

CHILD WELFARE OVERSIGHT AND ADVISORY COMMITTEE

Minutes

October 16, 2019

Call to Order and Roll Call

The Child Welfare Oversight and Advisory Committee meeting was held on Wednesday, October 16, 2019, at 10:00 AM, in Room 131 of the Capitol Annex. Representative David Meade, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Tom Buford, Co-Chair; Representative David Meade, Co-Chair; Senators Denise Harper Angel and Reginald Thomas; Representatives Lynn Bechler, Angie Hatton, Joni L. Jenkins, and Suzanne Miles.

Guests: Commissioner Ryan Quarles, Kentucky Department of Agriculture; Major Jeremy Murrell, Chief Information Officer, Technical Services Division, Kentucky State Police; Heather Wagers, Legislative Director, Kentucky Justice Cabinet; Elizabeth Caywood, Deputy Commissioner, Mary Carpenter, Assistant Director, Division of Protection and Permanency, Laura Begin, Legislative Liaison, Department for Community Based Services, Cabinet for Health and Family Services; and Pamela Priddy, Chief Strategy Officer, Necco.

LRC Staff: Ben Payne, Lead Staff, Dana L. Simmons, and Becky Lancaster.

Approval of Minutes

A motion to approve the minutes of the September 9, 2019 meeting was made by Senator Buford, seconded by Representative Bechler, and approved by voice vote.

Kentucky Hunger Initiative

Commissioner Ryan Quarles, Kentucky Department of Agriculture (KDA), stated that KDA is addressing food insecurity across the Commonwealth. He stated that KDA is in the food business; the production, processing, and the promotion of food through Kentucky Proud. KDA wants to make sure that all Kentuckians have access to high quality, nutritious, and preferably locally grown food. The Kentucky Hunger Initiative is an umbrella effort of KDA to bring together all parts of the food chain to reduce hunger. In Kentucky, 40 percent of all prepared food is throw away each day. According to the 2017 Feeding America study, one in seven Kentuckians are food insecure, meaning there is doubt as to where their next meal will come from. Hunger adversely affects children and senior populations at higher rates. Kentucky is estimated to have 186,000 children who are

food insecure and half of Kentucky's counties have a food insecurity rate higher than 20 percent. Of those 60 counties, all but five are in rural areas.

Commissioner Quarles stated that a recent study showed that food insecurity costs the healthcare system \$78 billion a year in the United States. Children who are food insecure have smaller gains in reading and math courses, are more likely to miss school, are more likely to repeat a grade, and are less likely to graduate high school on time. KDA held sessions across Kentucky to gain feedback on what programs work well within each region. There is a lack of communication among the hunger groups. The logistics of moving the donated food are always challenging. KDA found that due the law being unclear, some grocery stores were less likely to donate, because they are afraid of being sued by someone who got sick from a donated item. In 2017, the General Assembly passed House Bill 237 (HB 237), providing the strongest legal protections in the nation for individuals and businesses seeking to donate to food pantries. Food donations from grocery stores have increased due to this law. When KDA realized there was a lack of cold storage in food pantries, it received a donation of 150 chest freezers to distribute across Kentucky.

Commissioner Quarles stated that maintaining adequate funding is an issue. He thanked the legislature for funding the food bank system and Feeding Kentucky. KDA also raises funds from other organizations such as Hunters for the Hungry, Glean Kentucky, and the Kentucky Farm Bureau. Each summer children that qualify for free or reduced lunch, also qualify for summer feeding programs. The summer feeding program is a federally funded program through the United States Department of Agriculture (USDA) with over 2,000 sites across Kentucky.

In Letcher County, a program called Farmacy provides healthy foods from farmers' markets to patients with dietary restrictions. KDA has many programs that help Kentuckians have better access to healthier foods. The food insecurity rates have decreased by one percent in Kentucky in the past three years.

KDA is reviewing the labeling laws. Shellfish and dairy products are the only food items that are required to have a labels. KDA is researching ways to clarify labels so that items may have a longer shelf life and can be donated. KDA has commodity and livestock groups donating such as the Kentucky Cattlemen's Association, the Poultry Federation, and the dairy industry.

In response to questions and comments from Senator Thomas, Commissioner Quarles stated that legislative food drives are a good idea because donations will be made and KDA can meet with policy makers. KDA is doing more food drives at different conferences in the state. KDA will follow up on the ideas for the legislative food drives.

In response to questions and comments from Representative Miles, Commissioner Quarles stated that approximately \$9 million comes into Kentucky to pay for the summer

feeding program. KDA needs more school buses to distribute. Schools have donated buses to transport the food or people for better utilization of the summer feeding program. The regulations regarding the school lunch programs, the breakfast programs, and the summer feeding programs should be reviewed.

In response to questions and comments from Representative Jenkins, Commissioner Quarles stated that the KDA backpack programs are very popular across the state. Each county does the program differently, some have help from the community. He stated that the Family Resource and Youth Services Coalition of Kentucky (FRYSCKy) program officers are paramount in making the backpack programs work. Often times the FRYSCKy workers deliver the meals in a discreet way to prevent food shaming.

In response to questions and comments from Senator Buford, Commissioner Quarles stated that the idea of having unused campaign funds go to programs to feed children is a great idea.

Fingerprint Processes and Technology for Foster and Adoptive Parent Applicants

Pamela Priddy, Chief Strategy Officer, Necco, stated that Necco is a Kentucky-based foster care agency servicing all 120 counties. Necco serves approximately 750 children in foster care and over 100 youth in independent living and provides other services for families. Necco has 654 open foster homes in Kentucky. Necco also serves similar foster populations in Georgia, West Virginia, and Ohio. In Kentucky, Necco helps applicants to complete a form to initiate the background check for a potential foster parent. Necco assists applicants to make an appointment with a Department for Community Based Services (DCBS) office and with travel if necessary, to have their fingerprints taken and submitted for processing. It can take 30 days to receive the results of the fingerprint background check and more than 30 days to find out if the family is eligible to foster.

Ms. Priddy stated that in Ohio, Necco uses portable fingerprint machines at its offices purchased from a third party vendor. The vendor provides training and support to the staff. Necco submits the fingerprints directly to the state. If there are no “hits” on the fingerprints, Necco can then proceed to work with a family on training. If there is a “hit” on the fingerprints, the results are sent through mail within 30 days. Training for potential families can start earlier if the fingerprint checks can come back in a timelier manner.

Ms. Priddy stated that the appointments for potential foster parents at DCBS offices to complete the fingerprinting are not always conducive with the foster parents’ schedules which may cause delays for potential foster parents. The mobile units will instantly let the worker know if the fingerprints are not able to be read. In Kentucky, it could take up to 30 days to find out the fingerprints are not able to be read. Rescheduling appointments with DCBS can be troublesome for potential foster parents and Necco workers. She stated that the fingerprint processing time can be a barrier for potential foster parents.

Major Jeremy Murrell, Chief Information Officer, Technical Services Division, Kentucky State Police (KSP), stated that KSP receives the request for a background check for many reasons including the adoption and foster process. KSP receives the fingerprint submissions electronically or on paper from the mail. Electronic fingerprints are submitted to the FBI, and KSP retains a digital image of the submission. The paper fingerprint cards require data entry. The paper fingerprint cards are scanned into the KSP system and sent to the FBI. The FBI sends the background check results back to KSP. The fingerprint results for adoption and foster parent applications are manually printed, then held at the Criminal and Technology Building for someone from the Cabinet for Health and Family Services (CHFS) to pick up. Typically, the results are picked up by CHFS on a daily basis. The average time for this process at KSP is one to four days.

Major Murrell stated that several factors can affect the processing time. The biggest reason for a delay in the results is the quality of the fingerprints submitted. Approximately, two percent of fingerprint submissions are rejected. As of October 4, 2019, KSP has received 6,072 fingerprint-based background checks. There is not a backlog of fingerprints to be processed at KSP. Heather Wagers, Legislative Director, Kentucky Justice Cabinet, stated that there are inquiries for information regarding any backlogs at KSP, but the fingerprint-based background checks do not have a backlog. Typically, the background check results are completed within 24 hours to 36 hours.

In response to questions and comments from Representative Meade, Ms. Wagers stated that some states use the Volunteer and Employee Criminal History System (VECHS) is used. VECHS has many different layers that have to be reviewed and approved before fingerprints can be processed. For Kentucky to consider the VECHS approach, the Commonwealth needs to have an electronic background check system. The Kentucky Justice Cabinet has reviewed what other states are using and are working with other Cabinets and vendors in the pursuit of an electronic background check system. Once an electronic background check system is in place, DCBS with FBI input, can create language to be put in to statutes. The Kentucky Justice Cabinet is working to acquire the electronic background check system on a daily basis, but there is not a set timeline. Ms. Wagers is hopeful that there will be an electronic background check system in 2020. Once a vendor is chosen, the Kentucky Justice Cabinet will work with the vendor on a more specific timeline.

In response to questions and comments from Senator Buford, Ms. Wagers stated that the Kentucky Justice Cabinet is looking at various options for the electronic background check system to have a limited cost. She did not have specific costs for an electronic background check system but could provide them.

Elizabeth Caywood, Deputy Commissioner, Department for Community Based Services, Cabinet for Health and Family Services, stated that DCBS background checks are done with paper and not online. A hardcopy form must be completed by the potential

foster or adoptive parents. The potential foster or adoptive parent is fingerprinted in a local DCBS office. The DCBS Records Management Section (RMS) runs a child abuse and neglect (CAN) check and a sex offender registry check, then matches the criminal check results with the fingerprint form. If a potential foster or adoptive parent has lived out-of-state within five years, DCBS is required by federal law to request a CAN check from the prior states of residence. DCBS does have occasional complications in requesting child maltreatment checks from other states. RMS stores the background check results for federal audit purposes. DCBS is subject to corrective actions or financial penalties if the requirements of the audits are not met. DCBS uses the KARES National Background Check Program infrastructure for fingerprinting.

Ms. Caywood stated that DCBS has proposed the National Background Check Program to the DCBS provider group with unanimous support. DCBS is proposing the National Background Check Program as a solution to the complications with the paper-based process. The foster parent application would be made online. DCBS uses the Kentucky Applicant Registry and Employment Screening (KARES) National Background Check Program infrastructure for fingerprinting. If there are no records found on the background check, results can be rendered in days as opposed to weeks. The proposed program has an automatic interface with the state child abuse and neglect central registry as well as in-state criminal records. If there is a conviction or a substantiation subsequent to the initial approval, the individual would be flagged for a review and fitness determination. The new program would be working within six to 12 months with no complications from audit requirements.

Foster Parent Three Year Reevaluation Process and Procedures

Elizabeth Caywood, Deputy Commissioner, Department for Community Based Services, Cabinet for Health and Family Services, stated that requirements are placed upon potential foster parents, because children in foster care are particularly vulnerable for repeat victimization. DCBS must make sure that foster parents are capable of dealing with the trauma and healing that needs to occur. In the last State Fiscal Year (SFY) 2019, there were 52,628 reports of child abuse and/or neglect that met criteria for an investigation or assessment. There were 15,182 reports with a substantiated or services needed finding in SFY 2019. DCBS is working to obtain data on the number of reports of child abuse and/or neglect while in foster care. The mission of DCBS is to build an effective and efficient system of care with Kentucky citizens and communities to reduce poverty, reduce adult and child maltreatment and its effects; and to assure all children have safe and nurturing homes and communities. There is an emphasis in child welfare on safety first, above permanency or other well-being indicators.

Mary Carpenter, Assistant Director, Division of Protection and Permanency, Department for Community Based Services stated that with the child welfare transformation DCBS has reviewed the foster parent approval process. The Kentucky FACES portal is an online resource for foster parents and prospective foster parents that

DCBS uses as a recruitment tool. DCBS streamlined the application process by allowing foster parent applications and inquiries to be submitted online. Foster parent inquiries go directly to the region where the foster parent resides and the responses are timelier. An application can be submitted online and go directly into the TWIST system. Foster and adoptive parents can now track their home study process through the online portal. Ms. Carpenter listed the requirements for the initial foster parent approval.

Ms. Carpenter stated that a foster or adoptive parent applicant must complete a minimum of 15 hours of curricula in topics outlined in regulation and five web-based trainings. Prior to or during the month of the second anniversary date of a foster or adoptive parent's initial approval, the foster or adoptive parent must complete a minimum of 30 hours of training. Families are required to complete 10 hours of annual ongoing training with 50 percent being in a class and 50 percent completed online. DCBS is working on new platforms for foster families to make training more available.

Laura Begin, Legislative Liaison, Department for Community Based Services, Cabinet for Health and Family Services, stated that with the adoption of 2018 Regular Session House Bill 1 (HB 1) CHFS amended the administrative regulations and policies to further align foster home standards, created the online foster parent registry, and enacted the implementation of a child-specific foster home type for relatives and fictive kin that includes a per diem. CHFS created a diligent recruitment plan to support the recruitment and retention of family foster homes. There has been targeted recruitment in each service area ensuring access to informational meetings, trainings, and home studies.

Ms. Begin stated that the 2019 Regular Session House Bill 446 (HB 446) was passed and amendments were made to remove annual reevaluation requirements. The reevaluations are now required every three years. DCBS has advised the Office of the Inspector General (OIG) and held statewide meetings that included private providers, recruitment and certification of supervisors advising them of the changes. With the implementation of HB 446, the reevaluation requirements are to include a home visit, an interview with the foster parents, and paperwork. DCBS is working towards a solution that would allow background checks to be conducted less frequently. Ms. Caywood stated that there has been a 27 percent increase in the total number of foster homes from 4,372 in August of 2014 to 5,455 in August of 2019. Ms. Begin stated that having an increase in foster homes means that DCBS can more readily meet the needs of the child and keep the child closer to their community.

In response to questions and comments from Representative Meade, Ms. Caywood stated that DCBS does not have good data on child abuse within foster care homes. She stated that it is not uncommon that once a child is removed from their home of origin that more allegations of maltreatment are disclosed. DCBS cannot distinguish with great accuracy, what maltreatment occurred in the child's home of origin and what happened during the child's time in foster care. She stated that DCBS believes there is a low

percentage of child abuse or maltreatment that happens while a child is in foster care in Kentucky. She stated that the DCBS diligent recruitment subcommittee is focusing on the retention of foster parents.

Ms. Caywood stated that there is a dedicated staff in the records management section to process foster care and adoptive background checks. The foster care and adoptive background checks are separate and apart from the child abuse and neglect central registry checks. The Kentucky FACES portal provides for online inquiries and applications for foster or adoptive parents. The Kentucky FACES portal interfaces with the protection and permanency data base reducing data entry and processing time so that workers can focus more on direct contact with the foster or adoptive parent. Through federal funding, DCBS has an online kinship navigator program that provides information to kinship caregivers about different services that are available. DCBS has a data dashboard that is in the process of being created. The dashboard will provide an at a glance review of health and well-being indicators for children in foster care to help the case workers manage their caseloads more efficiently.

In response to questions and comments from Senator Thomas, Ms. Caywood stated that she believes that DCBS will be able to do all background checks electronically within two years.

Adjournment

There being no further business, the meeting was adjourned at 11:35 AM.