

CHILD WELFARE OVERSIGHT AND ADVISORY COMMITTEE

Minutes

November 20, 2019

Call to Order and Roll Call

The Child Welfare Oversight and Advisory Committee meeting was held on Wednesday, November 20, 2019, at 1:00 PM, in Room 131 of the Capitol Annex. Senator Tom Buford, 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 Whitney Westerfield.

Guests: Michelle M. Sanborn, President, Children's Alliance; Dr. Terry Brooks, Executive Director, Shannon Moody, Policy Director, Kentucky Youth Advocates; Norma Hatfield, grandmother, kinship family member; Judy Lambeth, Chief Executive Officer, Paula Garner, Chief Operating Officer, Maryhurst; and Chris Peck, Chief Executive Officer, Hope Hill Youth Services.

LRC Staff: Ben Payne, Lead Staff and Becky Lancaster.

Children's Alliance 2020 Legislative Priorities for Kentucky's Child Welfare System

Michelle M. Sanborn, MSW, President, Children's Alliance, stated that the Children's Alliance is a non-profit association of child and family services agencies throughout Kentucky, who serve at-risk, abused, neglected, and abandoned children and their families. The Children's Alliance and other private agencies care for 46 percent of the 9,845 children in care who are wards of the state. The Children's Alliance provides statutorily mandated services to families and children. In 1998, a rate methodology was created in response to a lawsuit filed by the Children's Alliance and 12 other agencies. She described the steps of rate methodology that include a cost report, a time study, and the calculation of the level of care (LOC) rates to determine payment rates. She reviewed the comparison of the current rates and the annual audited cost report and time study (AACRTS) rates. The AACRTS rates show the true cost and underpayment for residential care. In 2018 there was \$13.5 million or a 19 percent operating shortfall in funding for 35 residential providers. There was approximately \$543,089 or 25 percent operating shortfall in funding for three shelter providers. There is a \$14 million annual budget request to meet the requirements of KRS 199.641.

Ms. Sanborn stated that the strengths of this rate methodology include a more equitable payment system, a rational process to determine the rate of payment, and

utilization of already required tools such as the time study and cost report. The weaknesses of the rate methodology include that the median level of care is no longer Level III, there is not an even distribution of levels for residential care, the highest level of payment usually dictates service delivery within agencies, and it drives the quality of care to mediocrity. This rate methodology reduces the reimbursement when a child's behavior improves, not considering the services needed to achieve and maintain this outcome. The rate methodology does not reimburse the actual cost of care. The recommendation for action is to support the funding for the creation of a reimbursement method and to reimburse providers to cover the cost of care that includes room, board, watchful oversight, treatment, and school expenses. She gave an overview of the different levels of services involved in the child welfare continuum.

Ms. Sanborn shared a chart that shows the comparison of rates in Kentucky and other surrounding states, for typical services provided to children placed at agencies owned by the Children's Alliance. In communities such as Louisville, Northern Kentucky, and Southern Kentucky, therapists that have a master's degree and a license are going to work across the border of Kentucky. Providers are having trouble finding therapists that will provide services in Kentucky because the rates are low. Family preservation services is defined in KRS 200.575 as services provided to children at imminent risk of out of home care placement. Based on a 2008 Cabinet for Health and Family Services (CHFS) report, each dollar spent on family preservation services saves \$2.85. The Family First Prevention and Services Act allows for federal reimbursement for children and their families who are at-risk of out of home care. There has been a 22 percent increase in the Department for Community Based Services (DCBS) budget amount from 2009 to 2019, but there has been a 59 percent increase in the number of investigations. There has been a six percent loss in number of DCBS workers from 2009 to 2019. She recommended that DCBS increase the number of children and families served through Family Preservation Services and to increase the overall DCBS budget to ensure reasonable caseloads for DCBS investigators and workers.

Blueprint for Kentucky's Children 2020 Policy Priorities

Dr. Terry Brooks, Executive Director, Kentucky Youth Advocates (KYA), stated that the 2020 Blueprint for Kentucky's Children along with its partners will take a collective look at child welfare in the coming year. Kentucky has the highest rate in the nation for child abuse and neglect, the highest amount of children living with kinship families, and the highest number of children with parents that are incarcerated. A child welfare priority should be to look at how the core problems connect with judiciary issues, economic well-being, and the opioid epidemic. KYA hopes the policies regarding the continuum of care for child welfare will be considered during the 2020 Regular Session. The police departments, schools, and non-profit organizations must work to close the gap in the chain of reporting abuse procedures. KYA suggests putting policy recommendations and reasonable standards into place to protect children from abuse and neglect. The core

issues will not resolved until workforce issues within CHFS are addressed. The coroner system in Kentucky also needs reform.

Norma Hatfield, a kinship family caregiver, shared in a video the beginning of her and her granddaughter's foster care experience. Shannon Moody, MSSW, CSW, Policy Director, Kentucky Youth Advocates, stated that more than 300 grandparents and other relatives have called, emailed, or messaged KYA every day since 2013, when the moratorium on Kinship Care went into effect. From 2018 to 2019, KYA had 798 grandparents contact KYA to ask about kinship care supports. Relatives and close family friends can be considered fictive kin. Placement with a relative or fictive kin is used as an alternative to foster care when the agency determines that a child can no longer remain safely in their home. During calendar year 2018, there were more than 18,000 children placed in out-of-home care. Research estimates that for every six children that go into foster care there are ten children that go into kinship care. The number of children in out-of-home care include more than the current number of in foster care. The Blueprint for Kentucky's Children recommends that the budget priorities include an increase in the amount and availability of the Relative Placement Support Benefit, for items such as clothing, bedding, formula, and school supplies. It is also recommended that respite care be offered to kinship caregivers. The basic rate for foster care respite services is \$21.90 per day. The Blueprint for Kentucky's Children recommends the standardization of kinship care practices across the Commonwealth, prioritizing quality and accessibility for caregivers.

Other Business

In response to a question from Senator Buford, Eric T. Clark, Commissioner, Department for Community Based Services, Cabinet for Health and Family Services, stated that the topics discussed demonstrate the challenges that are before Kentucky. The advocates, such as KYA, the Children's Alliance, and DCBS, are in agreement that there are issues that need to be addressed and solutions that need to be created. He stated that DCBS and the services that are offered to the children and families of Kentucky are dramatically underfunded. A big investment is needed to fund the workforce and services provided by DCBS. DCBS is proud of its work in regards to creating a culture of safety within the work environment and believes this will contribute to rebuilding the workforce.

Adjournment

There being no further business, the meeting was adjourned at 2:02 PM.