

# **PERFORMANCE AUDIT REPORT**

**Verifying Information Provided by the  
Department of Social and Rehabilitation Services  
On Its Compliance With the Terms of the  
Foster Care Lawsuit Settlement Agreement**

**Monitoring Report #8  
Covering July 1 to December 31, 1997**

***Executive Summary***  
*with Recommendations*

**A Report to the Legislative Post Audit Committee  
By the Legislative Division of Post Audit  
State of Kansas  
July 1998**



# ***Legislative Post Audit Committee***

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## ***Legislative Division of Post Audit***

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LEGISLATURE OF KANSAS  
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July 9, 1998

To: Members of the Kansas Legislature

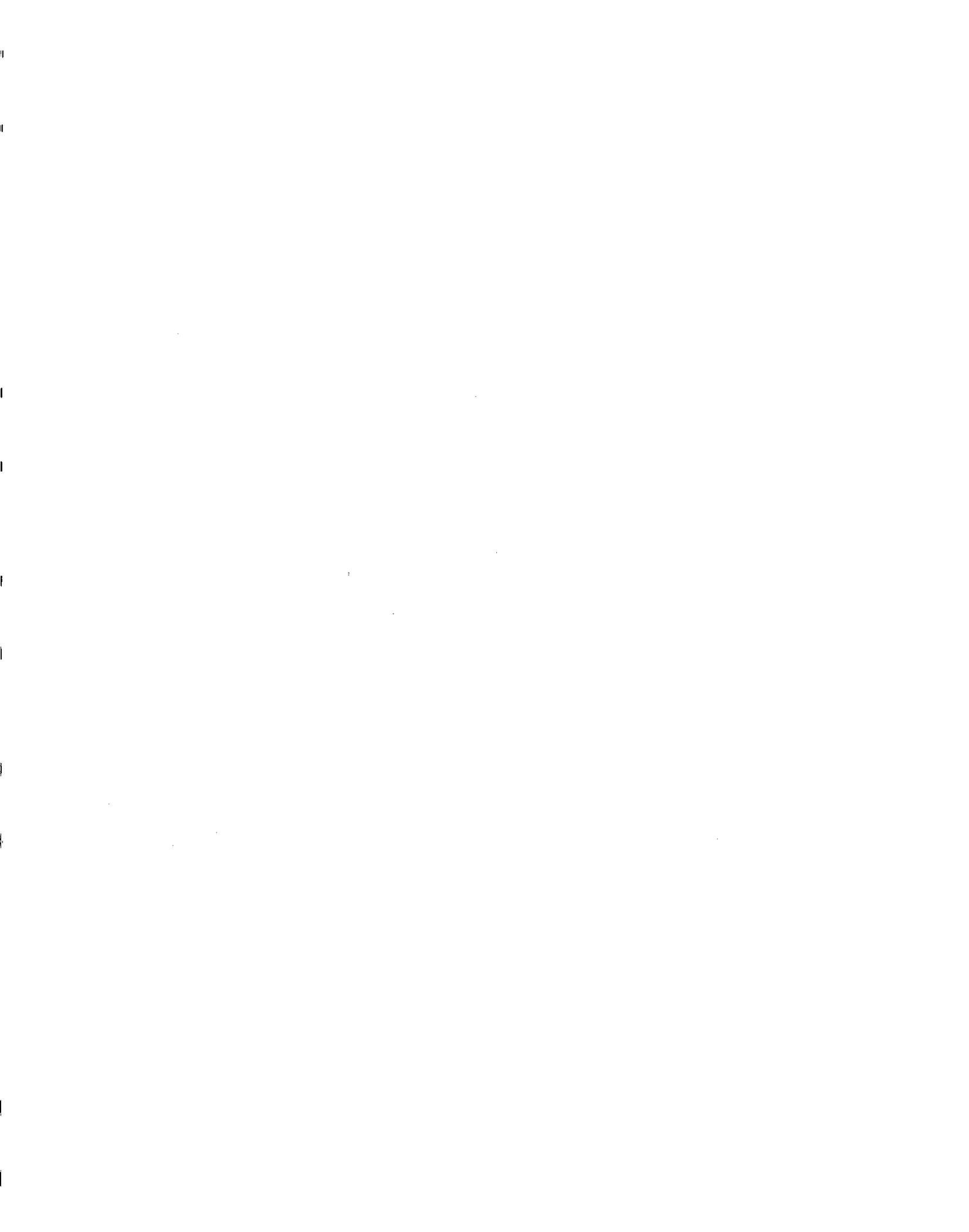
This executive summary contains the findings and recommendations from our completed performance audit, *Verifying Information Provided by the Department of Social and Rehabilitation Services on its Compliance with the Terms of the Foster Care Lawsuit Settlement Agreement, Monitoring Report #8*.

The report includes several recommendations for improving the Department's compliance in future monitoring periods.

If you would like a copy of the full audit report, please call our office and we will send you one right away. We would be happy to discuss these recommendations or any other items in the report with you at your convenience.

A handwritten signature in cursive script that reads "Barbara J. Hinton".

Barbara J. Hinton  
Legislative Post Auditor



**Verifying Information Provided by the Department of  
Social and Rehabilitation Services on Its Compliance With the  
Terms of the Foster Care Lawsuit Settlement Agreement  
Monitoring Report #8**

**EXECUTIVE SUMMARY**

**LEGISLATIVE DIVISION OF POST AUDIT**

**Is the Department of Social and Rehabilitation Services Complying  
With the Terms of the Foster Care Settlement Agreement?**

**This 8th monitoring period generally covers requirements the Department was supposed to comply with from July 1 to December 31, 1997. During this period, we assessed the Department's compliance with a total of 85 requirements. Of these, only 18 requirements actually were monitored. That's because the Department conceded noncompliance with—and the parties suspended monitoring of—the 51 requirements related to Case Reviews #1 and #2. Monitoring for 16 additional requirements (related to such things as caseloads, staffing levels, and the development of services and placements) also was suspended because the parties either couldn't agree on how those requirements should be monitored, or agreed to monitor certain requirements in a future period.** ..... page 5

*For the 18 requirements that were monitored, the Department was in compliance with 8 (44%), and wasn't in compliance with 10 (56%).*

*Our findings related to the requirements assessed this period are summarized below. In addition, pages 15 - 21 of the report present a matrix showing the Department's compliance over time with each requirement monitored to-date.*

**The Department inappropriately screened out some of the bona fide reports of abuse and neglect it received, which meant those allegations weren't investigated and the safety of those children wasn't assessed. Beginning in July 1995, the Department was required to maintain and implement a system to ensure that bona fide reports of abuse and neglect aren't screened out. During the time period being reviewed, Department staff appropriately screened reports of abuse and neglect 86% of the time; 90% compliance was required.** ..... page 5-7

*The Department concurred with this finding and indicated it would review all the inappropriately screened reports to identify the specific reasons for noncompliance.*

**For most reports where the Department has confirmed that a foster parent or another placement provider abused or neglect a child, information about that abuser hasn't been entered into the Department's Central Registry database. For the 8 providers subject to this requirement this period, the system was accurate only 38% of the time. Noncompliance for the most part was because the names of those providers weren't entered into the Central Registry within a reasonable period of time (defined as 60 days).** ..... page 7

The Department concurred with this finding and indicated it was reviewing its data entry procedures to determine why the system isn't accurate or timely.

**Recommendations.** We recommended that the Department provide Statewide training on assessment and screening decisions for reports of alleged child abuse and neglect, and that it revise the applicable sections of its Policies and Procedures Manual to conform with the new "likelihood" of harm standard mandated by State regulations. We also recommended that the Department provide Statewide training on the revised Central Registry data entry procedures it develops under its corrective action plan. .... page 7

**The Department was in compliance with 6 of 8 requirements assessed in Case Review #3, which covers adoption-related activities.** For this report, we read cases for two monitoring periods (#7 and #8). To be in compliance with the four requirements being assessed each period, the Department had to send all the necessary materials for a motion to terminate parental rights and to match children with adoptive homes by certain deadlines, at least 90% of the time. .... page 8

For period #7, the Department was in compliance with all four requirements. For period #8, it stayed in compliance with only two of those requirements. For those two requirements, formal monitoring will stop. But the two requirements the Department fell out of compliance with in period #8—sending information to support parental termination motions to the county or district attorney within the required time limit at least 90% of the time—will be monitored again.

**The Department acknowledged noncompliance with one additional adoption requirement.** The Department is required to establish procedures to track final orders issued at hearings where parental rights are terminated, so that it can act quickly to find adoptive homes once a child is legally free for adoption. This requirement included two steps: recording the termination hearings, and checking with the courts to see if a final order has been issued. The Department was in compliance only 83% of the time with the first step, and 55% with the second step; 90% compliance is required. .... page 8-9

**Recommendations.** The Department should provide training to staff in the four area offices that didn't send in all the information needed to file motions to terminate parental rights, or that didn't track final orders related to those motions, to ensure that those staff understand and comply with what's required of them in the future. If needed, the Department could identify and provide training in the procedures used successfully by the other area offices that were in compliance with these requirements. .... page 9

**The Department made improvements in training its staff, but couldn't demonstrate that it was in compliance with important training requirements for foster parents and adoptive homes.** The Department was in compliance with two staff training requirements—implementing a Rural Interactive Training Network, and maintaining an accurate and up-to-date Handbook of Services. For both requirements, formal monitoring will stop. .... page 9-11

*The Department couldn't demonstrate that it had complied with three other training requirements for foster and adoptive parents. All foster parents who accept children in the Department's custody must complete 16 hours of annual training before they can be relicensed, and the Department must maintain an accurate and up-to-date database to record that this training has been completed. Also, the Department must maintain an accurate and up-to-date database to record that foster and adoptive parents have completed initial training (called MAPP training) before being licensed as a foster parent or approved as an adoptive home. Since foster care was privatized, these database systems have been maintained by the Kansas Department of Health and Environment and the non-profit Kansas Families for Kids, respectively.*

*The Department's Internal Monitoring Unit determined that two of these three requirements were in compliance. But when we asked training providers for additional documentation that would support the information contained in a sample of foster and adoptive parents' files, that supporting documentation generally wasn't available, or when it was, it was unable to support the Internal Monitor's finding of compliance. As a result, we concluded that the Monitoring Unit's findings in this area couldn't be relied on, and that the Department hadn't demonstrated compliance with any of the three requirements.*

**Recommendations.** *The Department should verify that the Department of Health and Environment's and Kansas Families for Kids' procedures require certificates of training completion to be filed with applications for foster home licensure and adoptive home approval. It should also verify that these contractors' staff are aware of those procedures, and should periodically ensure that those procedures are being followed.* ..... page 11

**The Department hasn't maintained two required computer systems to track foster care information.** *The settlement agreement requires the Department to plan, develop, implement, and maintain a timely and accurate automated computer system to provide all the information it needs to manage the foster care system. The Department implemented this system—called the Family and Child Tracking System (FACTS)—in September 1997. However, until that system is determined to be timely and accurate, the Department is required to maintain two existing systems—an area office data system to track foster home resources and vacancies, and the Family Agenda Monitoring Elements (FAME) system.* ..... page 11

*Both the area office system and the FAME system were shut down in August 1997, and we don't know yet if the new FACTS system that replaced them is reliable (that system won't be formally assessed or verified until July 1998). As a result, we concluded the Department was not in compliance with these requirements.*

**Recommendation.** *The Department should continue working to validate its new information system in order to meet the settlement agreement's July 1998 monitoring date. If the system can't be validated by that date, the Department should develop a plan for gathering the required management information in the interim.* ..... page 12

**This period, the Department again conceded noncompliance with the 12 requirements associated with Case Review #1 that are** ..... page 12

related to investigating the safety and status of children who may have been abused or neglected. These requirements have the most direct effect on protecting children from the threat of physical or emotional injury. These requirements have not been monitored since June 1996 (period #5) and, because the Department's concession of noncompliance with these requirements covered the current monitoring period, no monitoring work was performed this period. Monitoring for these requirements resumed in March 1998, and we'll report on the Department's compliance in this area in Monitoring Report #9 (January 1999).

**The Department again conceded it wasn't in compliance with the 39 case management requirements associated with Case Review #2.** ..... page 12-13  
*These requirements include specific actions related to developing and periodically updating case plans for children and their families, housing children in appropriate settings, arranging for visits between foster care children and their families or others, notifying courts about children's progress, and considering adoption as an alternative.*

*Because the Department's concession of noncompliance with these requirements covered the current monitoring period, no monitoring work was performed. The Department has conceded noncompliance for these requirements since July 1995 (period #4), the first period they were scheduled to be monitored. Monitoring for these requirements was supposed to begin in March 1998, but because the FACTS system isn't reliable for pulling a sample and the parties haven't agreed to an alternative method for selecting a sample, the Monitoring Unit now estimates this case review won't begin until August 1998. Consequently, the results of that review may not be reported on until Monitoring Report #10 (July 1999).*

**This period, the parties haven't yet agreed on what the Department must do to comply with 12 of the 16 requirements for which monitoring was suspended.** ..... page 13-14  
*These requirements can be divided into five general areas for which the Department must:*

- *take appropriate steps to achieve an equitable distribution of cases among its social work staff*
- *maintain sufficient and appropriate staff*
- *develop and implement a Statewide plan for and provide access to adequate preventive services, such as family counseling or substance abuse treatment, to individual children and families who are eligible*
- *develop and implement a Statewide plan for and place each child in the least restrictive, most family-like placement in close proximity to the child's home, consistent with her or his needs*
- *develop and implement a Statewide Plan for services, and ensure that individual children in Department custody receive adequate services*

**APPENDIX A: Compliance and Reliability Definitions** ..... page 23

**APPENDIX B: Agency Responses** ..... page 26

This audit was conducted by Jennifer Hudgins and Sonja Erickson. Barbara Hinton was the audit manager. If you need any additional information about the audit's findings, please contact Ms. Hudgins at the Division's offices. Our address is: Legislative Division of Post Audit, 800 SW Jackson Street, Suite 1200, Topeka, Kansas 66612. You also may call (785) 296-3792, or contact us via the Internet at: [LPA@mail.ksleg.state.ks.us](mailto:LPA@mail.ksleg.state.ks.us).

