purpose of Monitoring	2
Adoption Assistance Program Monitoring.....	2
Department Responsibilities	2
County Responsibilities	3
Case File Content to be Monitored	3
Monitoring Instrument	3
Case File Selection	4
Sample Sizes	4
Oversampling.....	4
Electronic Files.....	5
The 6-Step Review Process	5
1. Preparation Prior to Site Visit	5
Initial Contact.....	5
Selecting Case Files to be Monitored.....	5
On-site Monitoring Logistics	5
Organizing Case File for Monitoring	5
2. On-Site Monitoring Review	6
Entrance Meeting	6
Case File Monitoring.....	6
Exit Meeting.....	6
3. Monitor Findings Report	6
Complete and Distribute the Findings Report.....	6
4. Development and Execution of a Corrective Action Plan	6
Receive and Review Corrective Action Plan	6
5. Corrective Action Plan Submission.....	7

6. Corrective Action Plan Monitoring Follow-up 7
County Contracts with State Adoptions Office 7
Technical Assistance 8
Monitoring Tool 9-12

Framework for Adoption Assistance Program Monitoring

Adoption Assistance Program Overview

Congress created federal subsidies through the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272) to encourage the adoption of children with special needs by removing the financial disincentives for families to adopt. In accordance with federal law, the California State Legislature (through Welfare & Institutions Code [W&IC] sections 16115 – 16125) created the Adoption Assistance Program (AAP). The legislative intent of the program is to incentivize adoption of children who, because of their special needs, are at risk of becoming court dependents or would remain in long term foster care. Both agency and independent adoptions may be eligible for AAP. Accordingly, the AAP is governed by regulations and policies based on federal and state laws. The California Department of Social Services (CDSS) is the single state agency responsible for overseeing AAP and is responsible for monitoring AAP in accordance with Title 45 Code of Federal Regulations (CFR) Part 92.40.

Definitions

The following is a list of terms and definitions as used in this manual:

Monitoring is the process used to ensure compliance with applicable federal requirements, and that performance goals are being achieved.

The Department is the CDSS Adoption Services Bureau (ASB).

Financially Responsible County (FRC) is the income maintenance division of the county welfare department, and is “the county” in California Code of Regulations (CCR) Title 22 sections 35325 et. seq. The FRC determines Title IV-E (federal) eligibility, disburses AAP benefits, and maintains the AAP eligibility case file per CCR Title 22 Section 35325(c) and Eligibility and Assistance Standards (EAS) Manual Letter NO. EAS-11-02 Section 45-807.

Responsible Public Agency (RPA) is the county adoptions unit or the Department. The RPA is responsible for determining AAP eligibility, negotiating initial and subsequent AAP benefits, completing the reassessment process and maintaining the confidential AAP case file per CCR Title 22 sections 35325(c) and 35351. Some counties opt to contract with the Department to administer their adoption and AAP programs. Though contracted with the Department for the administration of adoption and AAP programs, the county as the sub-recipient of the federal funds retains responsibility for proper and accurate administration of contracted services.

Requirements Subject to Monitoring

Counties are responsible for the administration of AAP per the following laws and regulations:

- Title 42 U.S.C. Chapter 7 Subchapter IV Part E sections 471, 472, 473 and 475
- California W&IC sections 16115 through 16125
- CCR Title 22 Division 2 Chapter 3 Subchapter 7 sections 35325 through 35352.2
- EAS Manual Letter NO. EAS-11-02 sections 45-800 through 45-808

Purpose of Monitoring

The purpose of AAP monitoring is to ensure administration of the AAP from eligibility determination to disbursement of benefits is in compliance with federal and state laws. It is the intent of the Department to act in an oversight role by providing monitoring feedback in the form of a findings report and technical assistance to the RPAs and FRCs.

Federal enforcement of regulations for non-compliance puts the state and counties at risk for significant penalties and/or loss of federal financial participation funds. In accordance with 45-CFR 92.43, the following actions may be taken for non-compliance:

1. Withhold cash payments pending correction of the deficiency.
2. Disallow all or part of the activity not in compliance.
3. Wholly or partly suspend or terminate the current award for the program.
4. Withhold further awards for the program.
5. Take other remedies that may be legally available.

Monitoring is the first step toward ensuring compliance with federal and state regulations. It is also the intent of the monitoring program to ensure that FRCs and RPAs maintain complete and accurate AAP eligibility and AAP case files so they will be better prepared in the event of an audit, and the risk of non-compliance is minimized.

Adoption Assistance Program Monitoring

Counties with a monthly average AAP caseload of 500 or more will be monitored, at a minimum annually, and counties with an AAP caseload of less than 500 will be monitored, at a minimum once every two years. The Department will notify counties of intent to monitor its AAP files at least 30 calendar days in advance of the date of the monitoring. Upon this initial contact, monitoring staff will collaborate with counties to determine the date of the monitoring visit and a follow up written notice will be sent to the county specifying the date. The county has 10 business days from the notice of intent to monitor in which to respond and request an extension of up to 30 days pursuant to W&IC sections 10605 (c)(2)-(3).

Department Responsibilities

Identify the Department monitoring team members.

- Develop monitoring schedule.
- Provide on-going training for Department monitoring team members to develop proficiency and efficiency in executing on-site and electronic case file monitoring.
- Contact liaison to obtain a list of all AAP cases initiated to be monitored
- At least 15 days prior to monitoring, provide liaison(s) with the list of cases randomly selected.
- Maintain a hard copy file for each monitoring event including copies of: correspondence, relevant forms, letters of intent, findings report, corrective action plan (CAP) and CAP submission letter.

County Responsibilities

- Provide a list of AAP cases requested by monitor.
- Assign a liaison to work with the monitor during the monitoring.
- Arrange monitoring and meeting locations.
- Ensure all selected AAP case files and eligibility case files are made available in the room being used for monitoring.

Case File Content to be Monitored

All facets of administering AAP are subject to monitoring. At a minimum, during the review of the AAP eligibility and AAP case files, the following forms will be reviewed:

- Federal Eligibility Certification For Adoption Assistance Program (FC 8)
- Eligibility Certification Adoption Assistance Program (AAP 4)
- Adoption Assistance Program Negotiated Benefit Amount And Approval (AAP 6)
- All Adoptions Assistance Program Agreements (AD 4320)
- All Payment Instructions Adoption Assistance Program (AAP 2)
- All Adoption Assistance Program Non Recurring Adoption Expenses Agreement (AAP 8)
- All Notices Of Action (NOA)

Additional AAP Documentation to be reviewed and/or verified:

- Full Payment History
- Adoption Finalization Date

During monitoring, form versions will be checked against the signature date on the form. Use of outdated forms may result in missing or inaccurate information and is considered out of compliance. Forms are considered to be outdated when a newer version of the form exists yet an older version is being used. This will be determined by comparing the version date of the form with the date written on the form being monitored. A grace period will be factored in to account for situations when a revised version of a form was introduced within four months of the use of the previous version. To address feedback received from counties, beginning with the second round of AAP monitoring, counties will be held accountable for the use of outdated forms only if CDSS had notified counties that a newer version of a form is available on the CDSS website. In the event CDSS fails to notify counties that a new version of a form is available on the website, this will no longer be considered a finding. Current AAP forms can be found at the Department website <http://www.cdss.ca.gov/cdssweb/PG19.htm>.

There may be occasion when overpayments are discovered. These overpayments will be handled in accordance with W&IC section 11466.23 et.seq.

Monitoring Instrument

The AAP Title IV-E Eligibility Monitoring Instrument (the instrument) (Appendix I) focuses on questions regarding information in the AAP case files and the AAP eligibility case files. The

instrument was developed in collaboration with the Administration for Children and Families Region IX Office. As AAP regulations change, the instrument will be modified to include the new provisions; questions will be added, changed or deleted in order to maintain accuracy in measuring AAP compliance with federal regulations. The latest version of the instrument may be obtained by contacting the Department at (916) 651-8089.

State and federal laws and regulations direct that certain acts and processes be engaged to ensure AAP eligibility and benefits are accurately and fairly administered. Compliance is established by monitoring information recorded on the aforementioned forms for accuracy and completeness.

Common Non-Compliance Issues:

- Missing Forms
- Incomplete or Inaccurate Forms
- Missing Signatures and Signature Dates
- Outdated Forms (when newer forms are available)

Case File Selection

AAP cases initiated since the last monitoring visit and a sample of cases previously monitored during the last visit are subject to monitoring. From the current list of AAP cases initiated since the last monitoring visit to be provided, the monitor will randomly select a list of case files and oversample case files to be monitored. The list of cases to be monitored will be transmitted to the liaison either by facsimile or electronic mail (email).

Sample Sizes

Counties with an AAP caseload of less than 500 will have 10 new cases monitored; counties with an AAP caseload between 500 and 10,000 will have 20 new cases monitored; and counties with an AAP caseload greater than 10,000 will have 40 cases monitored.

Oversampling

Circumstances will arise when case files that have been selected for monitoring are not appropriate for inclusion in the sample being reviewed. The following are examples of situations where an oversample case file would be selected:

- The selected case file was closed after the random list was generated but prior to the on-site review.
- The selected case file was subpoenaed by and is in possession of the court.

In the event a case file is removed from the sample, another case will be selected from the oversample list. An oversample size equal to 10 percent of the case files selected for monitoring will be utilized. For example, 40 cases selected for monitoring would require 4 additional cases to be selected as the oversample. Incomplete or inaccurate case files are not to be replaced under any circumstances. The 10 percent oversample shall be made available

to the monitor and will be included and identified as such in the list of files selected to be monitored.

If a case selected for monitoring is to be excluded, the party will document the reason for excluding the case. The final determination for excluding a case file will be made by the AAP monitor or appointed Department AAP representative.

Electronic Files

If the county maintains paperless AAP case files in C-IV, CalWIN or CWS/CMS, the monitor will ask that the county print out requested forms and place them in a file. Copies of relevant AAP forms must show that the forms have been signed and dated. Electronic signatures are acceptable. It is expected that FRCs and RPAs storing files by such methods do so in accordance with relevant state and federal regulations regarding maintenance and storage of sensitive and confidential information.

The 6-Step Review Process

1. Preparation Prior to Site Visit

Initial Contact

The AAP monitor will make the initial contact with the County Administrator's office to establish liaisons by a written Letter of Intent to Monitor AAP. The AAP monitor will then collaborate with the liaison to determine dates for the on-site monitoring visit. This contact will be initiated by the AAP monitor. The AAP Monitor will confirm information discussed during the initial contact, and this contact will occur at least 30 calendar days prior to the scheduling of the monitoring visit.

Selecting Case Files to be Monitored

The monitor will request a complete list of all AAP cases initiated since the last monitoring visit. Cases will be randomly selected for monitoring from the list. The list of cases selected for monitoring will be sent by the monitor, either by electronic mail (email) or facsimile, to the liaison prior to the scheduled monitoring. A sample of cases previously monitored will be selected to be reviewed to ensure previous findings have been addressed by the county.

On-site Monitoring Logistics

The AAP monitor(s) will work closely with the liaison(s) to identify office space, copier access, file access, and address any unique travel or accommodation situations. Logistical items such as location of facilities and emergency procedures should also be addressed.

Organizing Case File for Monitoring

Prior to the on-site monitoring, the liaison(s) will assemble the selected case files.

2. On-Site Monitoring Review

Entrance Meeting

The monitor will conduct an entrance meeting with appropriate county staff and the liaison(s) to address the goals and objectives for that specific visit as well as fielding questions and concerns. The entrance meeting should occur as early as possible on the first day AAP monitors are on-site.

Case File Monitoring

When possible, it is requested the liaison(s) provide the case files selected for monitoring in the same physical space. If this is not possible, it may be necessary to monitor in two or more locations. This should be addressed and clarified during the initial contact. It is desirable to have a liaison available for questions throughout the on-site monitoring visit.

Exit Meeting

At the conclusion of the on-site monitoring, the monitor will conduct an exit meeting. The purpose of the exit meeting is to discuss findings, concerns, address any questions the county or liaison may have about their current processes and procedures as well as the monitoring experience and to confirm a monitoring manual is on-site.

During the exit meeting, the findings along with issues such as consistent themes, pervasive occurrences of conditions or anything the monitor deemed noteworthy may be discussed. Discussions of this nature are useful for providing the monitors with insight to the agency's processes and providing agency representatives with the preliminary results of the monitoring process.

The exit meeting is also an opportunity to thank the agency representatives and address any logistical recommendations related specifically to the site visit.

3. Monitor Findings Report

Complete and Distribute the Findings Report

The findings report addresses the outcome of the on-site monitoring. The county and its liaison will receive a findings report within 30-45 calendar days. This report will identify the files monitored, provide an overview of the findings and, if errors are identified, a detailed list of the cases and their errors.

4. Development and Execution of a Corrective Action Plan

Receive and Review Corrective Action Plan

A CAP is a document generated by the county in response to information provided in the findings report. The CAP must address steps to correct the errors found as well as steps to avert similar errors in the future. A CAP is due 30 calendar days following receipt of the findings report. At a minimum the CAP should contain:

- A statement of the error(s)
- Cause(s) of the error(s)
- A description of the processes and/or procedures that will prevent similar errors in the future
- Implementation and timeframes for implementing the corrective actions
- A timeline for when compliance will be achieved
- A component to measure progress
- Evidence of resolution

Monitors will collaborate with the county and its liaison(s) to resolve issues and reverse findings. The intent of monitoring is to ensure ongoing partnership with RPA and FRC staff and to ensure the state and the county remains in compliance according to federal and state laws and regulations. The CAP is deemed complete by the Department once all issues in the findings report have been satisfactorily addressed.

5. Corrective Action Plan Submission

Once the CAP has been reviewed and accepted by the Department, the Department will send a *CAP Submission Letter* to the county.

6. Corrective Action Plan Monitoring Follow-up

During the next monitoring visit, monitors will be following up with county liaison(s) regarding the progress of the CAP as well as review a sample of files that were previously monitored to reverse findings and provide technical assistance if needed.

County Contracts with State Adoptions Office

In the event the county contracts with the State Adoptions Office as its RPA, upon approval from the county, the monitor will request files directly from the State Adoptions Office. In addition, if a CAP is required, the county is responsible for the submission of the CAP. However, upon approval of the county, the monitor can work directly with the State Adoptions office to develop their portion of the CAP that is forwarded to the county for its review and approval.

When preparing the CAP, the FRC should address all eligibility issues and the RPA should address all non-eligibility issues included on the findings report. Once the county approves the Department's CAP, the county should merge the two CAPs and submit one final CAP to CDSS.

Prior to submitting the CAP, the county should review it for accuracy and ensure it addresses all of the findings in the findings report. The CAP will need to be submitted to the Department monitor on county letterhead and signed by the appropriate county supervisory staff.

Technical Assistance

Technical assistance aspect of AAP monitoring is available to counties, FRCs and RPAs upon request. The scope of technical assistance is broad and may address anything other than interpretation of policy or law. To request technical assistance, please visit the Department's AAP website at <http://www.childsworld.ca.gov/PG1303.htm> to access a list of counties with the name and contact information for the CDSS monitor assigned to each county. In addition, requests for technical assistance may be directed to the AAP monitoring unit at [\(916\) 651-8089](tel:9166518089).

For assistance with AAP policy and/or law questions, please continue to contact the Department's AAP policy consultant at (916) 651-8089.



Title IV-E AAP Eligibility Monitoring Instrument and Instructions

ERROR CASE <input type="checkbox"/>	NON-ERROR CASE <input type="checkbox"/>	NON-FEDERAL CASE <input type="checkbox"/>
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County Name: <input style="width: 95%;" type="text"/>	Case Reviewed By: <input style="width: 95%;" type="text"/>
Child Name: <input style="width: 95%;" type="text"/>	Case Review Date: <input style="width: 95%;" type="text"/>
AAP Case ID: <input style="width: 95%;" type="text"/>	Prior Review Date: <input style="width: 95%;" type="text"/>
Date of Birth: <input style="width: 95%;" type="text"/>	AAP Agreement Date: <input style="width: 95%;" type="text"/>
Child Turns 18: <input style="width: 95%;" type="text"/>	Adoption Final Date: <input style="width: 95%;" type="text"/>

I. THREE PART SPECIAL NEEDS DETERMINATION

The child meets all of the following requirements (A, B & C) to be eligible for AAP

A. Determination that the child could not or should not be returned to the home of his or her parent? OR	<input type="checkbox"/>
Did the court dismiss the dependency of transitional jurisdiction subsequent to the approval of the NMD adoption petition?	<input type="checkbox"/>
B. Adoption placement without financial assistance unlikely due to one of the following?	
• Membership in a sibling group	<input type="checkbox"/>
• Race, ethnicity, color or language	<input type="checkbox"/>
• Age three years or older	<input type="checkbox"/>
• Adverse parental background	<input type="checkbox"/>
• Child's mental, physical, emotional, medical or developmental disability	<input type="checkbox"/>
C. Were search efforts made to find an adoptive home without providing adoption or medical assistance? OR	<input type="checkbox"/>
Was the search requirement waived?	<input type="checkbox"/>

II. CITIZENSHIP

The child meets one of the following citizenship requirements

A. Child is a citizen of the United States	<input type="checkbox"/>
B. Child is placed with unqualified alien and meets 5 year residency requirements	<input type="checkbox"/>
C. Child is a member of exempted group	<input type="checkbox"/>

III. TITLE IV-E (federal) ELIGIBILITY INFORMATION

A or B must be completed to be federally eligible

A. APPLICABLE CHILD meets one of the definitions of an applicable child below:

Child meets applicable age requirement	<input type="checkbox"/>
Child's age is: <input type="text"/> FFY <input type="text"/> FFY is Oct 1- Sept 30	
Child has been in Title IV-E foster care agency for 60 consecutive months.	<input type="checkbox"/>
Child's sibling is an applicable child placed in same adoptive home.	<input type="checkbox"/>

AND at least one of the following

Child is in the care of a public or private child placement agency or Indian tribal organization and is the subject to either an involuntary removal from the home by court order and continuation in the home would be contrary to the welfare of the child or voluntary placement agreement or voluntary relinquishment.	<input type="checkbox"/>
Child met eligibility requirements for federal SSI Benefits.	<input type="checkbox"/>
Child was residing in foster home with child's minor parent.	<input type="checkbox"/>
Child received AAP with respect to a prior adoption that dissolved due to the termination of the adoptive parent rights or the death of the adoptive parent.	<input type="checkbox"/>

OR

B. NON-APPLICABLE CHILD meets one of the following Title IV-E requirements below:

Child met eligibility requirements for SSI Benefits.	<input type="checkbox"/>
Child met the AFDC eligibility requirements in the home of removal.	<input type="checkbox"/>
At least one Title IV-E FC payment was made to child's minor parent.	<input type="checkbox"/>
Child received AAP benefits with respect to a prior adoption that dissolved.	<input type="checkbox"/>
Child is an Indian child and the subject of a tribal customary adoption order.	<input type="checkbox"/>

FORMS

AD 4320 (recent versions- 05/15, 08/14, 09/13, 10/12, 11/11, 08/11, 07/11, 10/10, 04/10)

In AAP File	In Eligibility File	Complete & Correct	Signed & Dated	Date Signed	Version Used
<input type="checkbox"/>	n/a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>
<input type="checkbox"/>	n/a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>
<input type="checkbox"/>	n/a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>

AAP 4 (recent versions- 09/13, 03/13, 09/12, 08/12, 11/11, 07/11, 07/10)

In AAP File	In Eligibility File	Complete & Correct	Signed & Dated	Date Signed	Version Used
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>

FC 8 (recent versions- 05/15, 10/11, 07/11, 01/11)

In AAP File	In Eligibility File	Complete & Correct	Signed & Dated	Date Signed	Version Used
<input type="checkbox"/>	n/a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>

AAP 6 (recent versions- 05/15, 07/14, 09/13, 11/12, 11/11, 07/11, 10/10)

In AAP File	In Eligibility File	Complete & Correct	Signed & Dated	Date Signed	Version Used
<input type="checkbox"/>	n/a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>
<input type="checkbox"/>	n/a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>

AAP 8 (recent versions- 05/15, 11/11, 08/11, 07/11, 01/11)

In AAP File	In Eligibility File	Complete & Correct	Signed & Dated	Date Signed	Version Used
<input type="checkbox"/>	n/a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>

AAP 2 (recent versions- 05/15, 01/15, 09/13, 10/12, 09/12, 08/12, 07/11, 10/10, 09/10)

In AAP File	In Eligibility File	Complete & Correct	Signed & Dated	Date Signed	Version Used
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>

NOA

In Eligibility File	Complete & Correct	Notes
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	