PERFORMANCE AUDIT REPORT

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

A Report to the Legislative Post Audit Committee
By the Legislative Division of Post Audit
State of Kansas
July 2016

R-16-010

Legislative Division of Post Audit

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July 27, 2016

To: Members, Legislative Post Audit Committee

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Senator Anthony Hensley	Representative John Barker
Senator Laura Kelly	Representative Tom Burroughs
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This report contains the findings, conclusions, and recommendations from our completed performance audit, *Foster Care and Adoption in Kansas: Reviewing Various Issues Related to the State's Foster Care and Adoption System (Part 1).*

In its response, the agency concurred with most of the report's findings and recommendations. The agency disagreed with a finding in one area, and raised concerns about our use of survey respondent's comments throughout the report. We carefully reviewed the information provided by DCF, and made some minor wording changes, but made no changes to our overall findings conclusions or recommendations. More information on this issue can be found in ***Appendix B*** on page 47.

We would be happy to discuss the findings, recommendations, or any other items presented in this report with any legislative committees, individual legislators, or other state officials.

Sincerely,

Scott Frank
Legislative Post Auditor

This audit was conducted by Laurel Murdie, Lynn Retz, Daniel McCarville, Daria Milakhina and Amanda Schlumpberger. Chris Clarke was the audit manager. If you need any additional information about the audit's findings, please contact Laurel Murdie at the Division's offices.

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

Kansas' foster care program is administered by the Department for Children and Families (DCF) and has been privatized since 1997. The department currently contracts with two service providers—KVC Behavioral Healthcare (KVC) and St. Francis Community Services (St. Francis)—to provide foster care services across the state. The foster care program is charged with protecting children who may be abused or neglected. The department may provide preventive services to a family when child abuse or neglect is suspected with the goal of keeping the child in the home. However, if preventive services are not successful or if the danger to the child appears to warrant action, law enforcement may take the child into protective custody, and the department may ask the county or district attorney to petition the court to place the child in its custody.

After a court order places a child in the department's custody, the child may be reintegrated with the family (only with the written approval of the court), with relatives or friends of the family, with a foster family, in a group home, or in an appropriate state-operated facility. Child welfare case management providers, through contracts with the DCF, work with the child and family to resolve issues so the child can reintegrate with their family. If it is not possible for a child to go back to their family, parental rights may be terminated by the court or the Secretary of DCF can accept voluntary relinquishment. At that point the child is available for adoption.

This performance audit answers the following questions:

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?**

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?**

3. **Are DCF's criteria for recommendations regarding the removal and placement of children designed with a family preference?**

A copy of the scope statement for this audit approved by the Legislative Post Audit Committee is included in ***Appendix A*** on page 43. The full audit scope covers seven questions. In January 2016, the Legislative Post Audit Committee decided to split the audit into two parts and delay work on questions five, six and seven. In addition, we decided to delay reporting on question 4, which will be released at a later date. Therefore, Part II will address the three questions related to privatization and will be released in a later report.

We took several steps to answer the first three questions. We interviewed officials and various stakeholders, reviewed relevant documents and conducted onsite file reviews. We identified major controls the agency and contractors should have to ensure the safety of children during the removal, placement, reintegration and adoption processes. We did this by reviewing state and federal laws and DCF and foster care contractors' policies and procedures, as well as best practices. We then evaluated agency and contractor compliance with key controls to ensure the safety of children through the foster care system, including compliance with monthly safety checks, background checks, and compliance with regulatory requirements for licensing foster homes.

The case review test work that we completed was appropriate and sufficient to answer the audit questions. However, none of our samples were selected in a way that can be projected to all foster care, reintegration or adoption cases. That is because the contractor offices included in our review were judgmentally selected. We wanted to ensure that we reviewed cases from both case management contractors and the geographic areas they serve. The following locations were included in our file review: Chanute, Dodge City, Emporia, Garden City, Kansas City, Lawrence, Manhattan, Olathe, Salina, Topeka, Pittsburg and Wichita.

Our work included surveying all case-management staff for the two contractors: KVC and St. Francis. Of the 528 surveys sent to KVC and Saint Francis staff, 194 were returned for a response rate of 37%. Additionally, we also surveyed all guardians ad litem and of the 428 surveys sent, 76 were returned for a response rate of 18%. The response rates were not sufficient to reliably conclude that the survey responses statistically represent the population as a whole, although they do provide some insight into survey participants' opinions and experiences. Further the survey results are consistent with the evidence we obtained through our file review work for questions one and two.

Finally, we did not evaluate the appropriateness of decisions to remove children from their homes, reintegrate them with their

families, or place them with adoptive families. Those types of determinations have been part of previous audits conducted by this office.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Our findings begin on page 11, following an overview of the foster care system.

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

Foster care is intended to give children a temporary home until the child can be reintegrated with their family or while adoption is pending. Children in foster care have been determined to be a "child in need of care" by a court. Statutes define children to be in need of care for reasons such as physical, emotional, mental, or sexual abuse, lacking adequate parental care or subsistence, or failure to attend school or otherwise exhibiting a lack of parental control.

Once declared a child in need of care, the child is most commonly placed with either a foster care family or relatives, although there are other types of out-of-home placement settings such as residential facilities. The child's placement is intended to be temporary until the court has decided that the child can be safely reintegrated with the family or the child is adopted.

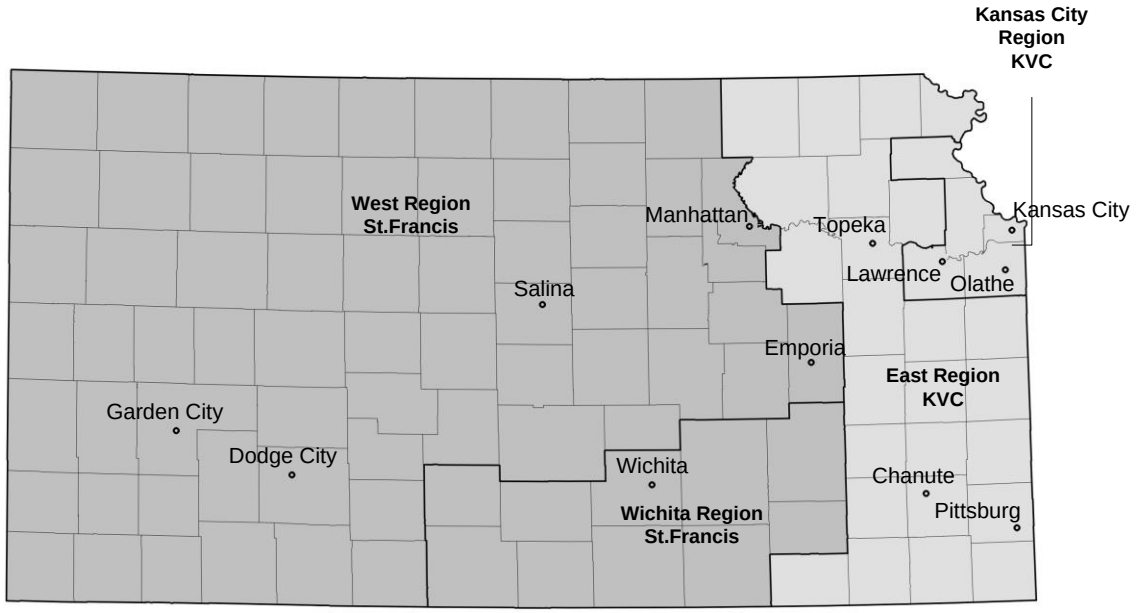
About 6,300 children were in foster care in fiscal year 2015, and the number has increased in recent years. Over the past few years, according to DCF data, the number of Kansas children in foster care steadily increased from an average of about 5,200 foster children in fiscal year 2008 to about 6,300 in fiscal year 2015, more than a 20% increase.

These children are placed throughout the state, and most are in licensed foster care homes. DCF has divided the state into four regions which are shown in ***Figure OV-1*** on page 6. According to DCF documents for fiscal year 2015, about 1,800 children were in the East region, 1,400 in the Kansas City region, 1,600 in the West region, and 1,400 in the Wichita region. Of all children in foster care during fiscal year 2015, about 58% of children were placed in licensed foster homes, 32% were placed with relatives, and the remaining 10% were placed in group residential or other settings. Finally, the locations shown in the figure include only the contractor offices that we included in our file review; all contractors locations are not listed.

Kansas spent $205 million on prevention and protection services in fiscal year 2015, with the majority going to foster care contractors. Prevention and Protection Services is a division within DCF that oversees foster care, adoption, family preservation, and the Kansas Protection Report Center. In fiscal year 2015, DCF spent about $205 million for prevention and protection services. About $142 million of that amount were

payments to foster care contractors to provide placement (reintegration, foster care, and adoption) and case management services. The balance of expenditures included costs to oversee foster care service providers, and to fund adult protective services and the protection report center.

OV-1
DCF Regions and Foster Care Contractors (a)
Effective July 1, 2013



(a) Locations shown are contractor offices chosen for file review.
Source: LPA summary of foster care contract information provided by DCF.

Many Agencies and Individuals are Involved in the Foster Care System

Several entities are primarily responsible for ensuring the safety and interests of the children, families, and foster parents in the Kansas foster care system. The removal of a child significantly affects the lives of the parents, the child, and other family members. Consequently, it is important for the foster care system to have sufficient controls in place to ensure the best interest of the child is the focus of all decisions made throughout the process. This requires multiple entities to be involved in the process at different levels and with different responsibilities. These entities are listed in ***Figure OV-2*** on page 7, and include DCF, case mangement contractors, child placing agencies, and the courts.

Figure OV-2 Roles of Primary Entities and Individuals Involved in the Foster Care Removal, Placement, and Reintegration Processes	
Entity	**Role**
Department for Children and Families (DCF)	Recommend whether a child should be declared a child in need of care (CINC), who should have custody of the child, whether adequate progress is being made toward reintegration, whether adoption should be pursued, and whether parental rights should be terminated. DCF also licenses foster care contractors and child placing agencies, receives and investigates CINC complaints, and approves placements and case plans.
Foster Care Case Management Contractors	Provide case management services for children in need of care, including directing clients to appropriate services (such as family preservation and mental health services). Contractors also monitor placements made by child placing agencies.
Child Placing Agencies (Subcontractors)	Match children in need of care with foster placements. They also sponsor foster families, assist them with licensing, and are charged with performing regular visits to foster families.
District Court	Determine whether a child should be declared a CINC, who should have custody of the child, whether adequate progress is being made toward reintegration, whether adoption should be pursued, whether parental rights should be terminated, and whether the child should be returned home.
Guardians ad Litem (GAL)	Individuals appointed by the court to represent the best interests of the child.
Court Appointed Special Advocates (CASA)	Volunteers who investigate the child's situation, monitor the case, and act as child advocates.
Administration for Children and Families (ACF)	ACF is a division of the federal Department of Health and Human Services. It provides funding for state foster care services while children are placed in foster care because of maltreatment, lack of care, or lack of supervision. The state is responsible for complying with ACF's rules and meeting ACF's goals to access the federal funding.
Department of Health and Environment (KDHE)	Until July 1, 2015, KDHE licensed foster care homes. This function is now within DCF.
Source: LPA review of Kansas child in need of care laws and DCF policies.	

- **DCF is ultimately responsible for the safety and well-being of children in foster care.** DCF has a primary role in recommending whether a child should be removed from their home, who should have custody, and whether parental rights should be terminated. Additionally, the department is responsible for licensing foster homes. (The Kansas Department of Health and Environment fulfilled this function until June 30, 2015, at which point it was moved to DCF by executive order.)

- **Case management contractors provide services for children in foster care and their families to recommend and ensure appropriate placement, and to help achieve case plan goals.** Kansas privatized its foster care services in 1997. The most recent contracts started on July 1, 2013 when DCF selected two contractors to provide placement and case management services across the state. This includes services to ensure parents can resume responsibility for the child in the home and complete case plan tasks.

For example, case plan tasks can include completing parenting classes, counseling, or substance abuse intervention. ***Figure OV-1*** on page 6 shows the contractors currently providing services in each region. As the figure shows, KVC provides services in the East and Kansas City regions and St. Francis provides services in the West and Wichita regions. Finally, the locations shown include only the contractor offices that we included in our case file review; all contractors locations are not listed.

These contractors also subcontract with other child placing agencies that sponsor foster families and help regulate licensed foster homes.

- **The courts make decisions regarding who receives custody of children in foster care.** Although DCF and contractors make recommendations, ultimately the court decides whether a child should be removed from their home, who should have custody, and whether parental rights should be terminated or the child reintegrated with the family.

Several other individuals and organizations are responsible for representing and protecting the best interest of the child. Law enforcement may take a child into protective custody and be involved in the investigation of alleged abuse or neglect. A guardian ad litem is appointed for every child in need of care case to represent the child's best interest. In addition, a Court Appointed Special Advocate (CASA) may be appointed in jurisdictions where available, to act as a child's advocate through the life of their case. Finally, parents can hire or have an attorney appointed to represent their interests.

The federal government provides funds to the Kansas foster care system and monitors the state's performance through the Administration for Children and Families (ACF). ACF is a division of the federal U.S. Department of Helath and Human Services and administers the foster care program. ACF reimburses for a portion of foster care costs to states for children removed from their parents due to maltreatment, lack of care, or lack of supervision. ACF monitors Kansas' performance, and may withhold funds if Kansas does not meet the federal outcome standards related to the state welfare system.

The Foster Care System is Complex and Involves Many Steps

DCF and law enforcement investigate allegations of abuse or neglect and make recommendations to the courts on whether children should be removed from their homes. DCF receives reports regarding potential children in need of care through the Kansas Protection Report Center. Calls received by DCF staff that meet certain criteria are assigned for investigation by local DCF offices. DCF staff then investigate and determine whether the report is valid (sometimes in cooperation with law enforcement.) If DCF staff determines that a child is unsafe in a home, the agency may request that the county or district attorney file a child in need of care petition to remove the child from their parents' care. The court decides whether the child should be returned to their parents or removed and placed in DCF custody.

If a child is determined to be in need of care, contractors and child placing agencies work together to locate a home for the child. If a child is placed into DCF custody by order of a court a foster care contractor must locate a placement for that child. The two contractors may work with other child placing agencies to locate an appropriate placement. The child is typically placed with either a licensed foster care home or a relative of the child. Both placements must have a background check. Each licensed foster care home is sponsored by a child placing agency, which provides support and oversight of licensed foster care homes. DCF is to approve all placements.

Contractors provide case management services and monitor progress of children in the foster care system. Contractors are responsible for developing a case plan for the child and providing the necessary services to help the child achieve permanency and ensure the child's well-being. Contracted case-management staff monitor a child while in foster care through a minimum of monthly individual visits with the child. They also monitor the progress being made to achieve case plan goals, which must be completed prior to reintegration with the child's family.

The courts, with input from the contractor and DCF, decide when to reintegrate a child with their family or move to an alternative permanency goal. The courts periodically review the child's case plan and progress made towards achieving case plan goals required before the child and their parents can be reunited. Prior to a court hearing, the contractor submits a report to update the court on the current status of the child's case plan goals. This report is reviewed by DCF. If the court decides that appropriate progress has been made and the child is safe to return home, the

child is reintegrated with their parents. However, the court may also decide that reintegration is no longer a viable goal, in which case the child becomes eligible for other permanency goals, such as adoption or guardianship after parental rights have been relinquished or terminated.

After a child is reintegrated with family or is adopted, contractors continue to provide services for up to a year. These services—known as aftercare—are intended to support both the child and the family, and help ensure the child will be safe in the home and will not need to re-enter foster care in the future.

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 does not always follow adequate policies to ensure the safety of children during the removal and placement process. We found DCF has not yet implemented several recommendations from a 2013 evaluation of its child protective services function and has not responded to all report center calls in a timely manner (p. 11). We also found that DCF does not ensure that required background checks of individuals in foster homes happen as often or as thoroughly as they should (p. 15). In addition, 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 (p. 18). Results from our survey of case-management staff and guardians ad litem also indicate that monthly in-person visits do not always happen.

Finally, survey respondents also expressed concerns with staff turnover, morale and training (p. 23).

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

Kansas' child welfare system consists of many components, but it starts with what is referred to as the "front-end." This portion of the system includes intake of child abuse or neglect reports through the Kansas Protection Report Center. Once calls come in to the report center, DCF staff assess the report information, assign a response time, and regional DCF staff begin an investigation. Unlike other aspects of the foster care system, this component is completely handled by DCF staff and does not involve any private contractors.

As of May 2016, DCF had implemented one of nine recommendations we reviewed from a 2013 assessment of its child protective services function. The Casey Family Programs, a not-for-profit that offers consultant services related to child welfare systems, completed an assessment of the "front-end" functions of DCF's child protection services system in June 2013. DCF staff told us the purpose of the assessment was to provide guidance to help redesign Kansas' system to incorporate best practices. This assessment made 22 recommendations to DCF to improve its system. Because the assessment included recommendations based on best practices, as part of our work, we identified nine key recommendations from that assessment that

seemed most related to children's safety. ***Figure 1-1*** below includes our assessment of whether DCF has implemented these recommendations. As the figure shows, since 2013 one of the nine recommendations related to safety has been fully implemented.

Figure 1-1
Summary of Selected Recommendations from the 2013 Casey Family Programs Assessment of DCF's Child Welfare System and Whether DCF Has Implemented Them

Recommendation	Implementing the recommendation could help improve…		
	Consistency	Timeliness	Quality
Status: In Progress or needs additional action to be implemented.			
Developing an overall "practice model" that includes clear guidance and rationale for when to intervene to ensure a child's safety. Among other things, the 2013 assessment said this guidance would help ensure that investigative staff are consistent in how they handle cases.	✓		
Expand family preservation services to include evidence-based practices. According to the 2013 assessment, services should more closely match the needs of families whose children are at risk of removal. The assessment also found Kansas' family preservation services lacked the intensity and quality needed to provide adequate support for families.			✓
Staff the Kansas Protection and Report Center with experienced and well-trained social workers. Doing so would address delays in intake, screening and investigation to avoid compromising a child's safety.		✓	
Increase staffing levels at the Kansas Protection and Report Center. Doing so would also help to address delays in intake, screening and investigation to avoid compromising a child's safety.	✓	✓	✓
Create a mechanism to track the number of new investigations assigned per caseworker on a monthly basis. According to the assessment, DCF was not tracking the current number of new investigations per worker, but tracked open cases during the month. The agency also was not considering the complexity of the case assignments.		✓	✓
Redefining abuse and neglect and non-abuse and neglect categories and definitions. According to the assessment, the current definitions are ambiguous. Providing a more practical, non-legal definition that can be applied in the daily operations would provide more consistent case management.	✓		
Modify safety and risk assessment tools or select new tools for screening cases and investigations. According to the assessment, neither Kansas Protection Reporting Center staff nor investigative staff were using assessment tools in 2013 to make decisions about screening intake or making decisions on the safety of the child. Instead, staff relied on policy and personal experience.	✓		
Address the findings that current policies related to intake screening decisions are overly subjective. According to the assessment, the method for determining abuse and neglect and non-abuse and neglect was subjective because a decision-screening tool was not used to make the determination. Instead, the 2013 assessment found that determinations were based on staff's interpretation of policy, which created inconsistency in screening decisions.	✓		
Status: Implemented			
Work with the Kansas City Police Department to develop an understanding of what to report as child abuse and neglect. At the time, the assessment found that the department was sending all law enforcement reports involving a child under the age of 18 to the Kansas Protection Reporting Center (the child abuse hotline). However, most of those reports did not involve alleged abuse or neglect. Regardless, DCF staff would have to process each report which took up valuable staff time and resources.	✓	✓	

Source: LPA review of the Casey Family Program, June 2013 report, "An Assessment of Kansas' Front-End Child Welfare System: Recommendations for Building a Solid Front-End System."

DCF has not yet implemented two recommendations that include developing clear guidance for child safety interventions and implementing new assessment tools. These recommendations are especially important because they have to do with ensuring consistency and following evidence-based practices.

- **DCF is in the process of developing a "practice model" that includes clear guidance and describes when the state should intervene to ensure a child's safety.** The Casey Family Program assessment found that child protection staff did not follow consistent practices when making decisions regarding abuse and neglect cases across the state. Implementing this recommendation would ensure that DCF's child protection system is consistent and aligns with evidence-based practices. DCF staff told us their targeted implementation date for this recommendation is January 2017.

- **DCF is currently working to modify or select new safety and risk assessment tools for screening a child's safety or risk of harm.** Assessment tools can be used to identify families at high risk of recurrent abuse, guide appropriate interventions, and build a plan to ensure the child's safety. Using assessment tools can also improve consistency across the child protective services system. The Casey Family Program found that Kansas' safety and risk assessment tools were not used by staff to make decisions concerning a child's safety or risk of harm. Instead, staff relied on policies and personal experience. Recently, DCF has made the recommendation to modify or select new assessment tools a priority.

As ***Figure 1-1*** shows, there are six other recommendations that have yet to be fully implemented including improving staffing and training at the Kansas Protection Report Center and providing evidence-based family preservation services.

Finally, we found that DCF fully implemented one recommendation that called for clarifying which calls the Kansas City Police Department should report to Kansas Protection Report Center. Before this, the department sent all law enforcement reports, regardless of the severity, dealing with children under 18 to the report center.

Our review found that a child's safety was not assessed timely in 5 of 40 investigations. From July 2013 to January 2016, about 170,000 calls were made to the Kansas Protection Report Center alleging suspected abuse or neglect of a child. Of those, about 94,000 were assigned for investigation. Depending on the severity of alleged abuse or neglect, DCF policies require investigation staff to physically see and assess the safety of the child within the assigned follow-up time or make reasonable efforts to do so. We reviewed intake information for 40 investigations involving eight children to determine if the child's safety was assessed in a timely manner. We focused on those with multiple calls and then selected a judgmental sample based on safety risk factors including the type

of report (physical abuse/neglect, sexual abuse) and age of the child. The results of our test work cannot be statistically projected to all investigations because our sample was not random. However, the results are useful in helping to determine whether DCF's efforts to assess safety were timely, especially for children who were at high risk of safety.

Our review of report center related investigations was only to determine if the child's safety was assessed within the time assigned. We did not evaluate whether the assigned time was reasonable, whether the investigations were thorough, or whether the appropriate decision was made regarding the child's safety. However, the test work completed was appropriate and sufficient to determine whether the investigations we reviewed were timely or not.

- **For 30 of the 35 investigations (86%), the child's safety was assessed within policy timeframes.** Depending on the allegation, follow-up times assigned could be the same day, within 72 hours or within 20 working days. For 30 of the investigations, our review showed that DCF staff followed policy and assessed the safety of the child or made reasonable efforts within the assigned time.

- **On the other hand, for 5 of the 35 investigations (14%), the child's safety was not assessed within the assigned response time.** The delay in assessment ranged from one to eleven business days for each investigation. Staff attempted to make contact with the child in four cases. However, for two cases those attempts were by telephone and DCF policy does not consider telephone calls a reasonable attempt to assess the safety of a child. Another case involving physical neglect of a two-year old child was assigned for investigation with a 72-hour response time. However, DCF did not make in-person contact with the child until 14 working days after the report was made. Staff had made no prior attempts to check on the child.

- **For the remaining 5 investigations, we could not tell whether the follow-up was timely or not.** That was because some investigation files included documents that were relevant to multiple investigations, which made it difficult to track what had happened. In others, we could not identify the appropriate beginning and end dates to determine if the investigation was timely.

Even though we found only five investigations where follow-up was not timely, that number is still concerning. That is because the report center is a primary method used to help ensure that child abuse and neglect reports are addressed. In addition, the timeliness standard that we used had already been assigned by DCF. DCF told us the response time is determined pursuant to policy and based on facts and circumstances of the report.

DCF Does Not Ensure that Background Checks of Individuals in Foster Homes Happen as Often or as Thoroughly as They Should

In Kansas, anyone who has been convicted of certain crimes such as sex offenses, drug offenses, or crimes against persons is prohibited from living, working, or volunteering in a foster home. To help ensure that children are safe while in a foster placement, state and federal laws require background checks of individuals in foster homes. For licensed foster homes state regulations require background checks on all individuals ten years of age or older in the home.

In general, there are two types of placements for children in foster care: licensed foster homes and relative placements. Relative placements differ from licensed homes primarily in two ways. First, the child in foster care is in some way related to the foster parent. Second, relative placements are not required to be licensed by DCF, but individuals in those homes must have background checks.

There are three types of backgrounds checks:

- a name-based check against the child abuse registry maintained by DCF.
- a name-based check against the KBI's criminal history database.
- a one-time fingerprint-based check of each individual 18 years of age or older against KBI and FBI criminal history databases.

State law requires background checks be conducted for newly-licensed foster homes, and for renewals. Although the law does not specify how long a license is valid, DCF has traditionally handled renewals on an annual basis. Additionally, state statute requires annual inspections of foster homes.

For licensed foster homes, our review showed that background checks have not been completed as part of the annual renewal process. As of February 2016, Kansas had about 2,800 licensed foster care homes which served approximately 3,600 children. We reviewed licensing files and background check information for 20 randomly selected and 12 targeted licensed foster homes to determine if background checks happened as required. The targeted homes were chosen as part of our work for question two. Although we did not design our test work in a way that would allow us to statistically project the results, the results provided evidence that shows DCF is not always ensuring that background checks are completed.

- **Although individuals in the homes had initial checks, nearly all lacked annual name-based KBI criminal history and DCF child**

abuse and neglect background checks as part of the annual renewal process. For the 20 randomly selected foster care homes, we saw documentation that all individuals in the homes had the initial KBI and DCF background checks. However, 95 out of the 97 individuals lacked an annual name-based KBI and DCF background check. Further, we identified three homes with five individuals ten years of age or older without background checks.

Additionally, our review showed that for one licensed foster home, there was a juvenile offender that had been living in the home despite having a prohibited criminal offense. Because annual checks were not done, this issue had gone unnoticed for more than two years.

- **Nearly all lacked annual background checks because DCF policy only requires them once every three years.** Although not completed annually, our review showed that background checks were completed every three years for licensed foster homes. Officials told us they did not realize the checks were required annually and are now taking steps to correct the issue. Finally, we noted that the DCF practice that background checks be completed every three years had been in place for some time, including when KDHE administered the licensing program. The licensing function was moved to DCF on July 1, 2015.

- **In addition, although fingerprint-based criminal history checks were completed for foster care parents, they were not completed for all other individuals in the home.** Our review showed that for all homes included in our review, fingerprint-based background checks were completed for the foster parents but only for two of the 65 other individuals in the home that should have had this same type of background check.

DCF officials told us they are in the process of reviewing and addressing these issues. It is important to note that DCF only recently became responsible for licensing foster homes. Before July 1, 2015, foster homes were licensed by the Kansas Department of Health and Environment. DCF officials told us state law does not specifically require foster homes to annually renew their licenses. However, our review and DCF's written guidance to licensed foster homes shows that licenses historically have been renewed annually.

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. As of fiscal year 2015, slightly more than 2,000 children were in relative placements. Relative placements are not required to be licensed by DCF but must meet the same types of requirements as licensed homes, including passing background checks. Background check requirements for both types of placements are the same with one exception, unlike licensed foster homes, relative placements do not have to have annual name-based background checks.

We reviewed background check information for 19 randomly selected relative placements. Unlike licensed foster homes (where DCF conducts the background checks), case management contractors conduct the background checks for relative placements. Our sample was too small to statistically project the results. However, this sample provided us with a good mix of cases, and our review showed that, in some cases, contractors did not complete all background checks required by law and for some the quality of the checks was poor.

- **Our review showed that about 40% of the individuals that should have had a fingerprint-based criminal history check did not have one completed.** For the relative placements included in our review, 29 individuals in those homes should have been required to have fingerprint-based checks. However, the contractors were not able to provide verification of fingerprint-based checks for 11 individuals.

- **In three cases the name-based criminal history checks and child abuse and neglect registry checks had not been completed**. DCF policy requires that name-based KBI criminal history checks and DCF abuse and neglect registry checks be completed at a minimum on all adults in the home. However, the case mangement contractors were not able to provide verfication of one or both of these checks for three individuals.

- **Annual name-based background checks were not completed for relative placements because DCF policy does not require them.** Although initial name-based checks are required, DCF policies do not require annual name-based background checks for individuals in relativeplacements. However, because about one-third of children in care are in a relative placement, requiring annual name-based background checks may be something that DCF should consider. That is because it would help ensure that an already vulnerable population is kept safe.

- **For some cases, we found the background check was not thorough.** For example, for two individuals a name-based check was completed instead of the required fingerprint-based check. Also, in eight cases, all possible last names were not searched when conducting name-based criminal history checks or child abuse and neglect checks, such as maiden name, prior married name or alias.

Background check requirements should not be any less because an individual is related to the child in foster care. Relatives can and sometimes do have a criminal history, which would prohibit them from providing foster care. The emphasis should be on protecting the child regardless of the type of placement.

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

DCF policies and its contract with case-management providers require providers to take steps to ensure that children are safe while in a foster care or an adoptive home. Additionally, if the child is returned home (reintegration), case-management providers must take steps to ensure the child is safe. In addition to background checks, another key step to ensuring that children are safe is to regularly visit them in person.

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. There are several types of monthly in-person visits, including the following:

- **Case-management staff are required to have monthly in-person visits with children in foster care to assess their safety and well-being.** DCF policies and its contract with case management providers require in-person visits with a child at least monthly. During the visit, case-management staff assess the child's well-being and safety in their placement. This includes listening to the child's perspective on their case plan goals, assessing the child for evidence of maltreatment or any failure to achieve developmental progress, and documenting other aspects of the visit.

- **Staff from the child placing agencies are required to visit each foster home monthly to provide support to the family and coordinate services.** Kansas has about 30 child placing agencies, including the two case management contractors, KVC and St. Francis. State regulation and case-management contracts require the child placing agencies to visit each foster home at least once a month. The visitations and corresponding documentation should include information about the status of a child in the home, any difficulties the child is having, and updates on the child's progress.

- **Case-management staff are required to make monthly aftercare visits once a child returns home, provided they are still in DCF custody.** DCF's contract with case-management providers requires that during the 12 months following the child's return home, the contractor is responsible for continuing to provide services to assure the safety and stability of a child. This includes completing and documenting monthly visits that assess the child's safety.

- **According to DCF's contract with case-management contractors, case-management staff are also required to attempt monthly aftercare visits once a child has been adopted.** DCF's contract with case-management providers requires that during the 12 months following a child's adoption, the contractor is responsible for continuing to provide services to assure the safety and stability of the child. This includes attempting and documenting monthly visits that assess the safety of the child. However, we noticed that DCF policy differs from the contract in that it only requires that the monthly visits occur while the child is in the custody

of DCF. After DCF custody has ended (when an adoption is finalized), family participation in services and visits is optional.

Monthly in-person visits of children in foster care do not always happen. During fiscal year 2015, of all 6,300 children in out-of-home placements, about 5,600 were in a foster care placement with either a non-relative or relative. We reviewed 194 cases to determine whether required monthly visits had occurred from February 2015 and May 2016. Of those, KVC managed 104 cases, and St. Francis managed 90. Our results cannot be statistically projected because although the cases were randomly selected and represent a good mix of cases, the case management contractor offices included in our review were judgmentally selected based on location. However, the results show that for at least these locations that case-management staff may not always be completing or documenting required monthly visits, which puts children at risk of harm while in DCF's care.

- **For 67 of 194 files we reviewed (35%), there was evidence the monthly visits happened for the entirety of the period we reviewed.** For these cases, we saw definitive evidence that the monthly in-person visits between case-management staff and the child happened each month.

- **For 13 cases (7%), monthly visits did not happen for at least one month.** In these 13 cases there was no evidence in the file that a worker had visited the child for at least one month that we reviewed. Contractor staff were unable to provide documentation regarding the visits in question. Additionally, there was one instance in which file documents definitively stated the visit had not occurred. Staff had noted the visit did not happen because they could not make contact with the foster family. Overall, for most of these cases, evidence was missing for one or two monthly visits, but there was one case where there was no evidence of visits having occurred for three months during the period we reviewed.

- **For 114 cases (59%), because of poor documentation, we could not tell whether some monthly visits happened or we questioned the quality of the visit.** For these 114 cases either the case log was missing, the information in the case log narrative appeared to have been copied and pasted from one month to the next, or the information in the case log was insufficient to determine if the worker had seen the child and assessed their safety. For most cases in this group, we could not tell whether one to two monthly visits happened. For about one-fourth of the cases, we could not tell if five to nine monthly visits happened.

  Poor case documentation makes it difficult for anyone, including DCF and case-management contractors, to really know whether required monthly in-person visits happened while a child is in foster care. In addition, DCF policy and federal guidelines require that monthly visits be documented in the case file. Without such documentation it is difficult to know whether the child's safety and well-being was assessed, which is a primary reason for the monthly in-person visits.

Results from our survey of case-management staff and guardians ad litem corroborated that monthly in-person visits of children in foster care do not always happen. On page 23, we discuss those results in more detail.

Finally, our review of foster care cases revealed concerns about the quality of some monthly visits. Federal guidelines require that the visits be well-planned, documented, and assess the safety of the child by looking for evidence of maltreatment or failure to achieve developmental progress. However, during our review we noticed cases where visits frequently happened while the worker was transporting the child from one location to another. In addition, we saw instances where the visits occurred in conjunction with another required visit, causing us to also question the quality of the visit and whether case-management staff were fully able to assess the safety of the child.

For most cases we reviewed we also could not tell whether child placing agencies conducted monthly visits of the foster care homes. Child placing agencies sponsor foster families and provide any support services they may need while fostering children. Child placing agencies are to visit the foster home and the children placed in those homes at least once a month and document the visit. To determine whether required monthly visits happened, we reviewed 39 foster care files and looked for documentation of child placing agency visits from February 2015 to May 2016. The 39 files were randomly selected from among the 194 judgmentally-selected cases included in our file review; therefore the results cannot be statistically projected. However, this sample provided us with a good mix of cases, and the test work we completed was appropriate and sufficient to determine whether child placing agencies conducted monthly visits. Our review showed that:

- **For 5 out of 39 cases reviewed (13%), we saw evidence that the monthly visits happened for the entirety of the period we reviewed.** For these cases we saw evidence that the child placing agency had completed and documented the required monthly visits throughout the year.

- **For 34 cases (87%), because of poor documentation, we could not tell whether some monthly visits happened**. In these cases, there were notations that suggest some sort of visit may have occurred, but the information was too sparse to really tell if the visit happened or not.

Poor documentation makes it difficult for DCF and case management contractors to monitor child placing agencies and ensure the safety of the children in foster care. Child placing agencies are required to document all contact with the child and

foster parents in a monthly report. This monthly report includes information on the status of the child based on the monthly contact in the home with the child and foster parents, and additional phone and written contacts. However, our file review showed that these monthly reports were often missing. That is likely because the reports were either not completed or not routinely provided to or gathered by case management contractors as required.

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. During fiscal year 2015, about 800 children in foster care were placed in an adoptive home. DCF's contract requires case management contractors to provide "aftercare" services, including attempting to make monthly in-person visits (also known as "aftercare visits") with the adoptive family and child for 12 months. To determine if monthly visits happened, while on-site at case management contractor offices, we randomly selected and reviewed 15 cases for children who had been placed in an adoptive home since April 2015. Because the sample was not truly random, we cannot statistically project our results. However, the results of our analysis provide sufficient evidence to determine whether aftercare visits happened for children in adoptive placements, as required by contract. In the end, only 13 cases needed to be evaluated. In two cases the child was placed out of state, so the contractors were not responsible for directly meeting with the children.

- **In all 13 cases we evaluated, case-management staff did not attempt to conduct monthly in-person aftercare visits with foster children once they were adopted.** Our review showed that for 10 cases, contractors did not attempt monthly in-person visits. Instead the contractor sent monthly letters to the family, or attempted regular phone calls with the family. In two cases, the file had no record of attempts to visit the child in-person each month. In one case, we could tell there was no attempt to visit for one month and for all other months, the file contained the same notes each month which appeared to be copied.

- **It is likely that monthly in-person aftercare visits of adoptive children did not happen because DCF's policy does not require them** DCF policy can be interpreted as only requiring aftercare visits if the child remains in DCF custody. Once a foster child is adopted, the child is no longer in DCF custody. Therefore after care visits would no longer required. Once out of DCF custody, the policy requires contractors to offer services, but the family can waive them. This is contrary to the contract language which requires that contractors attempt to make monthly in-person visits with the child and adoptive family, regardless of custody.

As mentioned earlier, results from our survey of case-management staff and guardians ad litem corroborated our case review test work

on in-person monthly visits. On page 23, we discuss the survey results relevant to adoptive placements.

During our case review we noticed that some adoptive parents "waived" aftercare services, as discussed above. Although this may be appropriate for some adoptive placements, not having monthly in-person aftercare visits is not likely to be appropriate for all adoptive placements.

Because of poor documentation, we could not tell whether some monthly in-person aftercare visits happened once a child was reintegrated with their family. During fiscal year 2015, about 2,000 children in foster care were reintegrated home. Once a child has reintegrated home, DCF's contracts require the case-management contractors provide "aftercare" services to the family for 12 months. As part of aftercare services for children reintegrated with the family (but still in DCF's custody), the contractor must visit the child in-person each month to assess the child's safety and well-being.

To determine whether contracted case-management staff visited children each month, we reviewed case logs and other related documents for 25 cases in which children had reintegrated home within the past year but remained in state custody. (DCF policy only requires monthly visits for children who remain in DCF custody). We randomly selected the cases for review while on site at case management contractors' offices thus we cannot statistically project our results. However, this sample provided us with a good mix of cases, and the test work we completed was appropriate and sufficient to determine whether case-management staff visited children each month. In sum our review showed:

- **For 17 of the 25 cases reviewed (68%), there was evidence the monthly aftercare visits happened.** In each of these cases, the documentation we reviewed showed that case-management staff had an in-person visit with the child.

- **For 1 case (4%), it appears aftercare visits did not happen for at least one month.** For this case, we saw at least one month in which there was no evidence that a monthly in-person visit happened between the child and case-management staff.

- **In 7 cases (28%), because of poor documentation, we could not tell whether some monthly aftercare visits happened.** For each of these children, there were several months where we could not tell whether a monthly visit happened. For example, in one case, the form used to document the visits showed a narrative description that appeared to have been copied and pasted from one month to the next, and sometimes this occurred for several months in a row.

Poor case documentation makes it difficult for anyone, including DCF and case-management contractors, to really know whether required monthly in-person aftercare visits happened once a child reintegrates home. In addition, DCF policy requires that monthly visits and other efforts to keep the child safe to be documented in the case file. Without such documentation it is difficult to know whether the child's safety and well-being was assessed, which is a primary reason for aftercare visits.

Results from our survey of case-management staff and guardians ad litem corroborated our case review test work. On page 25, we discuss survey results related to aftercare once a child returns home.

Not conducting required in-person aftercare visits with a child once they have returned home is very concerning. That is because for some children, they are returning to a home from which they were removed because of safety, neglect or other serious issues, therefore it is important to continue in-person visits to help ensure their safety.

Our Survey of Case-Management Staff and Guardians ad Litem Also Indicate That Monthly In-Person Visits Do Not Always Happen

We surveyed case-management staff and guardians ad litem to help us determine whether monthly in-person visits were happening for children in foster care, adoptive placements and for children reintegrated with their family. Our work included surveying all case-management staff for the two contractors, KVC and St. Francis. Of the 528 surveys sent to case-management staff, 194 were returned for a response rate of 37%. Additionally, we also surveyed all guardians ad litem and of the 428 surveys sent, 76 were returned for a response rate of 18%. The response rates were not sufficient to reliably conclude that the survey responses statistically represent the population as a whole, although they do provide some insight into survey participants' opinions and experiences. Further, the survey results are consistent with the evidence we obtained through file review.

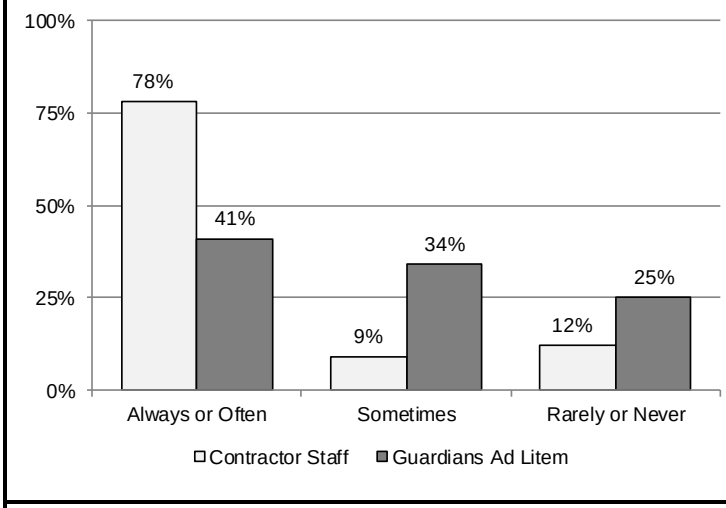
Case-management staff and guardians ad litem responding to our survey said that caseloads keep case-management staff from completing monthly visits with children in foster care. ***Figure 1-2*** on page 24 summarizes the survey results of staff and guardians ad litem responding. As the figure shows, of the case-management staff who responded, about 9% said that caseloads only sometimes allow them to complete their required visits. Another 12% said because of caseloads they can rarely or never complete all their monthly visits. Here are examples of their comments:

- *"We have almost 60 kids on our case load and cannot do all the paperwork and see the kids."*

  "I now have a caseload of over 50. This has nearly doubled in the last 6 months."

- *"Caseloads are very high. Most of my time is dealing with paperwork and making sure deadlines are kept."*

Figure 1-2
Survey Results - How Often Do Caseloads Allow Caseworkers to Complete Required Monthly In-Person Visits with Children in Foster Care? [(a)(b)]



(a) Data do not add to 100% due to rounding.
(b) Of the 528 contractor staff surveyed, 194 were returned for a response rate of 37%. Of 428 guardians ad litem surveyed, 76 were returned for a response rate of 18%.
Source: LPA survey of foster care contractor case management staff and guardians ad litem

Of guardians ad litem who responded, 34% said that because of caseloads, case-management staff can only sometimes complete their required monthly visits with children in foster care. Another 25% said case-management caseloads rarely or never allow workers to complete all their required monthly in-person visits with children in foster care. Here are examples of typical comments from guardians ad litem explaining their response:

- *"It appears to me that caseloads are much too high for caseworkers to be able to adequately serve the cases."*

- *"Caseworkers have far too many cases. They cannot possibly have the time they need."*

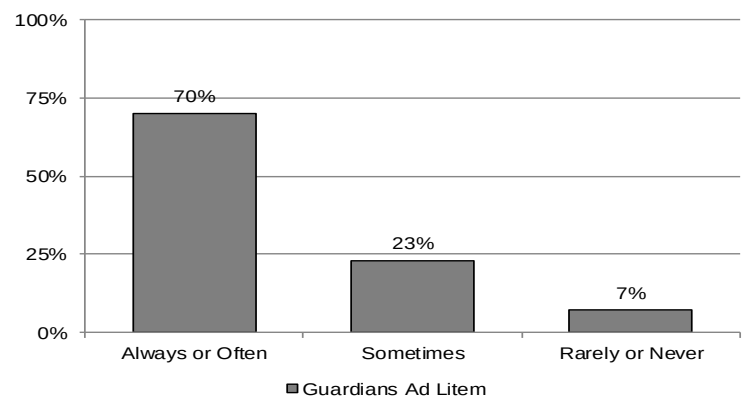
Finally, we did not evaluate caseload adequacy. However, part two of this audit will include determining whether contracted case management contractors have sufficient capacity to provide necessary services.

About one-quarter of the guardians ad litem responding to our survey expressed concerns about aftercare services for adoptive children. ***Figure 1-3*** below summarizes the survey results. As the figure shows, of guardians ad litem responding, 23% said that sometimes current practices do not ensure that children are safe in adoptive placements. Here are some examples of their comments:

- *"Once the children are placed in adoptive homes, there seems to be little oversight…"*
- *"…[O]nce the adoption is finalized, there is little real follow up that has any helpful effects."*
- *"Less oversight once the agency has identified the adoptive resource."*

We also asked case-management staff about aftercare services for children in adoptive placements, but most respondents said they were not familiar with these services because they were provided by other contract staff.

Figure 1-3
Survey Results - How Often Do Current Practices Ensure that Children Are Safe in Adoptive Placements? [a] [b]



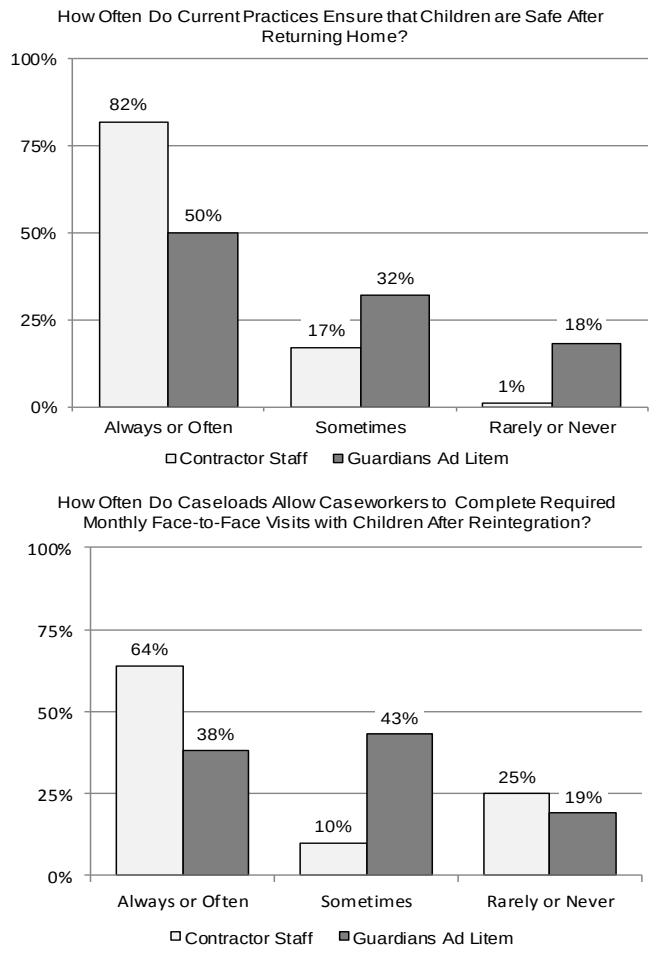
(a) Contractor case management staff survey results are not included in this figure, because most respondents said they were not directly familiar with adoption aftercare services.
(b) Of 428 guardians ad litem surveyed, 76 were returned for a response rate of 18%.
Source: LPA survey of foster care contractor case management staff and guardians ad litem

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. ***Figure 1-4*** on page 26 summarizes the survey results. As the figure shows, of the case-management staff responding to our

survey, about 17% said current practices only sometimes ensures that children are safe after returning home. Of guardians ad litem responding, 43% said that caseloads at least sometimes prevent case-management staff from completing monthly in-person visit with children once they return home. Here are examples of typical comments from guardians ad litem explaining their response:

- *"Kids in aftercare seem to get the lowest priority, so busy caseworkers don't follow through on monthly meetings."*
- *"Caseloads too high and case workers too inexperienced."*
- *"They can't get their jobs done when they are constantly moving from one emergency to another."*

Figure 1-4
Survey Results Related to Reintegration [(a) (b)]

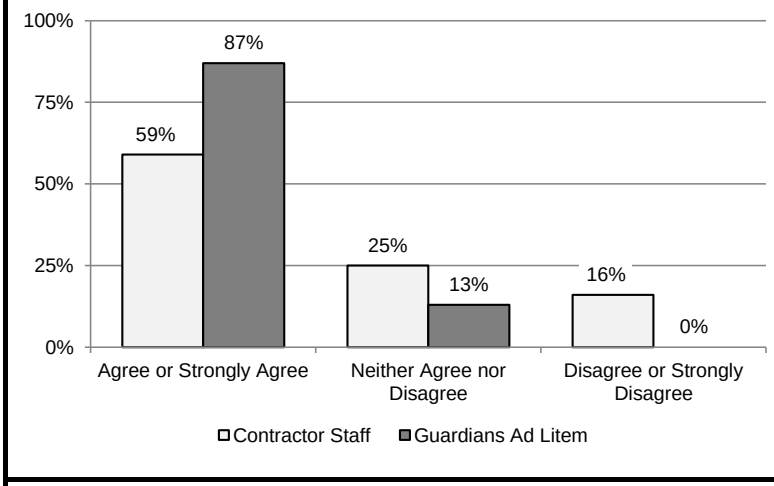


(a) Data do not add to 100% due to rounding.
(b) Of the 528 contractor staff surveyed, 194 were returned for a response rate of 37%. Of 428 guardians ad litem surveyed, 76 were returned for a response rate of 18%.
Source: LPA survey of foster care contractor case management staff and guardians ad litem

Survey Respondents Expressed Concerns with Staff Turnover, Morale, and Training

Judges, attorneys, and foster parents we interviewed raised concerns that turnover in contracted case-management staff was a problem and that they seemed to lack training. As a result of these concerns, we included questions about turnover and training in our survey of case-management related staff and guardians ad litem. We also asked them to respond to a question about morale. The response rates to our surveys were not sufficient to reliably conclude that the survey responses statistically represent the population as a whole, although they do provide some insight into survey participants' opinions and experiences.

Figure 1-5
Survey Results - How Much Do You Agree or Disagree With the Following Statement: Employee Turnover has Negatively Affected the Ability of Caseworkers to Do their Jobs[(a)]



(a) Of the 528 contractor staff surveyed, 194 were returned for a response rate of 37%. Of 428 guardians ad litem surveyed, 76 were returned for a response rate of 18%.
Source: LPA survey of foster care contractor case management staff and guardians ad litem

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. ***Figure 1-5*** above summarizes the survey results of case-management staff and guardians ad litem responding to our survey question about turnover. As the figure shows, 59% of case-management staff and 87% of guardians ad litem responding said turnover is a problem. Here are examples of comments from case-management staff explaining how turnover negatively affects their job:

- *"When support staff leave or don't do their job, things get missed or dropped. Sometimes this is not immediately known. Sometimes it is not known until there is an audit, or a court report is due then you discover how much was left undone."*

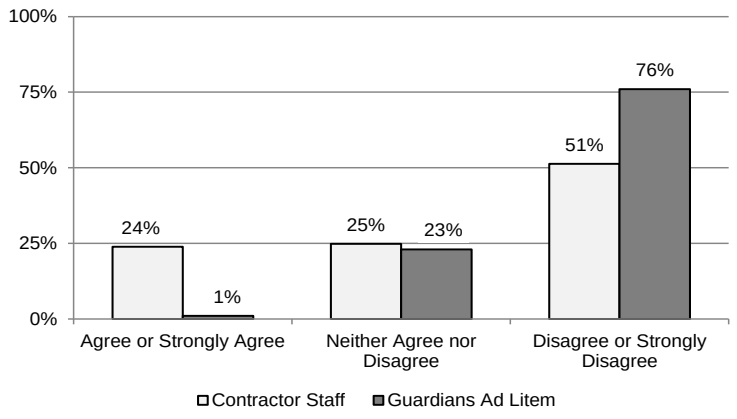
- *"I continually have to tell new workers what to do and how to do it. I no longer have coworkers that I can turn to for advice and guidance, but rather have become that person. It's incredibly frustrating."*

About half of case-management staff responses show morale among case workers is low. Survey results related to staff morale are summarized in ***Figure 1-6*** below. As the figure shows, 51% of the case-management staff and 76% of the guardians ad litem indicated that morale among case workers is low. Comments from case-management staff often associated low morale with high caseloads. For example:

- *"The caseloads are high and we are shorthanded. Everyone is trying to stay afloat but that's hard when we are told we need to do better on hitting deadlines constantly. It feels like we are failing no matter how hard we try."*

- ***"****Due to high caseloads and the higher levels of need, burn out is high."*

Figure 1-6
Survey Results - How Much do You Agree or Disagree With the Following Statement: Morale Among Caseworkers is High[(a)]

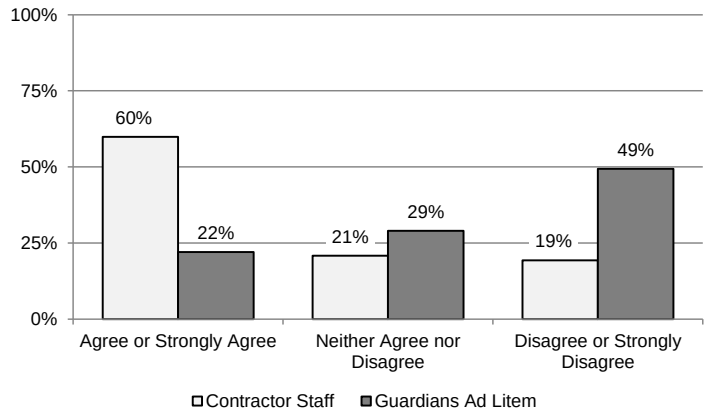


(a) Of the 528 contractor staff surveyed, 194 were returned for a response rate of 37%. Of 428 guardians ad litem surveyed, 76 were returned for a response rate of 18%.
Source: LPA survey of foster care contractor case management staff and guardians ad litem

Some case-management staff cited training as a problem. ***Figure 1-7*** on page 29 summarizes survey results related to staff training. As the figure shows, 60% of case-management staff responding said they receive the training they need to do their jobs, while 19% disagreed with that statement. Guardians ad litem who responded were more skeptical, with 49% indicating that case-management staff do not receive the training needed to do their jobs.

All agencies experience some amount of turnover. However, in the foster care system, turnover in case-management staff increases the safety risk to children in foster care, especially if it results in high caseloads. Too many cases cause staff to be overloaded and unable to complete required tasks such as monthly in-person visits with children. High turnover often leads to low morale, which in turn leads to more turnover. The resulting cycle can be difficult to break.

Figure 1-7
Survey Results - How Much do You Agree or Disagree With the Following Statement: Caseworkers Receive the Training they Need to do Their Job [(a)]



(a) Of the 528 contractor staff surveyed, 194 were returned for a response rate of 37%. Of 428 guardians ad litem surveyed, 76 were returned for a response rate of 18%.
Source: LPA survey of foster care contractor case management staff and guardians ad litem

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?

DCF's child placement process does not ensure that children are placed in foster care homes with sufficient living and sleeping space and financial resources. That is because DCF allows nearly all requests for exceptions, which results in inadequate sleeping space for some foster children (p. 31). Our review showed that DCF does not have an adequate process to ensure that licensed foster homes have sufficient financial resources (p. 32). We also found that despite the lack of DCF requirements related to capacity, living space or financial sources for adoptive placements, few stakeholders had concerns (p. 34).

Finally, we found that child placing agencies both sponsor and regulate foster homes which may create a conflict of interest (p. 35).

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. Two main requirements that have to do with ensuring that foster children have adequate living space include:

- **A licensed foster home may include a maximum of four foster children and is limited to a total of six children in the home under 16 years of age.** For example, a home that already includes two children under sixteen could have up to four additional foster children. Children in the home sixteen years of age or older are not counted.

- **Kansas regulations require each bedroom that is used by a foster child to be at least 70 square feet, or 45 feet if shared with another child.** Additionally, if a child in foster care, such as an infant, sleeps in a room with the foster parents, the bedroom must be at least 130 square feet.

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. State regulations allow licensed foster homes to apply for an exception to licensing requirements, but the exception may only be granted if it is in the best interest of the child in foster care. From January 1, 2015 through April 1, 2016, DCF received about 1,100 requests from child placing agencies to waive the

capacity or sleeping space requirements in licensed foster homes. DCF approved all but 20 of these requests (less than 2%). Nearly all of these denials were because of pending investigations or other regulatory violations. We saw no evidence of DCF scrutiny or review of the requests that were approved. We did note that more than half of requests to exceed capacity were to accommodate keeping siblings together.

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. For a targeted sample of licensed foster care homes, we reviewed DCF records to determine whether granting such exceptions resulted in children having inadequate sleeping space. Each of the 12 homes in our sample had been granted an exception to either exceed capacity or sleeping space requirements. Because our sample was targeted, the results cannot be statistically projected to all licensed foster homes. On page 33, we discuss case-management staff and guardians ad litem survey results related to whether foster homes have adequate sleeping space.

- **Four of the 12 foster homes in our targeted review did not have sufficient sleeping space, which increases a child's safety risk.** For example, one home was licensed for three foster children, but had been granted an exception to allow seven foster children. The home already had three non-foster children. Granting the exception resulted in 10 total children in the home (regulations allow for six). In addition, five of the foster children shared a room with only 25 square feet per child—well below the state's minimum requirement.

- **A small number of survey respondents also indicated that children are sometimes placed in foster care homes without adequate sleeping space.** As part of our work, we surveyed contracted case-management staff and guardians ad litem. In response to our survey, about 8% of responding case-management staff and about 13% of guardians ad litem said children are sometimes placed in homes with inadequate sleeping space. Comments included: "*Many children are forced to share rooms with up to four people in a room that one child should be in. The space is too small.*"

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. Although state regulations and policies require foster families to have sufficient financial resources to provide for the basic needs and financial obligations of the foster family, neither the regulations nor policies define what "sufficient" means. In comparison, other regulations are very specific. For example, as discussed previously, there are specific maximums on the number

of children in the foster home and minimums on amount of sleeping space required.

Regarding financial resources, current laws and DCF policy also are not clear whether the foster family has to have sufficient resources before or after the foster child and accompanying support payment is added to the home. Our review showed that best practices and other states, including Iowa and Oklahoma, require the resources to be sufficient before the foster child (and any support payment that comes with the child) is added to the family. In other words, a household that does not already have sufficient resources is not eligible to foster a child.

DCF does not verify income information provided by foster families to determine if they have sufficient financial resources. When applying for an initial license and when renewing it, foster parents are asked to provide annual income information. They are not required to provide any documentation to verify that income (for example pay stubs), nor are they required to report family expenses. This makes it difficult for DCF to determine whether the family's financial resources are "sufficient" to meet the potential foster family's basic needs.

Our targeted review of 12 licensed foster homes (the same homes reviewed for living space requirements) showed that DCF had not verified the information provided by the applicants in any of the cases. Further, DCF renewed one home even though the applicant did not properly fill out the section on income—writing "no change" instead of providing an income amount.

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. We asked contracted case-management staff and guardians ad litem whether they thought children in foster care were placed in homes without adequate financial resources. The response rates to our surveys were not sufficient to reliably conclude that the survey responses statistically represent the population as a whole, although it does provide some insight into survey participants' opinions and experiences.

Of case-management staff responding to our survey, about 13% and about 24% of guardians ad litem said children are sometimes placed in homes without sufficient financial resources. In addition, several expressed concern that some parents may be fostering children only for the money. Others were concerned that relatives who provide foster care tend to not have sufficient financial resources. Examples of their comments are below:

- *"It's obvious some foster kids are used for money."*
- *"…Often placement is with the kinship home that is deemed safe and appropriate for the child, but the kinship home is not able to financially me[e]t the child's needs consistently."*
- *"A lot of foster homes do not have the independent financial resources to provide for their family let alone additional children."*

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. Our review of DCF policies showed that DCF primarily considers the potential adoptive family's ability to provide for and meet the needs of the child. This includes understanding and accepting the child's developmental needs, and providing a safe and secure environment for the child.

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. We asked contracted case-management staff and guardians ad litem whether they thought children in foster care were placed in adoptive homes with adequate sleeping space and financial resources. The response rates to our surveys were not sufficient to reliably conclude that the survey responses statistically represent the population as a whole, although it does provide some insight into survey participants' opinions and experiences. The results are summarized below.

- **Almost all case-management staff we surveyed thought children formerly in foster care were adopted into homes with adequate sleeping space and financial resources.** About 97% of case-management staff from KVC and St. Francis responded that children are always or often placed in homes with adequate sleeping space. In addition, about 88% said children were always or often placed in adoptive homes with adequate financial resources.
- **Guardians ad litem were slightly less positive in regard to adoptive placements, living and financial conditions.** Of the guardians ad litem responding, 89% thought that adoptive children are always or often placed in adoptive homes with adequate sleeping space. In addition, 80% responding thought that adoptive children are always or often placed in adoptive homes with sufficient financial resources.

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. There are about 30 licensed child placing agencies in the state and their role is to sponsor families to become foster homes. Each child placing agency contracts with one or both of the state's case-management contractors (KVC and St. Francis). The contractors pay child placing agencies a negotiated rate when a child is placed in a foster family home sponsored by that agency. The child placing agency is then also responsible for conducting monthly visits of each home.

DCF also relies on child placing agencies to help regulate licensed foster homes. In addition to sponsoring foster homes, the child placing agencies also conduct the foster homes' annual license renewal inspection. The purpose of this inspection is to ensure the foster home continues to meet all regulatory requirements and is a safe environment for a child in foster care. Once the annual inspection is completed, the child placing agency sends the inspection results to DCF for its use in making licensure decisions.

Child placing agencies' dual role may create a conflict of interest between their financial welfare and children's safety. Child placing agencies are paid based on the number of children placed in homes they sponsor. Thus, these agencies may have an incentive to increase placements in these homes.

- **Child placing agencies have a financial incentive to request exceptions to the number of children in the home.** That is because the more children placed in a sponsored home, the more the child placing agency is paid by the contractor. Therefore the child placing agency has an interest in the exception being approved. DCF officials told us they defer to the child placing agencies when considering these requests. (As noted earlier on page 31, our review showed that nearly all exceptions to foster home licensing regulations were granted.)

- **Child placing agencies may have a financial incentive to overlook regulatory violations.** If a licensed foster care home has regulatory violations, then corrective action has to be taken, which could limit the number of children placed in that home or the home could lose its license. Because each licensed home is the source of revenue for the child placing agency, there may be a disincentive to identify regulatory violations during annual inspections or monthly visits. We did not evaluate if this is occurring in practice. However, the system is not designed to identify or mitigate if this is occurring.

Potentially, the effect of overlooking regulatory violations is that foster children could be placed in homes with inadequate sleeping space.

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 (p. 37). Federal law requires that states' foster care and adoption programs have a formal preference to keep families together (p. 37). The majority of stakeholders responding to our survey indicated there was appropriate emphasis placed on keeping families together, with a small portion responding that there was too much emphasis (p. 38).

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. The state receives federal funds for the foster care system and monitors the state's performance. One requirement under federal law is that the state make reasonable efforts to keep families together. This applies to keeping families intact and avoiding removal by providing family preservation services. It also applies to foster care and adoption placements in terms of placing children with relatives or together with siblings. Although there is a stated family preference in federal law, it is not an overriding mandate because federal law also states that the safety and best interest of the child is paramount.

DCF has operationalized this family preference throughout the foster care and adoption system. The foster care program is within the Prevention and Protection Services Program within DCF. That program is responsible for a range of services to develop family strengths, prevent the dissolution of families, and ensure the well-being of all children. With these goals in mind, DCF has established many policies that show a preference for keeping families together.

- **The goal of family preservation services is to avoid having to remove the child in the first place.** Once DCF is alerted to a potential unsafe situation involving a child, the first step is to assess the safety of the child in their home. If needed, DCF then provides services through its family preservation contractors (KVC and St. Francis) to help strengthen families. These services include parenting classes, in-home family therapy, financial education, and coordinating medical services. Family preservation contractors may also pay up to $500 for goods or services that go directly to the family such as clothing, bus passes, beds, and exterminator services. The goal of these services is to maintain the child safely in their home rather than placing them in foster care.

- **If the child must be removed, the default goal is to reintegrate them with family as soon as possible.** Once a child is removed from the home and DCF is granted custody, a case plan is developed. The plan outlines goals for that child's eventual placement (permanency). DCF policies call for the child's default permanency goal to be reunification with his or her family. Depending on the circumstances, an alternate goal such as adoption may also be indicated if in the best interest of the child.

- **Once a child is removed from their home, DCF policies stress that efforts should be made to find a relative for placement.** We reviewed DCF policies as well as foster care and adoption contractors' polices and noted they all indicate that efforts should be made to place a child with relatives. This involves both DCF and the contractors searching for known relatives through interviews and electronic records searches. Case-management staff also contact family members and evaluate whether they would be adequate placements for the child.

- **Further, DCF policies stress that siblings should be placed together whenever possible.** For every 90 days siblings are not placed together, case management contractors are required to submit documentation describing how they attempted to reunite siblings or why they should not be placed together. As discussed in question two on page 32, more than half of the requests to exceed capacity were to accommodate keeping siblings together.

- **Finally, DCF tries to facilitate ongoing contact with the family, as long as it is in the best interest of the child**. This includes regular contact with their biological family and also any siblings that are not placed together. DCF and case management contractors have policies that outline the requirements for the frequency of these visits. As long as the case plan goal is reintegration, children should be able to visit their parents at least once a week. If a child's case plan goal is not reintegration, the frequency of visits is determined on an individual basis. According to DCF's policies, sibling visits should happen at least twice a month. The frequency of all visits may vary depending on other circumstances.

The Majority of Stakeholders Indicated There Was Appropriate Emphasis Placed on Keeping Families Together, but Some Indicated There Was Too Much Emphasis

One of the concerns we heard during the course of our work is that DCF places too much emphasis on keeping families together, even when it was not in the child's best interest. To assess this concern, we surveyed all contracted case-management staff and all guardians ad litem across the state. Of the 528 surveys sent to KVC and Saint Francis staff, 194 were completed for a response rate of 37%. Of the 428 surveys sent to guardians ad litem, 76 were returned for a response rate of 18%. The response rates to our surveys were not sufficient to reliably conclude that the survey responses statistically represent the population as a whole, although it does provide some insight into survey participants' opinions and experiences.

As part of our work, we also interviewed judges and foster parents who expressed similar concerns about family preference.

The majority of stakeholders felt there was an appropriate emphasis on placing children with relatives. Once a child is in DCF custody, case-management staff work with child placing agencies to find an appropriate placement. DCF and federal policies require that staff seek out relatives to place the child regardless is the placement is a foster or adoptive placement. In addition, when a child is in DCF custody, sometimes a sibling has also been removed from the home. As noted earlier, DCF has a goal of keeping siblings together when possible.

In our survey case-management staff and guardians ad litem, we asked about emphasis on relative placements for foster and adoption placements and emphasis on keeping siblings together. In sum, the results of our survey showed:

- 75% of the case-management staff and 60% of the guardians ad litem who responded to our survey told us "enough" emphasis is placed on finding relatives for foster care placements. In addition, 43% of case-management staff and 31% of guardians ad litem responding said that children are rarely or never placed in foster care with a relative when a non-relative placement would have been in the child's best interest.

- 83% of case-management staff and 68% of guardians ad litem responding said enough emphasis is placed on finding relatives for adoptive placements. In addition, 59% of case-management staff and 51% of guardians ad litem responding said that children are rarely or never adopted by a relative when a non-relative placement would have been in the child's best interest.

- 73% of case-management staff and 52% of guardians ad litem responding said that children are rarely or never placed with a sibling when it is not in the child's best interest.

Even though most respondents stated appropriate emphasis is placed on keeping families together, some respondents thought there was too much emphasis. Although a much smaller percentage of respondents said there is too much emphasis, it is worth noting. That is because in many comments, the respondents stated it happens despite not being in a child's best interest. In sum, the results of our survey showed:

- Roughly 20% of contractor case-management staff and guardians ad litem thought too much emphasis was placed finding relatives for foster care placements. In addition, about one-quarter of both groups said that children are always or often placed in foster care with a relative even though a non-relative placement would have been in the child's best interest. Here is an example comment:

- *"Many times family members will "pop up" after a child has been with a foster family for a lengthy period, only to break that attachment to go to a stranger just because it is family."*

- About 15% of case-management staff and guardians ad litem responding said that too much emphasis is placed on finding relatives for adoptive placements. In addition, 12-14% of respondents said that children are always or often adopted by a relative even though a non-relative would have been in the child's best interest. The following comment sums up the concern:

  - *"I find it very difficult to stomach when a child has been in custody for two years, is bonded to a placement, and some long-lost relative comes out of the [wood]work – often because case management goes looking for them – and tries to disrupt a stable attachment between the foster parent and child."*

- Finally, about 10% of case-management staff and guardians ad litem responding said that children are always or often placed with a sibling even though it is not the child's best interest. Respondents' explained that there is a mindset that siblings should be together regardless if it is in the child's best interest. Here is an example comment:

  - *"I have had children removed from stable placements to be placed with siblings they never knew. Should we foster these children getting to know each other? Absolutely. …But we don't need to disrupt the eight year old to move with an infant they have never met…"*

Conclusion and Recommendations

Conclusion

Our findings related to case reviews and the survey results from case-management staff and guardians ad litem indicate that DCF continues to take a hands-off approach to monitoring contractors and perhaps focuses too much on whether federal outcomes are met and not on the specific steps needed to meet them. Foster care-related services have been provided by non-government entities since the system was privatized in 1997, when DCF contracted out the day-to-day management of individual foster care cases. Over the years (including before privatization) we have conducted numerous performance audits of foster care and almost without exception, each has shown that DCF has struggled to provide adequate oversight and overly deferred to its contractors. By continuing to take this approach to monitoring and overseeing the contractors, DCF increases the risk to the children the agency is responsible for protecting.

Recommendations for Executive Action

1. To address the issues with the Kansas Protection Report Center identified on pages 11 through 15, DCF should:
    a. Review the findings and recommendations from the 2013 assessment and complete those that are in progress.
    b. Review policies to determine if they are adequate and appropriate to ensure that reasonable efforts are made to assess the safety and welfare of a child.
    c. Develop and implement procedures to ensure that a child's safety is assessed within the time assigned following a report center call.

2. To address the issues with background checks identified on pages 15 through 17, DCF should:
    a. Revise policies and processes to ensure that name-based background checks and child abuse and neglect registry checks are completed annually instead of every three years as current policy requires.
    b. Review and reconcile regulatory and the state statutory requirements for fingerprint-based checks of all individuals residing, working or volunteering in a foster home.
    c. Review and reconcile regulatory and state statutory requirements to ensure that foster home license renewals and background checks are completed annually.

d. Revise policies and processes to ensure that individuals in a foster care home who become ten years of age have KBI background checks and child abuse and neglect registry checks annually as required by law.
e. Train staff on the revised policies.
f. Consider whether to require annual background checks for individuals in relative placement, including homes used for temporary placement.
g. For relative placement, revise the process to ensure annual name-based KBI background checks and DCF child abuse and neglect registry checks are completed on all individuals over the age of ten in the home.

3. To address the issues related to monthly in-person visits for children in foster care, for children in adoptive placements, and for children returning home, as identified on pages 18 through 23, DCF should:
    a. Review and clarify the inconsistencies between policies and contractual obligations of contractors to ensure the safety of children regardless of the placement.
    b. Regularly monitor a sample of cases to ensure that case-management staff are conducting the required monthly in-person visits and considering implementing penalties for non-compliance.
    c. Regularly monitor a sample of cases to ensure that child placing agencies are conducting required monthly visits with foster homes and consider implementing penalties for non-compliance.

4. To address the issue with DCF approving nearly all exceptions to exceed capacity or to allow insufficient sleeping space identified on pages 31 through 32, DCF should develop and implement a system that ensures exceptions are thoroughly reviewed and only granted when in the best interest of the child.

5. To address the issue concerning the regulatory requirement for foster homes to have sufficient financial resources pages 32 through 34, DCF should:
    a. Clarify the regulations to clearly state that financial resource of the foster family is sufficient before the foster child is placed in the home.
    b. Clearly define what the term "sufficient" means in regulatory requirements.
    c. Develop policies and a process to ensure that initial and renewal license applications provide detailed financial information, and that DCF staff verify the information, at least on a sample basis.

APPENDIX A
Scope Statement

This appendix contains the scope statement approved by the Legislative Post Audit Committee for this audit at its December 2015 meeting. The committee had approved a comprehensive audit of DCF and the foster care system. Subsequently, the questions included in this scope statement were selected by the Foster Care Scope Statement Subcommittee.

Foster Care and Adoption in Kansas: Reviewing Various Issues Related to the State's Foster Care and Adoption System

Kansas' foster care program is administered by the Department for Children and Families (DCF) and has been privatized since 1997. The department currently contracts with two service providers—KVC Kansas and St. Francis—to provide foster care services across the state. The foster care program is charged with protecting children who may be physically or mentally abused or neglected. The department may provide preventive services to a family when child abuse is suspected with the goal of keeping the child in the home. However, if preventive services are not successful or if the danger to the child appears to warrant action, the department may ask the county or district attorney to petition the court to place the child in its custody.

After a court order puts a child in the custody of the department, the child may be placed back with the family with the written permission of the court, with relatives or friends of the family, with a foster family, in a group home, or in an appropriate state-operated facility. Child Welfare Case Management Providers, who are private contractors with the state, work with the child and family to resolve issues so the child can return home. If it is not possible for a child to go back to the family, parental rights may be taken away by the court or voluntarily surrendered. At that point the child is available for adoption.

The questions included in this scope statement were selected by the Foster Care Scope Statement Subcommittee for consideration by all members of the Legislative Post Audit Committee. At its December 2015 meeting, the Legislative Post Audit Committee considered an audit request by Representative Jim Ward intended to evaluate whether DCF had discriminated against same-sex couples through its child placement process. Although the committee did not approve that request, it established the subcommittee to develop a comprehensive audit request of DCF and the foster care system.

A performance audit in this area would address the following questions:

1. **Is DCF following adequate policies and procedures to ensure the safety of children during the removal and placement process?** To answer this question, we would identify which types of factors and best practices should be considered and implemented as part of the removal and placement process to ensure children's safety (according to professional associations such as the National Association of Social Workers). Interview department officials and review documents as necessary to understand the department's policies and procedures for child removals and child placements (with either the child's original family, with foster parents, or with adoptive parents). As part of that work, we would also determine whether the department allows CINC children to be placed in homes that also house juvenile offenders. We would review the department's policies and procedures to determine whether appropriate factors were included and whether best practices had been sufficiently implemented. Moreover, based on sample of cases, we would review department files and interview staff to determine whether department staff and foster care contractors followed the department's removal and placement policies and procedures as designed.

2. **Does DCF's child placement process help ensure that children are placed in foster care or adoptive homes with a sufficient living space and sufficient financial resources?** To answer this question, we would interview DCF officials and review department policies and procedures to determine whether factors such as household size, living space, or household income considered by DCF and others when making child placements in foster care or adoptive homes. We would also review foster care licensing requirements and professional literature to determine whether there were any suggested limits on family size, home square footage, or minimum family income that should be considered when making placement decisions. Moreover, we would review DCF files for children placed in very large foster care or adoptive families to determine whether those homes provide sufficient space for the children and to determine whether the financial resources of the families appeared sufficient. In performing that work, we would also interview DCF staff and others involved in the placement decision to identify whether there were ever any concerns raised about these types of home situations and if so, how they were addressed.

3. **Are DCF's criteria for recommendations regarding the removal and placement of children designed to help keep families together as much as possible?** To answer this question, we would interview DCF to understand their specific role in the removal and placement processes as well as the private contractors they oversee. We would also determine which criteria DCF and contractor staff use when removing children from their homes and which criteria they use to make recommendations of a child's placement in either a foster care or an adoptive home. We would compare that to professional literature and best practices in this area developed by organizations such as the U.S. Department of Health and Human Services. We would conduct a DCF and contractor staff survey and would interview other foster care professionals and stakeholders as necessary to collect their opinions on whether the criteria used by DCF and its contractors helps keep families together as much as possible. Based on that collective information, we would determine if DCF's placement and removal criteria are sufficient to help ensure that children are not removed from their families too quickly and that children from the same home are placed together whenever possible.

4. **Does DCF ensure that all applicable state and federal laws governing the foster care system in Kansas are followed?** To answer this question, we would interview DCF officials and would work with the Office of Revisors staff to identify all state and federal laws related to the foster care system in Kansas, including any financial requirements. Further, we would work with DCF staff to determine how they ensure compliance with those laws and requirements through their established policies, procedures, and contractual agreements with private contractors. For a sample of cases, we would determine whether DCF staff and contracted staff appear to adhere to those policies and procedures as designed and would determine the primary causes for any non-compliance we identified including any sanctions DCF imposed on staff for any violations. In addition, we would work with DCF and federal state agency officials as necessary to determine the consequences, if any, of any violations of state or federal law we identified.

5. **Do foster care contractors have sufficient capacity to provide necessary foster care services?** To answer this question, we would collect and analyze historic information to determine contractors' staffing and caseloads before and after being awarded their contracts with the state and interview officials regarding any trends we identified. Collect information from each contractor to determine and compare their average staff caseloads and the specialized services they provide for children in their care (e.g. mental health services) to best practices, other contractors, and over time. Work with DCF and contractor officials to identify trends in the number of children in foster care and receiving specialized services in recent years. Review any information the DCF maintains related to contractor performance and complaints. For any

problems we identified, we would interview contractor and department officials as necessary to better understand those issues and to determine what has been done to resolve them.

6. **Has the privatization of foster care and adoption significantly affected outcomes for children and families?** To answer this question, we would interview DCF officials and would review DCF records to determine what types of outcomes they have consistently tracked (in areas such as assessments, removals, reunifications, and placements) before and after the privatization of foster care and adoption. We would also interview DCF officials to determine how the foster care and adoption system has changed over time and how that might affect the outcomes they measure. We would compile readily available outcome data for all phases of the foster care and adoption process and compare those outcomes before and after privatization, and would follow up with DCF and Contractor officials about any trends noted in the comparison.

7. **Has the privatization of state foster care and adoption significantly affected the cost of those services to the state?** To answer this question, we would interview DCF staff and review available data to determine how much foster care and adoption cases cost Kansas before and after privatization on a per child basis. We would also interview DCF officials to determine how the foster care and adoption system has changed over time and how that might affect system costs. We would compare current privatized costs for foster care and adoption services to costs prior to privatization after accounting for relevant factors such as inflation and wage increases over time. Similarly, we would identify other states with foster care and adoption systems similar to Kansas and with similar outcomes, and would work with officials from those states to collect cost information that could be compared to our own. In doing all of this work, we would determine the state's share of funding for these costs both before and after privatization.

Estimated Resources: 5 LPA staff
Estimated Time: 11 months (a)

(a) *From the audit start date to our best estimate of when it would be ready for the committee; LPA would intend to release several reports during this 11-month period. Note: Our ability to answer questions 6 and 7 on privatization will be subject to how much and what type of records have been maintained since privatization of the foster care and adoption system.*

APPENDIX B
Agency Response

On July 6, 2016 we provided copies of the draft audit report to the Department for Children and Families. Its response is included as this Appendix. Following the agency's written response is a table listing the department's specific implementation plan for each recommendation. DCF plans to implement or consider all of the recommendations in the audit.

In the response letter, DCF officials provide additional information and context for some of the report's findings. We made no changes to our findings, conclusions or recommendations based on this information. The agency disagreed with a finding in one area, and raised concerns about our use of survey respondent's comments throughout the report. We carefully reviewed the information provided by DCF, and made some minor wording changes, but made no changes to our overall findings conclusions or recommendations, as described below.

Finding: Although individuals in the homes had initial checks, nearly all lacked the annual name-based KBI criminal history and DCF child abuse and neglect background checks as required by law (page 16).

DCF officials disagreed with this wording that implies the background checks for renewal licenses are required by law to be annual. Officials pointed out that the law does not contain the word 'annual' and therefore their process of running background checks for renewals approximately every three years does not violate state law.

We reviewed DCF's concerns, and made some minor adjustments to wording in this area. The finding now reads "Although individuals in the homes had initial checks, as required by law, nearly all lacked name-based KBI criminal history and DCF child abuse and neglect background check as part of the annual renewal process." As explained in the report, state law requires background checks be conducted for newly licensed foster homes, and for renewals. DCF is correct in that the law does not specify that renewals are annual. However, DCF renews licenses on an annual basis and state statute requires annual inspections of foster homes. Currently, DCF does not conduct background checks annually as part of the licensing renewal process, but instead has opted to run these checks on a three year basis. Because these checks are an important identifier of prohibited individuals in the homes, it is important to run them annually to help ensure the safety of children. We agree the statutes, regulations and policies are not clear in this area, and have recommended that work be done to more clearly state the requirement.

DCF also raised concerns about our use of survey respondent comments in the report. DCF claims that survey comments inaccurately represent the child welfare system, and that it was unclear the extent of the respondents' experience with the system. As stated in the report, we surveyed all case management staff, both new and experienced. As also made clear in the report, we do not present comments as a representation of the system. Rather, we included comments to give the reader a sense of the concerns that case management staff have with the particular issue we asked about. Finally DCF commented that our survey results do not match the results DCF has experienced in other reviews. We would point out that our survey was confidential, and that we are an independent body, both of which may have affected how

comfortable survey respondents were in answering questions. We made no changes to the report in these areas.

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Phyllis Gilmore, Secretary

Sam Brownback, Governor

July 21, 2016

Mr. Scott Frank, Legislative Post Auditor
Legislative Division of Post Audit
800 SW Jackson St., Suite 1200
Topeka, KS 66612-2212

Dear Mr. Frank:

Thank you for the opportunity to respond to the draft audit report, *Foster Care and Adoption in Kansas: Reviewing Various Issues Related to the State's Foster Care and Adoption System.* We appreciate the work of your audit staff members and their efforts to understand a complex system in the short amount of time allotted to perform this audit. Although we disagree with some of the findings, the audit offers details we did not previously have that will allow us to further our mission of protecting children, promoting healthy families and encouraging personal responsibility.

SUMMARY RESPONSE

The Kansas Department for Children and Families (DCF) welcomes oversight and review of the child welfare system, which includes DCF and many others. It is our goal and that of our contractors and others to maintain children in safe homes as families achieve stability. We learn from audits and reviews that are clear and objective and provide us with feedback regarding our performance. This audit provides us with the opportunity to grow and improve some of our processes, and we intend to do just that. That being said, with the completion of this review, we are now more confident than ever in saying that Kansas' child welfare system is one of the safest in the country, and we will continue to bolster that safety record through comprehensive system reforms. This audit calls attention to changes needed in procedures, especially with respect to oversight of our contractors. It does not, however, lessen our safety record. Our job will not be done until every child is safe from abuse and neglect, but under this Administration, Kansas has become one of the safest child welfare systems in the country.

AUDIT SUMMARY

I would now like to offer direct response to the concerns addressed within the audit. To summarize, the Legislative Post Audit review asked three questions related to foster care and adoption in Kansas to determine whether: *DCF is following adequate policies and procedures to ensure the safety of children; DCF has a child placement process that helps to ensure children are placed in foster care or adoptive homes with sufficient living space and sufficient financial resources; and DCF has designed criteria for recommending removal and placement of children with a family preference.* The audit concludes with concerns and recommendations. These will be specifically addressed below.

Strong Families Make a Strong Kansas

DCF RESPONSE

SAFETY

DCF undergoes a wide range of reviews on a regular basis to assess compliance with federal and State laws. This oversight is not only warranted but essential to protect the integrity of the child welfare system and the vulnerable children we serve. One of the most extensive and rigorous reviews conducted by the federal government is 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 (www.acf.hhs.gov).

The CFSR is a valuable tool to not only gauge Kansas' progress in ensuring safety of those served by the child welfare system, it also offers insight into how Kansas compares to other states. States are specifically assessed on achieving outcomes in the areas of safety, permanency and well-being. And **in the most recent completed review, when comparing all states, Kansas ranked second in the nation in Safety Outcome 1 (Children are, first and foremost, protected from abuse and neglect) and ninth in Safety Outcome 2 (Children are safely maintained in their homes when possible and appropriate).**

After a CFSR is completed, which includes three rounds, spanning several years, states develop a Program Improvement Plan (PIP) to address areas in their child welfare services that need improvement. Beyond case reviews, federal and state reviewers conduct interviews and focus groups with multiple stakeholders and partners, including representatives such as: District/County Attorneys; Guardians Ad Litem (GALs); parents' attorneys; courts/judges; representatives from the court system and court improvement project; child welfare agency senior managers and directors; child welfare caseworkers and supervisors; Citizen Review Board members; Court Appointed Special Advocates (CASAs); families served by the agency; birth parents; Citizen Review Panel members; education and special education providers; foster and adoptive parents; Interstate Compact on Placement of Children (ICPC) and adoption exchange staff; Licensing staff; medical and mental health providers; quality assurance and data management staff; representatives from the Child Placement Agencies (CPAs); service providers; training partners; and tribal representatives.

The CFSR has been conducted three times since 2000. The first CFSR (Round 1), was conducted from 2002 to 2004. DCF (formerly SRS), was one of the first states to be reviewed and ranked 21st and fifth for its safety record in meeting Safety Outcome 1 and Safety Outcome 2. DCF made many improvements through the PIP process, and by the second round, conducted in 2008, DCF was ranked second and ninth, as stated earlier. Even with these higher rankings, DCF embraced the PIP process by working with contractors, stakeholders, families, GALs, law enforcement and the courts to again improve safety in the child welfare system in Kansas. Our most recent CFSR, conducted in 2015, shows continued improvement in meeting safety outcomes. Although most states have not completed the third round, **Kansas currently ranks first and second in the country in Safety Outcome 1 (Children are, first and foremost, protected from abuse and neglect) and Safety Outcome 2 (Children are safely maintained in their homes when possible and appropriate), respectively.**

We believe Kansas' performance in the CFSR, a comprehensive, exhaustive, verifiable and valid report, demonstrates children in our child welfare system are safe. We will not be satisfied until every child is protected from abuse and neglect, so we welcome any additional information we can utilize to serve that goal.

The audit conducted by LPA lists recommendations to improve the system. And we fully agree the system warrants greater monitoring and controls. We also know staff turnover is an issue, additional training is needed and morale is not where it should be. We recognized this early in the Administration, and have been addressing, and will continue to do so, with rigor. We agree with concerns regarding foster care licensing, many of which we had already identified when we acquired the program in July 2015, and have begun correcting.

We will now address the specific questions the LPA was tasked with answering. It is essential the Committee and members of the public understand the report and its results from both the auditor's perspectives and DCF's.

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.

AUDIT CONCLUSION AND METHODS—The report states that DCF does not always follow adequate policies and procedures in ensuring the safety of children during the removal and placement process. In forming that conclusion, DCF's Protection and Reporting Center process was evaluated using a review of an assessment of that system that occurred in 2013, and sampling of investigation files for timeliness of investigations; the licensing process in DCF was reviewed and licensing files and background check information for foster homes was sampled; policies and contract information related to required monthly in-person visits for children in foster care and adoptive homes were reviewed and contractor and Child Placing Agency (CPA) files were sampled for documentation to support the monthly visit requirement; and case management staff and Guardians ad Litem were surveyed for feedback about monthly in-person visits.

DCF RESPONSE TO CONCLUSION AND METHODS

CASEY FAMILY PROGRAM REPORT

We are pleased the auditors acknowledge our progress in meeting the assessment recommendations and the intent of the assessment report. The Casey Family Program, a non-profit organization, offers consultant services related to child welfare systems. Per the request of the then DCF Prevention and Protection Services (PPS) Director, in 2013, Casey Family Programs completed an assessment of Kansas' front-end child welfare system. The purpose of the assessment was to make recommendations for improvements to the system when the agency initially receives reports of abuse and neglect. Since the assessment was completed, numerous recommendations have been implemented, and some are in progress. DCF was never under an obligation to adopt any or all of the recommendations. They were to serve as a tool for the agency when considering future policies and procedures, as deemed appropriate and affordable by the agency. The Casey recommendations were taken seriously and are in various stages of implementation.

TIMELINESS OF INVESTIGATIONS

The audit report notes that information was sampled to assess the timeliness of investigations. The period sampled was from July 2013 to January 2016, when there were about 170,000 calls made to the Kansas Protection Report Center alleging suspected abuse or neglect of a child. Of that amount, the audit reports about 94,000 were assigned for investigation. Forty investigations involving eight children were sampled and reviewed to assess whether the child's safety was assessed timely. The audit makes clear in this section and throughout the report that the sampling was neither random nor statistically valid, but only sufficient to determine whether key events related to safety were performed. Specific to this testing, the auditors conclude that in 86 percent of investigations, (30 out of 35 sampled), the child's safety was assessed timely, and in 14 percent of investigations, (five out of 35), it was not. We have reviewed the five instances (involving three children) the auditors noted in their report, and we

have investigated each one and are taking appropriate action to guard against future occurrences. **It is important to note in the 2015, Kansas CFSR Round 3 Final Result, Item 1: Timeliness of Initiating Investigations was determined at 98 percent strength.**

FOSTER CARE LICENSING

The audit states that DCF does not ensure that background checks of individuals in foster homes happen as often or as thoroughly as they should. The audit discusses that this is a requirement contained within State law. It is important that the law and this process be understood thoroughly before any conclusions can be drawn about whether DCF has met these requirements. We agree that the process can be improved, and we began making changes when DCF took over the licensing function on July 1, 2015.

Governor Sam Brownback's Executive Reorganization Order 43 moved responsibility for licensing foster homes from the Kansas Department of Health and Environment (KDHE) to DCF. A comprehensive review of the Licensing Division began immediately, and continues. DCF is reviewing internal processes and the division's overall role in the foster care system, as well as the system itself. The Licensing Division has jurisdiction over more than just foster homes. A key strategic reason DCF sought the transfer of Licensing was that it has regulatory jurisdiction over Child Placing Agencies (CPAs). Gaining regulatory oversight of CPAs is critical to better managing the foster care system as a whole.

Background checks of foster parents is a function that is primarily the responsibility of the Foster Care Licensing Division, which was also transferred to DCF in July 2015. At that time, background check processes were identified as an area in need of improvement. DCF agrees in many respects with the report's conclusions that there are serious systemic weaknesses in background check procedures and, as a result, comprehensive changes to the procedures are underway.

DCF does not, however, agree that it is failing to follow State law with regard to background checks. The audit report is contradictory. On the one hand, it correctly associates background checks with renewal applications, which it concedes are only "traditionally" handled on an annual basis. But then the audit report turns what has become a tradition into a strict legal requirement upon the Secretary as an affirmative legal duty to conduct background checks as a part of the renewal process ("...nearly all lacked the annual name-based KBI criminal history and DCF child abuse and neglect background checks **required by law**"). **The audit has quite simply confused the statutory obligation to inspect foster homes on an annual basis (K.S.A. § 65-512(a)) with the background check statute (K.S.A. § 65-516) and the renewal regulation (K.A.R. § 28-4-805). The word "annual" or any words to that effect are not found in 65-516 or 28-4-805.** Just because renewals have been handled annually by "tradition" doesn't mean that DCF is violating the law and the audit report should not draw that conclusion.

Ultimately, it is the assessment of DCF that the primary weakness in the background check process is that the process is fractured and primarily under the control of the CPAs. For instance, current processes allow CPA employees total control over obtaining foster care parent fingerprints, sending the fingerprints to KBI, receiving the results from KBI, and sending the results to Licensing. The fact that Licensing plays no part in these processes causes delays, inconsistencies and can lead to placement disruption when CPA workers fail to timely convey background check results that show prohibiting offense information. Licensing's inability to control these processes makes it difficult to ensure adequate training, quality control and procedural discipline.

As a result, DCF has been working cooperatively with the Kansas Department for Aging and Disability Services (KDADS), which has received a federal grant to build a new background check system that will remove the CPAs from the background check processes and address the issues raised in the audit. This new system is based on a nationwide federal initiative called the National Background Check Program (NBCP), which is in various stages of implementation in 26 states. NBCP will unify all background checks throughout many State agencies. NBCP will remove CPAs from the background check process.

DCF believes implementation of the NBCP system will resolve the concerns raised in the audit about annual background checks. This is because the new system will have a feature called "Rapback". This is a service provided by KBI that will immediately notify DCF when a foster parent has activity in his/her criminal history record. Therefore, concerns noted in the audit about running annual background checks will no longer be an issue because DCF will be receiving immediate notifications when a foster parent receives a prohibiting conviction.

It is estimated that approximately 30 percent of foster homes are lost on a yearly basis. That means 900 homes must be licensed yearly, to keep the foster care system operating at his current level. Reforms have been carefully planned and executed to ensure there is no disruption in the process of licensing. In the year that DCF has had the Licensing Division, it has made the following improvements:

- Restructured management of the division, to decentralize authority from Topeka and create better oversight by experienced surveyors in the field to facilitate wise and expeditious decision making
- Instituted new safety policies to require CPA personnel to conduct safety evaluations of foster homes every time they enter a foster home and act to protect children if necessary
- Improved background check procedures, by hiring a new full-time deputy director who has a master's degree and more than 15 years of experience in child welfare management to oversee and improve processes and implement new systems
- Took measures to reform procedures that allowed children to be placed in homes that had not yet fully passed training and background check requirements

IN-PERSON VISITS

DCF was assessed on its performance in meeting monthly in-person visit requirements through review of contractor and CPA case files. Case files were reviewed for documentation to verify visits occurred. Monthly visit requirements exist for children in foster care and for children in adoptive placements (aftercare visits). During the period sampled, the audit reports that there were 5,600 children in foster care placements, of which 194 cases were reviewed in the audit—3.4 percent of the entire caseload that could have been reviewed. Thirty-nine CPA files were reviewed for evidence of monthly visits for children in foster care—an even smaller percentage. The audit report is clear that the results cannot be projected to the entire population because they were judgmentally taken for both of these samples. The audit also included sampling of children in adoptive placement for aftercare visits. During the period sampled, there were 800 children placed in adoptive homes. Fifteen cases were sampled (approximately 2 percent). Also sampled, were children who returned to their homes. In this sampling process, 25 out of 2,000 cases were reviewed (1.25 percent). Again, the audit report is clear that results cannot be projected to the entire population because of the judgmental nature in which the sample was drawn.

The audit concludes that not all monthly visits were conducted, as required. The conclusion was made primarily based on the fact auditors could not determine for certain whether the visits happen, due to poor case file documentation, not because the visits did not occur. This is an important distinction to make when speaking about safety of children. The audit does not state that a child was not safe, just that the documentation did not support

the visit requirement. Again, the CFSR demonstrates Kansas has one of the safest child welfare systems in the country. **Our CFSR results regarding monthly visits show when compared to other states that have completed their final round review, Kansas ranks second in this area.** However, inadequate record keeping is unacceptable, and DCF is addressing this deficiency with the contractors. Contract language will be strengthened and provide greater clarity in this area. Enhanced training on documentation will also be implemented. DCF has established the Kansas Child Welfare Professional Training Program to ensure that all DCF and provider staff receive the same foundational training in child welfare best practice, and to provide consistency in practice and outcomes. The training on documentation is just one of the many components of this comprehensive, competency-based training system. Beginning January 2017, all DCF and provider staff will be trained together, by DCF.

As this audit has demonstrated and DCF was already aware, greater contractor oversight 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. We believe these actions will tighten oversight of the system and will strengthen accountability and controls.

CASE MANAGER AND GUARDIANS AD LITEM SURVEY

The audit report includes surveys of case management staff and Guardians Ad Litem (GALs), for their opinions about a variety of areas related to the child welfare system. The survey results were used as evidence to support case file sampling results. These surveys were used in answering Questions 2 and 3 of the report. The entire population of case management staff and GALs in the system were asked to respond to the survey. Out of the 528 surveys sent to case management staff, 194 were returned (a 37 percent response rate). Out of the 428 GAL surveys sent, only 76 responded (an 18 percent response rate). And some questions had even fewer responses. On one survey question, only 17 GALs responded with concerns out of the possible 428 who could have chosen to respond to the survey.

We would caution those interpreting the survey results as they draw conclusions. Respondents were not required to participate, so those who were either pleased with the system or complacent may have been less likely to respond (known as a "non-response bias"). Additionally, the response rate is low, and therefore unreliable. One could interpret that since only 18 percent of GALs responded, the other 82 percent were comfortable with the current child welfare system. We appreciate that the auditors acknowledge this concern in the report by indicating "response rates were not sufficient to reliably conclude that the survey responses statistically represent the population as a whole".

Throughout the audit, you will find comments from the surveys. These inaccurately represent the child welfare system, as no context is provided, and it's unclear the extent of the respondents' experience with the system. The report also only selects negative comments, although it is clear by the graphs, others feel positively about the system. Some comments are offered as fact, when they may be based on inaccurate assumptions. They undermine the credibility of the audit results, and can further perpetuate a false sense of lack of safety in the child welfare system. The charts and graphs in the audit using the survey results should also be interpreted cautiously, as they do not accurately reflect the results and outcomes we have experienced in other reviews that involved both case managers and GALs.

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?

As noted in the response to Question 1, DCF assumed responsibility for licensing foster homes beginning July 1, 2015. The audit correctly identifies and confirms our views that the system has a critical issue related to the conflict of interest regarding Child Placing Agencies (CPAs). We identified this concern prior to acquiring the program, and immediately began a review of the system to identify a better method of placing children. We will now specifically address the findings of the report.

EXCEPTIONS

With regard to exceptions, DCF's review of the Foster Care Licensing program received from KDHE has revealed weaknesses in this process and an opportunity for improvement. The report findings, which included significant periods of time that overlapped with the time the Licensing Division remained at KDHE, confirm DCF's assessment.

The Licensing Division has the discretion to grant an "exception" to the capacity regulation on a case-by-case basis. CPAs request exceptions in writing, which are usually requested in order to keep sibling groups together. Before a CPA is allowed to exceed the capacity limit in one of its own homes, it must confirm it has checked with other CPAs for availability of homes that could accommodate the children without exceeding the capacity limitation.

At KDHE, the Licensing Division was obviously unable to easily access DCF's information about the location of children in foster care, which is highly confidential information and located on DCF computer systems. When CPAs advised Licensing staff that no other homes were available, it was impossible to verify. Much like a hotel reservation system, without knowledge of which rooms were occupied, Licensing staff at KDHE were not able to see whether a home was available for placing a child. This issue is being addressed as part of the streamlined process of moving Licensing to DCF. Since Foster Care Licensing is now in the same agency that is responsible for providing foster care, the division can see where the children are and find homes that have room for them, instead of granting unnecessary exceptions. Licensing's access to DCF computer information about the location of children in foster care will reveal nearby foster homes that can take more children, so CPAs can be forced to check with those homes, especially if they belong to another CPA. Other states have implemented sophisticated computer systems to handle exactly these situations, and DCF conducted an onsite visit to Wisconsin in June 2016, to gain knowledge of these systems so they can be implemented in Kansas as soon as possible.

FINANCIAL RESOURCES

One of the key reasons Foster Care Licensing was brought to DCF was to focus on the quality of the foster home environment. Prior licensing practices did not adequately emphasize the importance of quality parenting in the lives of children in foster care. An example is that current regulations and practice did not adequately ensure that foster care homes have sufficient financial resources. DCF's review of the division identified the regulation pertaining to financial resources as needing improvement, and DCF concurs with the audit in this regard. We are revising this regulation to require that foster families have adequate independent financial resources so they are providing foster care for the right reasons. It is important to note, however, the vast majority of foster parents provide high-quality, selfless loving care to children in foster care, and our foster care system would collapse without their often thankless service.

CONFLICT OF INTEREST

CPAs have a primary role in the foster care system, and before Licensing was transferred to DCF, their oversight was outside of DCF jurisdiction. As mentioned earlier, DCF sought oversight of Licensing to address serious concerns we had with the CPAs' performance of functions critical to child welfare, such as sponsoring foster families, inspecting homes, processing background checks and assisting in foster parent training. In addition to concerns with jurisdiction of CPAs, there is also a significant concern with the way in which contractors are compensated. Although the contractors are paid a set amount for administrative expenses, the primary way DCF compensates them is based upon the volume of children assigned. This structural problem, which was explicitly identified in the audit, is that the way we pay our contractors creates a conflict of interest between the best interest of children and the best interest of the contractors. There should never be any question that the children's best interest always comes first.

The contract with KVC and Saint Francis Community Services has two basic compensation components. The "base rate" remains constant each month, and is meant to serve as a foundation to cover basic administrative expenses. A "case rate" is also paid, which is based upon the number of children in out-of-home placement. DCF does not compensate the CPAs directly. Instead, the DCF contractors subcontract with the 27 CPAs in the state. As a result, DCF does not have a contractual relationship with the CPAs, and does not have direct effective control of the CPAs.

The ultimate problem is case rate compensation. Because our contractors (significantly) and CPAs (exclusively) are directly or indirectly funded by means of bundled case rate compensation, their revenue varies, but their expenses do not. Associating children with revenue can drive a wedge between what is best for the child and what is best for the business. This can create an unstable business model and warrants significant and systemic reform. This contract structure is driven by a volume-based value system. This has the capability of producing results that are not compatible with high-quality service to children in need. We are reforming this system. It is the payment structure that created these problems, therefore, the solution is changing the payment structure. Revenue should not be calculated by the number of children a contractor or CPA can control. Revenue should be based on the cost of the services provided to children. A cost-based system means that DCF will determine exactly what services we want our children to receive, determine what it costs to provide those services, and then pay for those services when, and only if, they are provided. With greater control over payments, DCF will have greater control over the performance of the contractors and CPAs.

As the conflict of interest issue was identified prior to this audit, in late 2015, DCF met with the contractors and informed them that the conflict of interest was an inherent problem with the contract structure, the status quo was not an option, and the contract structure would be changing. This audit report affirms DCF's strategic vision to rid the system of this serious flaw.

Since that time, DCF has been thoroughly researching and understanding the true actual costs of providing all needed services to children. We will conduct extensive audits of our contractors and the CPAs, so that every activity, every encounter with a child, is understood in detail. This is a necessary step. If we fail to take into account what is essential to provide for the needs of children, then those needs will be unmet. This has been a thorough and careful review. A new contract structure will include contracts both with our foster care contractors, and for the first time, with our CPAs.

QUESTION 3: ARE DCF'S CRITERIA FOR RECOMMENDATIONS REGARDING THE REMOVAL AND PLACEMENT OF CHILDREN DESIGNED WITH A FAMILY PREFERENCE?

Federal and State statutes, 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 then to be given to placement with a relative. The federal law, *Preventing Sex Trafficking and Strengthening Families Act*, clarified that the sibling definition includes previously-adopted siblings of a child who comes into foster care. The Kansas definition of a relative in the Child in Need of Care (CINC) Code "which means a person related by blood, marriage or adoption" already encompassed this definition. The adoptive parents of such siblings must be provided notice when the non-adopted sibling comes into foster care.

Much federal law in the area of child welfare is driven by research indicating best practices. The courts are required to render decisions found to be in the best interest of the children. 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 glad to see the audit report confirms that Kansas is a leader in following federal and State law, as well as best practices in this area.

CONCLUSION

In summary, despite our very best efforts and expertise, abuse and neglect occur. We cannot be in the living rooms of every family all the time, nor would anyone want us to do that. We are consistently confronted with criticism from legislators and others to either provide greater oversight of our contractors or give them greater liberty. Some legislators give us both messages, depending on the case. When this Administration began, we inherited privatization—a system that was largely ignored with little oversight. That was unacceptable to us, and we have been fighting to gain greater control and accountability over the past five and half years.

We are often forced to defend the agency with two hands tied behind our back, because laws prevent us from disclosing the full details of the cases for which we are blamed. If the public knew all there is to know, the blame would justly fall on the shoulders of those who inflict harm on innocent children. Our workers' morale is low because they don't have support from the public. They face heavy caseloads and never-ending scrutiny, but they keep coming back because they know, as I know, their work is important. It's life-saving. They are heroes. And our safety record makes that clear. This audit, although insightful, does not provide a complete picture of the child welfare system in Kansas. It's an indictment of the process, not the outcomes. And we will continue every day to improve the process.

Sincerely,

Phyllis Gilmore

Phyllis Gilmore
Secretary of Kansas Department for Children and Families

Itemized Response to LPA Recommendations

Audit Title: Foster Care and Adoption in Kansas: Reviewing Various Issues Related to the State's Foster Care and Adoption System

Agency: Department for Children and Families

LPA Recommendation		Agency Action Plan
Question 1: Is DCF following adequate policies and procedures to ensure the safety of children during the removal and placement process?		
1.	To address the issues with the Kansas Protection Report Center DCF should:	
	a. Review the findings and recommendations from the 2013 assessment and complete those that are in progress.	DCF has reviewed the findings and recommendations and, as the audit notes, is in the progress of implementing many of them.
	b. Review policies to determine if they are adequate and appropriate to ensure that reasonable efforts are made to assess the safety and welfare of a child.	DCF Audit Services will be reviewing policies and procedures with PPS staff as part of its ongoing monitoring of program. See agency action plan below regarding child welfare compliance monitoring.
	c. Develop and implement procedures to ensure that a child's safety is assessed within the time assigned following a hotline call.	Case reads are conducted quarterly and timely safety assessments are done.
2.	To address the issues with background checks DCF should:	
	a. Revise policies and processes to ensure that name-based background checks and child abuse and neglect registry checks are completed annually instead of every three years as current policy requires.	Currently, K.A.R. 28-4-805(a), only imposes legal duties concerning background checks on foster parents and those obligations concern their renewal applications. However, renewal applications are discretionary and not required by law. Furthermore, renewals are not specified in law as being on an annual basis. Nonetheless, it would be the better practice to have up to date information about criminal convictions of foster parents. That is why DCF will work cooperatively with KDADS to implement the NBCP system. It's Rapback feature will immediately notify DCF when a foster parent has activity in his or her criminal history record. Therefore, concerns noted in the audit about running annual background checks will no longer be an issue because DCF will be receiving immediate notifications when a foster parent receives a prohibiting conviction.
	b. Review and reconcile regulatory and the state statutory requirement for fingerprint-based checks of all individuals residing, working or volunteering in a foster home.	As a part of implementation of the NBCP system, all individuals required by state statutory requirements for fingerprint-based checks will be included in the new processes and procedures.
	c. Review and reconcile regulatory and state statutory requirements to ensure that foster home license renewals and background checks are completed annually.	Currently, K.A.R. 28-4-805(a), only imposes legal duties concerning background checks on foster parents and those obligations concern their renewal applications. However, renewal applications are discretionary and not required by law. Furthermore, renewals are not specified in law as being on an annual basis. Nonetheless, it would be the better practice to have up to date information about criminal convictions of foster parents. That is why DCF will work cooperatively with KDADS to implement the NBCP system. It's Rapback feature will immediately notify DCF when a foster parent has activity in his or her criminal history record. Therefore, concerns noted in the audit about running annual background checks will no longer be an issue because DCF will be receiving immediate notifications when a foster parent receives a prohibiting conviction.

	d. Revise policies and processes to ensure that individuals in a foster care home who become ten years of age have KBI background checks and child abuse and neglect registry checks annually as required by law.	As a part of implementation of the NBCP system, all individuals required by state statutory requirements for fingerprint-based checks will be included in the new processes and procedures.
	e. Train staff on the revised policies.	As a part of implementation of the NBCP system, all staff involved in background check processes and procedures will require updated training. Roll out of the Kansas Child Welfare Training program should address this recommendation. DCF and Child Welfare contractor staff will receive this training which is currently scheduled to begin in January 2017.
	f. Consider whether to require annual background checks for individuals in relative foster homes, including homes used for temporary placement.	As the NBCP system is implemented, consideration will be given to whether to include individuals in relative foster homes, including homes used for temporary placement.
	g. For relative foster homes, revise the process to ensure annual name-based KBI background checks and DCF child abuse and neglect registry checks are completed on all individuals over the age of ten in the home.	DCF will review processes and include compliance in reviews conducted by the child welfare compliance unit.
3.	To address the issues related to monthly face-to-face visits for children in foster care, for children in adoptive placements, and for children returning home, DCF should:	This is a key activity in the Program Improvement Plan of the CFSR. PPS and the providers will collaborate to develop and implement tools to promptly and more effectively document quality and frequency of visitations. In addition, the aftercare policies for children in foster care, adoptive placements and returning home will be revised to address concerns and reflect needed changes.
	a. Review and clarify the inconsistencies between policies and contractual obligations of contractors to ensure the safety of children regardless of the placement.	DCF is currently working on this task so that changes can be made before the next contract renewal occurs in 2017. Changes will be incorporated into the new contracts.
	b. Regularly monitor a sample of cases to ensure that case-management staff are conducting the required monthly face-to-face visits and considering implementing penalties for non-compliance.	DCF is implementing a new child welfare compliance unit within Audit Services. The charge of that unit, will include monitoring of contractor compliance to policies and procedures and contract and performance outcomes. Monitoring of monthly visits will be incorporated as part of the scope of the unit's work.
	c. Regularly monitor a sample of cases to ensure that child placing agencies are conducting required monthly visits with foster homes and consider implementing penalties for non-compliance.	DCF is implementing a new child welfare compliance unit within Audit Services. The charge of that unit, will include monitoring of contractor compliance to policies and procedures and contract and performance outcomes. Monitoring of monthly visits will be incorporated as part of the scope of the unit's work.
Question 2: Does DCF's child placement process help ensure that children are placed in foster care or adoptive homes with a sufficient living space and sufficient financial resources?		
1.	To address the issue with DCF approving nearly all exceptions to exceed capacity or to allow insufficient sleeping space, DCF should develop and implement a system that ensures exceptions are thoroughly reviewed and only granted when in the best interest of the child.	DCF will continue to review exceptions and grant them only when in the best interest of the child. In addition, as described in the written response, DCF is building systems to find homes with room to take children and avoid unnecessary exceptions.
2.	To address the issue concerning the regulatory requirement for foster homes to have sufficient financial resources, DCF should:	
	a. Clarify the regulations to clearly state that financial resource of the foster family is sufficient before the foster child is placed in the home.	DCF will revise the regulations as suggested by LPA.
	b. Clearly define what the term "sufficient" means in regulatory requirements.	DCF's revision of the regulations will either define the term sufficient or otherwise address the issue.
	c. Develop policies and a process to ensure that initial and renewal license applications provide detailed financial information, and that DCF staff verify the information, at least on a sample basis.	DCF will require adequate proof of financial information to meet standards that will be set by revised regulations. DCF is implementing a new child welfare compliance unit within Audit Services. The charge of that unit, will include monitoring of contractor compliance to policies and procedures and contract and performance outcomes. The sample review will be part of the monitoring process.