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The Rundown podcast transcript for Performance Audit report titled ***Reviewing Foster Care Case Plan Tasks and Permanency Outcomes*** – Released June 2021

Andy Brienzo, Host and Principal Auditor: [00:00]

Welcome to The Rundown, your source for the latest news and updates from the Kansas Legislative Division of Post Audit, featuring LPA staff talking about recently released audit reports and discussing their main findings key takeaways and why it matters. I'm Andy Brienzo. In June 2021, LPA released a performance audit examining the reasonableness, relevance, and completion of foster children's case plans and whether outcomes for foster children vary based on demographic factors like age, race, or ethnicity. I'm with Josh Luthi, principal auditor at Legislative Post Audit who supervised this audit. Also joining me in the studio is Meghan Flanders, who is a senior auditor at LPA, and one of the team members. Welcome to The Rundown, Josh and Meghan.

Josh Luthi, Supervisor and Principal Auditor: [00:47]

Thanks for having me on Andy.

Meghan Flanders, Team Member and Senior Auditor: [00:48]

Thank you.

Andy Brienzo, Host and Principal Auditor: [00:50]

So, first, how does a child enter foster care, what are the possible permanency outcomes once they have, and what role do case plans play in this process?

Josh Luthi, Supervisor and Principal Auditor: [01:02]

So, first a child enters the foster care system when a district court determines that child to be a child in need of care or a CINC and then awards custody of that child to DCF. Under state law, there are a number of reasons a child can be declared a CINC. For example, it could be because the child was neglected or abused by their parents or because they failed to attend school. In terms of permanency outcomes, those generally refer to how a child is going to leave the foster care system. They will have one of four outcomes as a goal. The main outcome, the desired outcome, for kids is to reunify with their families. This is basically where they go home to the parents from whom they were removed. When that's not possible, the next preferred outcome is for those kids to be adopted, which is basically when somebody else or another set of people become the child's parents. And if that's not possible, then the third desired outcome is for that child to enter a guardianship or custodianship, which is it's kind of like adoption, but it's when somebody else gets custody of a child, but they don't get all the legal rights of a parent and then finally, if none of

those three things are possible, then the child will explore another planned permanency living arrangement, which could include something like emancipation, which is where a child becomes legally responsible for themselves. That final one is really only for kids who are 14 years or older. Those are the four outcomes a child will generally have as a goal, but there are a couple of other ways children can leave the foster care system. For example, they could be transferred to another agency such as the Department of Corrections or to a tribal court if they are an American Indian child. They might also run away or die while they're in DCF custody, but these other outcomes aren't ones that kids are going to have as goals though. Then finally, in terms of case plans, those document the permanency outcomes children have as their goals. So, these case plans are basically meant to lay out what children, their parents, and other people like case managers need to do for that child to achieve that permanency outcome. So, if a child is trying to reunify with their parents, the case plan is likely going to include tasks for the parents to complete, to get their kid back. So, if a child was removed because they were being physically abused by their parents, their parents might be tasked with doing things like attending family therapy or taking an anger management class.

Andy Brienzo, Host and Principal Auditor: [03:29]

So, who decides what a child's case plan should include?

Josh Luthi, Supervisor and Principal Auditor: [03:34]

A case manager is responsible for developing a child's case plan. I should note here that in Kansas, private entities provide case management services. So, the case managers that develop children's case plans aren't DCF staff, but rather the staff of these private, case management providers. That said, the case manager isn't the only person who has a say in what should be in a case plan. The case plan should be developed by a team that includes the case manager, the child's parents, the child, if they're 14 years or older, and potentially other parties like attorneys or relatives, those folks can also participate and have a say, and finally judges can weigh in on case plans and order individuals like parents to do specific things at court hearings. So, the bottom line here is there are a ton of parties who can potentially weigh in on what should be in a child's case plan.

Andy Brienzo, Host and Principal Auditor: [04:26]

It looks like the team reviewed a selection of children's case plans to determine whether their tasks were reasonable and relevant. How did you select the cases to review?

Josh Luthi, Supervisor and Principal Auditor: [04:36]

We reviewed 48 children's case plans and like you said, this is a selection rather than a random sample. So, our results aren't projectable. Case plans should be updated no less than every 170 days. So, some of those 48 cases we reviewed included more than one case plan, but to answer your question, we selected cases from fiscal years 2016 through 2020. Cases were selected such that we reviewed cases from all four of the private entities who currently provide case management services in Kansas. Our selection also included children with white, black, or Hispanic backgrounds, and finally, all children whose cases we reviewed had reunification as their initial

permanency goal although that doesn't mean that they necessarily exited the foster care system by reunifying.

Andy Brienzo, Host and Principal Auditor: [05:22]

Okay. Meghan, I'm going to direct this next question to you. So, as one of the team members who was doing the case plan review, reasonableness and relevance are really inherently subjective concepts and you and the rest of the team had to use your professional judgment to determine these things. So, how did you think about them and apply them as you reviewed the cases that you did?

Meghan Flanders, Team Member and Senior Auditor: [05:46]

Yeah, you're right. So, these concepts are a little tricky because there's not really a definition, you know, like in DCF policy or the statute that says here is what it means for a task to be reasonable. So, relevance was a little bit easier because obviously there needs to be some relationship between the task and what's going on in the case and we just needed to figure out how broad we were going to allow that relationship to be. But back to reasonableness. So, for that, we looked through all the DCF policies on case planning, DCF had some prior trainings on how to develop case plans. We talked to caseworkers on their thoughts on how they develop the tasks and what's supposed to be in there, what should be in there, we talked to the DCF liaisons that review the case plans that come in to get their perspective. Also, on task creation and what makes certain tasks reasonable and then we came up with a general framework, which was really just questions that we would ask ourselves as we looked through each of the tasks within the context of the cases. So, that's where the subjectivity comes in. You can't just look at a task and say that's reasonable or not. Well, maybe there are some examples that would be obvious like if we had seen a task for a parent to complete 300 hours of parenting classes or something, we would probably be able to just look at that and say that's not reasonable, but we didn't come across anything like that that was obvious. So, what we had to do was look at the whole case file and really figure out what was going on, why the child was removed, what the family circumstances and issues were, what the caseworkers were concerned about and things like that. And then after reviewing the whole case, we asked ourselves questions like, Are the expectations of the tasks clear? So, would the parents understand what was expected of them. Is the task measurable to put that another way? Is there a way to actually determine if the task was accomplished? So, like if the task was to take a parenting class, then that's measurable because you can, look at her certificate or a note from the teacher that the person finished the class. We also asked ourselves if the timeframe to complete the tasks made sense and seemed fair and then the last thing we asked ourselves was if the task seemed like something that the parent could actually achieve given their abilities or disabilities or any other important circumstances that we noticed in their case. So, we looked through the whole case and we asked ourselves all those questions and then that's how we determined task by task whether or not we thought they were reasonable. And then for relevance, again, that's a little less subjective and so for that, we looked at whether the task was related to either the reason the child was removed from their home or some other safety risk or concern that the caseworker, either noted in the file or told us about. And then, or finally just whether it related to some type of administrative need like signing a release for

information or something like that.

Josh Luthi, Supervisor and Principal Auditor: [09:14]

Yeah. The only thing I think, I think I'd emphasize here is that, like Meghan said, there's a lot of subjectivity and we're not necessarily always going to agree on what is reasonable and relevant especially when you're trying to figure out what's in a child's best interest. You know, people might have different opinions on how far you might need to go with assigning tasks to make sure a child is going to be safe in their home.

Andy Brienzo, Host and Principal Auditor: [09:37]

So, with all this in mind, what did you find?

Josh Luthi, Supervisor and Principal Auditor: [09:41]

So, before I talk about what we've found, I'd like to provide a bit of context for exactly what we reviewed. So, we looked at tasks that were assigned to children's parents as part of their reunification objective. So, we didn't evaluate tasks that were assigned to people who weren't the child's parents. For example, we didn't evaluate tasks assigned to case managers or relatives or folks like that. We also didn't evaluate tasks that weren't part of the reunification objective. So, if a child was pursuing both reunification and adoption as permanency goals, then we only looked at the tasks that were related to reunification. We limited our review like this because the audit question deals with whether the tasks were relevant to reunification and whether they're being completed by the child's parents. So, it wouldn't make sense we didn't think to look at tasks related to other outcomes or assigned to folks who weren't the child's parents. Anyway, we ended up looking at about 670 tasks assigned to parents in total. We found about 90% of those tasks over reasonable and relevant. About 140 of those 670 tasks were administrative tasks and they required parents to do things like keep their contact info up to date. We thought all of those tasks were reasonable and relevant. The other tasks were related to safety issues. These tasks generally addressed why children were removed from their homes or reasons it might not be safe for children to return home. We also thought most of those tasks were reasonable and relevant, but we did identify about 70 tasks or about 10% of the tasks we reviewed as unreasonable or irrelevant. Almost half of these unreasonable or irrelevant tasks were related to obtaining or maintaining safe and stable housing, obtaining or maintaining income, or submitting to drug testing. There weren't patterns in the other kinds of tasks that we flagged as unreasonable or irrelevant. They were basically miscellaneous tasks that addressed problems that didn't seem to exist based on our review of case file documentation. So, for example, one parent was told to avoid negative contact with law enforcement, but there was no evidence in the case file that that was an issue for the parents. So, they're basically being asked to keep doing what they're doing, which is to say the task is addressing a problem that isn't there.

Andy Brienzo, Host and Principal Auditor: [12:02]

So, Josh, as you just mentioned, the team determined that about 10% of the tasks in the case plans they reviewed were unreasonable or irrelevant. So, did having unreasonable or irrelevant tasks seem to prevent families from reunifying?

Josh Luthi, Supervisor and Principal Auditor: [12:19]

The presence of unreasonable or irrelevant tasks didn't seem to necessarily prevent families from reunifying. So, 25 of the cases we looked at did end in reunification. Fourteen of those cases, so more than half, had at least one unreasonable or irrelevant task. Eight cases ended in other outcomes like adoption, but there the pattern was also similar. Four of those cases had unreasonable or irrelevant tasks. The other four did not. The other cases were still ongoing at the time of our review, but the bottom line there is, we see unreasonable and or irrelevant tasks in all sorts of cases, including those where parents do reunify with their kids. So, the presence of those tasks doesn't necessarily seem to prevent reunification from happening. You know, a task might be irrelevant because a parent who already has a safe and stable home is told to maintain a safe and stable home. In that case, it's probably fairly easy for them to do that task because it's essentially already done but that's not to say that unreasonable or irrelevant tasks aren't potentially detrimental to parents because for example, unnecessary drug testing tasks could be difficult for parents to get to, especially if they've got jobs to go to, or if they lack transportation, especially if they have to submit to those repeatedly over time that could be a real problem. In general, that the tasks aren't unreasonable or relevant a lot of cases, or they don't necessarily prevent reunification it doesn't mean that they're necessarily easy for parents to complete. We did talk to a handful of parents as part of the audit and they told us, at least one of them did that accessing services was sometimes very difficult and took a long time to do.

Meghan Flanders, Team Member and Senior Auditor: [14:01]

Yeah. So, just to add onto that, so we weren't really able to measure the effect of the difficulty of the tasks and how that affected their cases. So, even though we did determine that most of these were relevant and reasonable, like Josh said, that doesn't mean they weren't extremely difficult or may have taken a lot of time and caused delays in reunification. So, that's why I think we emphasize in the report, the importance of just only putting relevant and reasonable tasks on there because the more you ask people to do, if it especially does not relate to a safety concern or a serious risk in the case, it can cause these other disruptions in people's lives unnecessarily.

Andy Brienza, Host and Principal Auditor: [14:49]

So, you also reviewed whether parents completed the tasks assigned to them as well as the impacts of non-completion. Tell me about these things.

Josh Luthi, Supervisor and Principal Auditor: [14:59]

In the cases we looked at, parents generally completed or made progress on their assigned tasks. In 33 of the 48 cases we reviewed, parents completed at least some of their tasks and in 25 of those 33 cases, parents did go on to reunify with their children. In 14 of the 48 cases we reviewed, parents hadn't completed any tasks. That said 10 of those 14 cases were still open at the time of our review. So, it's possible parents will go on to complete tasks in at least some of those cases. There was one other case we looked at, but there weren't any tasks for parents to complete because the child's behavior was the root issue there and that child went on to be

emancipated. Parents didn't generally complete all of their assigned tasks in the cases we looked at and that was mainly because almost all parents, I think in fact, maybe all parents actually, had at least one ongoing task to do something like maintain housing or maintain income or keep their contact info up to date. Those are things that are never really complete until the case ends. So, you know, the parent can have those things in place and be essentially progressing the task, but it's never going to be truly quote unquote done in the same way, you know, attending a parenting class might be. In terms of impact, I think the main thing to be aware of here is that parents don't have to complete all of their tasks to reunify with their children. Like I said, those ongoing tasks aren't really ever going to be complete. That doesn't prevent parents from unifying. The judges and case managers we spoke to you just basically want to see that those things are in place before they have kids go home. Judges and case managers also said they want to see that the safety concerns or the reasons the child was removed from the home have been addressed and that parents have demonstrated behavioral changes. So, as long as those things have happened, the fact there might be some tasks that aren't complete, that doesn't mean the parents cannot reunify with their children. That said it doesn't necessarily mean that parents can simply disregard their assigned tasks either because like I said, case managers and judges they do want to see behavioral changes and kind of engagement with the process. so, parents do need to progress their tasks, but they don't necessarily need to complete all of them. That said, I do think we ought to consider why parents are assigned tasks if those tasks don't have to be complete for them to still reunify with their child. That may suggest that those tasks are not in fact irrelevant to reunification in which case, they might not need to be included in children's case plans.

Andy Brienzo, Host and Principal Auditor: [17:32]

The team also reviewed as part of question two whether children's permanency outcomes varied based on several demographic factors. So, these included things like race, ethnicity, age, and sex. Meghan, why is it important to understand this, for foster care in particular, but also for state government programs and services more generally?

Meghan Flanders, Team Member and Senior Auditor: [17:56]

Yeah. So, in this audit, the question of whether there were different outcomes for kids based on their race, ethnicity, age, or sex was explicitly part of the audit question. So, in this particular audit, we couldn't ignore it. So, we had to answer that question. So, I can't speak for the legislator who requested the question by think from, an analyst perspective, from my perspective, it's important to understand if there are differences in how the programs are working for different people, so that legislators or policymakers or whoever is deciding what course of action to take can have the whole picture on the issues before deciding what changes they may want to make or not make. So, for example, in this audit or for foster care, if we didn't look at whether different kids were having better or worse outcomes and just lumped everyone together, then we might miss potential issues. So, maybe a government program is working fine for a certain group of people, but not so fine for another group of people. If you lump everyone together, then you can't see those differences and so it's important to do an analysis like this so that we can see if a government

program is working for everybody.

Josh Luthi, Supervisor and Principal Auditor: [19:15]

Yeah. The only thing I'd add there is that according to the auditing standards we work under, equity is another issue we ought to consider looking at when we're doing our audit work. And like Meghan said, question two here was a really good fit for that and in terms of government programs in general, if you do see that outcomes are different for different groups, that gives you a chance to consider whether there is a problem in terms of how services are being delivered.

Andy Brienzo, Host and Principal Auditor: [19:38]

What were the results for race and what might the reasons be for these results?

Josh Luthi, Supervisor and Principal Auditor: [19:43]

Before we get into the results, I do want to talk a little bit about our methodology. So, first we looked at outcomes for children who entered foster care between 2012 and 2020 and achieved a permanency outcome by January 2021. So, our analysis included about 28,200 cases where kids entered and then exited the foster care system. We did not include in our analysis kids who were still in the foster care system. And second, we used regression analyses to see how specific demographic factors related to children's foster care outcomes. So, now let me explain why we did those regression analyses instead of basically just separating kids based on individual demographic factors and running some statistics. So, we started by grouping kids based on their demographics, like I just said, and looking at their outcomes. For example, we've got a figure in the report that shows 61% of black children reunified with their families compared to 63% of white children, but based on that information alone, we can't say it was necessarily children's races that caused difference in outcomes, or the race is responsible for that specific 2% difference in outcomes. Hypothetically speaking, it could be that black children tended to be older than white children and it was actually age that caused the difference in outcomes or maybe something else. So, we did the regression analyses because those analyses let us isolate the effects of each demographic characteristic to see whether that characteristic was related to differences in children's permanency outcomes. Those analyses basically helped us say whether specific demographic factors affected children's permanency outcomes and for each factor we looked at, we had to pick a one group to use as a baseline for comparison. So, for race, for example, we used white children as our baseline because white children represent most of the foster care population. What our analysis then shows is the extent to which outcomes for children of other races differed from outcomes for white children. And finally, one caveat, I'm going to say things like being black reduced a child's odds of reunifying with their family or children who are removed from their homes at older ages are less likely to be adopted. I do not necessarily mean that a demographic factor like race or age necessarily and directly caused the differences that we identified. It's possible it did, but it could also be that demographic factors we looked at are linked to other things that cause the differences we saw. For example, race could be linked to income, and it could be income that caused differences in children's outcomes. So, this work really ought to be viewed as a first step in assessing what factors influence children's permanency outcomes. So, with

all of that out of the way, I will now talk about our results for children's races. So, first relative to a white child, being black reduced child's odds of reunifying with their parents by about 8%. We also found that being black decreased a child's odds of entering a guardianship while it increased a child's odds of transferring to another agency. And I should also note we're talking about odds here. Listeners are probably more familiar with things like probability or likelihood and odds aren't quite the same thing, but the point is kind of the same it's that a reduction in odds means children who are black are less likely to reunify with their families than white children. Anyway, to understand, these patterns for black children, we spoke to a professor in KU School of Social Welfare and the case management providers to understand why we might be seeing those differences because our statistical analysis it just shows us that there are differences, not why those differences exist. The people we talked to said that bias mistrust in the system and lack of resources may be contributing factors for why we saw what we saw. So, for example, black families may be held to higher, more stringent standards by folks like judges or other parties in a foster care system. This could make it more difficult for black families to reunify, which might explain why black children seem to have a lower odds of reunifying with their families. Second, being American Indian reduced child's odds of reunifying by about 25% relative to a white child while it increased their odds of being transferred to another agency by almost 600%. Again, this is relative to a white child. And when I talk about an increase in odds of 600%, what I'm saying is American Indians kids have odds of being transferred, were about seven times that of white children's odds after you control for other demographic factors like age and ethnicity and it's important to understand that kids are not often transferred to other agencies in general. So, this 600% increase is over baseline odds of something like one to 99 or two to 98. And finally, this increase in transfers is probably due to the Indian Child Welfare Act, which allows tribes to request cases involving American Indian children to be transferred to a tribal court. And finally, on race, our analysis showed being Asian or Pacific Islander did not affect children's odds of achieving specific permanency outcomes, but this could be because of limited data. So, for example, there were only 38 Pacific Islander children in our data and that population may have been small enough that our analysis wasn't able to identify any race-based differences that might exist.

Andy Brienzo, Host and Principal Auditor: [25:05]

Okay. And how about ethnicity?

Josh Luthi, Supervisor and Principal Auditor: [25:08]

In this audit ethnicity refers to whether a child was of Hispanic culture or origin. Our analysis showed that being Hispanic increased a child's odds of reunifying by about 20% relative to being non-Hispanic and being Hispanic decreased a child's odds of being adopted or emancipated by 17% and 16% respectively. The professor and case management providers we interviewed said this could be because Hispanic families tend to have stronger community support networks. They said the presence of these kinds of support structures tends to help families reunify successfully.

Andy Brienzo, Host and Principal Auditor: [25:44]

And what did you find on age?

Josh Luthi, Supervisor and Principal Auditor: [25:48]

We do have a figure in the report that does a pretty good job telling the story. The figure basically shows that the younger a child was when they were removed from their homes, the more likely they were to reunify or be adopted. Whereas when children were removed at older ages, they were more likely to enter a guardianship or be emancipated or transferred to another agency. Our regression work led us to the same conclusions for all of those outcomes. So, in this case, kind of looking at the descriptive statistics, that lines up with our regression analysis. So, the picture does tell you what you need to know, being older, for example, decreased a child's odds of reunifying or being adopted and increased the odds of those other outcomes. The professor and the case management providers we interviewed identified a few reasons for this. One reason was that older children often have more behavioral issues than younger children and those behavioral issues can be seen as more dangerous in older children than in younger children. This might explain why older children are less likely to reunify with their families or be adopted. Other reasons included that children have access to more benefits such as in terms of medical services if they age out of the foster care system. So, some parties might think there's an incentive for older kids to basically stay in the system and age out so that they can access those services instead of being adopted and that older children may not want to go through the process of building a relationship with a new family. These sorts of factors might explain why older children more often enter guardianships or are emancipated. And there's also just the whole, the little thing that some of those goals like emancipation are really only allowable for older children.

Andy Brienzo, Host and Principal Auditor: [27:24]

Okay. And the fourth and final demographic characteristic that you looked at was sex. So, what did you find there?

Josh Luthi, Supervisor and Principal Auditor: [27:31]

Based on our analysis, the only outcome that was affected by sex was transfers to another agency. Our analysis showed being female decreased a child's odds of transfer by about 36% relative to being male. Our interviewees said this could be because male children are judged more harshly when they act out. So, this could mean that law enforcement is more likely to get involved or that male children receive harsher penalties when facing legal charges and these kinds of things could make it more likely that a male child ends up being transferred to an agency like the Department of Corrections than a female child.

Andy Brienzo, Host and Principal Auditor: [28:03]

Now beyond the audit question, the team also observed that black children were over-represented in Kansas' foster care system. Tell me more about this finding.

Josh Luthi, Supervisor and Principal Auditor: [28:15]

So, according to the U.S. Census Bureau, about 6% of Kansas population in 2019 was black and about 86% of the population was white, but in the foster care data we reviewed we saw black kids represented 12% of cases and white kids represented

78% of cases. This by the way, is for individuals in children who have one race only. And what this tells us is that black kids make up more of the foster care population than you'd expect based on Kansas' black population. DCF data does corroborate this. For example, their fiscal year 2020 data shows black children were about 2.5 times more likely to be removed from their homes than white children. Now, we can't say for sure why this is happening, but thinking back to the folks we interviewed it could be because of black families contact with mandatory reporters. So, when black families experienced poverty, they may make more use of social services, and this may mean they're more exposed to people who have to report concerns about child abuse. And if those reporters have racial biases and they may be more likely to report concerns about black families, which could cause the sort of the disproportionality that we're seeing here.

Andy Brienzo, Host and Principal Auditor: [29:27]

Finally, what's the main takeaway of this audit and how should we see this relative to the much larger and much more complex overall picture of foster care?

Josh Luthi, Supervisor and Principal Auditor: [29:38]

So, I'm going to offer two takeaways - one for each question. For question one, which dealt with their relevance and reasonableness of tasks, the main takeaway there is we didn't identify evidence that parents were systematically assigned unreasonable or irrelevant tasks or basically otherwise overloaded with tasks in an effort to keep them from reunifying with their kids. But that's not to say that tasks were always perfectly reasonable and relevant. As some of the tasks that we looked at, we thought they were potentially unreasonable or more likely irrelevant, but based on the cases that we reviewed, I don't think it's reasonable to say that or I don't think it's likely that unreasonable or irrelevant tasks are they biggest issue in the foster care system. We did talk to some parents as part of this work, and they identified some other issues in addition to tasks being sometimes unreasonable or irrelevant. And so, for example, they told us that caseworkers weren't always communicative. There were high caseworker turnover rates such that they didn't always know who they should talk to or that they had limited or inadequate access to services. And those kinds of things, I think may be more significant issues than how tasks are written in case plans. These are also issues that our office touched on in past audits. For question two, children's permanency outcomes do appear to differ based on demographics. So, in other words, whether a child ever unifies or exits foster care in some other way, maybe at least in part based on demographic factors like race and age over which the child themselves, they have no control, and not all demographic groups experience the same outcomes. So, to the extent that something like a reunification is the desired outcome, if one group is less likely to experience that outcome, that might be indicative of some sort of inequity in the foster care system, we've tentatively identified some possible reasons for these differences, but like I said earlier, there's probably more work to be done to further investigate exactly what factors drive differences in permanency outcomes and to understand why those factors drive those differences and whether there's anything the foster care system needs to do to address that sort of thing.

Andy Brienzo, Host and Principal Auditor: [31:51]

Josh Luthi is a principal auditor and Meghan Flanders is a senior auditor at Legislative Post Audit. They worked on an audit examining case plans and outcomes for foster children in Kansas. Thank you for joining me today, Josh and Meghan.

Josh Luthi, Supervisor and Principal Auditor: [32:05]

Yeah. Thanks again, Andy.

Meghan Flanders, Team Member and Senior Auditor: [32:06]

Thank you.

Andy Brienzo, Host and Principal Auditor: [32:07]

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