

## Summary

Kentucky's foster care system, administered by the Department for Community Based Services (DCBS), includes protective and support services designed to prevent child abuse and neglect, ensure child safety, and promote family well-being. The children considered in this report came to the foster care system after having been removed from home by a court because of dependency, neglect, or abuse, and placed in the custody of the Cabinet for Health and Family Services (CHFS). As of September 2017, there were 8,499 children in Kentucky's foster care system. This report reviews the court proceedings and DCBS's role from the time a child enters state custody to the time the child is reunified with the child's family or finds another permanent living arrangement, including adoption.

DCBS is responsible for investigating suspected dependency, neglect, or abuse if the alleged perpetrator is a parent, guardian, or someone who has supervisory responsibility for the child. If claims are substantiated, DCBS may file a petition with the courts and a judge can issue a 72-hour emergency custody order, which allows the child to be removed and usually placed in custody of the cabinet.

Once a child is in cabinet custody, a temporary removal hearing must be held within 72 hours, at which the state must prove that there are reasonable grounds to believe that the child would be dependent, neglected, or abused if returned home. If the court finds the evidence compelling, it may grant the cabinet temporary custody for 45 days. Many involved parties told Program Review staff that 45 days is too short.

### **Recommendation 1.1**

**The Department for Community Based Services and the Administrative Office of the Courts should work cooperatively to determine a reasonable period for the temporary custody order and propose legislation to the General Assembly.**

Ten days prior to the expiration of the temporary custody order, an adjudication hearing is held, at which the court determines the veracity of the allegations. Shortly after that hearing, a dispositional hearing is held to determine the action to be taken by the court on behalf of the child and the parent. If the court orders custody to remain with the cabinet, the case remains open and is reviewed in 6 months. A permanency hearing is held every 12 months thereafter.

The statutory time frame for court proceedings is to ensure that dependency, neglect, and abuse cases are handled in a timely manner. It is not possible to determine whether cases are meeting statutory deadlines. Neither DCBS nor the Administrative Office of the Courts (AOC) was able to provide the needed data.

### **Recommendation 1.2**

**The Department for Community Based Services and the Administrative Office of the Courts should cooperate to ensure the collection of the date of any dependency, neglect, or abuse court action, the type of hearing, and the result. These data should be analyzed regularly to identify potential problems.**

AOC staff said that they can enter the date and ruling of a particular court action into their system only if the judge used the appropriate AOC standardized form, but not all judges use these forms. Kentucky courts' inconsistent use of appropriate AOC forms can affect more than the agency's ability to evaluate the timeliness of dependency, neglect, and abuse cases. For example, the US 6<sup>th</sup> Circuit Court of Appeals questioned whether foster children in a Kentucky case had actually been discharged from DCBS custody because a lower court judge had not written the change custody order using the appropriate AOC form.

### **Recommendation 1.3**

**The Administrative Office of the Courts should encourage any court hearing dependency, neglect, or abuse cases to use all appropriate AOC forms.**

During the time between court proceedings, DCBS is working to find a safe temporary placement for the child and helping to provide the family and child needed services. Under federal law, DCBS must place the child in the least restrictive and most family-like setting. If this is not possible, the department will place the child in a DCBS resource home or a private child-placing agency foster home. In general, DCBS resource homes tend to be used for placing children with lower levels of care needs, while private facilities tend to handle children with higher levels of care needs.

The caseworker must then convene a planning conference of interested parties to create a case permanency plan within 10 days after the child enters out-of-home care. The caseworker is required to conduct face-to-face visits with the child at least once every month and visit with the family frequently enough to discuss case planning tasks and objectives, and to evaluate the family's progress.

Federal law requires DCBS to recruit and retain a pool of potential foster parents to meet the diverse needs of the children in its care. The department issues a report that includes a calculation of "percent of need met," which provides an estimate of how well the pool reflects the youth in care. DCBS has the information needed to make this calculation more accurate.

### **Recommendation 1.4**

**The Department for Community Based Services should use existing data to calculate a more accurate "percent of need met" figure in its Diligent Recruitment Report.**

Each day, new children enter the out-of-home care system and others leave it. Because a child stays in care for an average of 20 months or more, a small discrepancy between the number of children entering and exiting each month means the population of children remaining in out-of-home care can grow rapidly.

More than 11,000 children were in the Kentucky out-of-home care system in 2016, a 15.4 percent increase since 2012. Over the past 5 years, children 5 years and younger were slightly more than one-third of the population. The most common reason children were removed from their homes during this period was neglect (69 percent). Removals due to drug abuse by the parent (nearly 25 percent) and children with behavioral problems (more than 22 percent) were also frequent reasons.

Over the past 5 years, reunification was the primary goal in nearly 70 percent of the cases. Adoption was the permanency goal in nearly 24 percent of cases. Children spent an average of 20 months in out-of-home care during this period, with older children tending to spend more time in care than did younger children.

In September 2017, DCBS reported that on average a child in out-of-home care had been moved from one foster home to another 3.2 times. Nearly half of the moves were disruptive and caused by either the child's negative behavior or DCBS realizing that the child needed additional or specialized services. More than half the moves either were neutral, such as moving from temporary shelter to a more permanent placement, or represented the child making progress on the case permanency plan.

### **Recommendation 1.5**

**The Department for Community Based Services should indicate disruptive, neutral, and positive reasons for placement changes in its reports.**

Reunification with the family is the most common reason children exited out-of-home care over the past 5 years, representing 40 percent of all cases. However, reunification declined during this period by slightly more than 6 percentage points. The second most frequent reason for exiting care was a child being placed with a relative (27 percent). Nearly 20 percent of the children were adopted during this period.

## **Adoption**

Children in state custody can be placed for adoption by DCBS or a private child-placing agency that is licensed by DCBS to make foster-to-adoption placements. From 2012 to 2016, the number of children available for adoption increased every year except one. An adoption is completed when three court proceedings have occurred. Termination of parental rights (TPR) must be granted, a permanency goal of adoption must be established, and a court must rule on an adoption petition. TPR is voluntary or involuntary. When a child is placed in state custody, a court must conduct a permanency hearing within 12 months.

From 2012 to 2016, 2,257 children were adopted. The percentage of available children who were adopted each year ranged from 36.4 percent to 49.2 percent. DCBS is expanding its recruitment efforts for adoptive homes with the Dave Thomas Foundation for Adoption to provide additional recruitment workers.

During the adoption process, there can be lengthy court-related delays. DCBS is currently unable to generate reports of such delays, but the ability to document court-related proceedings is being added to the new i-TWIST system expected to be available by the beginning of 2018.

Any Kentucky resident of at least 12 months' duration, who is at least 21 years old, and whose source of income is sufficient to meet the applicant's household expenses following adoption may adopt, with restrictions on the number of children who can inhabit one household. A home study must be completed before adoption can take place. The 2018 General Assembly enacted

HB 1, which requires CHFS to establish administrative regulations that require and clarify that home study procedures are the same for both public and private agencies.

Before a prospective parent can be approved to adopt, the Department of Kentucky State Police (KSP) must conduct a criminal background investigation, including FBI fingerprint checks. A 2016 FBI audit concluded that DCBS must keep logs on such information, including requests for background checks sent, for whom, and whether private child placing agencies signed appropriate forms. A KSP official met with DCBS in summer 2017, and the necessary changes are in process.

Federal monetary assistance may be provided to a parent adopting a special needs child. Kentucky defines *special needs child* as one for whom adoptive placement without financial assistance is unlikely because the child has significant physical, mental, or emotional conditions. Adoption assistance means a monthly payment to meet the special needs. This includes payment of legal expenses and may include reimbursement of extraordinary medical expenses. Federal reimbursement is available for a part of the cost.

Children awaiting adoption are in at least one of two DCBS programs. If a child without prospective adoptive parents has a permanency goal of adoption, Swift adoption terms monitor the child to expedite the process. At the same time a special needs child becomes eligible for Swift adoption, the child must also be registered with the Special Needs Adoption Program (SNAP). SNAP recruits adoptive families for these children, and it coordinates with Swift adoption teams.

## Child Welfare Caseworkers

### Caseloads

Since 2011, the number of children living in foster care has increased nearly 8 percent nationally and more than 24 percent in Kentucky. In response, child welfare caseworkers are being assigned more cases. Unmanageable workloads can lead to negative outcomes, including jeopardizing agency funding, an increase in employee turnover, class action litigation, and negative outcomes for children and their families.

The Child Welfare League of America (CWLA) and the Council on Accreditation (COA) have developed nationally recognized standards for manageable child welfare caseloads. CWLA recommends no more than 12 cases per caseworker; COA recommends no more than 15 cases.

As of May 2017, Kentucky does not meet either of these national standards, nor does it currently meet its target standard of 18 cases. Statute requires DCBS to provide a report to the Legislative Research Commission and the Governor's Office whenever average statewide caseloads exceed 25 cases for 90 consecutive days. In January 2017, DCBS made its first such report, which indicated that the average statewide caseloads had risen to 29 cases per caseworker in December 2016. By the second report, which covered May 2017 data, the average caseload had risen to 32 cases.

Concurrent with these reports, DCBS changed how it calculates caseload averages. The new method includes past due cases and excludes noncapacity workers from calculations. Past due cases are investigations that have not been completed within an established timeframe and are still being worked on. Noncapacity workers are those who do not carry a full caseload. The result was much higher statewide caseload averages. Using the previous DCBS method, statewide caseload averages would have remained under the statutory maximum of 25 cases and would be 19 as of July 2017.

Program Review staff consider averages that include past due cases and noncapacity staff to be a more accurate representation of caseloads. DCBS needs to collect better data on the relative workloads of noncapacity staff. Program Review staff calculated a caseload average that excludes only caseworkers who are assigned fewer than 10 cases, which resulted in a caseload average of 26.

### **Recommendation 3.1**

**The Department for Community Based Services should develop a method for calculating or estimating the number of cases assigned to staff not currently carrying full caseloads and the contributions of such staff to state, regional, and county workloads. The workloads of these staff should be included in the calculations of average caseloads along with past due cases.**

DCBS currently reports four caseload averages based on different methodologies to LRC and the Governor's Office. These include averages based on both the inclusion and exclusion of noncapacity caseworkers and averages based on the inclusion and exclusion of past due cases. Statewide caseload averages prior to 2017 followed one methodology, but averages after 2017 follow a different methodology. This inconsistency creates additional problems in managing and analyzing workloads.

Caseload averages vary significantly across service regions and counties. Regional caseloads ranged from 17 to 32 cases per caseworker; county caseloads ranged from 5 cases to 57 cases. A number of regions and counties met the statutory maximum of 25 cases, but many did not. A statewide caseload average may not provide the General Assembly with enough information regarding caseloads in Kentucky.

From March to May 2017, Program Review staff conducted a survey of child welfare caseworkers, supervisors, support staff, and regional management. Ninety-four percent of caseworkers and 98 percent of supervisors responded that their caseloads were currently unmanageable within a normal work week. Fifty percent of caseworkers and 65 percent of supervisors reported that their workloads were unmanageable regardless of how many hours they worked per week.

Responding caseworkers listed “documenting work,” “entering case information into TWIST” (The Workers Information System), and “conducting in-home visits” as their three most time-consuming case-related tasks. “Documenting work” appeared in the three most time-consuming tasks for 69 percent of respondents. DCBS should investigate why so much of caseworkers’ time is occupied with administrative activities.

### **Recommendation 3.2**

**The Department for Community Based Services should develop a strategy to lessen the administrative burden of caseworkers so that they can spend more time working with foster children and their families.**

Without information about how much time caseworkers have to complete required tasks and how caseworkers are dividing that time among different tasks, it is impossible to know how many cases a caseworker should be responsible for managing.

DCBS would benefit from conducting a workload measurement analysis that would support the reporting of more reliable caseload averages, inform policies to address workforce concerns, align caseload standards with national standards, and provide better services to children and families.

### **Recommendation 3.3**

**The Department for Community Based Services should develop a method for determining caseloads that is based on an analysis of its workforce and workloads. This information should be used to determine the appropriate caseload standard for Kentucky child welfare caseworkers and strategies needed in order to meet this standard. The standard should align with principles established by current national standards and should focus on ensuring that as few child welfare caseworkers as possible have caseloads that exceed the standard.**

## **Turnover**

Turnover of caseworkers is one of the most significant challenges facing child welfare systems nationwide. Kentucky’s caseworker and supervisor turnover rates in 2013 were similar to those of many other states. However, caseworker turnover increased significantly and peaked in 2015 at 28.1 percent; it remains at 24.4 percent, much higher than in 2011, the first year with available data. A turnover rate of 25 percent means that a typical caseworker stays on the job 4 years. Private child welfare agencies also reported that turnover was a major concern.

Excessive caseloads and other forms of stress and job dissatisfaction have been reported as causes of turnover. At the same time, turnover increases the workloads of remaining caseworkers and reduces the overall experience level of the workforce, leading to more stress and more turnover. Literature also reports that high turnover results in lower quality of casework and poorer outcomes for children.

Commonly reported reasons for turnover include low salaries, lack of recognition by agency management, unmanageable caseloads, paperwork, and burnout. Caseworkers have stated that

they would be more likely to stay if they had more of a voice in policy decisions and solving problems, received more appreciation for the work they did, and had more opportunities for debriefing and dealing with stress.

Competition for degreed and licensed social workers is high, and DCBS and private agencies all report having difficulty finding qualified caseworkers. DCBS is not able to fill all of its open and funded positions, so any effort to expand its workforce would require more than simply increasing the number of funded positions.

Improving job satisfaction in other ways should restrain turnover, but DCBS has reduced its efforts in some areas because of budget limitations, including educational development and employee recognition programs. Other methods that DCBS has proposed are geographic salary differentials and more flexible work schedules.

#### **Recommendation 3.4**

**The Department for Community Based Services should request funding and authorization to increase caseworker salaries to a competitive level; to increase the number of caseworkers; to offer geographic salary differentials and flexible scheduling; to expand employee recruitment, development, and recognition programs; and to develop further improvements in the hiring process such as applicant prescreening and hiring prior to vacancies. The agency should also promote expansion of undergraduate social work programs.**

