



PERFORMANCE AUDIT REPORT

**Foster Care: Determining Whether
Adoptions Are Being Finalized As Quickly As
Possible, Once an Adoptive Family Is Located**

Executive Summary

**A Report to the Legislative Post Audit Committee
By the Legislative Division of Post Audit
State of Kansas
February 2005**

Legislative Post Audit Committee

Legislative Division of Post Audit

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To: Members of the Kansas Legislature

This executive summary contains the findings and conclusions, together with a summary of our recommendations and the agency responses, from our completed performance audit, *Foster Care: Determining Whether Adoptions Are Being Finalized as Quickly as Possible, Once an Adoptive Family Is Located*.

The report includes one recommendation for SRS and its contractors to develop and use a checklist to demonstrate that documents needed to finalize an adoption are obtained in a timely manner.

We would be happy to discuss these recommendations or any other items in the report with you at your convenience.

If you would like a copy of the full audit report, please call our office and we will send you one right away.

A handwritten signature in black ink that reads "Barbara J. Hinton". The signature is written in a cursive style with a large, looped initial "B".

Barbara J. Hinton
Legislative Post Auditor

EXECUTIVE SUMMARY

LEGISLATIVE DIVISION OF POST AUDIT

Overview of the State's Adoption Process

SRS privatized its adoption program in October 1986. Kansas Children's Service League (KCSL) began providing adoption services on July 1, 2000, and its current contract runs through June 30, 2005. Under the contract, KCSL's responsibilities for finding an adoptive home for a child begin after the parental rights of both birth parents are finalized and SRS officially refers the case to KCSL.

Since July 2000, more than 4,000 children have been referred to KCSL for adoption. Of these, about 2,100 have been adopted, about 450 left the program for other reasons, and about 1,500 remained in the program as of June 30, 2004.

Have There Been Unreasonable or Unexplained Delays in Finalizing Adoption of Foster Care Children in Kansas, and Are There Financial Incentives in the Current System That Could Encourage Such Delays?

Most children adopted in fiscal year 2004 already had a potential adoptive family identified by the time they were referred to KCSL. Sometimes these families don't always end up adopting the child. They may change their minds, or the child's social work team may decide another family would be a better fit for the child. Figure I-1 below shows that 55% of the children adopted in that year were adopted by the family identified at the time the child was referred to KCSL.

..... page 9

Figure I-1 Average Number of Days, Referral to Finalization, For Adoptions Completed in Fiscal Year 2004								
Category	Finalized Adoptions		Time From Referral to Placement Agreement		Time From Placement Agreement to Finalization		Total Time	
	#	%	Days	%	Days	%	Days	%
1—adopted by the family identified at referral	351	55%	273	67%	135	33%	408	100%
2—adopted by a different family than the one identified at referral	89	14%	621	72%	239	28%	860	100%
3—no adoptive family identified at referral	193	31%	533	72%	204	28%	737	100%
Total / Average	633	100%	401	70%	171	30%	572	100%
Source: LPA analysis of finalized adoption data maintained by KCSL.								

The figure also shows:

- cases in which the children **were adopted by the family identified at the time they were referred to KCSL** took the shortest time to complete, but still took an average of more than a year.
- cases in which the children **were adopted by a different family than the one initially identified at referral** took the longest time—almost two and a half years, on average.

KCSL and SRS have established several oversight and reporting steps to try to ensure that children don't languish in the adoption system. Despite this process, it's still possible for children to experience major—and sometimes unnecessary—delays before their adoptions are finalized.

Two-thirds of the adoption cases we reviewed experienced at least one delay in the adoption process that seemed unreasonable or unexplained. We reviewed case files for a sample of 30 children who were adopted by the family identified at the time they were referred to KCSL, but whose adoption took still more than 18 months to complete. We wanted to know why these cases took so long.

..... page 10

The case files showed that just because an adoptive family already had been found for the child, the remainder of the adoption process wasn't necessarily simple or straightforward. We identified 106 delays in these children's cases, more than half of which (including some of the lengthiest) occurred for legitimate reasons. Still, 20 of the 30 cases we reviewed had one or more unreasonable or unexplained delays, for a total of 34 such delays. Half of these unreasonable delays slowed the adoption process by two months or longer. Figure I-2 on the next page shows most delays involved issues related to the completion of the home study, and to KCSL or others not completing needed paperwork on a timely basis. Although it was impossible to determine exactly how long each case was unnecessarily delayed, we estimated that each of the 20 cases was slowed by an average of 6 months. Adopting parents appear to have been responsible for most of the major unreasonable or unexplained delays.

Under the current system, adopting parents and KCSL can benefit financially from delays in the adoption process. The adopting family can benefit from delays that occur before they sign the adoption placement agreement. That's because the foster care payments they receive before signing the placement agreement usually are much larger than the adoption subsidies they receive after signing the agreement. On the other hand, KCSL is more likely to benefit from delays that occur after that placement agreement is signed, because KCSL stops making foster care payments to the families at that time, but continues to be paid \$1,252 per month by SRS until the adoption is finalized. If a family receives adoption subsidy payments, those payments are made by SRS.

..... page 16

**Figure I-2
Unreasonable or Unexplained Delays in the Files LPA Reviewed**

Category	Unreasonable or Unexplained Delays	
	Major (a)	Minor
Home Study Delays <i>Examples</i>	13	3
	<i>--adopting parents didn't return home-study materials on time (e.g., adopting parents' autobiographies, household budget, results of physical exam) --KCSL's social worker took nearly five months to finish writing up the home study</i>	<i>--adopting parents didn't return home study materials on time</i>
Paperwork Delays <i>Examples</i>	1	12
	<i>--the adopting parent's attorney didn't file the adoption petition for about seven months after she'd received the adoption packet from KCSL; she required assurance she'd be paid either by the adopting parent or by SRS</i>	<i>-- paperwork KCSL should have gathered and checked earlier wasn't ready (e.g., birth certificate, parent's relinquishment form, child's social history, child's medical records) -- KCSL had to wait for SRS to sign an affidavit stating why the birth parents' history forms were incomplete -- KCSL had to redo documents because of a social worker's omission</i>
Child Welfare Concerns <i>Examples</i>	2	1
	<i>-- the adoption placement agreement called for a four-month "transition" period between the adoptive placement agreement and a request for finalization, even though the child had been in the home for two years</i>	<i>-- the adoption placement agreement wasn't signed for nearly four months after the birth mother's appeal of the termination of her parental rights had finally ended, even though the child had been in the home for three years</i>
Concerns of the Adoptive Family	1	1
	<i>-- the adopting parents wavered on the adoption for several months after the best interests staffing; the child had been living in the home for seven months before the staffing</i>	<i>-- subsidy negotiations took a month or two longer than usual</i>
	<hr/> 17	<hr/> 17
TOTALS	34	

(a) caused a major delay in an adoption, approximately 2 months or more

Source: LPA analysis of 30 KCSL adoption case files

The switch from foster care payments to adoption subsidy can significantly decrease the amount of money the adopting family receives from State programs. Foster care payments are intended to cover all of the child's expenses, including routine living expenses, but adoption subsidy payments are expected to cover only the additional costs of providing for an adopted child's special needs. Typically, the subsidy is no more than \$400 per month. Most foster care payments exceed that.

Overall, in 14 of the 20 cases with at least one unreasonable or unexplained delay, the party who would stand to benefit financially from a delay appeared to cause the delay. Although we can't know for certain whether these delays were intentional, it was clear that the delays did allow either the adopting parents or KCSL to benefit financially.

New contracts for adoption and foster care services will reduce contractors' financial incentives to delay adoptions. *In January 2005, SRS awarded new contracts for these services. Two changes will significantly affect the delivery of adoption services: the adoption contractor will no longer have case management responsibilities, and the adoption contractor will be responsible only for recruiting and training families who are willing to adopt children and matching these families and children.*page 18

The new contracts for foster care services require SRS to pay each contractor a specified monthly amount per child, but the amounts will be reduced to 66% after six months, and to 29% after one year. This change should encourage contractors to either place a child with an adoptive family or reunite the child with his or her original family sooner than under previous contracts. While this won't affect payments to families, the new terms likely will cause contractors to become less tolerant of delays caused by adopting families.

Conclusion. *Many actions—both reasonable and unreasonable—can delay the adoption process. This audit focused on unreasonable delays, and the adoption process for many children could be shortened by minimizing unreasonable delays such as not turning in or checking paperwork on time. Although we didn't analyze the reasonable delays as closely, there may be additional opportunities for shortening them, as well.* page 19

The present design of the adoption process can provide a financial incentive for both an adopting family and KCSL to delay. During this audit, we identified more than 100 delays, but only one of every six financially benefitted the party that caused the delay. While we can't know whether these delays were intentional, we found no discernible pattern to the delays financially beneficial to KCSL.

The new service delivery system SRS will initiate on July 1, 2005, should minimize the financial incentives contractors currently have to delay the adoption process, and the change may help minimize such opportunities for adopting families.

Recommendation. *To help minimize unnecessary delays in the adoption process, we recommended that SRS and its contractors develop and use a checklist to demonstrate that documents needed to finalize an adoption are obtained in a timely manner.* page 20

APPENDIX A: Scope Statement page 21

APPENDIX B: Agency Responses page 23

The Agencies generally agreed with the findings of this report.

This audit was conducted by Joe Lawhon, Jill Shelley, and Felany Opiso. Cindy Lash was the audit manager. If you need any additional information about the audit's findings, please contact Mr. Lawhon at the Division's offices. Our address is: Legislative Division of Post Audit, 800 SW Jackson Street, Suite 1200, Topeka, Kansas 66612. You also may call us at (785) 296-3792, or contact us via the Internet at LPA@lpa.state.ks.us.