

# Report of the Child Welfare System Task Force to the 2018 Kansas Legislature

**CHAIRPERSON:** Representative Steve Alford

**VICE-CHAIRPERSON:** Senator Vicki Schmidt

**LEGISLATIVE MEMBERS:** Senators Barbara Bollier and Laura Kelly; and Representatives Linda Gallagher and Jarrod Ousley

**NON-LEGISLATIVE MEMBERS:** Phyllis Gilmore, Secretary for Children and Families (non-voting) [until retirement, 12/1/2017]; Deneen Dryden, Director of Prevention and Protection Services (PPS), Department for Children and Families (DCF) (non-voting) [until 12/28/2017]; Patricia Long, Director of PPS, DCF (non-voting) [from 12/28/2017]; Rachel Marsh, Saint Francis Community Services (non-voting); Lindsey Stephenson, KVC Kansas (non-voting); Hon. Daniel Cahill, district court judge, appointed by the Chief Justice of the Supreme Court (Chief Justice); Mickey Edwards, state director, Kansas Court Appointed Special Advocates, appointed by the Chief Justice; Alicia Johnson-Turner, citizen review board member, appointed by the Chief Justice; Mary Tye, foster parent organization representative, appointed by the Judicial Council; Serena Hawkins, guardian *ad litem*, appointed by the Judicial Council; Ashlyn Yarnell, family law attorney, appointed by the Judicial Council; Gina Meier-Hummel, licensed social worker, appointed by the Judicial Council [until appointment as Acting Secretary for Children and Families], Acting Secretary for Children and Families (non-voting) [from 12/1/2017]; Gail Cozadd, licensed social worker, appointed by the Judicial Council [from 12/1/2017]; Dr. Katherine Melhorn, Child Death Review Board representative; Sandra Lessor, Sedgwick County District Attorney's Office, appointed by the Kansas County and District Attorneys Association; and Sgt. David Ohlde, Marysville Police Department, appointed by the Kansas Association of Chiefs of Police.

## **CHARGE**

House Sub. for SB 126 (2017) directs the Secretary for Children and Families to establish a Child Welfare System Task Force (Task Force) to study the Kansas child welfare system. The bill directs the Task Force to convene working groups within the following topic areas: the general administration of child welfare by DCF; protective services; family preservation; reintegration; foster care; and permanency placement. The bill also directs the Task Force and each working group to study a number of specific topics within the areas identified above. The Task Force is to submit a preliminary report to the 2018 Legislature and a final report to the 2019 Legislature.

# Child Welfare System Task Force

## PRELIMINARY REPORT

### Conclusions and Recommendations

The Task Force identified the following concerns regarding the child welfare system:

- High turnover levels of social workers due to stress, excessive caseloads, and low pay;
- Excessive caseloads and limited funding affect timely response for needed services;
- The increasing numbers of children and youth who are forced to sleep overnight in child placement agency offices because there is nowhere else for them to go after being removed from their homes;
- A significant decrease in number of beds for children and youth in psychiatric residential treatment facilities (PRTFs) in Kansas;
- The number of children and youth who are missing from the State's child welfare system at any given time;
- An antiquated set of various computer systems within the Kansas Department for Children and Families (DCF) prevents communication between computers within DCF, as well as between DCF and the two child welfare system contractors;
- Excessive length of time for some adoptions to be completed after parental rights are terminated; and
- Lack of additional funding over recent years for family preservation services.

The Task Force adopted the following preliminary recommendations:

- A multi-year focus on recruitment and retention of social workers should be implemented, including DCF evaluation of the morale and tenure of the work force;
- Long-term incentives, supports, career path (advancement), professional development, ongoing training, supervision, student loan forgiveness, and competitive compensation for social workers who work in the child welfare system should be developed;
- Continuity of services and recordkeeping need improvement so that caseworker turnover does not affect delivery of services;
- Problems that have led to the closure of several PRTFs for children and youth should be addressed so that more PRTFs can be added;
- DCF should evaluate and explore options for combining stand-alone computer systems into a consolidated system, to respond to the recent audit performed by the Legislative

Division of Post Audit and the federal Program Improvement Plan. Such consideration should include availability of federal matching funds and the system implemented by Indiana. DCF should provide the Legislature with a clear recommendation for computer system improvement and the Legislature should provide the funding required for any necessary feasibility study;

- Prompt adoptions after parental rights have been terminated, though improving, need further attention;
- Issues regarding youth who run from placement should be addressed, including evaluation of what facilities could be used for such youth;
- There should be consideration of preventative services that could be added or increased;
- DCF should review the evolution and continuum of placements used over the years; and
- The effect on the child welfare system of the consolidation of juvenile services within the Kansas Department of Corrections should be considered.

*Proposed Legislation:* None.

## BACKGROUND

The 2017 Legislature passed House Sub. for SB 126 (SB 126), directing the Secretary for Children and Families to establish a Child Welfare System Task Force (Task Force) to study the child welfare system in the State of Kansas. Previously, the 2015 and 2016 Special Committees on Foster Care Adequacy, the House Committee on Children and Seniors, and the Senate Committee on Public Health and Welfare had examined various topics related to the child welfare system. (*Note:* Reports, minutes, and testimony of these committees may be found under each committee's page at [www.kslegislature.org](http://www.kslegislature.org).)

SB 126 directed the Task Force to convene working groups to study the following topics: the general administration of child welfare by the Kansas Department for Children and Families (DCF); protective services; family preservation; reintegration; foster care; and permanency placement. Additionally, the Task Force and each working group were directed to study the following topics:

- The level of oversight and supervision by DCF over each entity that contracts with

DCF to provide reintegration, foster care, and adoption services;

- The duties, responsibilities, and contributions of state agencies, nongovernmental entities, and service providers that provide child welfare services in the State of Kansas;
- The level of access to child welfare services, including, but not limited to, health and mental health services and community-based services, in the State of Kansas;
- The increasing number of children in the child welfare system and contributing factors;
- The licensing standards for case managers working in the child welfare system; and
- Any other topic the Child Welfare System Task Force or working group deems necessary or appropriate.

The Task Force is to submit a preliminary report to the 2018 Legislature and a final report to the 2019 Legislature.

## ORGANIZATION

SB 126 established the following members and appointing authorities for the Task Force:

- The Chairperson of the Senate standing Committee on Public Health and Welfare;
- The Vice-chairperson of the Senate standing Committee on Public Health and Welfare;
- The Ranking Minority Member of the Senate standing Committee on Public Health and Welfare;
- The Chairperson of the House standing Committee on Children and Seniors;
- The Vice-chairperson of the House standing Committee on Children and Seniors;
- The Ranking Minority Member of the House standing Committee on Children and Seniors;
- The Secretary for Children and Families or the Secretary's designee, who shall be a non-voting member;
- The Director of Prevention and Protection Services for DCF, who shall be a non-voting member;
- One representative from each entity that contracts with DCF to provide foster care, family preservation, reintegration and permanency placement services, appointed by each such entity, each of whom shall be a non-voting member;
- One member appointed by the Chief Justice of the Supreme Court;
- One representative of Kansas Court Appointed Special Advocates, appointed by the Chief Justice of the Supreme Court;
- One member of a citizen review board established pursuant to the Revised Kansas Code for Care of Children, appointed by the Chief Justice of the Supreme Court;
- One member representing a foster parent organization, appointed by the Judicial Council;
- One guardian *ad litem* with experience representing children in child in need of care cases, appointed by the Judicial Council;
- One family law attorney with experience providing legal services to parents and grandparents in child in need of care cases, appointed by the Judicial Council;
- One social worker licensed by the Behavioral Sciences Regulatory Board (BSRB), appointed by the Judicial Council;
- One member of the State Child Death Review Board established by KSA 22a-243, and amendments thereto, appointed by the Board;
- One county or district attorney with experience in child in need of care cases, appointed by the Kansas County and District Attorneys Association; and
- One law enforcement officer, appointed by the Kansas Association of Chiefs of Police.

The appointments to the Task Force were completed by mid-July 2017. In November 2017, Gina Meier-Hummel resigned her position on the Task Force as the social worker licensed by the BSRB, appointed by the Judicial Council, after being named Acting Secretary for Children and

Families to succeed Secretary Gilmore upon her retirement effective December 1, 2017. Upon becoming Acting Secretary on December 1, Acting Secretary Meier-Hummel assumed the corresponding non-voting position on the Task Force. The same day, the Judicial Council named Gail Cozadd to replace Acting Secretary Meier-Hummel as the social worker representative. Effective December 28, 2017, Patricia Long replaced Deneen Dryden as the DCF Director of Prevention and Protection Services and assumed the corresponding non-voting Task Force position.

Pursuant to SB 126, staff and meeting support for the Task Force was provided by the Office of Revisor of Statutes, the Kansas Legislative Research Department (KLRD), and the Division of Legislative Administrative Services.

## WORKING GROUPS

At its August 4 meeting, the Task Force voted to establish three working groups and directed each working group to study two of the topics assigned by SB 126. The working groups established were:

- General Administration of Child Welfare and Foster Care;
- Protective Services and Family Preservation; and
- Reintegration and Permanency Placement.

SB 126 directed the Task Force chairperson, vice-chairperson, and ranking minority members to appoint a chairperson and vice-chairperson for each working group. Each chairperson and vice-chairperson was then responsible for appointing members of their respective working groups, which SB 126 required consist of not more than seven non-Task Force members and not fewer than two Task Force members. Each non-Task Force member appointed to a working group was required by the bill to possess specific expertise related to the working group's assigned topic of study. Appointments of working group members were completed in September 2017. A list of working group members is attached to this report as Appendix A.

SB 126 required DCF to "provide assistance to working groups to prepare and publish meeting agendas, public notices, meeting minutes and any research, data, or information requested by a working group." With Task Force approval, DCF contracted with the Kansas Health Institute (KHI) to provide much of this staff support.

The Legislative Coordinating Council (LCC) approved three meeting days for each working group for 2017. Each working group met three times. Copies of the reports submitted by the working groups to the Task Force are attached to this report as Appendix B.

## TASK FORCE MEETINGS

The LCC approved six meeting days for the Task Force in 2017. The Task Force met five times: on August 4, September 19, October 10, November 14, and December 12. A teleconference meeting scheduled for August 22 was canceled.

### August 4 Meeting

Following the Chairperson's welcome, members and staff of the Task Force introduced themselves. KLRD staff presented an overview of recent legislative activity related to the child welfare system, including the 2015 and 2016 Special Committees on Foster Care Adequacy and the activity of the 2017 House Committee on Children and Seniors that led to the passage of SB 126 and the creation of the Task Force. Staff reviewed the charge to and structure of the Task Force. Staff noted a resources page had been created for the Task Force (<http://www.kslegresearch.org/KLRD-web/Committees/Committees-ChildWelfareSysTF-Resources.html>) containing links to many of the reports, testimony, and other documents related to recent legislative activity regarding the child welfare system. The resources page will be updated with Task Force-related links and documents as the Task Force's work proceeds.

## ***Overview of DCF Organizational Structure, Child Welfare System Case Process, and Available Data and Reports***

Kathy Armstrong, Assistant General Counsel for Prevention and Protection Services, DCF, provided the Task Force with an overview of a notebook DCF provided to each Task Force member. The notebook contains a variety of information related to the Kansas child welfare system, including the DCF child welfare practice model; federal Children's Bureau factsheet; overview of federal child welfare legislation; organizational charts outlining the Kansas child welfare system; Kansas child welfare factsheet; child protective services statistical reports; placement and permanency statistical reports; independent living program reports; reports regarding progress made toward federal objectives and recommendations by Casey Family Programs and the Legislative Division of Post Audit (LPA); and assessment and prevention and child-in-need-of-care (CINC) case flowcharts.

Ms. Armstrong noted the large network of persons and entities at the federal, state, and local levels that make up the child welfare system. There is a large amount of federal law regarding the system with which the State must comply. The State must submit plans for federal review every five years for Title IV-B programs and every three years for Title IV-E programs, both of which involve the child welfare system. There is also a Child and Family Services Review (CFSR) that must be completed, focused on safety, permanency, and well-being outcomes.

Ms. Armstrong reviewed the newly implemented possible outcomes for investigations of reports of abuse/neglect. Following investigation, reports may be categorized as substantiated, affirmed, or non-substantiated. DCF does not have authority to remove children and is not a party to a CINC legal action. DCF presents the findings from its investigations to the county or district attorney, who decides whether to file a CINC action. Removal requires a court order, unless law enforcement removes the child from an unsafe situation into police protective custody (PPC).

DCF produces more than 125 reports regarding various aspects of the child welfare system, samples of which were provided in the notebook and the remainder of which are available online.

In response to questions, Ms. Armstrong addressed the role of the DCF Foster Parent and Youth Ombudsman; explained some of the common acronyms associated with the child welfare system; noted the number of children being removed for non-abuse/neglect reasons in Kansas has been reduced due to recent changes; and stated that cases initially categorized as non-abuse/neglect may later be re-categorized as abuse/neglect due to additional findings.

Responding to questions regarding one-night placements or overnight stays in contractor offices, Ms. Armstrong stated DCF would attempt to produce reports providing additional information regarding these situations. Ms. Armstrong also noted other requests by Task Force members and stated DCF would provide responses as soon as possible.

## ***Review of the Legislative Division of Post Audit Report on Foster Care and Adoption***

A LPA staff member provided a review of the latest LPA performance audit report on foster care and adoption in Kansas. The report was issued in three parts. Part One was issued in July 2016. Part Two was issued in September 2016. Part Three was issued in April 2017.

Part One of the report dealt with three questions. Question One was whether DCF was following adequate policies and procedures to ensure the safety of children during the removal and placement process. With regard to this question, LPA found:

- DCF had not yet implemented several recommendations for its child protective services (CPS) function and had not responded to all report center calls in a timely manner. As of May 2016, DCF had implemented 1 of 9 safety-related recommendations from a 2013 Casey Family Programs assessment of CPS function, and a child's safety was not

assessed timely in 5 of 40 investigations reviewed by LPA;

- DCF had not ensured that background checks of individuals in foster homes happen as often or as thoroughly as it should. Three types of background checks should occur, and they should occur for both relative and foster placements;
- DCF had not always taken steps to ensure monthly in-person visits happened for children in foster care or adoptive homes or for children reintegrated with their families. LPA noted that in most of the cases reviewed, poor documentation prevented LPA from being able to tell whether case management contractors and child placing agencies (CPAs) conducted some monthly visits. Monthly in-person aftercare visits of children in adoptive placements did not occur, likely because DCF's contracts and policies are not consistent; and
- Survey respondents expressed concerns with staff turnover, morale, and training.

LPA recommendations for issues identified through Question One included completing the recommendations from the 2013 assessment for the report center; reviewing policies regarding assessment of child safety and welfare; implementing procedures to ensure assessment within the time assigned following a report center call; ensuring background and registry checks are completed annually; reconciling statutory and regulatory requirements for fingerprint-based checks of all persons residing, working, or volunteering in a foster home; ensuring persons in a foster care home who are ten years of age or older have annual background and registry checks; providing staff training on revised policies; considering annual background checks for relative placement; and regularly monitoring a sample of cases to ensure monthly in-person visits are conducted and considering penalties for non-compliance.

Question Two was whether DCF's child placement process helps ensure children are placed

in foster care or adoptive homes with sufficient living space and sufficient financial resources. With regard to this question, LPA found:

- DCF allowed nearly all requests for exceptions (98 percent of approximately 1,100 such requests during one 15-month period), resulting in inadequate sleeping space for some children in foster care;
- DCF did not have an adequate process to ensure licensed foster homes have sufficient financial resources. Current laws and policies are vague with regard to this requirement, and DCF did not verify income information. LPA recommends the requirement be clarified;
- There are few requirements related to capacity, living space, or financial resources for adoptive placements, but few stakeholders had concerns; and
- CPAs both sponsor foster homes and regulate them, which may create a conflict of interest.

LPA recommendations for issues identified through Question Two included ensuring exceptions are thoroughly reviewed and only granted when in the best interest of the child, clarifying the regulatory requirement for "sufficient financial resources," and developing policies and a process to better obtain and verify detailed financial information.

Question Three was whether DCF's criteria for recommendations regarding the removal and placement of children are designed with a family preference. With regard to this question, LPA found that several aspects of the foster care and adoption system are designed to keep family members together, mainly due to federal requirements. Most stakeholders indicated there was an appropriate emphasis placed on this, but some indicated there was too much emphasis.

Part Two of the report dealt with Question Four, which was whether DCF ensures all applicable state and federal laws governing the

foster care system in Kansas are followed. With regard to this question, LPA found:

- DCF had not followed some of the safety and living condition requirements reviewed in Part One of the audit, including some background checks, monthly case-management visits, and financial resource requirements;
- According to 2014 and 2015 statewide single audits, DCF materially complied with most, but not all, federal requirements. The areas with issues involved DCF controls related to monitoring and paying the contractors;
- DCF self-reported data shows Kansas met or exceeded about half of federal outcome requirements for FY 2016. DCF consistently met requirements related to relative and sibling placements, but did not consistently meet requirements related to timeliness or stability; and
- DCF must implement a program improvement plan (PIP) to address issues identified by a 2015 Child and Family Services Review (CFSR).

Part Three of the report dealt with three questions. Question Five was whether the Kansas foster care system has sufficient capacity to provide necessary foster care services. With regard to this question, LPA found:

- Both case management contractors had challenges employing enough case management staff, and a small portion of case managers had high caseload levels exceeding DCF's recommended limit of 30 cases. Both contractors use a team model to alleviate staffing shortages, and some survey respondents indicated staff morale was low due in part to high caseloads and turnover;
- Family support workers within the team model had sufficient education but not always the required experience, in part

because the contractors misinterpreted the contracts' experience requirements;

- Children in foster care received most of the physical and mental health services they needed, with some exceptions where there are inadequate community resources or inadequate processes for determining whether children received needed services, which can be exacerbated by change of case managers;
- It appears many counties and cities did not have enough licensed foster homes to provide local placement options. In some cases, disparate data systems maintained by the two contractors and child placing agencies may have contributed to long-distance placements, and DCF could not monitor if children were placed in appropriate homes, in part due to lack of data collection;
- DCF could be more proactive in monitoring and collecting management information about the foster care system, making better use of existing monitoring tools, capturing additional critical data, and enforcing contractual performance requirements;
- Information DCF maintained was not adequate to ensure children were placed in appropriate foster homes. DCF needs accurate information regarding removals, placements, physical and mental health needs, and foster homes' capacities and preferences. DCF data on children in its custody, including removal and placements addresses, was incomplete and had numerous inaccuracies. Data on licensed foster homes was outdated and missing important open bed information. DCF has recently begun to expand its use of data in overseeing the foster care system; and
- Several children were placed in foster homes that did not comply with licensing standards, but DCF is making significant changes to the inspection process.

Question Six was how the state's performance on federal outcomes for children and families has changed over time. With regard to this question, LPA found:

- Kansas' performance on the 11 federal outcome measures reviewed did not change significantly from 2000 to 2013; and
- While these measures may provide useful insights into Kansas' performance, they have significant limitations, as they are self-reported and unaudited, and should not be used to compare to other states due to lack of consistent national standards and significant differences between child welfare systems.

Question Seven addressed how the cost to the State of directly providing foster care and adoption services would compare to maintaining the current privatized system. With regard to this question, LPA found:

- The State would incur an estimate of up to \$8 million more in on-going costs and significant start-up costs to provide foster care and adoption services instead of private contractors;
- Most of the \$161 million in costs reported by contractors for FY 2016 were related to child placement, salaries and benefits, operating expenses, child care, and transportation. DCF would have spent an estimated \$164 to \$169 million to provide the same services, as well as significant start-up costs; and
- There may be additional factors to consider when comparing privatization to a state-run system, including security of state funding, protection from legal action, access to charitable contributions, and stability.

LPA recommendations for issues identified through the questions in Part Three included DCF continuing to expand its capacity for data-driven decision-making; DCF addressing home

inspection and renewal issues by implementing processes, policies, and procedures to monitor the license renewal process and ensure timely inspections; DCF ensuring children in foster care receive needed physical and mental health services by clearly establishing roles and responsibilities and implementing policies and procedures to ensure consistent documentation of needs and investigation of service provision problems; KVC and Saint Francis Community Services (St. Francis) complying with contractual experience requirements for family support workers, or working with DCF to amend the minimum requirements; legislative committees examining and considering amending case manager licensing requirements; and the LCC considering directing an interim study to gather information on the availability of community-wide resources.

Task Force members requested LPA provide follow-up information regarding the updated rate of waivers for sleep space requirements and a list of follow-up actions DCF has taken in response to the audit recommendations. The information regarding follow-up actions was provided after the meeting and is included in the minutes for this meeting. The updated rate of waivers was provided by DCF at the September 19 meeting.

### ***Other Business***

#### *Working Groups*

KLRD staff reviewed the SB 126 requirements and structure for Task Force working groups.

Following discussion, the Task Force voted to establish three working groups, with each working group assigned two of the topics required by SB 126. The working groups are:

- General Administration of Child Welfare and Foster Care;
- Protective Services and Family Preservation; and
- Reintegration and Permanency Placement.

The Task Force also voted to allow KHI to provide the staff support services to working

groups delegated to DCF by SB 126. DCF will be contracting with KHI to provide these services.

### *Facilitator*

Members discussed various persons and entities to be contacted regarding possible service as a facilitator for the Task Force. The Task Force decided by consensus to hold a telephone conference, open to the public *via* broadcast in a Statehouse meeting room, on August 22 to make a decision regarding a facilitator. (*Note:* This teleconference was subsequently canceled.)

### *Meeting Dates*

For the remainder of 2017, the Task Force voted to establish a schedule of a meeting on the third Tuesday of September, with monthly meetings on the second Tuesday for the rest of the year.

### **September 19 Meeting**

The Chairperson began the meeting with a review of Task Force rules and teleconferencing procedures.

Revisor staff presented an overview of the Kansas Open Records Act and the Kansas Open Meetings Act and their applicability to the Task Force.

### ***Follow-Up Information from August 4 Meeting***

Ms. Armstrong presented the Task Force with information responding to requests from the August 4 meeting, including:

- Data regarding the number of children removed from homes for abuse/neglect reasons and non-abuse/neglect reasons;
- Steps DCF has taken to reduce the number of removals in non-abuse/neglect cases, including policy and form revisions and additional reporting and review requirements;

- Data from contractors regarding number of overnight stays in contractors' offices; and
- Updated percentage of the rate of exceptions granted for living space in foster homes. For 2017 to date, the combined approval rate for living space and capacity exception requests is 86.3 percent.

In response to questions by Task Force members, Ms. Armstrong stated the reduction in non-abuse/neglect removals has resulted from a variety of initiatives, including a new assessment tool and improvement in training, rather than just recategorization of removal reasons. DCF is working to find ways to provide more services to families. A variety of workgroups and DCF are trying to address the needs for increased facilities, beds, and psychiatric residential treatment facility (PRTF) availability.

Task Force members noted DCF is not responsible for providing PRTF placements. PRTFs are private facilities requiring pre-placement screening by managed care organizations (MCOs) for Medicaid payment. PRTF placement and payment are overseen by the Kansas Department of Health and Environment (KDHE) and Kansas Department for Aging and Disability Services (KDADS). Because there are a limited number of PRTF beds available, even when a screening determines a foster child is eligible, there may not be a placement available immediately. Both St. Francis and KVC operate PRTF facilities.

In response to a question regarding possible solutions to address the issue of one-night stays, Rachel Marsh, St. Francis, noted St. Francis has created a PRTF alternative. Issues related to funding, the number of children coming into care, and reinvestment in communities needs to be explored. Ms. Armstrong stated the recent juvenile justice reforms have moved some low or moderate risk offenders back home for community-based services, but where such offenders do not have homes they have entered the foster care system. The Juvenile Justice Oversight Committee has a

data subcommittee that is examining the impact of this on the child welfare system.

Ms. Meier-Hummel noted issues related to Medicaid and out-of-state placements taken to offset income loss may be impacting the availability of PRTF beds.

Task Force members noted the importance of addressing prevention issues, including parental substance abuse.

In response to a question regarding what benefits are available for relative placements, Lindsey Stephenson, KVC Kansas, noted relatives may apply for Temporary Assistance to Needy Families (TANF) benefits or for benefits from the contractor. Daycare assistance also may be provided.

### ***Other Task Force Business***

#### ***Facilitator Proposals and Discussion***

Judge Daniel Cahill introduced staff of the Office of Justice Programs Diagnostic Center, who presented *via* teleconference information regarding their work with states to facilitate evidence-based strategies to public safety issues. They discussed the technical assistance they provided to Nevada in stakeholder coordination and action planning during Nevada's child welfare system reform efforts.

Representative Gallagher reported efforts to locate other possible facilitators had been unsuccessful. After discussion regarding the desired role of a facilitator and timeline to procure a facilitator, the Task Force requested Representative Gallagher continue discussions with the Diagnostic Center regarding Task Force facilitation and voted to approve entering into an agreement with the Diagnostic Center as facilitator.

#### ***Working Group Matters***

The Task Force Chairperson announced the chairpersons and vice-chairpersons of the working groups had been selected:

- General Administration of Child Welfare and Foster Care—Sandra Lessor

(chairperson), Senator Kelly (vice-chairperson);

- Protective Services and Family Preservation—Sgt. David Ohlde (chairperson), Representative Ousley (vice-chairperson); and
- Reintegration and Permanency Placement—Alicia Johnson-Turner (chairperson), Representative Gallagher (vice-chairperson).

Members discussed expectations and questions for the Task Force and the working groups, including:

- The need for caution regarding confidentiality requirements when discussing individual cases within the child welfare system. Individuals may have greater latitude to discuss specific details of individual cases than agency officials have under federal or state law;
- Whether testimony should be received by working groups, the Task Force, or both;
- The charge to and focus of the Task Force is addressing system-wide issues, rather than resolving individual cases, although information arising from individual cases may help identify system-wide issues. Ms. Dryden noted concerns expressed to Task Force members regarding specific cases can be directed to the Ombudsman, Randy Lynd; and
- It could be helpful to provide parameters or prompts for potential testimony to working groups or the Task Force. Several members volunteered to draft a set of possible parameters or guidelines.

The Task Force voted to work toward a hybrid approach to permit testimony to be heard by both the working groups and the Task Force.

## October 10 Meeting

### *Kansas Foster Care Contracts Overview*

Dan Klucas, Deputy Secretary of Operations, DCF, presented the Task Force with an overview of Kansas' two current contracts with KVC Kansas and Sst. Francis. These contracts began in FY 2014 and have been extended through FY 2019. DCF plans to award new contracts for FY 2020.

Each DCF region has a monthly base payment and a monthly variable payment based on the number of children in care in the region. These rates are renegotiated annually. Mr. Klucas provided the Task Force with tables showing contract rates for FY 2014-FY 2018 and sources of foster care funding.

Mr. Klucas outlined the oversight DCF provides for the foster care contracts, including case reads; reviews and monitoring by regional prevention and protections services staff; monitoring of reimbursement, payment, and other financial information by the DCF Office of Financial Management; and audits by DCF Audit Services. In November 2016, DCF established a new Child Welfare Compliance Unit within Audit Services, which will provide independent oversight and review of the system (including both internal DCF components and external contractor components). Initial audits by this unit have been of contractor policies, procedures, and documentation for monthly visits and placements. It has begun work on audits of contractor compliance with contract terms and conditions, as well as the background check process and capacity exceptions.

In response to questions from the Task Force, Mr. Klucas stated consequences for contractors who fail to perform can include repayment, improvement plans, or consideration during the next bidding process. Payments to contractors cover all costs except for Medicaid. Mary Hoover, Audit Services Director, DCF, stated the new Unit had not yet finalized any audits, but the first reports should be complete by January 2018 and available for public review at that time.

Chad Anderson, Chief Clinical Officer, KVC Health Systems, provided the Task Force with

information regarding KVC, which has served as a lead contractor for foster care since 1996. He outlined the oversight system, which includes federal oversight through U.S. Department of Health and Human Services CFSRs; state oversight through DCF administrative reviews, case file reads, and audit services; regional and community accountability through regional DCF and contractor meetings, community advisory boards, and foster parent advisory boards; and quality and fiscal accountability through systemwide financial audits and The Joint Commission (TJC) accreditation. Mr. Anderson provided a list of various data KVC submits to DCF on hourly, daily, weekly, monthly, quarterly, and as-needed bases. KVC maintains an extensive, networked database that generates 691 automated monitoring reports at various intervals. Additionally, reports can be individually queried from KVC's database for research and training purposes.

Mr. Anderson provided the Task Force with a graphic showing the "KVC Family Centered Practice Model" and noted that currently almost 50 percent of KVC youth are placed with a relative or non-related kinship provider and 77 percent of siblings are placed together. He also noted KVC provides a minimum of a full year of aftercare services after permanency is achieved, and Kansas' strength in aftercare services has drawn national attention.

In response to questions from Task Force members, Mr. Anderson stated mental health services remain a large need in the child welfare system, and substance abuse and ability to access care are also large issues to be addressed; KVC provides up-front training to staff regarding trauma-informed care; and most children in KVC Kansas PRTF beds have been in-state historically, but recently other states have become interested in accessing beds due to KVC's reputation for taking the most difficult youth. Currently, there are no requirements that PRTFs take any particular youth.

In response to a question regarding denied PRTF screens, Ms. Stephenson stated the denials came from multiple MCOs, and KVC does not work with one MCO more than another.

In response to questions regarding firearms, Mr. Anderson stated foster homes are required to report having firearms and must keep them locked and stored separately from ammunition, which also must be locked. These requirements also apply to kinship placements.

In response to further questions, Mr. Anderson stated 70 percent of KVC foster parents are trained in trauma-informed care; KVC makes training available to police departments; and although foster parents have said the required training for them should not be reduced, KVC has been trying to find ways to expedite the process and reduce the barriers to becoming a foster parent.

Cheryl Rathbun, Chief Clinical Officer, St. Francis, presented the Task Force with information regarding St. Francis. St. Francis' service design centers on practices that are family-centered, community-based, evidence-based, and trauma-informed. She highlighted four aspects demonstrating St. Francis' commitment to family-centered care:

- Family engagement standards;
- Tools and trainings for effective family and child assessment;
- Case planning techniques targeted to the assessed needs of the children and families; and
- Service coordination that meets the needs of the child and family.

Ms. Rathbun continued by providing details, examples, and resources for each of these four components, as well as a visual summary of St. Francis' methodology.

Ms. Rathbun presented information to the Task Force regarding monitoring of child welfare services. She noted oversight, accountability, and monitoring occurs at the individual child level, the organization level, the community level, the state level, and the federal level.

Judicial oversight occurs through Kansas courts' supervision of every child in foster care

and application of federal laws, such as the Adoption and Safe Families Act (ASFA), and state laws, such as the Revised Kansas Code for Care of Children (CINC Code). Courts hold adjudication, review, and permanency hearings in each case. Contract standards establish processes and protocols to ensure courts are receiving necessary information from the contractors, and local and community practice standards may exist that require certain communications. Guardians *ad litem* conduct independent investigations and advocate for the best interests of their child clients. Volunteer or court-appointed entities, such as Court Appointed Special Advocates (CASAs) or citizen review boards, may provide additional monitoring.

Oversight from the executive branch of state government occurs through standards set by the U.S. Department of Health and Human Services Children's Bureau and DCF.

St. Francis maintains accreditation through TJC and has several internal monitoring processes, including an internal department that reviews quality of services to individuals and families and attempts to improve identified needs. A number of relevant reports are generated at different intervals to help assess performance of the system. St. Francis also has risk management and customer care processes.

The Kansas Legislature provides oversight through legislator inquiries, legislative post audits (36 of which have occurred since privatization), and standing, special, and interim committees.

In response to questions from the Task Force, Ms. Rathbun stated PRTFs were created in 2007 to try to shorten congregate stays and get to family-life settings more quickly; foster children have different needs than an average person when it comes to residential treatment, and the community may not have the mental health services needed; MCOs are given guidelines for PRTF screenings, and interpretation and application of these guidelines has become more standardized; a High Needs Task Force has recently been meeting to develop solutions for high needs youth, and its final report should be available soon; St. Francis has been working with DCF to increase the number of youth residential center beds, although

these facilities are not intended to serve high-needs youth like PRTFs are; average length of stay in PRTFs used to be up to 14 months, then came down to about 120 days, and now is closer to 40-60 days; the reduction in length of PRTF stay was driven by MCO screening and authorization; in St. Francis' experience, the 120-day average stay length seemed to produce the best results for youth in foster care; and acute care stays have more than doubled as PRTF stays have shortened.

### ***Follow-Up Information from September 19 Meeting***

The following DCF representatives presented the Task Force with information responding to requests from the September 19 meeting: Ms. Armstrong; Susan Gile, Program Administrator, Assessment, Prevention and Interstate Placements; and Tony Scott, Deputy Director of Performance Improvement. The information presented included:

- Change in categories for assessments for removal and current categories and process;
- Change in removal numbers;
- Clarification regarding categorization of drug and substance abuse;
- Efforts to recruit foster families;
- Assistance to relative placements; and
- Overview of data and assessment program and prevention program.

In response to a question regarding reducing the number of children removed for non-abuse/neglect reasons, Ms. Gile stated community health, PRTF, and prevention services would help reduce these numbers.

In response to questions regarding the difference between relative and kinship placements, Ms. Armstrong explained kinship placements are with someone with existing strong emotional ties to the child but do not have to be

with a relative. Relative placements do not have to be licensed, but non-relative kinship placements do have to be licensed. Reimbursement rates for non-licensed relative, pre-license (temporary) kinship, and licensed kinship placements may differ.

### ***Other Task Force Business***

#### *Facilitator Status Update*

Representative Gallagher reported the Office of Justice Programs Diagnostic Center, which had presented at the September 19 meeting regarding possible facilitation, had informed her it would not be able to serve as a facilitator for the Task Force. She reported she had had initial conversations with Casey Family Programs regarding its ability to serve as a facilitator. Senator Kelly reported she had been working with the Annie E. Casey Foundation on a future Task Force presentation and could visit with it regarding possible facilitator services.

The Task Force voted to authorize Representative Gallagher and Senator Kelly to continue researching Casey Family Programs and the Annie E. Casey Foundation as possible facilitators for the Task Force, and to enter into an agreement with a facilitator if their evaluation proves positive.

#### *Working Group Updates*

KLRD staff reviewed the structure established by SB 126 for the Task Force and working groups and for the working group membership selection process. The chairpersons of each working group reviewed the membership of his or her respective group and plans for upcoming working group meetings. (Working group membership lists are attached as Appendix A.) The chairpersons of the General Administration of Child Welfare and Foster Care and Reintegration and Permanency Placement working groups provided preliminary reports of their initial meetings. (Full reports of these meetings are attached to this report as Appendix B.)

#### *Testimony Parameters Discussion*

KLRD staff presented a memorandum containing selected statutes and court rules

addressing the confidentiality of information related to the child welfare system.

Two members distributed a draft they had prepared of a proposed application for submission of testimony from the public. Members discussed possible time limitations and the need to determine when submitted testimony would become part of the public record. The Chairperson asked members to review the proposed application for further discussion at the November 14 meeting.

### *Missing Children*

A member noted a news article published that day, October 10, reported there were three children missing from a foster home and asked for a response from DCF and the contractor representatives. Secretary Gilmore and Mr. Anderson provided information regarding protocols for missing children. A member stated the Secretary and other DCF officials at the state level should have more current information regarding children missing from placements. Representatives of St. Francis and KVC reported there were 38 children currently missing from placements made by each contractor (76 total). The Vice-chairperson requested DCF and the contractors provide the Task Force with monthly updates of the number of children missing from foster home placements. A member suggested the Task Force or a working group further explore the potential impact of recent juvenile justice reforms on the number of missing children.

### **November 14 Meeting**

#### ***Overview of Courts' Role in and Judicial Perspective on the Child Welfare System***

The Honorable Taylor Wine, district magistrate judge in the Fourth Judicial District, provided the Task Force with an overview of a magistrate judge's role in the child welfare system. While magistrate judges have limited jurisdiction, this jurisdiction does include CINC cases. In these cases, magistrate judges oversee the temporary custody hearing, adjudication, disposition, and review hearings. Judge Wine highlighted a number of areas for improvement in the child welfare system, including:

- **Time devoted to cases.** Perhaps a maximum caseload for each caseworker could be implemented, or assistance could be provided to caseworkers in the same way paralegals provide assistance to attorneys;
- **Communication between DCF, subcontractors, and the courts.** This can be a consistent source of problems in the courts in determining which entity is responsible for which task, but at the end of the day, DCF bears ultimate responsibility;
- **Continuity between caseworkers.** The turnover rate is high and creates issues, so transitions between caseworkers needs to be improved;
- **Availability of prompt services.** Drug, alcohol, and mental health services are especially needed. While DCF and the contractors are to be credited for being aware of the services that are available, caseload, funding, and transportation issues are keeping the full amount of services needed from being delivered;
- **Accurate and timely reports to the court.** Judge Wine tries to review each case every 60-90 days, and accurate, timely reports from subcontractors are critical to this review, but inaccurate and delayed reports continue to be a problem across the state. Courts and the Task Force should recommend accurate reports be filed at least seven days in advance of a court date;
- **Realistic reintegration goals.** Contractors sometimes set reintegration goals that are higher than the minimum standards required of parents by law, requiring Judge Wine to overrule their recommendations to achieve reintegration; and
- **Prompt adoptions.** Timely approval of adoptions for children in foster homes by DCF has been an issue, although it is improving. Judge Wine encouraged the

Task Force to recommend prompt and strict timelines for agency adoptions.

Judge Wine also noted, effective July 1, 2019, a juvenile detention center can no longer be used in a CINC case, which may complicate cases involving children who run from placement. The system will need to adjust to address this issue, perhaps through providing more residential treatment facilities or alternative secure beds.

In response to questions, Judge Wine noted not every judicial district has magistrate judges, which are more prevalent in the rural areas of the state. Judge Wine believes the CINC Code and due process requires parents be provided with the opportunity for an evidentiary hearing and counsel for temporary custody hearings, although there is a difference of opinion as to these requirements and some judicial districts handle them differently.

Judge Wine stated judges have the authority to directly place children, but have more limited control over placement after placing the child in DCF custody.

Judge Wine clarified that DCF does not have the authority to remove children from a home on its own. A child may only be removed in two ways: with a valid court order obtained after DCF has presented the information supporting removal to the county or district attorney's office, or by law enforcement in an emergency situation *via* PPC.

Judge Wine stated a normal timeframe for an in-state adoption, with no delays, would be six to nine months.

Judge Cahill provided the Task Force with an overview of the CINC process. He noted the Office of Judicial Administration had provided Task Force members with copies of the CINC bench cards that help judges complete every step of a CINC case.

Judge Cahill noted a small number of CINC cases are filed as private petitions, but most are cases filed by the State that begin either with a DCF investigation leading to the filing of a petition by the county or district attorney and the

issuance of a court order for removal, or with law enforcement removal of a child *via* PPC.

Judge Cahill stated that requirements under the CINC Code may be interpreted and applied in different ways in different judicial districts. For instance, Judge Cahill does not believe the CINC Code structures temporary custody hearings as evidentiary hearings, but some judges in other judicial districts do.

After walking through the process from the temporary custody hearing to disposition, Judge Cahill stated direct placement would be good to use in every case, but the statutory and contractual structure for family preservation services and reintegration efforts make such services and efforts easier to provide through a DCF placement, so he sometimes tries to arrange placement through DCF with a family he otherwise would have used for a direct placement.

In response to questions, Judge Cahill provided further detail regarding the PPC process in his district. After law enforcement removes a child from an unsafe situation, they will take the child to the local juvenile intake or assessment, unless there is reason to believe the child is a human trafficking victim, in which case the child may be taken directly to the specified facility for such cases. Law enforcement will report what information they can to the district attorney's office as well as DCF for investigation, if DCF has not yet been notified. DCF will begin communication with the district attorney's office to determine if a CINC petition should be filed and will attempt to find an immediate placement with a home or relative, although an emergency shelter may have to be used.

Ms. Lessor clarified that PPC can extend for up to 72 hours, and while DCF may be investigating the child's case, it remains the decision of law enforcement or the county or district attorney if and when to release the child from PPC, unless a court order has been entered.

In response to questions, Judge Cahill stated a previous termination of parental rights (TPR) does not create a presumption of a child-in-need-of-care in a different child's case, but it does create a presumption of unfitness in a subsequent TPR

proceeding; he believes Judge Wine identified some of the most important issues related to the child welfare system; DCF's determination that a report is substantiated, unsubstantiated, or affirmed does not affect the court's weighing of the evidence in a case; it would be helpful if services were easier to provide when direct placements occur; while federal and state law require annual permanency hearings, review is needed more often, so he holds review hearings every 90 to 120 days; and recent changes in state and federal law have provided older children with the opportunity to provide more input regarding their permanency plans and other decisions in their cases.

### ***Follow-Up Information from October 10 Meeting***

Steve Greene, Director of Policy and Legislative Affairs, and Tony Scott, Deputy Director of Performance Improvement, DCF, presented the Task Force with information responding to requests from the October 10 meeting, including:

- Criteria for enforcement of contracts;
- The most recent child welfare-related audit available for review;
- Ratios between administration and services costs for contractors;
- Breakdown of active foster homes and licensed beds by various categories;
- Payments for relative home placements;
- Placement type reports;
- Data on removals where parental substance abuse was a contributing factor;
- Updates on the number of missing children and ages;
- Number of PRTF beds provided by KVC;

- Required training for therapeutic foster homes; and
- Lists of subcontractors for KVC and St. Francis.

In response to a question regarding possible effects of recent TANF legislation on the foster care system, Mr. Greene stated DCF was currently analyzing the data related to this question and would update the Task Force when the analysis was complete. Representative Gallagher noted an upcoming report and conference at the University of Kansas that also was analyzing the possible effects of TANF policies on child abuse and neglect.

Senator Kelly asked if anyone present from DCF could respond to a recent article in the Kansas City Star stating that notes were shredded following DCF meetings. Mr. Greene said the only documents that were shredded were ancillary notes of observation during an interview.

### ***Other Task Force Business***

#### *Working Group Reports*

Carlie Houchen, KHI, presented the Task Force with reports from each working group from the October and November working group meetings. (Working group reports are attached to this report as Appendix B.)

#### *Testimony Parameters and Process*

Task Force members continued the discussion from the October 10 meeting regarding potential parameters and processes for public testimony, including the draft testimony application distributed at the October 10 meeting. A member reported KHI was willing to provide assistance in creating an online application form for submitting testimony, receiving applications and testimony, and forwarding the applications and testimony to the appropriate working groups. Members expressed a desire to provide an alternate means for submitting testimony for persons who have limited online access, as well as a desire to publicize the opportunity to testify to interested parties and groups throughout the state.

The Task Force voted to allow testimony to be submitted electronically and *via* alternative means to KHI for forwarding to the appropriate working group chairs, who may forward to Task Force leadership any testimony that may be of interest to the entire Task Force.

### *2018 Schedule*

Members discussed a proposed schedule of six meetings in 2018 to be held in April, June, August, September, November, and December. KLRD staff reported that a request for six meeting days is pending before the LCC. A member proposed having a meeting in January or February instead of December. Further discussion was postponed until the December meeting.

### **December 12 Meeting**

The Vice-chairperson chaired the December 12 meeting and began the meeting by noting that Ms. Meier-Hummel had been appointed the new Acting Secretary for Children and Families, effective December 1, and that Gail Cozadd had been appointed to fill the Task Force position vacated by Ms. Meier-Hummel, who by virtue of her position would be continuing on the Task Force as a non-voting member.

### ***Overview: History and Privatization of Kansas Child Welfare System***

A panel of persons who served in or observed the child welfare system during the privatization process presented the Task Force with their observations regarding privatization. The panelists included: Rochelle Chronister, former Secretary of Social and Rehabilitation Services; David Ranney, journalist; Bruce Linhos, former executive director, Children's Alliance; the Honorable Jim Burgess, former district court judge; Teresa Markowitz, former commissioner, Department of Social and Rehabilitation Services (SRS); and Laura Howard, former deputy secretary, health care policy, SRS.

### *Overview and Vision*

Ms. Chronister began by noting her background as a legislator and research virologist, which kept her focused on data-driven outcomes throughout her career. A class action lawsuit filed

in 1989 regarding the child welfare system led to a settlement agreement in 1993 that focused on child protection, case planning, and adoption. Some of the issues facing the system at the time included heavy caseloads for social workers and a failure to deliver services equally across the state. As Secretary, Ms. Chronister wanted to assure the safety, permanency, and well-being of children being served in the system; provide equitable services across the state; use outcomes to measure achievement, not just process-laden reviews such as those in the settlement agreement; and eliminate the previous incentive to keep beds full. Before Ms. Chronister left the Legislature, the Juvenile Justice Authority was established as a separate agency to distance child welfare from the juvenile justice system. Her experience in the Legislature led Ms. Chronister to realize a radical solution to the issue in the child welfare system was needed, especially to obtain increased funding for the system. This radical solution was privatization. While there was fear of change in the agency, by the end of the transition to privatization Kansas was being recognized as having one of the best child welfare systems in the country.

### *Public Perspective*

Mr. Ranney presented a public perspective on the privatization process. He noted the pre-privatization system was dependent on social workers personally finding placements for children who came onto their caseloads and there was heavy reliance on large group homes. SRS repeatedly warned the Legislature it did not have sufficient funding for the system, and non-profit organizations said they could provide care for more children with additional funding. A guardian *ad litem*, Rene Netherton, filed the lawsuit in January 1989, accusing SRS of failing to care for children in its custody, that ultimately was joined by the American Civil Liberties Union and led to the 1993 settlement agreement. While the 1989 Legislative Session featured extensive debate regarding child-protection efforts and child advocates lobbied for an additional \$40.7 million to address these issues, ultimately the funding increased only \$5.0 million. SRS failed several quarterly audits after the settlement agreement, and Governor Graves' administration ultimately chose to privatize the system, which allowed the State to sidestep most of the court's rulings. The issues leading to and involving privatization

bridged three different administrations, but money has always been an issue. Under privatization, more money did become available and outcomes improved. The purpose of privatization today seems more focused on containing costs, but initially it was about improving outcomes.

### *Provider Perspective*

Mr. Linhos, presenting a private provider's perspective, noted before privatization some children waited up to two weeks for emergency placements. There was a level of care system organized by the level of difficulty of the children, and a social worker would fax various agencies at the appropriate level of care to try to find a placement. SRS was contracting with about 50 agencies around the state. There were no benchmarks or rational standards for outcomes. The system was driven by residential care, which meant that the children had to go where the beds were located, moving them away from their own homes. The approximately 1,200 foster homes were largely provided by SRS. The private providers supported privatization because the lead agency model could help address other agencies' needs and better cost knowledge could improve funding. There were challenges during privatization as agencies were being asked to do things they had not previously done and an increased budget was being managed through a subcontractor network. Despite the challenges, the system improved a great deal, including the data available and establishment of data-driven outcomes.

### *Plans and Design for Reform*

Ms. Markowitz noted her current role with the Annie E. Casey Foundation (focusing on reforms for child welfare systems and juvenile justice systems) and outlined some of the reform priorities for Kansas' child welfare privatization that continue today, including:

- Access to equal services across the state;
- Stronger partnership with local providers and promoting innovation;
- State worker focus on protective services (their strength);

- Increased use of family-based care (including kinship);
- Keeping siblings together and keeping youth closer to home and in the same school;
- Strengthening recruitment and retention of foster parents;
- Reducing congregate care use;
- Reducing placement disruptions and moves (with each additional move, a child typically displays one additional negative behavior); and
- Focus on outcomes.

Ms. Markowitz discussed the initial design of the privatized system, beginning with four-year contracts with six local providers in 1996. SRS retained investigations, child protection, and oversight and contracted family preservation, foster care, and adoption. The lead agency model reduced the number of contracts the state had with providers, allowing lead agencies to subcontract as necessary. The system was intended to focus on outcomes related to safety, performance, and well-being, rather than just processes, and to generate timely and accurate data to make decisions and to improve the system as experience was gained. Ms. Markowitz reviewed some of the outcomes achieved in the first three years of the privatized system, including successfully exiting the settlement agreement, being named the best child welfare system in the nation, family preservation services available for 100 percent of Kansas counties, a majority of families being preserved, adoption increase of 81 percent, significant increase in foster homes, and all safety indicators being met.

### *Court Perspective*

Judge Burgess provided a judicial perspective on privatization, noting the courts were not involved in the decision to privatize. Before privatization, SRS was struggling to provide the necessary services. Privatization was hard work, as

many new workers immediately entered the system. He sat down with the contractors and laid out expectations and began meeting every month with the various individuals involved in the system locally to discuss what was working or not working. Judge Burgess stated this kind of communication is required to make the complex system work. He noted that contractor stability within a judicial district makes it easier to maintain communication, and that districts where the relationship between the court and SRS or the contractor was more adversarial experienced much more difficulty.

### *Financing and Cross-System Implications*

Ms. Howard discussed financing and cross-system issues involved with privatization. Because the focus of the new system was managing to outcomes, it was important the financing design complemented this focus and provided flexibility to contractors for innovation. Financing provisions included an initial case rate of a fixed amount per child and establishment of a shared risk corridor. There was no direct link between performance and payments because there were not yet benchmarks for outcomes. The case rate bundled State General Fund moneys, federal Title IV-E funds, and federal Medicaid funding. Because of limitations on use of federal funds, state dollars had to be used for certain innovative services. SRS talked with contractors about how to capture data related to outcomes, which helped to establish outcomes to guide contractors.

Cross-system issues that arose during privatization included lack of clarity regarding financial responsibilities for certain services; differences between contractors focused on core outcome measures and other systems with a different focus; and differences in priority populations across systems.

### *Insights and Lessons Learned*

Ms. Chronister returned to highlight lessons learned and insights from the privatization process, including:

- Length of contracts were too short;
- Needed to define differences between SRS case manager and provider case manager;

- Needed to involve more stakeholders at front end, including the courts and foster parents;
- Needed better oversight of programmatic and financial progress of providers;
- Needed more upfront training of foster parents and youth; and
- Decision to not do a pilot program was the correct decision.

Ms. Chronister noted the number of children in the system was likely to continue to rise due to the opioid crisis, and one of the first areas of focus going forward should be what resources can be directed toward that crisis.

### *Positives and Areas for Improvement Identified from 2015 Data*

Ms. Markowitz returned to review some positives and areas for improvement for the Kansas child welfare system based upon data from the 2015 Adoption and Foster Care Analysis and Reporting System (AFCARS) report. She noted the data is interrelated and often requires a deeper dive to better understand. For example, when a death occurs in the child welfare system, it is likely that entries into the system will increase and exits will decrease, increasing the number of children in the system, as entities within the system err on the side of caution. She noted a number of strengths for Kansas, including:

- High rates of placement in family-like setting compared to other settings;
- Low rate of group care placements; and
- Low rate of stays under 30 days (children with such short stays should not enter the system in the first place, but note this low rate will affect Kansas' overall length of stay numbers).

Ms. Markowitz highlighted some data-identified areas for more assessment and improvement in Kansas, including:

- Entry and placement rates for African-American children compared to other ethnic groups;
- Number of entries double the number of children substantiated for maltreatment (so high there is no comparison nationally);
- Entries rising overall and particularly for ages 6 to 12 (rise in this age range is unique); and
- High number of youth aging out without a permanent family.

### *Responses to Questions*

In response to questions regarding the regular meetings he held with local system stakeholders, Judge Burgess stated his district also had a local permanency planning council, similar to the state council, as well as a group focused on difficult placements and a group for front-line workers. SRS provided a coordinator to help organize these meetings. The attendees at the meetings included personnel from DCF, KVC, CASA, local mental health groups, court services officers, and prosecutors. While there were agendas with issues set for discussion, there also was value in developing lines of communication and trust. He stated the judiciary is in the best position to bring the various stakeholders together locally, but the stakeholders have to be willing to attend and participate without feeling forced to do so. The focus was not on what anyone has done wrong in the past, but what can be improved moving forward. He stated the system must be constantly focused on improvement or else it will fall behind.

In response to various questions, Ms. Markowitz stated no two states are alike in their approach to licensing and payment for relative and kinship care, but her own view is that states should pay relatives or kin for placements the State determines are necessary; technology can help improve the efficiency of data entry for social workers and allow them to focus more on the families on their caseloads; there is a natural break in cases between protection and placement services that allows for different caseworkers, but the goal should be to maintain the same placement

caseworker; data shows that relative and kinship care is the best practice, is most cost-effective, and has the best outcomes; there are unique family dynamic impacts that have to be addressed in relative placements that are not present in non-relative foster placements; the Annie E. Casey Foundation has worked with the State of Indiana to develop a new child welfare case management system called Casebook, which was implemented with the assistance of some federal funding; and during privatization, SRS had a task group working with the children's rights groups to address the outstanding issues from the settlement agreement and evaluate processes that were necessary or not, leading to the development of simpler accountability measures for contractors to meet under privatization.

Mr. Ranney noted privatization was very controversial with social workers, which Secretary Chronister addressed by holding an open meeting to increase transparency and address questions and concerns. This developed into meetings regularly held by SRS before the budget proposal and after the legislative session, but they ended under Secretary Rob Siedlecki.

In response to a question regarding the additional \$5 million in funding provided in 1989, Ms. Chronister stated the funding was for additional social workers. With regard to advice moving forward, Ms. Chronister stated the system must continue to move forward in some way, or else it will move backwards. Ms. Markowitz added that the best place to start is to take a deep look at the data and look at everything in totality, avoiding anecdotes in favor of qualitative and quantitative data. She has offered her assistance to Acting Secretary Meier-Hummel in this regard.

In response to a question regarding the oversight initially established for contractors, Ms. Markowitz stated 15 to 20 social workers were reassigned to oversee the contracts and review monthly reports that were submitted to be sure requirements were being timely met. A mistake made with the initial contracts was setting outcomes based around the providers, rather than based around the children in the system, which would have increased the investment the state workers had in the system.

## ***Overview: Roles of Department of Health and Environment and Department for Aging and Disability Services in Child Welfare System***

Becky Ross, Medicaid Initiatives Coordinator, KDHE, Brad Ridley, Commissioner of Financial and Information Service, KDADS, and Susan Fout, Commissioner of Behavioral Health Services, KDADS, presented the Task Force with an overview of the KDHE and KDADS roles within the child welfare system.

KDHE and KDADS serve two principal roles in the child welfare system: They serve as a payor for medical services, behavioral health and long-term services and support, and health insurance up to age 27 (if on Medicaid), and they provide oversight for PRTFs, community behavioral health services, and home and community based services (HCBS).

The departments' duties in these roles include paying for medically necessary services, including HCBS and behavioral health services, through MCOs; defining services in state plan and HCBS waivers; setting policies governing services and minimum rates; and licensing and regulation of certain providers.

Foster children are automatically eligible for Medicaid and, if they age-out of the system, they may apply for continuing Medicaid coverage until age 27. Children adopted from foster care also are eligible for Medicaid.

There are four HCBS waivers for which foster care children may be functionally eligible: serious emotional disturbance (SED), intellectual and developmental disability (I/DD), autism, and technology assisted (TA) waivers.

Children in foster care also can receive treatment in a PRTF if they are Medicaid-eligible and it is determined to be medically necessary. Alternatively, children can receive services *via* private insurance as primary payor. PRTFs provide out-of-home treatment when mental health needs cannot be met in a community setting. These needs may arise from an identified mental health diagnosis, substance use diagnosis, sexual abuse

diagnosis, or mental health diagnosis with co-occurring disorder.

As of November 24, 2017, there were 8 licensed PRTFs in Kansas providing a total of 272 licensed beds.

Community behavioral health services, through a community mental health center or substance use disorder provider, may be provided under Medicaid if medically necessary. Services also may be provided *via* private insurance as primary payor.

In response to questions from the Task Force, the presenters stated the MCOs are for-profit entities; there is a staff member assigned to assist aging-out youth in applying for continuing Medicaid coverage; there is a special procedure for children who are reintegrated into a home to apply for Medicaid coverage to continue; KDHE is dependent on DCF for information regarding when a child is being reintegrated from foster care; there currently is a waiting list for PRFTs, and KDHE and KDADS are working with MCOs and community mental health centers to try to address that; PRTF beds that are open may not be available to particular youth on the waiting list due to specific characteristics of the bed or the youth; there was a change in PRTF business models about 6 or 7 years ago and more out-of-state youth began coming in to Kansas PRTFs; one PRTF recently closed due to financial issues; three PRTFs have recently requested licensing of additional beds, and some of these additional beds should be available within 60 days; KDADS is starting a pilot program with community mental health centers to begin providing services to children on the PRTF waiting list; there appears to be a discrepancy in average length of stay numbers for PRTFs between KDHE and KDADS and the contractors that they will attempt to resolve; KDADS is developing a policy that would require permission for PRTFs to take out-of-state children, but this is a complex issue; some MCOs may be conducting screenings for both in-state and out-of-state children; KDADS is trying to develop crisis beds for children on the front end and back end of PRTF stays to begin offering services while waiting for the PRTF to be available and to help with transition when leaving the PRTF.

The Vice-chairperson noted that while the screening definitions are intended to be consistent across MCOs, in practice, the interpretation and application of the definitions appears to differ, and this is an area needing additional work. MCOs also seem to have affected the changing length of stays in PRTFs.

### ***Follow-Up Information from November 14 Meeting***

Acting Secretary Meier-Hummel provided a brief overview of her background in the child welfare system and outlined her initial plans, priorities, and vision for DCF, including:

- Transparency with the public, Task Force, and media;
- Leadership role in the Task Force and broader conversation;
- Focus on best practices;
- Top-to-bottom review of the agency and conversations with staff, contractors, foster parents, and birth parents;
- Contract compliance and contractor performance;
- Dedicated staff and increased communication and reporting regarding runaways and other children missing from the system;
- Increased availability of beds and prevention services;
- Review of child deaths and similar tragedies; and
- Staff changes.

In response to questions about efforts regarding missing children, Acting Secretary Meier-Hummel stated there were 79 children missing as of noon, 65 of which were verified as runaways. Five of the children have never been

served an *ex parte* order, as their family hid them or fled before served. One child is a parental abduction case. There are eight children DCF is still trying to verify as runaways. DCF has a team of staff with law enforcement and military backgrounds that is looking for the children. DCF also is trying to notify law enforcement agencies in other locations if it believes a missing child's location may have changed. Judge Cahill stated that one of the important roles of the court is to be sure the policies are being followed for notifications and reporting when a child goes missing. In response to a question, Judge Cahill stated it would be unlikely an *ex parte* order would be withdrawn when a child reaches the age of 18. Acting Secretary Meier-Hummel noted she is going to be discussing border issues with Missouri, including that Missouri will not pick up missing children over the age of 18.

Acting Secretary Meier-Hummel presented the Task Force with information responding to requests from the November 14 meeting, including:

- Information regarding previous enforcement of corrective action plans or monetary fines against contractors;
- Previous contract renegotiations;
- Data regarding children in foster care who are receiving TANF or Social Security;
- How child support and social security payments are prioritized;
- Correlation between children in foster care, recent TANF legislation, and child poverty;
- Historical DCF budget information;
- Definitions related to relative and kinship care and licensing; and
- Placement types utilized by each contractor.

In response to questions, Acting Secretary Meier-Hummel stated she would be reviewing DCF's contract management to identify areas for improvement; DCF can open a family services case to provide prevention services to families in non-abuse/neglect cases, as long as the family agrees; and DCF is going to investigate and consider ways to adjust relative placements and licensing to try to access additional federal Title IV-E funding.

### ***Other Task Force Business***

#### *Facilitator Update*

Representative Gallagher reported there has been conversation regarding contacting Casey Family Programs or the Council of State Governments to serve as a facilitator for the Task Force. She requested guidance from the Task Force. Judge Cahill suggested contacting Casey Family Programs to see if it could present regarding possible facilitation at the first meeting in 2018. The Vice-chairperson noted Acting Secretary Meier-Hummel's willingness to help obtain a facilitator and requested the Acting Secretary, Representative Gallagher, Judge Cahill, Senator Kelly, and KLRD staff make arrangements to further explore Casey Family Programs' ability to provide facilitation to the Task Force.

#### *Working Group Updates*

Hina Shah, KHI, presented the Task Force with reports from each working group from the October and November working group meetings. (Working group reports are attached to this report as Appendix B.) Ms. Shah noted the working groups are hoping to have preliminary recommendations to the Task Force by July 2018 to provide the Task Force with time to consider the working group recommendations and testimony and to request any necessary follow-up information. The working groups anticipate the testimony application process will be ready in January 2018, with testimony focused on the preliminary recommendations developed by the working groups, similar to legislative testimony on a bill.

The Vice-chairperson and Revisor staff noted submitted testimony would be reviewed by working group chairpersons and vice-chairpersons

to determine which testimony should be submitted to or heard by the working groups.

### *2018 Schedule Discussion*

The Vice-chairperson outlined a proposed structure for 2018 Task Force meetings. The next meeting would be held February 2, 2018, and would include a report from the Acting Secretary on her review of DCF and intended plans for performance improvement, a report from KDHE and KDADS on KanCare 2.0 plans for foster care coordination, and an update on promising practices identified by working groups. The subsequent meeting would be held in mid to late April 2018 for reports and promising practices updates from working groups and an update on legislative activity by KLRD staff. Meetings in June, August, and October would focus on final reports from working groups and hearing testimony as recommended by the working groups. Final report discussion would begin at the October meeting, and the report would be finalized at the December meeting.

Finally, the Task Force moved into discussion of concerns and recommendations to be included in the preliminary report, as detailed in the next section.

## **PRELIMINARY FINDINGS AND RECOMMENDATIONS**

The Task Force discussed concerns and recommendations to be included in the preliminary report. The Vice-chairperson noted Acting Secretary Meier-Hummel has already announced plans to address many of the concerns, and that the preliminary report will not be the final report made by the Task Force and will not contain an all-inclusive list of findings and recommendations, but could serve as a good guide for the Task Force in 2018 and provide information to legislators and others.

Following discussion, the Task Force identified the following concerns regarding the child welfare system:

- High turnover levels of social workers due to stress, excessive caseloads, and low pay;

- Excessive caseloads and limited funding affect timely response for needed services;
- The increasing numbers of children and youth who are forced to sleep overnight in child placement agency offices because there is nowhere else for them to go after being removed from their homes;
- A significant decrease in number of beds for children and youth in PRTFs in Kansas;
- The number of children and youth who are missing from the State's child welfare system at any given time;
- An antiquated set of various computer systems within DCF prevents communication between computers within the DCF, as well as between DCF and the two child welfare system contractors;
- Excessive length of time for some adoptions to be completed after parental rights are terminated; and
- Lack of additional funding over recent years for family preservation services.
- Continuity of services and recordkeeping need improvement so that caseworker turnover does not affect delivery of services;
- Problems that have led to the closure of several PRTFs for children and youth should be addressed so that more PRTFs can be added;
- DCF should evaluate and explore options for combining stand-alone computer systems into a consolidated system, to respond to the recent LPA audit and the federal Program Improvement Plan. Such consideration should include availability of federal matching funds and the system implemented by Indiana. DCF should provide the Legislature with a clear recommendation for computer system improvement and the Legislature should provide the funding required for any necessary feasibility study;
- Prompt adoptions after parental rights are terminated, though improving, need further attention;
- Issues regarding youth who run from placement should be addressed, including evaluation of what facilities could be used for such youth;

The Task Force adopted the following preliminary recommendations:

- A multi-year focus on recruitment and retention of social workers should be implemented, including DCF evaluation of the morale and tenure of the work force;
- Long-term incentives, supports, career path (advancement), professional development, ongoing training, supervision, student loan forgiveness, and competitive compensation for social workers who work in the child welfare system should be developed;
- There should be consideration of preventative services that could be added or increased;
- DCF should review the evolution and continuum of placements used over the years; and
- The effect on the child welfare system of the consolidation of juvenile services within the Kansas Department of Corrections should be considered.

## Appendix A

### Child Welfare System Task Force

#### Working Group Members

#### General Administration of Child Welfare and Foster Care

##### ***Task Force Members:***

Sandra Lessor, Chairperson  
Senator Laura Kelly, Vice-Chairperson  
Honorable Dan Cahill  
Dr. Kathy Melhorn  
Mary Tye

##### ***Non-Task Force Members:***

Dona Booe  
Kellie Hogan  
Kathy Keck  
Sarah Oberndorfer  
Loren Pack  
Susana Prochaska  
Erin Rainey

#### Protective Services and Family Preservation

##### ***Task Force Members:***

Sergeant David Ohlde, Chairperson  
Representative Jarrod Ousley, Vice-Chairperson  
Gina Meier-Hummel

##### ***Non-Task Force Members:***

Sarah Coats  
Honorable Erika DeMarco  
Kathleen Holt  
Connie Mayes  
Tara Wallace  
Honorable Taylor Wine  
Kate Zigtema  
Gail Cozadd (effective 12/11/2017)

## **Reintegration and Permanency Placement**

### ***Task Force Members:***

Alicia Johnson-Turner, Chairperson  
Representative Linda Gallagher, Vice-Chairperson  
Mickey Edwards  
Serena Hawkins  
Ashlyn Yarnell

### ***Non-Task Force Members:***

Charlene Brubaker  
Bethany Fields  
Cara Payton  
Lori Ross  
Ruth Schenck  
Nina Shaw-Woody  
Honorable Kathleen Sloan

# CHILD WELFARE SYSTEMS TASK FORCE

## MONTHLY REPORT ON WORKING GROUPS: OCTOBER 2017

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### EXECUTIVE SUMMARY

In October 2017, all three Working Groups met around the October 10th Task Force meeting:

- General Administration of Child Welfare and Foster Care met on October 9<sup>th</sup>—9 of 12 members attended the meeting.
- Protective Services and Family Preservation met on October 10th and all 10 members attended the meeting—8 members were present in person and 2 members dialed in via phone.
- Reintegration and Permanency Placement met on October 9th and 8 of 12 members attended the meeting—6 members were present in person and 2 members dialed in via phone.

These meetings were focused on introductions, networking, education, knowledge needs, and issue identification.

Each chairperson/vice chairperson worked with the Kansas Health Institute (KHI) to schedule the meeting and prepare meeting agendas.

KHI facilitated brainstorming sessions for two of the three Working Groups to identify issues and knowledge needs (including testimony).

The Working Group on General Administration of Child Welfare and Foster Care invited Dawn Rouse from the Office of Judicial Administration to present information regarding federal mandates as they relate to child welfare statutes and policy.

Two of the three Working Groups requested Kyle Hamilton from the Office of the Revisor of Statutes to discuss the Kansas Open Meetings Act (KOMA)/Kansas Open Records Act (KORA) to their Working Group members.

## GENERAL ADMINISTRATION OF CHILD WELFARE AND FOSTER CARE

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**Meeting Date/Time:** October 9, 2017 | 01:30 – 04:30 PM

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**In-Person Attendees (9):** Sandra Lessor (Chair); Senator Laura Kelly (Vice Chair); Judge Dan Cahill; Mary Tye; Dona Booe; Sarah Oberndorfer; Loren Pack; Susan Prochaska; Kathy Keck

**Remote Attendees:** none

**Unable to Attend (3):** Erin Rainey; Dr. Kathy Melhorn; Kellie Hogan

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**Other Attendees (10):** Dawn Rouse (presenter); Representative Linda Gallagher; Rachel Marsh; Steve Greene; Samuel Mil Holland; John Paul Grauer; Ben Frie; Donna Frie; Hina Shah; Krista Elliott

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### MEETING SUMMARY

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After introductions, Dawn Rouse, a court improvement specialist from the Office of Judicial Administration presented information on the regarding federal mandates as they relate to child welfare statutes and policy. Throughout her presentation, Ms. Rouse engaged the Working Group in a robust discussion around some of the following topics:

- Legislation related to the child welfare system including:
  - *Adoption and Safe Families Act (ASFA)* and the *Indian Child Welfare Act* and discussion focused on provisions for safety, permanency and well-being;
  - *Fostering Connections to Success and Increasing Adoptions Act of 2008* and discussion focused on provisions to support kinship options, reasonable efforts to keep siblings together, coordination with schools to provide stability, and transition plans for older youth;
  - *Preventing Sex Trafficking and Strengthening Families Act (PSTFA)* and discussion focused on provisions for sex trafficking, reasonable efforts to keep siblings together, and normalcy for foster youth; and
  - *Child and Family Service Improvement Act of 2006* and discussion focused on provisions for procedural safeguards with permanency hearings.
- State's ability to choose how to implement this legislation—either by state legislation (CINC code in Kansas) or in a policy and procedure manual (DCF's PPM);
- Compliance of IV-E review by the federal government and qualifications for certain subsidies including a discussion on the penetration rate and funds drawn down;
- Reasonable efforts and its role in removal, prevent placement, reunification and permanency plan;
- *Another Planned Permanent Living Arrangement (APPLA)* for youth over age 16 as well as case plans for youth over age 14; and
- National Youth Transitional Database, which uses a scoring system to determine the effectiveness of states' youth transition to adulthood.

After the presentation, the chair discussed the education focus of the initial working group meetings and submission of questions or data requests to the chair and KHI as materials are reviewed. The working group members then engaged in a dialogue on prevention. The discussion entailed prevention services, data, community-based organizations, conducting assessments and other aspects related to prevention. The working group discussed federal law and the idea of Kansas formulating and adopting a value statement.

**ACTION ITEMS**

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<b>Item</b>	<b>Responsible</b>	<b>Date due</b>
1. Request Kyle Hamilton to present KOMA/KORA	Hina Shah (KHI)	10/18/2017

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**DECISIONS MADE**

none

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**BARRIERS IDENTIFIED**

none

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**NEXT MEETING**

October 18, 2017 at 1:30 PM. Working Group will conduct a brainstorming session along with a review of KOMA/KORA with Kyle Hamilton from the Office of the Revisor of Statutes.

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## PROTECTIVE SERVICES AND FAMILY PRESERVATION

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**Meeting Date/Time:** October 10, 2017 | 03:00 – 05:00 PM

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**In-Person Attendees (8):** Sergeant David Ohlde (Chair); Representative Jarrod Ousley (Vice Chair); Gina Meier-Hummel; Sarah Coats; Kathleen Holt; Tara Wallace; Judge Taylor Wine; Kate Zigtema

**Remote Attendees (2):** Judge Erika DeMarco; Connie Mayes

**Unable to Attend:** none

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**Other Attendees (8):** Rachel Marsh; Lindsey Stephenson; Steve Greene; Lauren Mendoza; John Paul Grauer; Mitch DePriest; Hina Shah; Krista Elliott

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### MEETING SUMMARY

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After introductions, the chair opened discussion on the 2013 evaluation of DCF's child protective services function by reviewing the nine recommendations suggested by the Casey Family Programs Assessment in the Performance Audit Report System, Part 1. He highlighted that only one recommendation has been implemented and the need to understand the delay or status of the other recommendations. DCF and its contractors were present and will be prepared to discuss the implementation plan and checklist at future meetings.

The group then discussed other knowledge needs and identified issues relevant to their charge through a quick brainstorming session. This included a robust discussion on the following:

- Front-end and investigation intake and processing (Protection Report Center);
- Data on non-abuse/non-neglect removals;
- Availability of services;
- Local standing order/rules versus state and federal laws and policies;
- Prevention; and
- Solicit best practices from other states.

The group identified the need for testimony from Susan Gile (DCF) to better understand the current system. They have also requested a presentation by Kansas County District Attorneys Association (KCDA) to understand policies/current practices that impact filing decisions and mitigate risk.

### ACTION ITEMS

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Item	Responsible	Date due
1. Presentation by Susan Gile	Steve Greene (DCF)	11/2/2017
2. Presentation by KCDA	Hina Shah (KHI)	12/4/2017

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### DECISIONS MADE

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none

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### BARRIERS IDENTIFIED

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none

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### NEXT MEETING

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November 2, 2017 at 1:00 PM. Susan Gile from the Kansas Department of Children and Families will present information on Protection Report Center and if time permits, the group will review their brainstorming session and engage in next steps.

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## REINTEGRATION AND PERMANENCY PLACEMENT

**Meeting Date/Time:** October 9, 2017 | 09:00 AM – 12:00 PM

**In-Person Attendees (6):** Alicia Johnson-Turner (Chair); Representative Linda Gallagher (Vice Chair); Ashlyn Yarnell, Lori Ross, Ruth Schenck, Nina Shaw-Woody

**Remote Attendees (2):** Mickey Edwards, Serena Hawkins

**Unable to Attend (4):** Charlene Brubaker, Bethany Fields, Cara Payton, Judge Kathleen Sloan

**Other Attendees (9):** Rachel Marsh; Steve Greene; Samuel Mil Holland; John Paul Grauer; Ben Frie; Donna Frie; Kyle Hamilton; Hina Shah; Krista Elliott

### MEETING SUMMARY

After introductions, the chair requested the Working Group members identify issues in the child welfare system related to their charge (reintegration and permanency placement). Working Group members engaged in an exercise to identify issues and prioritize them. Four broad issues were prioritized:

1. Staff turnover as related to the broader topic of workforce;
2. Older youth;
3. High needs; and
4. Availability of services.

There were some issues identified which may be more relevant for other working groups and KHI has shared these with the chairperson from these groups.

Working Group members then engaged in an exercise to conduct a deeper dive on the four prioritized issues. Working Group members identified knowledge needs and potential testimony requests for each prioritized issue to obtain a better understanding of the breadth and depth of these issues. For example:

- During the staff turnover discussion, the underlying challenge may be related to communication flows and understanding workflows and components of a case file may help the group formulate recommendations.
- During the older youth discussion, understanding changes as a result of Juvenile Justice Reform and achieving permanency were proposed. Data were also requested on children sleeping in contractor offices (KVC and St. Francis) with a focus on the age of the children.

Only the two prioritized issues listed above were discussed during the meeting due to time.

### ACTION ITEMS

Item	Responsible	Date due
none		

### DECISIONS MADE

none

### BARRIERS IDENTIFIED

none

### NEXT MEETING

November 9, 2017 at 10:00 AM. Working Group will continue the brainstorming exercise with a focus on high needs, substance abuse, services, and cost/funding.

# CHILD WELFARE SYSTEMS TASK FORCE

## MONTHLY REPORT ON WORKING GROUPS: NOVEMBER 2017

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### EXECUTIVE SUMMARY

Leading up to the November 2017 Task Force meeting, all three Working Groups had good attendance:

- General Administration of Child Welfare and Foster Care met on October 18th—11 of 12 members were present.
- Protective Services and Family Preservation met on November 2nd—all 10 members were present.
- Reintegration and Permanency Placement met on November 9th—9 of 12 members were present.

Each chairperson/vice chairperson worked with the Kansas Health Institute (KHI) to schedule the meeting and prepare meeting agendas. These meetings continued to focus on education and brainstorming.

KHI facilitated brainstorming sessions for two of the three Working Groups to identify successes, challenges and opportunities in the Child Welfare system related to their charge on topics like workforce, services, older youth, high needs and cost/funding.

The Working Group on Protective Services and Family Preservation invited Susan Gile from the Kansas Department of Children and Families to present information on the Protection Report Center to the group.

All three Working Groups are beginning to identify gaps in the system and communication flow challenges. KHI will continue to monitor the data requests/questions across all three working groups to minimize duplicative efforts and streamline research requests.

The meetings in December will continue focusing on education as well as brainstorming to determine requests for information and testimony.

## GENERAL ADMINISTRATION OF CHILD WELFARE AND FOSTER CARE

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**Meeting Date/Time:** October 18, 2017 | 01:30 – 04:30 PM

**In-Person Attendees (11):** Sandra Lessor (Chair); Senator Laura Kelly (Vice Chair); Judge Dan Cahill; Mary Tye; Dona Booe; Sarah Oberndorfer; Loren Pack; Susan Prochaska; Kathy Keck; Erin Rainey; Dr. Kathy Melhorn

**Remote Attendees:** none

**Unable to Attend (1):** Kellie Hogan

**Other Attendees (9):** Kyle Hamilton (speaker); Rachel Marsh; Lindsey Stephenson; Steve Greene; Samuel Mil Holland; John Paul Grauer; Madeline Fox; Hina Shah; Krista Elliott

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### MEETING SUMMARY

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The meeting began with a presentation by Kyle Hamilton on Kansas Open Meetings Acts (KOMA) and Kansas Open Records Act (KORA) followed by a brief Q&A with members.

Next, KHI facilitated an exercise to identify successes, challenges and opportunities related to the General Administration of Child Welfare and Foster Care. The group completed the exercise on the topics of workforce and services. This exercise encouraged the group to reflect upon what is done well (successes), identify challenges in a rational manner, and seek information on opportunities (e.g., best practices in other states, current pilot projects, etc.). This exercise will then guide the Working Group to develop meaningful and feasible solutions.

Due to the length of time until the next meeting, KHI will disseminate a survey to Working Group members to complete the brainstorming exercise on the topics of cost/funding, technology and communication.

### ACTION ITEMS

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Item	Responsible	Date due
1. Confirm with Kyle Hamilton whether a survey may be used as a brainstorming tool between meetings	Hina Shah (KHI)	11/01/2017
2. Disseminate survey to members (if approved)	Hina Shah (KHI)	11/09/2017
3. Q&A with Dan Lewien (DCF)	Steve Greene (DCF)	12/11/2017

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### DECISIONS MADE

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none

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### BARRIERS IDENTIFIED

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none

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### NEXT MEETING

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December 11, 2017 at 1:30 PM. Working Group will review brainstorming results and prioritize data/testimony requests for 2018. Dan Lewien (DCF) will also be present for a Q&A session regarding cost/funding.

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## PROTECTIVE SERVICES AND FAMILY PRESERVATION

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**Meeting Date/Time:** November 2, 2017 | 01:00 – 04:30 PM

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**In-Person Attendees (10):** Sergeant David Ohlde (Chair); Representative Jarrod Ousley (Vice Chair); Gina Meier-Hummel, Sarah Coats, Judge Erika DeMarco, Kathleen Holt, Tara Wallace, Kate Zigtema; Judge Taylor Wine; Connie Mayes

**Remote Attendees:** none

**Unable to Attend:** none

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**Other Attendees (9):** Rachel Marsh; Lindsey Stephenson; Steve Greene; John Paul Grauer; Mitch DePriest; Samuel Mil Holland; Linda Bass; Hina Shah; Carlie Houchen

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### MEETING SUMMARY

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After a brief introduction, the Chair recognized Susan Giles, Kansas Department of Children and Families (DCF), Administrator – Family and Community Supports to present information on the Protection Reports Center (PRC).

Ms. Giles stated that the presentation she shared is what is used for DCF's Mandated Reporter Training. The objectives of the presentation were to:

- Describe what to expect when calling the Kansas Protection Report Center;
- Identify the difference between risk and safety;
- Recognize decisions made regarding child safety at different points during DCF involvement, and how risk and safety factors impact these decisions; and
- Discover how decisions are made for protective actions and service recommendations.

Through her presentation, Ms. Giles highlighted the policies and regulations that guide social work practice. She described how DCF Policy and Procedure Manual must be in alignment with Kansas Administrative Regulation, Kansas Statutes Annotated and the Federal Child Abuse Prevention and Treatment Act. Some highlights include:

- KSA 38-2226 gives DCF's authority to investigate. DCF has the responsibility to determine the validity of a report and whether any action should be taken to protect the child;
- KSA 38-2223, the outlines when mandatory reporters must report. The key language was "reason to suspect.";
- KSA 38-2223(e)(1) and (2), which is a Class B misdemeanor for failure of a mandatory reporter to report;
- KSA 38-2224 (a) and (b) that protects employees from termination for making a report. Violation of this is a Class B misdemeanor; and
- KSA 38-2213 is an important statute for medical professionals. This statute tells doctors, medical professionals that they can and "shall" give DCF protected medical information.

Ms. Giles also discussed the specific criteria for determining no further action needed. These criteria include that the statutory definition of Child In Need of Care (CINC) or Policy and Procedural Manual (PPM) directives are not met: No indication of harm, report allege abuse or neglect are in the past, report concerns licensing standards only, caregiver's behavior does not harm a child or place a child in a likelihood of harm or being endangered.

Further, the response times for Non-Abuse/Neglect (NAN) or Family In Need of Assessment (FINA) can be same day, 72 hours or 20 working days. Response times for pregnant woman using substances is 72 hours. Ms. Giles clarified that the 20 working days is currently under revision to change to 7 working days.

Working Group members had several questions along the way which KHI staff noted and will submit to DCF for follow-up. Gaps were also identified such as the lag between the local law enforcement report

and the update of registries, and members are interested in understanding how these gaps can be eliminated in the system.

**ACTION ITEMS**

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<b>Item</b>	<b>Responsible</b>	<b>Date due</b>
1. Presentation on Risk Mitigation by KCDAA	Hina Shah (KHI)	12/04/2017
2. Q&A with Dan Lewien (DCF)	Steve Greene (DCF)	12/04/2017

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**DECISIONS MADE**

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none

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**BARRIERS IDENTIFIED**

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none

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**NEXT MEETING**

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December 4, 2017 at 1:00 PM. The group will review the questions submitted and invite the following speakers: representatives from KVC and St. Francis, state contractors for Family Preservation Services; representative from KCDAA on Risk Mitigation; and Dan Lewien (DCF) to discuss cost/funding.

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## REINTEGRATION AND PERMANENCY PLACEMENT

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**Meeting Date/Time:** November 9, 2017 | 10:00 AM – 3:00 PM

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**In-Person Attendees (8):** Alicia Johnson-Turner (Chair); Representative Linda Gallagher (Vice Chair); Ashlyn Yarnell, Lori Ross, Ruth Schenck, Nina Shaw-Woody, Mickey Edwards, Charlene Brubaker

**Remote Attendees (1):** Cara Payton,

**Unable to Attend (3):** Bethany Fields, Judge Kathleen Sloan, Serena Hawkins

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**Other Attendees (9):** Steve Greene; Lindsey Stephenson; John Paul Grauer; Mitch DePriest; Margarita Carlson; Natalie Nelson; Madeline Fox; Hina Shah; Krista Elliott

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### MEETING SUMMARY

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KHI facilitated an exercise to identify successes, challenges and opportunities related to Reintegration and Permanency Placement based on the prioritized topic identified during their October meeting.

The group completed the exercise on the topics of workforce, older youth, high needs and services. This exercise encouraged the group to reflect upon what is done well (successes), identify challenges in a rational manner, and seek information on opportunities (e.g., best practices in other states, current pilot projects, etc.). This exercise will then guide the working group to develop meaningful and feasible solutions.

Due to the length of time until the next meeting, KHI will disseminate a survey to Working Group members to complete the brainstorming exercise on the topics of services, cost/funding, technology and communication.

### ACTION ITEMS

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Item	Responsible	Date due
1. Disseminate Survey to members	Hina Shah (KHI)	11/16/2017

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### DECISIONS MADE

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none

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### BARRIERS IDENTIFIED

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none

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### NEXT MEETING

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December 6, 2017 at 10:00 AM. The group will review brainstorming results and discuss other research and testimony requests.

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# CHILD WELFARE SYSTEMS TASK FORCE

## MONTHLY REPORT ON WORKING GROUPS: DECEMBER 2017

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### EXECUTIVE SUMMARY

Leading up to the December 2017 Task Force meeting, all three Working Groups had good attendance:

- General Administration of Child Welfare and Foster Care met on December 11th—10 of 12 members were present.
- Protective Services and Family Preservation met on December 4th—9 of 10 members were present.
- Reintegration and Permanency Placement met on December 6th—9 of 12 members were present.

Each chairperson/vice chairperson worked with the Kansas Health Institute (KHI) to schedule the meeting and prepare meeting agendas. These meetings continued to focus on education and brainstorming.

All three working groups held a Q&A session with Dan Lewien, Office of Financial Management Director for the Kansas Department of Children and Families (DCF).

The working group on Protective Services and Family Preservation also heard testimony from DCF's contractors on family preservation services and from the Kansas County and District Attorneys Association (KCDAA) on case filings and the role of local regulations.

The other two working groups completed a survey between meetings to continue brainstorming to identify successes, challenges and opportunities in the Child Welfare system related to their charge on the topics of cost/funding, communication, services and technology. KHI compiled the results and led exercises to prioritize information and testimony requests and begin developing a preliminary list of recommendations.

KHI will continue to monitor the data requests/questions across all three working groups to minimize duplicative efforts and streamline research requests. The meetings in 2018 will focus on the development of recommendations.

The working groups would appreciate direction from the Task Force on a meeting schedule for 2018, developing recommendations and soliciting testimony.

**GENERAL ADMINISTRATION OF CHILD WELFARE AND FOSTER CARE**

**Meeting Date/Time:** December 11, 2017 | 01:30 – 04:30 PM

**In-Person Attendees (9):** Sandra Lessor (Chair); Senator Laura Kelly (Vice Chair); Judge Dan Cahill; Mary Tye; Dona Booe; Sarah Oberndorfer; Loren Pack; Susan Prochaska; Dr. Kathy Melhorn

**Remote Attendees (1):** Kathy Keck

**Unable to Attend (2):** Kellie Hogan; Erin Rainey

**Other Attendees (8):** Rachel Marsh; Becky Fast; Dawn Rouse; Jordan Millholland; John Paul Grauer; Unknown female; Hina Shah; Carlie Houchen

**MEETING SUMMARY**

Prior to the meeting, this working group completed a brainstorming survey identifying successes, challenges and opportunities for the topics of cost/funding, technology, and communication. KHI compiled the results and disseminated them during the meeting.

After a brief introduction, the working group discussed high-level goals to inform next steps—an administrative approach to topics such as workforce, oversight, licensing, communication across agencies and entities, organizational structure, court timelines and transition planning for older youth.

Next, KHI reviewed the brainstorming survey results with the working group and led an exercise for each topic area resulting in a list of exploration areas. The group also identified information/data and testimony requests. Following are a few examples of preliminary recommendations, requests for information and requests for testimony.

*Examples of Exploration Areas*

- Statewide database with varying levels of access
- Address communication barriers between agencies and entities
- Mechanism to widely disseminate the Foster Care Bill of Rights
- Centralized, shared record of available foster homes and matching placement opportunities
- Sustainable workforce through accountability, manageable caseloads and adequate funding

*Examples of Information/Data Requests*

- Federal requirements to build child welfare case management system from the Capacity Building Center for the Court (CBCC) and Capacity Building Center for States (CBCS)
- Budgets and contracts from all agencies and entities to review funding streams
- Structure and oversight of DCF and its contractors

*Examples of Testimony Requests*

- Representatives from Child Advocacy Center of Sedgwick County and Child Death Review Board on communication models

After a short break, the Chair recognized Dan Lewien (DCF) for a Q&A session with working group members on costs, budgets and funding. Working group members had several questions related to the social security funds, child support, prevention fund caps, IV-E funds, shrinkage and workforce.

The meeting wrapped up with a discussion on scheduling for 2018 and the working group will await direction from the Task Force.

**ACTION ITEMS**

Item	Responsible	Date due
1. Schedule speakers for upcoming meetings	Hina Shah (KHI)	TBD
2. Send information/data requests to appropriate agencies	Hina Shah (KHI)	TBD

**DECISIONS MADE**

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none

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**BARRIERS IDENTIFIED**

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No scheduled meetings in 2018.

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**NEXT MEETING**

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To be determined.

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## PROTECTIVE SERVICES AND FAMILY PRESERVATION

**Meeting Date/Time:** December 4, 2017 | 01:00 – 04:45 PM

**In-Person Attendees (9):** Sergeant David Ohlde (Chair); Representative Jarrod Ousley (Vice Chair); Sarah Coats; Judge Erika DeMarco; Kathleen Holt; Tara Wallace; Kate Zigtema; Judge Taylor Wine; Connie Mayes

**Remote Attendees:** none

**Unable to Attend (1):** Gina Meier-Hummel

**Other Attendees (24):** Linda Bass; Amanda Pfannenstiel; Shawna Lyon; Rachel Marsh; Tionna Haberman; Lindsey Stephenson; Deneen Dryden; Tom Buell; Leslie Hale; Charlene Brubaker, Erica Hunter; Dan Lewien; Don Hymer; Ron Paschal; Madeline Fox; Kari Presley; Steve Kearny; Natalie Nelson; John Paul Grauer; Mitch DePriest; Ben Frie; Donna Frie; Hina Shah; Carlie Houchen

### MEETING SUMMARY

After a brief introduction, the Chair recognized Linda Bass, Vice President of KVC Kansas, as well as Amanda Pfannenstiel, Corporate Clinical Director, and Shawna Lyon, Director of Family Preservation, both of Saint Francis Community Services. The presentation began with the number of family preservation allocations for FY 2018 (July 2017-June 2018). The presenters also discussed net referrals to date, an overview of the family preservation program including the referral process, assessments and case planning. The contractors discussed a number of interventions and the models at their respective organizations, and ended their presentation with outcomes data for measures like families engaged timely and babies born substance free.

Working group members had a robust discussion with the presenters and asked several questions related to staff turnover, caseloads, training and education requirements, after-hours services, parental rights, billing, intensive versus less intensive efforts and associated transitions, and trauma and mental health assessments and services. Members also discussed the impact of substance abuse on family preservation needs. KHI staff also noted questions from working group members for DCF and will submit for follow-up.

Next, the Chair recognized representatives from the Kansas County & District Attorney Association (KCDA) —Charlene Brubaker (Ellis County); Don Hymer (Johnson County); and Ron Paschal (Sedgwick County). The presentation began with the following statement: *There are 105 counties and at least 105 ways to do things in child welfare cases.* The working group had a robust roundtable discussion with the attorneys on case filings, training, removals associated with substance abuse, necessary case information, role of law enforcement, accountability and prior substantiations. The role of local regulations versus state-wide standardization was also discussed.

Lastly, the chair recognized Dan Lewien (DCF) for a Q&A session with working group members on costs, budgets and funding related to family preservation. Due to time restraints, there were limited discussions around TANF funds and multi-generational funding, tobacco settlement, funding for mental health services and referral transfers due to funding caps.

### ACTION ITEMS

Item	Responsible	Date due
1. Schedule speakers for upcoming meetings	Hina Shah (KHI)	TBD
2. Send information/data requests to appropriate agencies	Hina Shah (KHI)	TBD

**DECISIONS MADE**

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none

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**BARRIERS IDENTIFIED**

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No scheduled meetings in 2018.

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**NEXT MEETING**

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To be determined.

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## REINTEGRATION AND PERMANENCY PLACEMENT

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**Meeting Date/Time:** December 6, 2017 | 10:00 AM – 3:00 PM

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**In-Person Attendees (6):** Alicia Johnson-Turner (Chair); Representative Linda Gallagher (Vice Chair); Ruth Schenck; Charlene Brubaker; Judge Kathleen Sloan; Serena Hawkins

**Remote Attendees (3):** Cara Payton; Ashlyn Yarnell; Lori Ross

**Unable to Attend (3):** Bethany Fields; Nina Shaw-Woody; Mickey Edwards

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**Other Attendees (11):** Dan Lewien; Lindsey Stephenson; Rachel Marsh; John Paul Grauer; Mitch DePriest; Natalie Nelson; Madeline Fox; Ben Frie; Donna Frie; Deneen Dryden; Hina Shah; Carlie Houchen

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### MEETING SUMMARY

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Prior to the meeting, this working group completed a brainstorming survey identifying successes, challenges, and opportunities for the topics of cost/funding, services, technology and communication. KHI compiled the results and disseminated them during the meeting.

After a brief introduction, the Chair recognized Dan Lewien (DCF) for a Q&A session with working group members on costs, budgets and funding related to reintegration and permanency. Members had several questions related to location of foster homes, social security, kin/relative monies and after care.

The working group then developed a value statement to guide next steps: *Timely and sustained permanency taking into consideration the age of the child. Access to appropriate and necessary services for family as they work towards reintegration and meeting the needs of the child.*

Next, KHI reviewed the brainstorming survey results with the working group and led an exercise for each topic area resulting in a list of preliminary recommendations as well as identification and prioritization of information/data and testimony requests. Following are a few examples of preliminary recommendations, requests for information and requests for testimony.

#### *Examples of Preliminary Recommendations*

- Thoughtful training on the role of the foster parent at the outset of placement and implementation of co-parenting techniques
- Addressing the needs of older youth in transition in the system
- Need for mental health services for foster care youth
- Efficiencies in transportation needs
- Effective communication strategies amongst all stakeholders—looking closely at schools, guardian ad litem (GAL), court services officers (CSOs) and case managers
- Updating technology particularly for placements—ideas around a portal

#### *Examples of Information/Data Requests*

- Funding mechanism for after care;
- Example case transfer form;
- PRTF queue and funding; and
- Payment for kinship placements in other states

#### *Examples of Testimony Requests*

- Beth Gonzalez (DCF) on core competency training;
- Shane Heit (KVC Health Systems) on waiver services;
- Julie Brewer (United Community Services of Johnson County) on transitioning youth; and
- Don Hymer (KCDAA) on impact of Juvenile Justice Reform on Foster Care

The meeting wrapped up with a discussion on scheduling for 2018 and the working group will await direction from the Task Force.

**ACTION ITEMS**

<b>Item</b>	<b>Responsible</b>	<b>Date due</b>
1. Schedule speakers for upcoming meetings	Hina Shah (KHI)	TBD
2. Send information/data requests to appropriate agencies	Hina Shah (KHI)	TBD

**DECISIONS MADE**

none

**BARRIERS IDENTIFIED**

No scheduled meetings in 2018.

**NEXT MEETING**

To be determined.