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To: Jonathan R. Grate, Ombudsman

From: Bryan Morrow, Director for the Division of Citizen Services and Policy Integrity

Date: January 28, 2025

Subject: Unplaced Foster Children Housed in Cabinet for Health and Family Services (CHFS) Department for Community Based Services (DCBS) office buildings

## **Report Highlights**

### **Why the Commonwealth Office of the Ombudsman (COO) did this Preliminary Investigation**

In July 2023, local media outlets began reporting that unplaced foster children were sleeping on cots in DCBS office buildings across the state. At that time, at least 64 children had spent at least one night in an office building. Some of the buildings lacked the necessities needed for housing these children. The stays were generally short, but some lasted more than ten days. The typical child, according to CHFS, was about 15 years old. CHFS blamed the numbers on foster families or facilities unwilling to accept the children, some with mental and behavioral health problems.

Three months after the story broke, CHFS Secretary Eric Friedlander testified before the interim Joint Committee on Families and Children and promised that CHFS would “pay what it takes” to ensure the children did not have to spend nights in state office buildings.

A year has passed since Sec. Friedlander’s promise. The COO continues to receive complaints of foster children being housed in state office buildings.

### **How the COO Conducted the Preliminary Investigation**

On October 29, 2024, the Commonwealth Office of the Ombudsman Citizen Assistant Specialist (CAS) Angela Larison pulled a sample of the 49 most recent cases involving children spending the night in a state office building. Those 49 cases went back to June 10, 2024. By taking a small sample as part of the preliminary investigation, the COO wanted to see if there was a need for a further investigation.

## What the COO Found

- The 49 children spent 198 combined days<sup>1</sup> in a DCBS building.
- The average stay was 4.04 days.
- Almost half stayed one day.
- The most days spent by a child in a DCBS building was 35 days.
- The average age of a child spending the day was 13.8.
- Six children were under ten; the youngest was one.
- Of the 49 kids, 19 were females (39%) and 30 males (61%).
- Twelve children spent five or more days in a DCBS building. Of those five:
  - The average age was 15.25.
  - Nine were males, and three were females.
  - The average age for the males was 15.22.
  - The average age for the females was 15.33.
- Six children spent ten or more days in a DCBS building. Of those six:
  - The average age was 14.5.
  - Five were males, and one was a female.
  - The average age for the males was 14.8.
- Three service regions accounted for 70% of children in DCBS office buildings.

## What the COO Recommends

Children sleeping in state office buildings continues to be a problem. The COO recommends a broader investigation of this issue. It should cover not only children staying in state office buildings but also hotels, state parks, out of state, or other nontraditional placements. Barriers to placement should be further examined to determine why these children are not being placed. The COO should further research the conditions under which the children are housed when housed in a nontraditional placement.

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<sup>1</sup>The term “day” has not been defined in this memorandum because the Office of the Ombudsman is unsure how CHFS defines the term. On November 7, 2024, CAS Larison emailed the Commissioner for DCBS, Lesa Dennis, and the Division Director for DCBS, Amanda Gehring, and asked them how CHFS defines the term “day.” Neither responded to CAS Larison’s email.

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## Background

In May 2023, Gov. Andrew Graham Beshear announced “that his administration [was] providing \$41.5 million to support Kentucky’s foster children and those who take care of them.”<sup>2</sup> According to the Governor’s press release, the money would be distributed that same month “to the 45[3] providers and their 120-plus foster care agencies to help them provide critical care to foster children across the state.”<sup>4</sup> The money included a one-time allocation of \$21.5 million to those agencies and another \$20 million to the same providers in the form of higher monthly reimbursements.<sup>5</sup>

Two months later, local media outlets began reporting that unplaced foster children were sleeping on cots at the old L&N Building in Louisville.<sup>6</sup> This building had no beds, showers, or food services.<sup>7</sup> The children staying there had little to do but play board games and video games.<sup>8</sup> They did get to go to a local YMCA every three to four days to shower.<sup>9</sup>

The facts were hard to come by. According to WLKY, in July 2023, the CHFS reported that 64 children across the state had “spent at least one night in a DCBS office.”<sup>10</sup> WDRB reported the number at 87, but that included hotels and state parks.<sup>11</sup> CHFS reported that as of July 2023, 11 children had spent at least one night at the L&N Building.<sup>12</sup> WHAS quoted a Jefferson County social worker as saying, “In Jefferson County there’s at least one or two workers each week, sleeping in the office with a child[.]”<sup>13</sup> That certainly sounds like more than 11 children.

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<sup>2</sup> <https://tinyurl.com/5xw7udye> (May 4, 2023) (WHAS 11).

<sup>3</sup> These foster-care providers included Abbey Hill Group, All God's Children, Appalachian Children’s Home, Arbor Youth Services, Barnabas Home, Benchmark, Bluegrass Foster Services, Brighton Center, Buckhorn Children’s Home of Northern KY, Combs Residential, Comprehend Diocesan Children’s Home, Father Maloneys Boys Haven, Foothills Academy, Gateway Children’s Services, Heritage Children’s Services, Holly Hill Children’s Home, Home of the Innocents, Hope Hill Youth Services, Key Assets, Kinder Haven, Kulima Care, KUMH, Life Connections, Life Skills, Maryhurst, Mountain Comprehensive, Mountain Haven, Mountain Transitional Living, National Youth Advocate, Necco, New Hope, New Light Christian Adoptions, Omni Visions, Options to Success, Ramey Estep, SAFY, St. Joseph's Children's Home, St. Joseph’s Peach Mission, Stepstone, Sunrise, The Bair Foundation, Uspiritus, and YMCA Safe Place. Office of the Governor (May 4, 2023) [https://governor.ky.gov/attachments/20230503\\_Foster-Care-Providers.pdf](https://governor.ky.gov/attachments/20230503_Foster-Care-Providers.pdf)

<sup>4</sup> <https://tinyurl.com/bdhsth8e> (May 4, 2023) (press release).

<sup>5</sup> <https://tinyurl.com/bdhsth8e> (May 4, 2023) (press release).

<sup>6</sup> <https://tinyurl.com/anakbwhy> (July 7, 2023) (Courier Journal); <https://tinyurl.com/v9y5c2fs> (July 7, 2023) (WHAS11); <https://tinyurl.com/4hjmc98v> (July 14, 2023) (WLKY); <https://tinyurl.com/4mzbascp> (July 24, 2023) (Fox 56); <https://tinyurl.com/2hdyn7zk> (July 26, 2023) (WDRB); <https://tinyurl.com/msthewp7> (Oct. 11, 2023) (WAVE).

<sup>7</sup> <https://tinyurl.com/anakbwhy> (July 7, 2023) (Courier Journal).

<sup>8</sup> <https://tinyurl.com/anakbwhy> (July 7, 2023) (Courier Journal).

<sup>9</sup> <https://tinyurl.com/anakbwhy> (July 7, 2023) (Courier Journal).

<sup>10</sup> <https://tinyurl.com/4hjmc98v> (July 14, 2023) (WLKY).

<sup>11</sup> <https://tinyurl.com/2hdyn7zk> (July 26, 2023) (WDRB).

<sup>12</sup> <https://tinyurl.com/4hjmc98v> (July 14, 2023) (WLKY).

<sup>13</sup> <https://tinyurl.com/v9y5c2fs> (July 7, 2023) (WHAS11).

According to CHFS, children ordinarily stayed four days, although half stayed less than two days.<sup>14</sup> The most that CHFS had tracked for any child was 17 consecutive days.<sup>15</sup> CHFS reported that the children were typically teens, about 15 years old, but noted that one was two years old.<sup>16</sup> CHFS blamed the numbers on foster families being unwilling “to accept kids for placement, especially those with acute mental and behavioral problems or a history of violence.”<sup>17</sup>

On October 25, 2023, CHFS Secretary Eric Friedlander testified before the interim Joint Committee on Families and Children.<sup>18</sup> There, Sec. Friedlander acknowledged the ongoing problem but stated, “We will pay what it takes.”<sup>19</sup>

On July 1, 2024, Senate Bill 48 (2023), as passed unanimously by the General Assembly, moved the COO from CHFS and administratively attached it to the Auditor of Public Accounts (APA).<sup>20</sup> Since July, the APA and the COO continue to receive complaints about children sleeping in state office buildings.<sup>21</sup>

On October 29, CAS Larison began her investigation. She pulled a sample of the 49 most recent cases that involved children spending the night in a state office building. Those 49 cases went back to June 10, 2024. What follows is a summary of her work.

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<sup>14</sup> <https://tinyurl.com/msthewp7> (Oct. 11, 2023) (WAVE).

<sup>15</sup> <https://tinyurl.com/2hdyn7zk> (July 26, 2023) (WDRB)

<sup>16</sup> <https://tinyurl.com/msthewp7> (Oct. 11, 2023) (WAVE).

<sup>17</sup> <https://tinyurl.com/anakbwhy> (July 7, 2023) (Courier Journal).

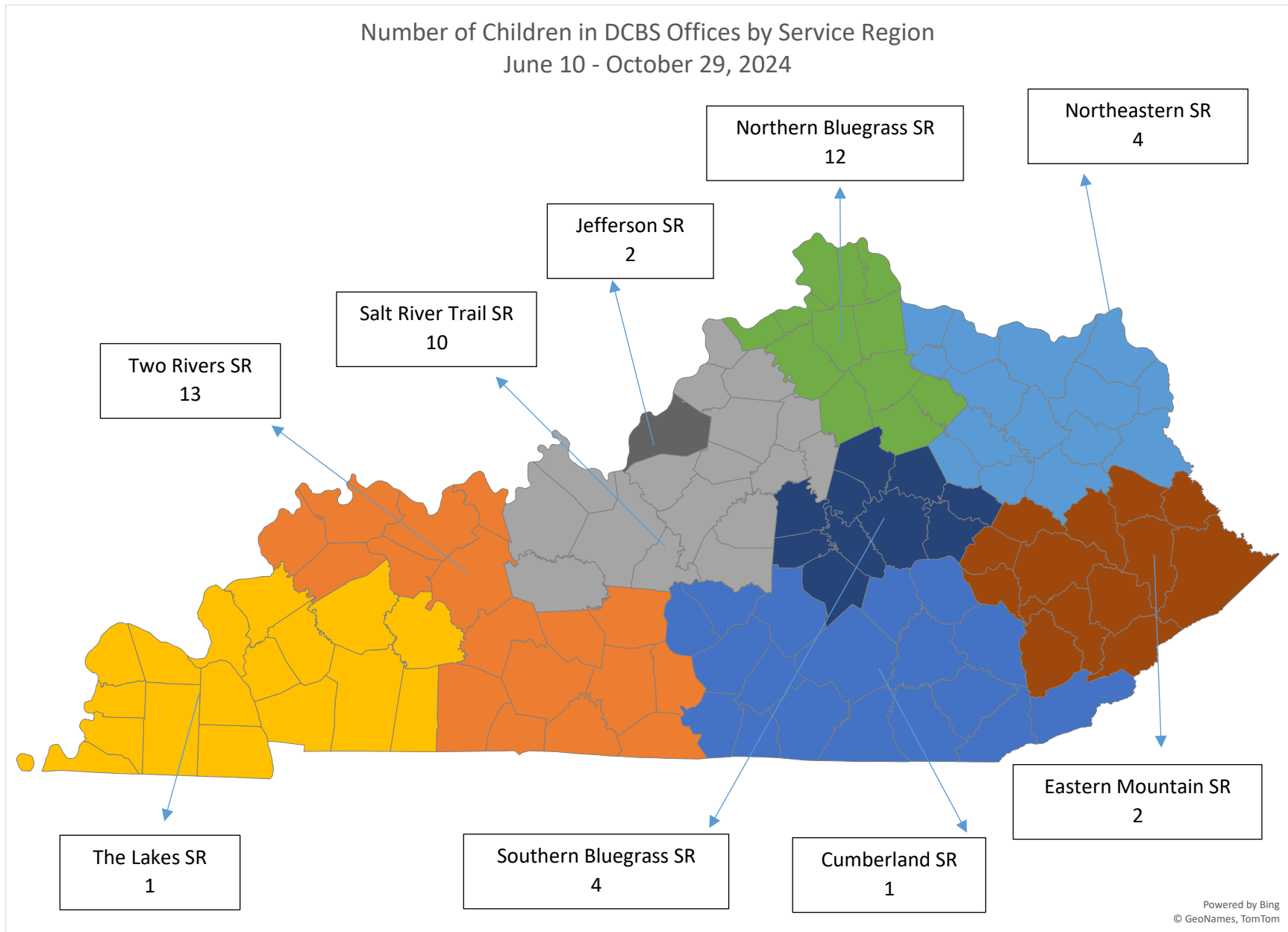
<sup>18</sup> <https://tinyurl.com/m8mdu73m> (Nov. 2, 2023) (WDRB).

<sup>19</sup> Interim Joint Committee on Families and Children (10-25-23), <https://www.youtube.com/watch?v=rBnUJNOi6W0&t=5558s> at 1:32:20.

<sup>20</sup> <https://www.auditor.ky.gov/PressRoom/Pages/Commonwealth-Office-of-the-Ombudsman.aspx>.

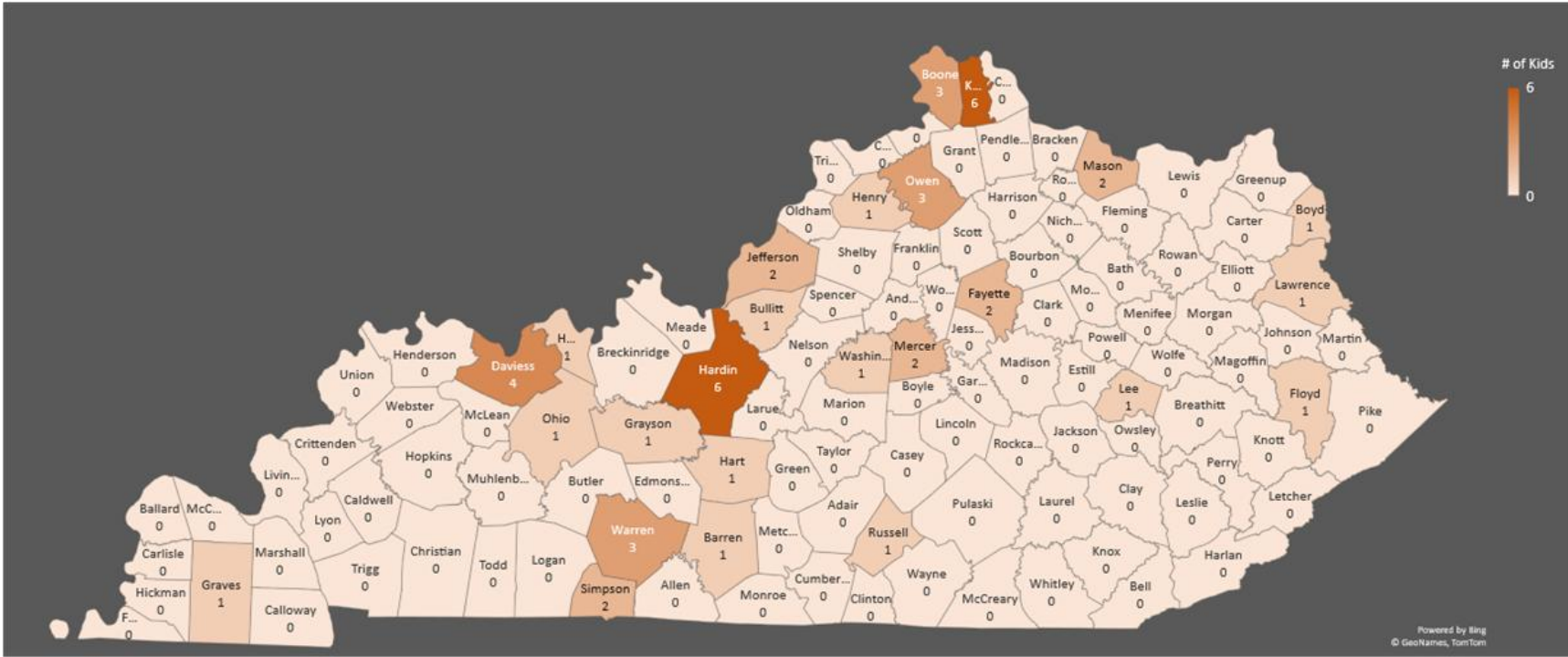
<sup>21</sup> <https://www.auditor.ky.gov/PressRoom/Pages/Ombudsman-Office-Investigates-CHFS-Housing-Foster-Children-in-Office-Buildings.aspx>.

## Service Regions (SR) and Counties



# Number of Children in DCBS Offices by Counties

June 10 – October 29, 2024



The DCBS oversees nine service regions throughout Kentucky.<sup>22</sup> DCBS provides child protection and permanency within those regions.<sup>23</sup> The nine service regions include Cumberland (CSR), Eastern Mountain (EMSR), Jefferson (JSR), Northeastern (NESR), Northern Bluegrass (NBSR), Salt River Trail (SRTSR), Southern Bluegrass (SBSR), the Lakes (TLR), and Two Rivers (TRSR).<sup>24</sup>

Two Rivers Service Region had the most children placed in a DCBS office. This region includes Allen, Barren, Butler, Daviess, Edmonson, Hancock, Hart, Henderson, Logan, McLean, Metcalfe, Monroe, Ohio, Simpson, Union, Warren, and Webster counties.<sup>25</sup> Thirteen children (about 26% of the 49 cases) came from this region. In the Two Rivers Service Region, Daviess County had the most instances (four) of children placed in a DCBS office. Additional totals for other counties were Warren (three), Simpson (two), Barren (one), Hancock (one), Hart (one), and Ohio (one). No other county had children placed at a DCBS office during this sample period.

The Northern Bluegrass Service Region had the second most children placed in a DCBS office. This region includes Boone, Bourbon, Campbell, Carroll, Gallatin, Grant, Harrison, Kenton, Nicholas, Owen, Pendleton, and Scott counties.<sup>26</sup> Twelve children (about 24% of the 49 cases) came from this region. Kenton County had six children, and Boone and Owen counties had three children. The remaining counties in that region had no children placed in a DCBS office between June 10 and October 29, 2024.

The Salt River Trail Service Region had the third-highest number of children placed in a DCBS office. This region includes Anderson, Breckinridge, Bullitt, Franklin, Grayson, Hardin, Henry, Larue, Marion, Meade, Nelson, Oldham, Shelby, Spencer, Trimble, Washington, and Woodford counties.<sup>27</sup> Ten children (about 20% of the 49 cases) came from this region. Hardin County had six children who spent a day or more in a DCBS office, while Bullitt, Grayson, Henry, and Washington had one child each during the sample period.

These three regions accounted for 70% of all children who spent days in a DCBS office.

Outside of these three regions, other counties housing children in DCBS offices included Fayette (2), Jefferson (2), Mason (2), Mercer (2), Floyd (1), Graves (1), Lawrence (1), Lee (1), and Russell (1).

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<sup>22</sup> <https://www.chfs.ky.gov/agencies/dcbs/Pages/default.aspx>.

<sup>23</sup> <https://www.chfs.ky.gov/agencies/dcbs/Pages/default.aspx>.

<sup>24</sup> <https://www.chfs.ky.gov/agencies/dcbs/dsr/Pages/default.aspx>.

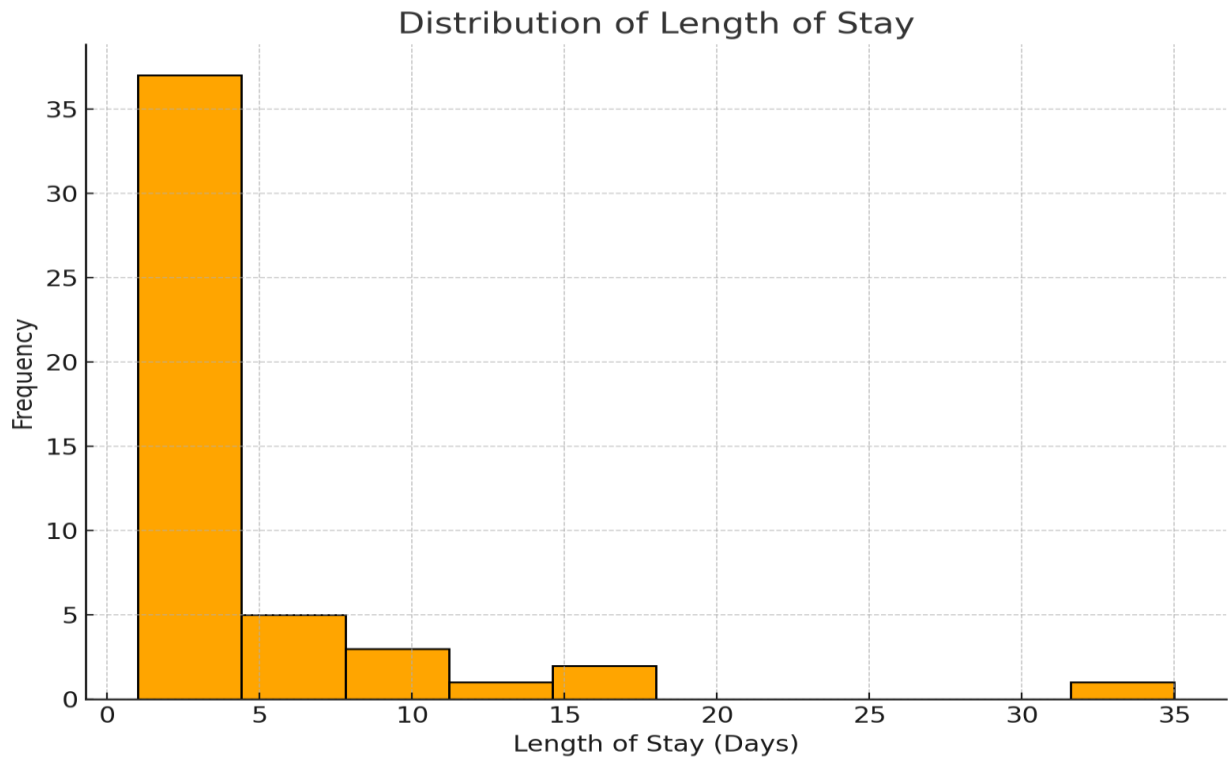
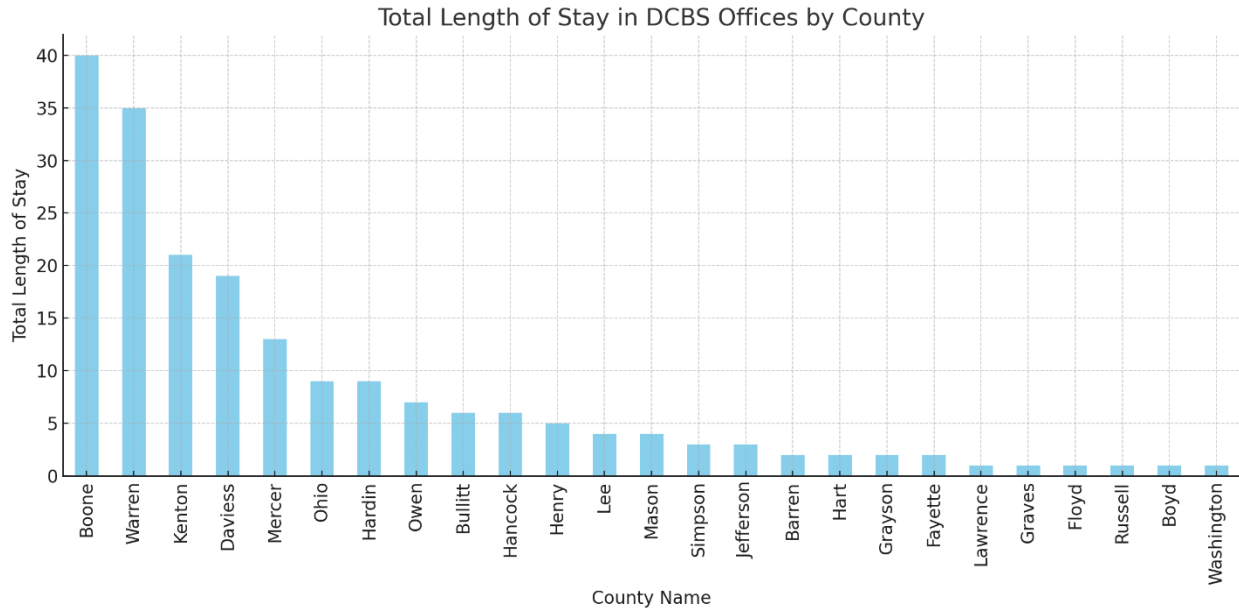
<sup>25</sup> <https://www.chfs.ky.gov/agencies/dcbs/dsr/Pages/default.aspx>.

<sup>26</sup> <https://www.chfs.ky.gov/agencies/dcbs/dsr/Pages/default.aspx>.

<sup>27</sup> <https://www.chfs.ky.gov/agencies/dcbs/dsr/Pages/default.aspx>.



## Length of Stay

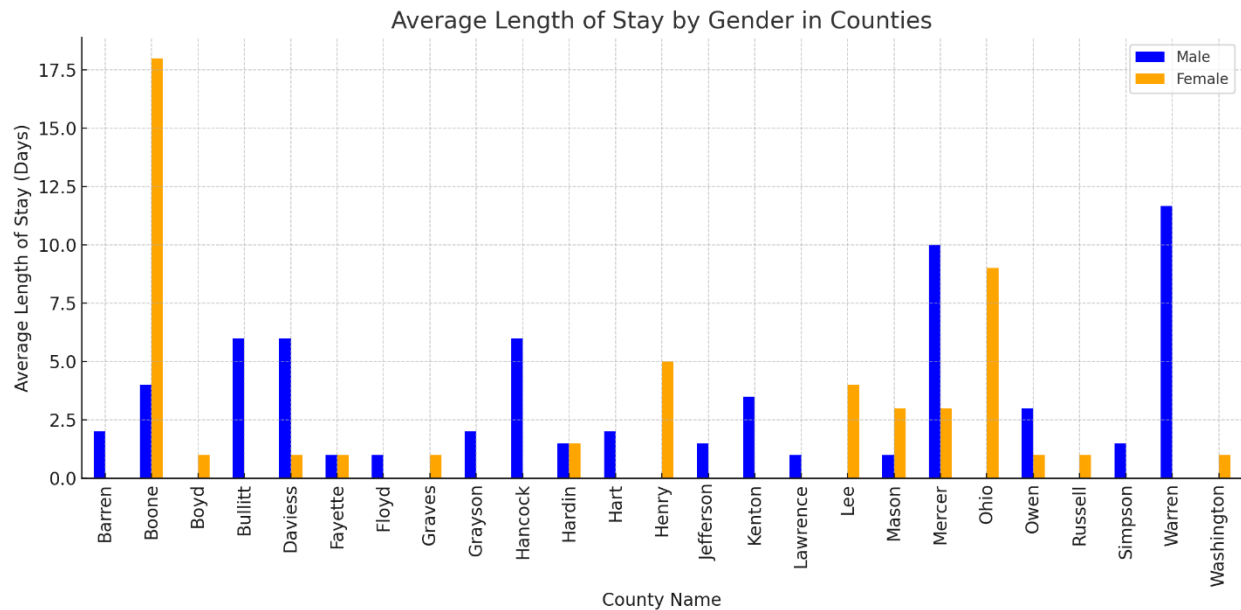


Looking at the 49 cases from June to October 2024, children stayed in DCBS offices for a total of 198 days. The average length of stay was 4.04 days. The maximum stay (35 days) occurred in Boone County. Multiple Counties had minimum stays of one day. The top counties for total length of stay were Boone County (40 days), Warren (35 days), Kenton (21 days), and Daviess (19 days).

Most stays are very short (1–5 days). Stays of one or two days counted for 63% of the time spent in a DCBS office. Some children stayed longer. One stayed 35 days, and six others were placed in DCBS offices for ten or more days. These longer stays drive up the total.

Three cases stand out for more extended stays. Boone County had a child who spent 35 days in a DCBS office. Warren County has stays of 16 and 17 days, contributing to its high total.

How does this compare to the reports from 2023? In October 2023, one news outlet found that children would stay, on average, four days in a DCBS office, although half lasted less than two days.<sup>28</sup> In July 2023, the longest stay in an office CHFS had tracked for one child was 17 consecutive days.<sup>29</sup> During the 2024 period reviewed by the Ombudsman’s Office, one child spent 35 days in a DCBS office, and two others had stays of 16 and 17 days. Extended stays were not unusual, and that trend continues based on the 2024 data.



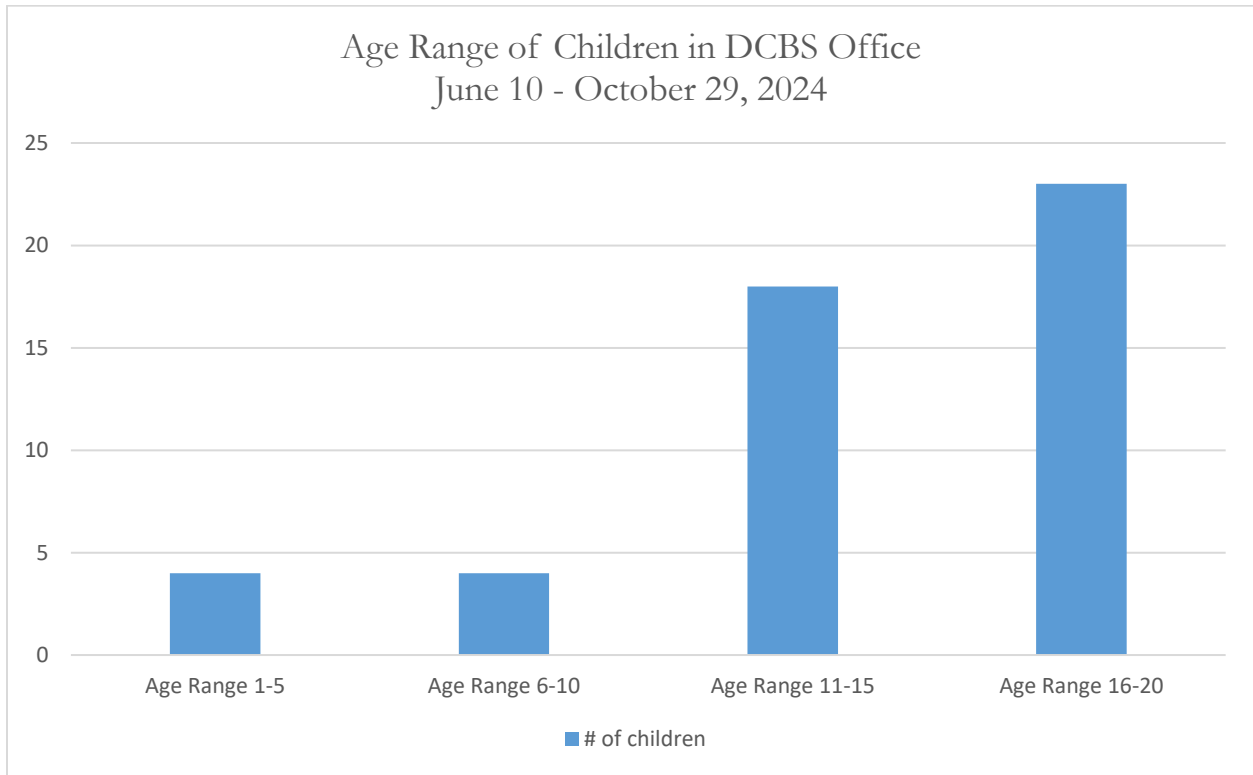
Looking at the county level, four counties contribute the most to total stays. Children stayed in a DCBS office for 40 days in Boone County, 35 in Warren, 21 in Kenton, and 19 in Daviess.

The length of stay by county can be further divided by gender. In Boone County, the average stay for males was 4 days, but for females, it jumped to 18 days. In Mercer County, males average 10 days, while females average 3 days. In Warren County, all cases involved males, with an average stay of 11.7 days. The data presents some outliers. Take Boone and Warren counties, for instance: females in Boone County and males in Warren County experienced disproportionately longer stays.

<sup>28</sup> <https://tinyurl.com/msthewp7> (Oct. 11, 2023) (WAVE).

<sup>29</sup> <https://tinyurl.com/2hdyn7zk> (July 26, 2023) (WDRB).

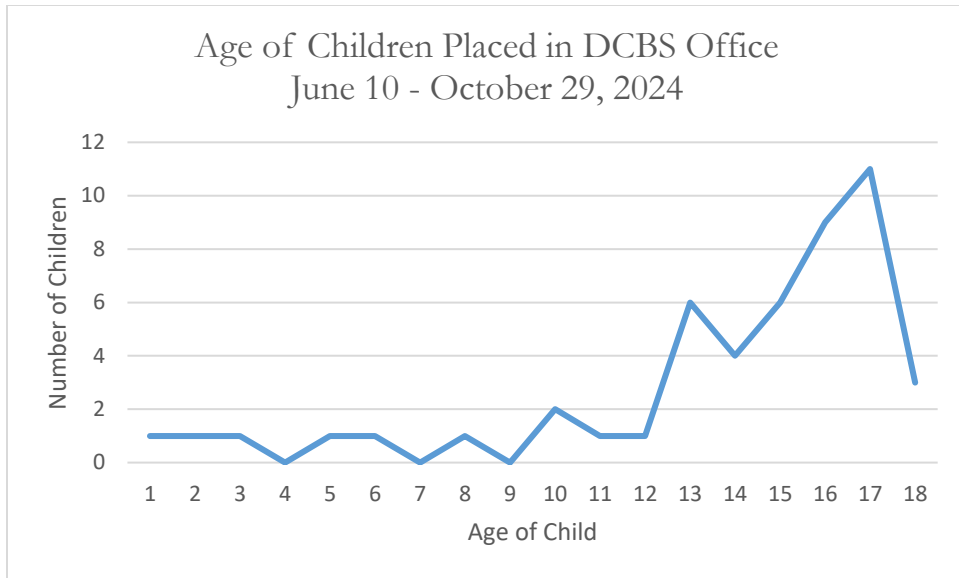
## Age Range



Of the 49 children placed in a DCBS office between June 10, 2024, and October 29, 2024, a majority (23) were between 16 and 20<sup>30</sup> years old, about 47%. Those between the ages of 11 and 15 (18 of them) made up 37% of the total.

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<sup>30</sup> According to KRS 620.363(10), children ordinarily exit the foster care system when they turn 18 years old. However, if the child is physically or mentally incapable of managing normal activities of daily living, the child may remain in state custody under 922 KAR 5:090.

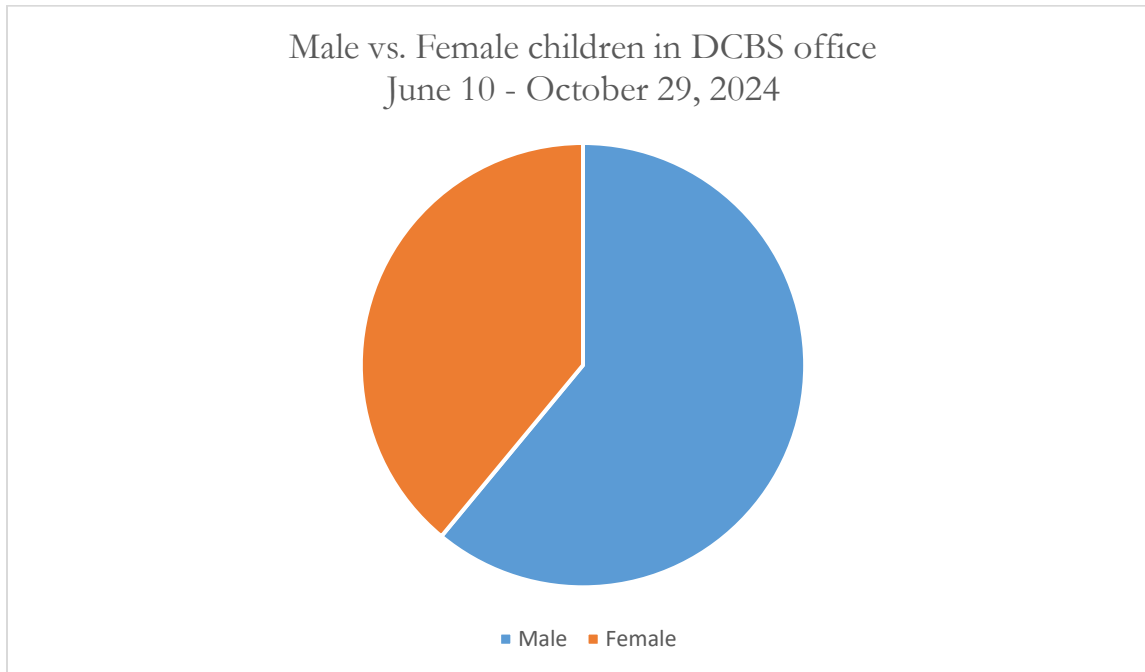


In 2023, CHFS reported that the children were typically teenagers, about 15 years old, but noted that one was two years old.<sup>31</sup> In the June to October 2024 sample analyzed by the Ombudsman’s office, the average age of those spending days in DCBS offices was 13.8, but children as young as 1, 2, and 3 have spent days in DCBS offices. Even though the average age of a child spending days in a DCBS office was 13.8, the typical child was 17. That data also shows that 11 seventeen-year-olds stayed in an office building, 9 sixteen-year-olds, 6 fifteen-year-olds, 6 thirteen-year-olds, and 4 fourteen-year-olds.

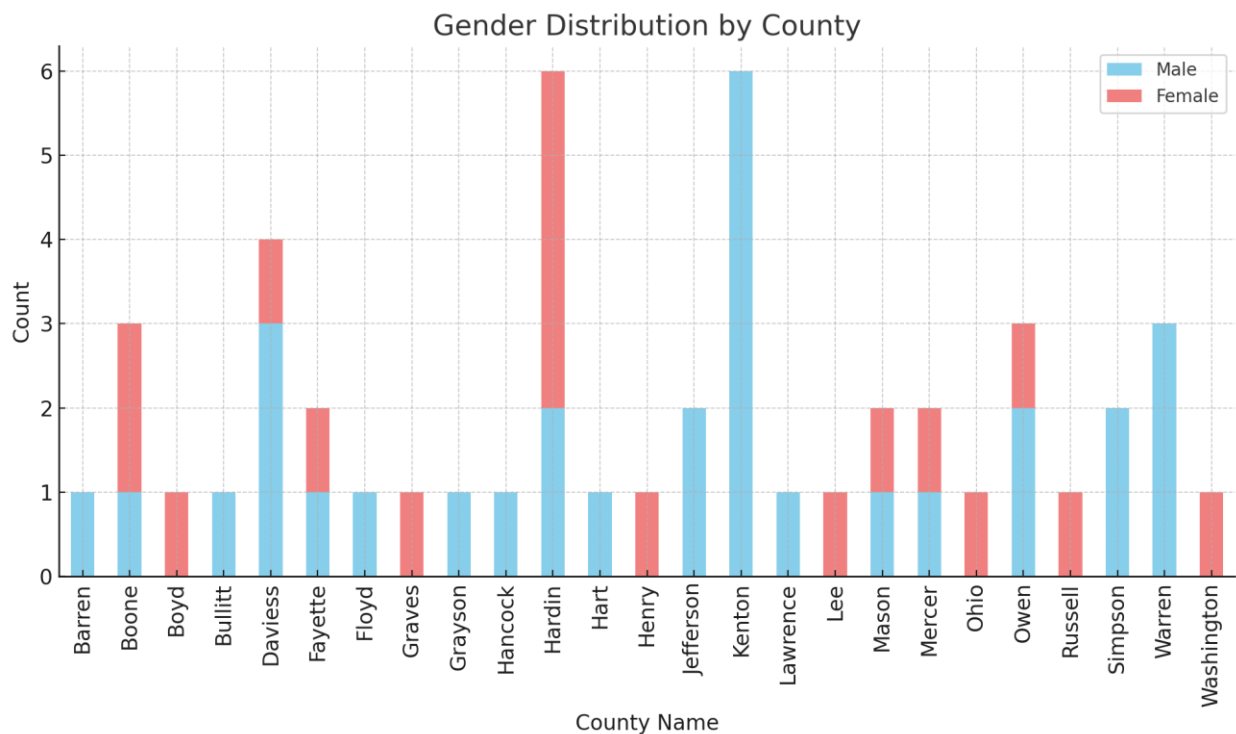
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<sup>31</sup> <https://tinyurl.com/msthewp7> (Oct. 11, 2023) (WAVE).

## Gender of Child



Of the 49 children recently placed at DCBS offices, about 61% (30) were male, while the remaining 39% (19) were female.



Kenton County has the highest number of males (six) and no females. Hardin County had six children stay in a DCBS office from June to October 2024. This included four girls and two boys.

## Conclusions and Recommendations

The above leaves many questions that still need answers. Although incomplete, the data from 2023 and 2024 shows that children continue to be housed in DCBS offices statewide. On November 19, 2024, CHFS Cabinet Secretary Eric Friedlander told a reporter that “the issue has gotten worse.”<sup>32</sup> The COO should further review placements from 2023 and 2024 to determine numbers and trends.

The barriers that prevent placement should be carefully examined to determine why DCBS is not securing placement for these children. In the November 19 interview, Sec. Friedlander said that “no Kentucky provider will accept that child into their care.”<sup>33</sup> The Ombudsman’s Office should further investigate why providers are not willing to take high-acuity children and possibly connect CHFS with providers willing to take these children.

And what of these children being housed in state office buildings? What kind of care are they receiving? Are the workers who are watching these children trained to watch high-acuity children? Are the children receiving any medications that have been prescribed? Are the workers trained to dispense this medication? Are the children receiving behavioral and mental-health services as needed for the best interest of the child while housed in the state office building? The Ombudsman’s Office should investigate and answer these types of questions.

The Ombudsman’s Office should also dig into the children’s experience with CHFS. An expanded investigation can determine the child’s previous involvement with the Cabinet, for instance, to determine if the child had previously been adopted or placed in CHFS’s custody.

News reports from 2023 also stated that children were housed at hotels and state parks.<sup>34</sup> Some had spent the night in emergency rooms even though they were not patients.<sup>35</sup> This preliminary investigation reviewed only DCBS office placement. The Ombudsman’s Office should expand this research to include children housed elsewhere besides in-home placement. This would also allow the Ombudsman’s Office to see if children were moved between non-traditional placements.

Because of the crisis reported in 2023, CHFS stated that they were considering placing children in other states like Texas, California, and New Mexico.<sup>36</sup> Terry Brooks, executive director of Kentucky Youth Advocates, said that children from Kentucky were being sent to Virginia, Ohio, and Florida.<sup>37</sup> In October 2023, officials from CHFS told legislators that “38 children in state care have now been sent to other states because of the lack of available placement in Kentucky.”<sup>38</sup> The Ombudsman’s Office should investigate whether children remain housed in out-of-state facilities. If so, questions about these children and the facilities must be answered. Has anyone followed up on children placed out of state? Does the state regularly inspect these out-of-state facilities to ensure Kentucky children receive necessary care?

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<sup>32</sup> <https://tinyurl.com/yc6vyjev> (Nov. 19, 2024) (Spectrum News).

<sup>33</sup> <https://tinyurl.com/yc6vyjev> (Nov. 19, 2024) (Spectrum News).

<sup>34</sup> <https://tinyurl.com/v9y5c2fs> (July 7, 2023) (WHAS 11).

<sup>35</sup> <https://tinyurl.com/msthewp7> (Oct. 11, 2023) (WAVE).

<sup>36</sup> <https://tinyurl.com/v9y5c2fs> (July 7, 2023) (WHAS 11).

<sup>37</sup> <https://tinyurl.com/v9y5c2fs> (July 7, 2023) (WHAS 11).

<sup>38</sup> <https://tinyurl.com/m8mdu73m> (Nov. 2, 2023) (WDRB).