LPA Foster Care Audit Response, PPS Perspective

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Testimony of:
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Testimony on:
  DCF PPS Response to LPA Foster Care Audits (Parts 1 & 2)

Chairman Alford, Vice Chair Gallagher, Ranking Member Ousley and Members of
the Committee:

Thank you for the opportunity to respond to the Legislative Post Audit (LPA) reports on
the child welfare system in Kansas. We appreciate the work of audit staff members and
their efforts to understand the Kansas child welfare system. It is expansive and
complex, and the Kansas Department for Children and Families (DCF) is only one of
many entities involved in ensuring that children remain safe and families achieve
stability.

The audit has provided us with some insights and confirmed some prior knowledge,
both of which will assist us as we continue to improve the Kansas child welfare system.

**System Oversight and Safety**

In addition to the LPA Audit, the federal government oversees an extensive and
rigorous review of the system called the Child & Family Services Review (CFSR). This
periodic review of state child welfare systems is designed to ensure conformity with
federal child welfare requirements, determine what is actually happening to children and
families as they are engaged in child welfare services, and assist states in helping
children and families achieve positive outcomes. As explained in our written response
to the audit, in the most recently completed CFSR, Kansas ranked second in the
country in protecting children in the child welfare system from abuse and neglect.
And in the current ongoing review, we are proud that we are currently in first
place.

However, improvements do need to be made and we are working hard to do just that.
As detailed in our written response to the audit, we embrace many of the findings of the
audit and, in many instances, the findings confirm issues we have seen and reforms we
are working to implement.

This and other committees of the Kansas Legislature serve as another layer of oversight
for the system. DCF also works with a number of other child welfare-related work
groups which provide additional input into the system, including the following:

- Supreme Court Task Force on Permanency Planning (SCTFPP)
- Judicial Council Juvenile Offender/Child in Need of Care Subcommittee
- Permanency Advisory Committee
- Citizen Review Panels
- Juvenile Justice Oversight Committee
- Kansas Adoptive and Foster Parent Association
Kansas Family Advisory Network, Inc.

**Casey Family Programs Report**

DCF has also continued implementation of recommendations made by Casey Family Programs, including the use of a Practice Model. The Practice Model (shared previously with this committee) was released this month, with a strategic rollout plan for stakeholders around the state. DCF has made numerous new changes to the Kansas Protection Report Center (KPRC), including a policy change to require a four-year degree in the human services area for new hires. DCF is aggressively pursuing applicants to fill openings for the new Intake Protection Specialist position within the KPRC.

DCF is aware of recommendations from our federal partners, as well as Casey Family Programs, to redefine abuse/neglect categories. DCF has identified those categories that will be moved from non-abuse and neglect to the abuse and neglect assignment-type. Making these changes includes IT system changes, which will require some time. However, changes have been made to policy in regards to in-person contact with the identified child and completion of a safety assessment.

DCF is also currently identifying the best safety/risk assessment for the State of Kansas. Casey Family Programs continues to assist with this, and the plans are to have this tool identified by July 2017. DCF staff has traveled to several states to observe and review specific assessment tools. Once Kansas identifies the best safety/risk assessment tools, this will help remove some of the potential subjectivity in findings. Documents detailing our current assessment tool as well as an example of another state’s assessment tool were previously provided to the committee.

Of note, the LPA discussed nine recommendations from Casey Family Programs in Part 1 of the audit. There were actually 22 recommendations in total. The attached chart shows that DCF has implemented, or is in process of implementing, all but three of the recommendations. Two of the remaining three changes have to do with needed changes to our existing IT systems.

**Timely Investigations Sample**

The audit also notes that information was sampled to assess the timeliness of investigations. Out of 94,000 cases assigned for investigation, 40 investigations were reviewed as part of the audit. The audit concluded that in five cases, the child’s safety was not assessed timely. We have followed up on the five investigations (involving three children) noted and believe that timeliness may not have been an issue in some of them. It is important to note in the 2015 Kansas CFSR Round 3 Final Result, “Timeliness of Initiating Investigations” was determined at 98 percent strength in Kansas. Despite this fact, we are making positive changes at the KPRC to continue to improve in the area of timeliness of investigations. This is one of the most critical responsibilities of this agency, and it is not one we take lightly.
**Monthly In-Person Visits and Licensed Child Protection Specialist Recruitment and Retention**

DCF was also assessed on its safety performance for required monthly in-person visits through sampling of contractor and Child Placing Agency (CPA) case files. Monthly visit requirements exist for children in foster care and for children in adoptive placements (aftercare visits). The audit makes it clear throughout the report that sampling wasn’t random or statistically valid, but sufficient to determine whether key events related to safety were performed. The results of the audit are that not all monthly visits occurred due to poor case file documentation. Upon review of this finding, DCF created “Documentation 101” as a required online training for all DCF and contractor staff, as well as CPAs who sponsor foster homes for the contractors.

DCF has established the Kansas Child Welfare Professional Training Program to ensure that all DCF and contractor staff receive the same foundational training in child welfare best practices, and to provide consistency in practice and outcomes. Beginning this month, all DCF and provider staff are being trained together, by DCF. The training on documentation is just one of the many components of this comprehensive, competency-based training system.

As this audit has demonstrated, and DCF was already aware, greater oversight of the system is warranted. In recent months, DCF has begun the process of creating a new **Child Welfare Compliance Unit**, within the agency’s Audits division. The unit will be charged with **ongoing audit-level monitoring and oversight of contractor compliance to contract provisions, policies and procedures, and child welfare practices**. The unit will also assess DCF child welfare staff and its performance. Currently, DCF also provides quarterly case reads to monitor a number of outcomes and compliance standards, including monthly visits. DCF has revised and strengthened policies and procedures regarding monthly visits.

DCF has met with both child welfare contractors, and each has submitted a corrective action plan to address the issues noted in the audit report. These issues include the insufficient documentation related to monthly visits and caseload numbers of case managers. The contractors’ progress is being monitored at numerous levels within DCF to ensure compliance to the plan. Our most recent monitoring report indicates the following:

- In the last 90 days, an average of 97 percent of monthly visits were completed.
- The worker/child log template has been revised to eliminate narrative that previously auto-populated from one month to the next to allow for the difference between monthly contacts to be clearly documented.
- A placement safety checklist will allow placement providers and workers in the home to sign a document electronically confirming the worker was in the home and completed the safety check. This is similar to current practice, but the electronic form/signature are new and scheduled to deploy in April 2017.
- Directors are reviewing a random sample worker/child documentation each month for accuracy and quality of visit.
• Contractors randomly survey 25 percent of foster homes to ensure visits occurred as documented and that the child and foster parent felt supported by a member of the case management team during the visit.
• Weekly reports of caseloads of licensed case managers throughout each region and monthly updates of recruitment and retention efforts for licensed staff members are being monitored and reviewed.

We are excited about these reforms to the system and believe they will help improve our effectiveness and worker efficiency. DCF and contractor licensed staff members work very hard, and they have done a great job ensuring that, despite the heavy caseloads, safety is not compromised. In the last few years, we have begun to offer greater incentives for our social workers in particular, by offering pay raises and increased safety measures for their work in the field. DCF and the contractors have enacted innovative measures to recruit and retain these crucial staff, as we know this impacts our clients’ permanency outcomes.

Surveys of Case Management Staff and Guardians Ad Litem (GALs)
In this area, the audit report disclosed that case management staff and GALs were surveyed for their opinions about a variety of areas related to the child welfare system.

The entire population of case management staff and GALs was surveyed. Out of 528 surveys sent to case management staff, 194 were returned, for a response rate of 37 percent. Out of 428 surveys sent to GALs, only 76 were returned for a response rate of 18 percent.

While we recognize (and this Committee has heard from conferees) that not everyone is satisfied with the system as it exists today, it is extremely critical that the results of these surveys be viewed carefully and cautiously. We believe that much credence is given to the survey results in the audit report. However, the response rate in the surveys, especially from the GALs, is simply too low to be reliable. Respondents were not required to participate, so those who were either pleased with the system or complacent may have been less likely to respond. When response rates are this low, the vast majority of the very small number of respondents is comprised of those who have unfavorable comments that will differ from the opinions of the non-respondents (known as a “non-response bias”). We are pleased that throughout the audit report there is an acknowledgement that the “response rates were not sufficient to reliably conclude that the survey responses statistically represent the population as a whole,” which was written in consideration of the evidence presented.

We again point to the CFSR process and its results related to safety. The CFSR includes reviewers conducting interviews and focus groups with multiple stakeholders and partners, including GALs, attorneys, courts and judges, families, child welfare caseworkers and supervisors, foster and adoptive parents, youth, service providers, CPAs and many more. Thus, GALs are an integral part of this CFSR process and their involvement and feedback about the child welfare system is included in the overall assessment.
Family Preference
Regarding DCF self-reported data, we are pleased that the report states that the “data show that DCF has consistently met federal requirements related to family preference. This includes placing children in relative placements (as opposed to licensed foster care homes) and keeping siblings together.” Simply put, DCF follows the law in this area. Federal and State statutes and regulations and best practices require reintegration with a child’s family be the first preference for children in foster care. If the child cannot return home, preference is to then be given to placement with a relative. Courts are required to render decisions found to be in the best interest of the child. Generally, placement with a relative is supported by research as being in the best interest of children. However, if facts and circumstances of a particular case would support otherwise, the court has discretion to find the best interest is served by placement with someone other than a relative. We are pleased that the audit report highlights our successes in this area.

2014-2015 Statewide Single Audit
Part 2 of the audit references findings in the statewide single audit in forming conclusions about whether DCF ensured all State and federal laws governing the foster care system in Kansas were followed. These audit results were reported to the Legislative Post Audit Committee in 2015 and 2016, with no questions or concerns noted by the Committee at that time. The issues noted in the audits related to monitoring were with regard to technical items missing from award documents (federal award numbers, for example), and not oversight of foster care programs administered by the contractors.

Child and Family Services Review (CFSR)
As mentioned earlier, DCF is subject to stringent review from the federal government. All state child welfare programs participate in a CFSR, conducted by the United States Department of Health and Human Services (HHS), Administration for Children and Families (ACF) every several years. There have been two completed rounds of such review, and Kansas began the third review in 2015. Kansas was approved to utilize a state-led review process for this third round due to its strong randomly selected case review process. As a result of the CFSR, the State is provided feedback regarding numerous outcomes related to safety, permanency and well-being. Each state is then required to develop a Program Improvement Plan (PIP) that must be approved by the Region VII and national ACF offices. All states have PIPs as a result of the CFSR process, as there is always room for improvement in child welfare systems.

Although the CFSR does show areas of noncompliance, Kansas still ranks high in comparison to other states and consistently receives positive feedback about its performance from federal oversight officials. In many of the areas where Kansas does not meet the standards in the CFSR, these areas are not dependent on only DCF, but also the contractors, courts, service array availability, and how soon a child/family meets their case plan goals and court orders and moves through the child welfare system. We are committed to working with these partners to improve on these areas.
Additionally, we are pleased that the audit confirms that we are in compliance with the federal standard of protecting children, first and foremost, from abuse and neglect. There is no greater priority or responsibility for any state foster care system. Regardless, we will continue to improve until every child is protected from abuse and neglect, so we welcome any additional information we can utilize to serve that goal.

**Conclusion**

To conclude, we appreciate the recommendations in the report of the many possible improvements in the system. We concur that the system can be better monitored and controlled, that training of staff needs to be improved and morale increased.

Thank you for the opportunity to testify today about these important reforms.