



# Legislative Post Audit Performance Audit Report Highlights

Highlights

## Foster Care and Adoption in Kansas: Reviewing Various Issues Related to the State's Foster Care and Adoption System (Part 1)

### Report Highlights

July 2016 • R-16-010

#### **Summary of Legislator Concerns**

Legislators were interested in a comprehensive review of the foster care system. Part 1 of the audit focuses on the safety of children during the removal and placement process, whether foster homes had sufficient living space and financial resources, and whether the process is designed with a family preference.

#### **Background Information**

In fiscal year 2015, the Kansas Department for Children and Families (DCF) spent about \$205 million to serve about 6,300 children in foster care. There are many agencies and individuals involved in the foster care system including the courts, case management contractors, and others. Foster care is complex and involves many steps.

If a child is determined to be in need of care, case management contractors and child placing agencies work together to locate a home for the child. Case management contractors are responsible for providing services and monitoring the progress of children in foster care.

#### **QUESTION 1: Is the Department for Children and Families (DCF) Following Adequate Policies and Procedures to Ensure the Safety of Children During the Removal and Placement Process?**

- DCF has not yet implemented several recommendations for its child protective services function and has not responded to all report center calls in a timely manner.
  - As of May 2016, DCF had only implemented one of nine safety-related recommendations from a 2013 assessment of its child protective services function.
  - DCF has not yet implemented two recommendations that include developing clear guidance for child safety interventions and implementing new assessment tools, as well as six other recommendations.
  - Our review found that a child's safety was not assessed timely in 5 of 40 investigations.
- DCF does not ensure that background checks of individuals in foster homes happen as often or as thoroughly as they should.
  - For licensed foster homes, our review showed that background checks have not been completed as part of the annual renewal process.
  - For relative placements, our review showed 12 out of 38 individuals did not have name-based or fingerprint-based checks completed, and other checks were not thorough.
- DCF does not always take steps to ensure that monthly in-person visits happen for children in foster care, adoptive homes, or for children reintegrated with their family.
  - Monthly in-person visits are an important part of ensuring a child's safety whether they are in foster care, adopted, or reintegrated but remain in DCF custody.
  - Our case file review showed monthly in-person visits of children in foster care do not always happen.
  - For most cases we reviewed, because of poor documentation we also could not tell whether case management contractors and child placing agencies conducted some monthly visits.
  - Poor documentation makes it difficult for DCF and case management contractors to monitor and ensure the safety of the children in foster care.
  - Our review showed that monthly in-person aftercare visits of children in adoptive placements did not happen, likely because DCF's contracts and policies are not consistent.

- Because of poor documentation, we could not tell whether some monthly in-person aftercare visits happened once a child was reintegrated with their family.
- Our survey of case-management staff and guardians ad litem also indicate that monthly in-person visits do not always happen.
  - Case-management staff and guardians ad litem responding to our survey said that caseloads keep case-management staff from completing monthly visits with children in foster care.
  - About one-quarter of the guardians ad litem responding to our survey expressed concerns about aftercare services for adoptive children.
  - Results from our surveys of case-management staff and guardians ad litem also showed some concerns about current practices and caseloads once a child is reintegrated with their family.

### **Other findings**

- Survey respondents expressed concerns with staff turnover, morale, and training.
  - A significant portion of case-management staff and guardians ad litem indicated turnover has negatively affected case-management staff's ability to do their jobs.
  - About half of case-management staff responses show morale among case workers is low.
  - Some case-management staff cited training as a problem.

## ***QUESTION 2: Does DCF's Child Placement Process Help Ensure that Children are Placed in Foster Care or Adoptive Homes with Sufficient Living Space and Sufficient Financial Resources?***

### **Findings related to foster care**

- DCF allows nearly all requests for exceptions, which results in inadequate sleeping space for some children in foster care.
  - Current licensing laws establish limits on the number of children in foster homes and require a certain amount of sleeping space for each foster child.
  - Our review showed that during a 15-month period, DCF granted 98% of the approximately 1,100 requests by child placing agencies to waive the capacity or sleeping space requirements.
  - While not widespread, allowing such exceptions has resulted in at least some children in foster care being placed in homes with inadequate sleeping space, and survey results corroborated this.
- DCF does not have an adequate process to ensure that licensed foster homes have sufficient financial resources.
  - Current laws and DCF policies are vague about what it means for licensed foster care homes to have sufficient financial resources.
  - DCF does not verify income information provided by foster families to determine if they have sufficient financial resources.

### **Key Methodological Information**

*Our test work was based in part on case file reviews of almost 200 children in foster care. We also surveyed all case management staff across the state, as well as all guardians ad litem (appointed by the court to represent the child's best interests).*

*Our survey response rate is not sufficient to conclude that survey respondents statistically represent the population. However, they do give us insight into survey participant's opinions and experiences and are consistent with the evidence we obtained through the case file reviews for questions one and two.*

- Though not widespread, some case-management staff and guardians ad litem had concerns that at least sometimes children were placed in foster care homes without adequate financial resources.

### **Findings related to adoptive placements**

- Despite the lack of DCF requirements related to capacity, living space or financial resources for adoptive placements, few stakeholders had concerns.
  - DCF does not have specific requirements related to number of children, sleeping space, or financial resource requirements for adoptive homes.
  - Case-management staff told us most foster children are placed in adoptive homes with adequate sleeping space and financial resources though guardians ad litem were a little less positive.

### **Other findings**

- Child placing agencies both sponsor foster homes and regulate them, which may create a conflict of interest.
  - Kansas' two case management contractors rely on child placing agencies to sponsor foster homes and visit the homes monthly.
  - DCF also relies on child placing agencies to help regulate licensed foster homes.
  - Child placing agencies' dual role may create a conflict of interest between their financial welfare and children's safety.

### ***QUESTION 3: Are DCF's Criteria for Recommendations Regarding the Removal and Placement of Children Designed with a Family Preference?***

- Several aspects of the foster care and adoption system are designed to keep family members together.
  - Federal law requires that states' foster care and adoption programs have a formal preference to keep families together.
  - DCF has operationalized this family preference throughout the foster care and adoption system. For example, DCF policies stress that efforts should be made to find a relative for placement, and that siblings should be placed together whenever possible.
- The majority of stakeholders indicated there was appropriate emphasis placed on keeping families together, but some indicated there was too much emphasis.
  - The majority of stakeholders felt there was an appropriate emphasis on placing children with relatives.
  - Even though most respondents stated appropriate emphasis is placed on keeping families together, some respondents thought there was too much emphasis.

## SUMMARY OF RECOMMENDATIONS

### Question 1 Recommendations:

- We made a series of recommendations aimed at addressing the problems regarding the Kansas Protection Report Center, background checks for individuals in foster homes, and monthly face-to-face visits for children in foster care, for children in adoptive placements, and for children reintegrated with family.

### Question 2 Recommendations:

- We made a series of recommendations aimed at addressing the problems regarding DCF approving nearly all exceptions to exceed capacity in foster homes or to allow insufficient sleeping space, and financial resource requirements.

## AGENCY RESPONSE

- DCF officials raised concerns about audit methodology for some findings, and the wording of one finding. We considered their concerns and altered the wording slightly, but this did not change our overall findings, conclusions or recommendations. Officials indicated they would implement the recommendations.

### HOW DO I REQUEST AN AUDIT?

By law, individual legislators, legislative committees, or the Governor may request an audit, but any audit work conducted by the division must be directed by the Legislative Post Audit Committee. Any legislator who would like to request an audit should contact the division directly at (785) 296-3792.

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