



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Probation



Date: May 5, 2014
Board Meeting Date: October 21, 2014
Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: John T. Keene, Chief Probation Officer

Subject: Agreement with Justice Benefits, Inc., as the general partner of Unificare, LTD, a Texas limited partnership (JBI)

RECOMMENDATION:

Adopt a Resolution authorizing an agreement with Justice Benefits, Inc., as the general partner of Unificare, LTD, a Texas limited partnership to provide professional assistance to explore opportunities for new Federal Financial Participation, to review prospects for expansion of existing Federal Financial Participation, and to secure additional Federal Financial Participation as may be appropriate, for the term of July 1, 2014 through March 31, 2015, in an amount not to exceed \$120,000.

BACKGROUND:

Title IV-E of the Federal Social Security Act provides funding for administrative activities as they relate to children in imminent or serious need for foster care. The San Mateo County Probation Department is in need of a vendor that will compile Title IV-E Foster Care Administrative claims for federal reimbursement.

Founded in 1997, JBI as the general partner of Unificare, LTD, a Texas limited partnership has over 16 years of experience specializing in federal revenue maximization, specifically Title IV-E Foster Care claiming for state and local entities. JBI has developed a versatile Web Based Random Moment Sampling (RMS) time study that has been approved by the California Department of Social Services (CDSS). JBI has remained the only professional firm that has the capacity to assist local Juvenile Justice Departments with Title IV-E claims.

DISCUSSION:

In September 2013, the Administration for Children and Families (ACF) Regional Office IX conducted Title IV-E candidacy claiming policies and procedures review of two California Probation Departments. This review identified deficiencies in the State's claiming policies. In November, the California Department of Social Services (CDSS) was notified by ACF Region IX that all California Probation Departments must cease claiming retroactive to October 1, 2013 until the identified deficiencies were addressed.

Since that time, as a response to the ACF notification, CDSS, in collaboration with the Chief Probation Officers of California (CPOC), proposed an alternative resolution to ACF that

contained an expedited implementation of a corrective action plan, which included a strong statewide training component and modifications to Title IV-E pre-placement programming and claiming procedures. CDSS also recommended that California counties be allowed to continue to claim eligible administrative pre-placement Title IV-E candidacy costs while the corrective action plan (CAP) is implemented.

On January 24, 2014, CDSS accepted the corrective action plan that will assist Probation Departments across the state to recover the lost quarter's claim and to continue to submit future claims. The CAP requires Probation Departments to submit supporting documentation using a methodology that is very different than previously used. JBI uses a methodology that is accepted by CDSS as statistically accurate and federally approved. It is anticipated that Title IV-E Administrative claims will be reduced statewide based upon the new claiming procedures developed by CDSS.

This agreement would allow the San Mateo County Probation Department to enter into an agreement with JBI for the review of current policies and procedures used by the County to identify additional Federal and other revenue sources, if any, as may be available to the County through participation in new programs or expansion of existing Federal Financial Participation (FFP). These efforts may include any of the following activities: advising the County of the reimbursement opportunity, preparing or enhancing the claim, preparing or assisting with submittal packages, preparing audit files, assisting the County with submittals, assisting the County should it be audited for claims on which the Company assisted, or other related federal revenue enhancement activities.

This agreement sets forth a mechanism that would allow JBI to administer the RMS time study, which is recognized by the California Department of Social Services (CDSS) as an approved method for documentation of time and submission of claims for Title IV-E Foster Care. JBI will continually monitor for new opportunities of funding. Whenever a new federal reimbursement opportunity arises, JBI may notify the County of that opportunity. JBI will strive to identify and optimize all federal reimbursement opportunities for the County; but is not obligated to make the County aware of all possible opportunities and shall have no liability for any omission to identify the same.

The Probation Department requests a waiver of (1) the Request for Proposal process requirement as well as (2) the provisions of the County's Equal Benefits Ordinance (Chapter 2.84.020) as there are no other professional firms currently assisting Juvenile Justice Departments with Title IV-E Foster Care Administrative claiming in the state. A waiver of the County's Equal Benefits Ordinance is necessary given that JBI currently only offers equal benefits to its employees' spouses and not their domestic partners.

California Probation Departments have been advised that the ACF will conduct future audits of the Title IV-E Administrative program. By utilizing the services of JBI, the Probation Department will increase the likelihood of successfully passing any future audits or reviews conducted by the ACF.

County Counsel has reviewed and approved Resolution and Agreement as to form.

Chief Probation Officer or his designee is authorized to execute contract amendments which modify the County's maximum fiscal obligation by no more than \$25,000 (in aggregate), and/or modify the contract term and/or services so long as the modified term or services is/are within the current or revised fiscal provisions.

Approval of this Agreement contributes to the Shared Vision 2025 outcome of Safe Neighborhoods by helping youth reduce destructive and criminal behavior. Through this Agreement, the Department will be able to track the percent of youth deemed as reasonable candidates who are at imminent risk for foster care as defined by Title IV-E of the Social Security Act. Tracking the Department's number of reasonable candidates directly translates into the percent of Title IV-E eligible claims, as indicated in the Performance Measure below.

PERFORMANCE MEASURE(S):

Measure	FY 2013-14 Actual	FY 2014-15 Projected
Percent of Title IV-E eligible claims	60%	60%

This will be an indication of how much funds the Probation Department will be claiming for Title IV-E. This is also a reflection of how many juveniles in the Probation system are reasonable candidates, as defined by Title IV-E.

FISCAL IMPACT:

The term of the agreement is July 1, 2014 through March 31, 2015. The total contract amount is \$120,000. This has been included in the Probation Department's Recommended FY 2014-15 budget. There is no Net County Cost.