



# **PERFORMANCE AUDIT REPORT**

**Verifying Information Provided by the  
Department of Social and Rehabilitation Services On  
Its Compliance with the Terms of the  
Foster Care Lawsuit Settlement Agreement**

**Monitoring Report #13  
Covering January 1 to June 30, 2000**

**A Report to the Legislative Post Audit Committee  
By the Legislative Division of Post Audit  
State of Kansas  
April 2001**

# ***Legislative Post Audit Committee***

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## ***Legislative Division of Post Audit***

**THE LEGISLATIVE POST** Audit Committee and its audit agency, the Legislative Division of Post Audit, are the audit arm of Kansas government. The programs and activities of State government now cost about \$9 billion a year. As legislators and administrators try increasingly to allocate tax dollars effectively and make government work more efficiently, they need information to evaluate the work of governmental agencies. The audit work performed by Legislative Post Audit helps provide that information.

We conduct our audit work in accordance with applicable government auditing standards set forth by the U.S. General Accounting Office. These standards pertain to the auditor's professional qualifications, the quality of the audit work, and the characteristics of professional and meaningful reports. The standards also have been endorsed by the American Institute of Certified Public Accountants and adopted by the Legislative Post Audit Committee.

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Audits are performed at the direction of the Legislative Post Audit Committee. Legisla-

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### **LEGISLATIVE DIVISION OF POST AUDIT**

800 SW Jackson  
Suite 1200  
Topeka, Kansas 66612-2212  
Telephone (785) 296-3792  
FAX (785) 296-4482  
E-mail: [LPA@lpa.state.ks.us](mailto:LPA@lpa.state.ks.us)  
Website:  
<http://skyways.lib.ks.us/ksleg/PAUD/homepage.html>  
Barbara J. Hinton, Legislative Post Auditor

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LEGISLATURE OF KANSAS  
**LEGISLATIVE DIVISION OF POST AUDIT**

800 SOUTHWEST JACKSON STREET, SUITE 1200  
TOPEKA, KANSAS 66612-2212  
TELEPHONE (785) 296-3792  
FAX (785) 296-4482  
E-MAIL: lpa@lpa.state.ks.us

April 19, 2001

To: Members, Legislative Post Audit Committee

Representative Lisa Benlon, Chair  
Representative Richard Alldritt  
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Representative Dean Newton  
Representative Dan Thimesch

Senator Lynn Jenkins, Vice-Chair  
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This report contains the findings, conclusions, and recommendations from our completed performance audit, *Verifying Information Provided by the Department of Social and Rehabilitation Services On Its Compliance with the Terms of the Foster Care Lawsuit Settlement Agreement: Monitoring Report #13*.

The report also includes a number of corrective actions SRS plans to take to come into compliance in future monitoring periods.

We would be happy to discuss the findings presented in this report with any legislative committees, individual legislators, or other State officials.

A handwritten signature in black ink that reads "Barbara J. Hinton". The signature is written in a cursive, flowing style.

Barbara J. Hinton  
Legislative Post Auditor



# EXECUTIVE SUMMARY

LEGISLATIVE DIVISION OF POST AUDIT

## Is SRS Complying with the Requirements of the Settlement Agreement?

For the 6-month period generally covered by this audit (January-June 2000), only 42 requirements were monitored. SRS was in compliance with 25 (60%) and wasn't in compliance with 17 (40%).

Our findings are summarized below. The matrix beginning on page 11 summarizes SRS' compliance this period.

**SRS was in compliance with 2 of the 7 remaining requirements related to investigating reports of child abuse or neglect.** ..... page 4  
*This period, SRS staff interviewed everyone they should have during an investigation and completed those investigations in a timely manner. However, staff didn't always comply with the other 5 requirements related to such things as obtaining needed medical services and reviewing prior reports involving the same family or child.*

**SRS was in compliance with 20 of the 26 case-management requirements we assessed.** ..... page 4  
*The family case plans we reviewed this period were timely and complete, and children were placed only in licensed foster homes. SRS didn't come into full compliance with the other 6 requirements, however. These covered such things as scheduling conferences to maximize participation and considering adoption for children that have been out of the home for a full year.*

**SRS was in compliance with both adoption requirements we reviewed.** ..... page 8  
*SRS sent information to support motions to terminate parental rights by the required deadline 92% of the time, and it tracked final orders terminating parental rights as often as required.*

**SRS was in compliance with the requirement relating to its decisions to accept reports of abuse and neglect for further investigation.** ..... page 8  
*This period, SRS properly screened 94% of the 246 reports reviewed by its Internal Monitor.*

**SRS staff timely entered into its Central Registry database only 3 of the 8 foster care providers whose abuse or neglect of a child had been validated.** ..... page 8  
*SRS' compliance rate this period was only 38%. Since our review, however, the Department has either entered the remaining providers or offered them a corrective action plan.*

**Proposed Corrective Action for Entering Names in the Central Registry.** *To improve compliance, SRS reported that it now tracks the status of abuse and neglect reports and requires area offices to update information about these reports in its foster care information system—FACTS. SRS also reported that it plans to develop written guidelines for the area offices to follow.* ..... page 9

**SRS wasn't in compliance with 3 training requirements for foster parents and adoptive homes.** *All foster parents must complete annual training before a child in SRS' custody can be placed in their home, and SRS is required to track this training. SRS also must track the initial "MAPP" training completed by foster and adoptive parents.* ..... page 9

*SRS acknowledged that only 32% of the foster parents due for annual training this period completed that training. In addition, it reported that none of the systems it uses to track annual and MAPP training met the requirements for being accurate and up-to-date.*

**Proposed Corrective Action for Annual Foster Parent Training and Training Databases.** *Currently, KDHE sends the information SRS needs to track training on a monthly basis. In the future, KDHE will submit the information electronically and it will be merged into SRS' database.* ..... page 9

**SRS wasn't in compliance with 2 foster care information system requirements.** *This period, SRS was required to maintain timely and accurate information about prior abuse and neglect allegations, screening decisions, risk assessments, and investigations in its new computer system (FACTS). SRS acknowledged that none of these requirements were met.* ..... page 10

**Proposed Corrective Action for the Foster Care Information System.** *SRS reported it will continue its FACTS data entry training and regular staff meetings to address problem areas, and would continue to require each area office to submit corrective action plans to improve compliance.* ..... page 10

**Appendix A: Compliance Summary for Monitoring Period #13** ..... page 11

**Appendix B: Agency Responses** ..... page 15

This audit was conducted by Jennifer Wagner. Barb Hinton was the audit manager. If you need any additional information about the audit's findings, please contact Ms. Wagner 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.

# Verifying Information Provided by the Department of Social and Rehabilitation Services on Its Compliance With the Terms of the Foster Care Lawsuit Settlement Agreement

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In May 1993, the Legislative Post Audit Committee directed the Legislative Division of Post Audit to conduct an ongoing performance audit assessing SRS' compliance with the settlement agreement. Legislative Post Audit's role was to verify that the information SRS internal monitor reported on its compliance was accurate and reliable.

This performance audit answers the following question:

**Is SRS accurately reporting its compliance with the terms of the foster care settlement agreement?**

To answer this question, we reviewed reports prepared by the internal monitor regarding SRS' compliance, as well as the supporting documentation developed or provided by SRS. In addition, when necessary we conducted independent record checks to verify the information SRS had provided.

For the 6-month period generally covered by this audit (January-June 2001), the internal monitor also reviewed hundreds of child abuse and neglect investigation, foster care, and adoption case files. For the requirements subject to these 3 case reviews, we reviewed small samples of cases to verify that the case readers accurately recorded, analyzed, and drew conclusions about the information in the case files.

In conducting this audit, we followed all applicable government auditing standards set forth by the U.S. General Accounting Office.

Our findings begin on page 4, after a brief overview discussing the settlement agreement and the State's foster care system.

## Overview of the Settlement Agreement and the Foster Care System in Kansas

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***In 1990, a Lawsuit Was Filed Charging that SRS Wasn't Adequately Caring for Children Placed in Its Care or At-Risk of Abuse or Neglect***

*Sheila A., et. al. v. Joan Finney, et. al.* was filed in January 1989 in Shawnee County District Court by Rene Netherton, a local attorney seeking additional foster care beds for Shawnee County children. In February 1990, the Children's Rights Project of the American Civil Liberties Union filed an amended petition and joined Ms. Netherton in a class action lawsuit. The lawsuit contended SRS didn't comply with State and federal law, and was violating Kansas children's constitutional rights.

***SRS and the ACLU Ultimately Reached An Out-of-Court Settlement, Which the Court Approved in June 1993***

That 33-page settlement agreement contains 153 requirements SRS had to adhere to by certain deadlines. Each requirement, or "element," was considered to be an important component of an adequate foster care system, and was included to ensure that the needs of foster children in Kansas were being met. As of July 1995, Children's Rights, Inc., which is no longer affiliated with the ACLU, began to represent the plaintiff class in the lawsuit.

***The Settlement Agreement Required an Independent Entity To Assess SRS' Compliance With That Agreement***

The settlement agreement required SRS to establish an internal monitoring unit to assess compliance. In addition, at the request of both parties, in May 1993 the Legislative Post Audit Committee directed Legislative Post Audit to conduct an ongoing performance audit assessing SRS' compliance with the settlement agreement, as well as the reliability of SRS' internal monitors.

**SRS' Monitoring Unit serves as the frontline monitor reviewing SRS-generated data and case files to assess SRS' compliance with each requirement.** This Unit prepares a report summarizing the information it reviewed and drawing conclusions about SRS' compliance. Post Audit staff verify the accuracy and reliability of those conclusions by testing a sample of the compliance results generated by the Unit, and by conducting other independent reviews or tests as needed.

The Monitoring Unit's reviews and the verification test work we perform can't ensure that all the problems with the foster care system will be alleviated. However, the parties have agreed that the required activities, if effectively carried out, should benefit children and improve the foster care system in Kansas.

**In general, the schedule for monitoring adherence to the settlement agreement is set up in 6-month increments, with reports prepared at the end of each period.** For most requirements, SRS must meet either 80% compliance for 3 consecutive monitoring periods, or 90% compliance for 2. At that point, monitoring for a requirement can stop, although SRS still must stay in compliance. If SRS doesn't comply with a settlement element, that requirement "rolls over" into the next 6-month period, and the monitoring clock starts over for that area.

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***Kansas' Foster Care System Now Is Administered by Both SRS' Division of Children And Family Policy and by Private Contractors***

When the settlement agreement was signed in 1993, SRS administered the foster care system. In February 1997 it contracted with 3 non-profit agencies to manage foster care cases. The foster care system remains relatively unchanged, however.

Children the court has placed in SRS custody who need out-of-home placements are referred to the contractor in their region of the State. The contractor is required to place that child in a placement appropriate to his or her needs. A major goal of the program is to provide services that will help reunite children with their families. If that isn't possible, then adoption or other options are considered. Those adoptions are handled by a statewide adoption contractor.

SRS continues to be responsible for investigating allegations of child abuse or neglect, and for managing the cases of children in its custody who remain at home. It also continues to have ultimate responsibility for all children placed in its custody. In addition, the parties have agreed that SRS still is responsible for compliance with the terms of the agreement even though some of its duties have been passed on to the contractors.

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***In April 1997, a Special Task Force Was Created To Help Resolve Foster Care Issues in Kansas***

This Task Force was formed by Judge James Buchele, the Shawnee County District Court judge originally assigned to the foster care lawsuit. The Task Force's goal was to bring SRS into substantial compliance with the settlement agreement, and to meet the needs of Kansas foster children, within a reasonable period of time. To reach this goal, the Task Force helped mediate disagreements between SRS and Children's Rights, Inc. In addition, the Task Force has examined monitoring procedures in several areas and has made suggestions for streamlining the monitoring process.

## Is SRS Complying with the Requirements of the Settlement Agreement?

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In all, 101 of the 153 requirements SRS was required to complete are no longer being monitored: 83 have been found in compliance, 10 were removed by party agreement, and 8 are being monitored directly by Children's Rights, Inc. That means only 52 requirements (35%) still are being monitored.

For the 6-month period generally covered by this audit (January-June 2001), only 42 requirements were monitored. That's because the parties agreed to delay monitoring of the 10 other requirements while they negotiate issues related to them.

For the 42 requirements monitored this period, SRS was in compliance with 25 (60%), and wasn't in compliance with 17 (40%). Monitoring of 17 requirements will stop because SRS has met the required compliance level for them.

The remainder of this report is divided into 2 sections. The section below describes our findings in more detail, as well as any corrective actions SRS reported it planned to take to come into compliance. The second section (shown in the matrix beginning on page 11) summarizes SRS' compliance with each requirement that was monitored this period.

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***SRS Was in Compliance  
With 24 of the 35  
Requirements Related to  
Investigating Reports of  
Abuse and Neglect,  
Managing Foster Care  
Cases, and Handling  
Adoption-Related  
Activities***

As described below, these requirements generally are assessed during the Internal Monitor's review of case files.

**SRS was in compliance with 2 of the 7 remaining requirements related to investigating the safety and status of children who may have been abused or neglected.** This period, SRS staff interviewed everyone they should have during an investigation. They also completed their investigations in a timely manner. However, they didn't take appropriate actions as often as required, as shown in the table at right. (To be in compliance, every question associated with a requirement has to be at 80% or above.)

**SRS was in compliance with 20 of the 26 case-management requirements we assessed.** This period, family case plans were timely and complete and children were placed only in licensed foster homes. As the table beginning on page 6 shows, however, SRS didn't come into full compliance for the other 6 requirements.

Investigating Reports of Abuse or Neglect	Compliance Question(s)	Compliance %	Compliance/ Noncompliance
1. Complete a family service plan, if required.	Was and initial service plan developed?	73%	N
2. Interview all the appropriate parties during a protective services investigation.	Was the caretaker interviewed?	89%	C
	Was the alleged victim(s) interviewed?	98%	
	Was the alleged perpetrator(s) offered and opportunity to be interviewed?	96%	
	Were all other relevant parties interviewed?	97%	
3. Take reasonable action to obtain medical services if they're necessary.	Did SRS determine the child(ren) was in need of medical services?	99%	N
	If SRS determined medical services were necessary, did it take reasonable action to obtain those services?	67%	
4. Complete protective service investigations within the required timeframe.	Was the case finding made within 25 days?	94%	C
	Was a finding made for each victim?	91%	
	Does the documentation reasonably support the finding for this case?	98%	
	Did a supervisor sign the finding?	99%	
	Was notice of the finding sent to the family?	97%	
5. Review previous unconfirmed reports when there have been three made on the same family or child within a two-year period.	Did an "uninvolved" supervisor review all the unconfirmed reports?	71%	N
6. Document the results of that review.	Was the result of the review documented?	71%	N
7. Request emergency court or law enforcement removal only if certain criteria are met.	Was the child(ren) in imminent danger of serious injury, or abandoned?	73%	N
	Did the perpetrator have access, or was the child abandoned?	73%	
	Was the non-abusing parent unable to provide protection, or was the child abandoned?	73%	

Managing Foster Care Cases	Compliance Question(s)	Compliance %	Compliance/ Noncompliance
1. Complete case plans within the required timeframe.	Was the family's first case plan completed within 20 days of the family assessment or 30 days of custody?	94%	C
	Was the child's first case plan completed within 30 days of custody?	98%	
2. Regularly update case plans.	Was the case plan reviewed every 180 days?	88%	C
3. Describe the services considered to prevent out-of-home placement.	Does the case plan list services to prevent placement?	83%	C
4. Describe the reason(s) for agency involvement.	Does the case plan list the reason(s) the agency is involved?	96%	C
5. Provide services to meet the needs of the child.	Are services listed to reunite the family?	91%	C
	Are services listed to meet medical needs?	88%	
	Are services listed to meet educational needs?	88%	
	Are services listed to meet mental health needs?	92%	
6. Identify the current placement and whether it's appropriate.	Does the case plan list the child's current placement?	94%	C
	Is there a discussion about the appropriateness of the placement?	94%	
7. Discuss progress made in meeting case plan goals.	Is there a discussion about compliance with the prior case plan?	92%	C
8. Specify when the case plan goal will be met.	Does the case plan list a date the goal will be met?	92%	C
9. Discuss the continuing need for placement and services.	Is there a discussion about the need for out-of-home placement?	92%	C
	Is there a discussion about the need for services?	94%	
10. Follow Department's independent living policies.	If the child is 16 or older, is there an independent living plan?	85%	C
11. Notify the appropriate parties about the case planning conference.	Did the appropriate parties get 10 days advance notice of the conference?	81%	C
12. Schedule conferences to ensure the appropriate parties can attend.	If the child's parents had a conflict, was the meeting re-scheduled?	56%	N
13. Give the court regular updates about the child's placement and progress.	If parental rights are intact, was a progress report sent to the court?	96%	C
	If parental rights are terminated, was a progress report sent to the court?	90%	

<b>Managing Foster Care Cases</b>	<b>Compliance Question(s)</b>	<b>Compliance %</b>	<b>Compliance/ Noncompliance</b>
14. Update the court within the required timeframe.	Was a progress report sent within 30 days of out-of-home placement or 6 months of the prior plan?	94%	N
	Was a progress report sent within 60 days of termination or 6 months of the prior plan?	76%	
15. Only place children in licensed foster homes.	Was the foster home licensed?	94%	C
16. Schedule the required number of parent/child visits.	Is there a parent/child visitation plan in the file?	92%	C
	Are visits scheduled at the required frequency?	89%	
17. Schedule unsupervised visits unless there's good cause not to.	Is the reason why visits should be supervised documented?	88%	C
18. Conduct supervised visits in the most home-like setting possible.	Are the visits scheduled in the most home-like setting available?	86%	C
19. Schedule the required number of child/sibling visits.	Is there a child/sibling visitation plan in the file?	86%	C
	Are visits scheduled at the required frequency?	86%	
20. Schedule the required number of worker/parent visits.	Is there a worker/parent visitation plan in the file?	91%	C
	Are visits scheduled at the required frequency?	91%	
21. Schedule the required number of worker/child visits.	Is there a worker/child visitation plan in the file?	94%	C
	Are visits scheduled at the required frequency?	93%	
22. Consider adoption when the child has been out of the home for one continuous year.	Was adoption considered after one year in out-of-home placement?	59%	N
23. If applicable, document the reason why adoption wasn't the case plan goal.	Is the reason why adoption wasn't established documented in the case plan?	52%	N
24. Consider relinquishment if adoption is the case plan goal.	Does the case plan document that relinquishment was considered?	45%	N
25. Discuss relinquishment with the parents, if appropriate.	Does the case plan document that relinquishment was discussed with the parents?	42%	N
26. Only place children in foster homes that have been MAPP trained.	Was the foster home MAPP trained?	83%	C

**SRS was in compliance with both adoption requirements we reviewed.** To be in compliance with this requirement, SRS had to send information to support motions to terminate parental rights to the county or district attorney within certain time frames. SRS met the required deadline 92% of the time this period.

The settlement agreement also requires SRS to establish procedures to track final orders issued at hearings where parental rights are terminated. This requirement was designed to ensure that SRS can act quickly to find adoptive homes once a child is legally free for adoption. SRS' tracking procedures involve 2 steps—entering the hearing date into a tracking log, and recording all contacts made with the court to see if a final order terminating parental rights has been filed. This period, 97% of the hearings were logged and the required court contacts were made 90% of the time.

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***SRS Was in Compliance  
With 1 of 2 Requirements  
Related to Ensuring the  
Safety of Children***

These requirements relate to deciding which reports of child abuse and neglect should be investigated, and entering the names of foster care providers who are validated child abusers into the Central Registry database.

**SRS was in compliance with the requirement relating to its decisions to accept reports of abuse and neglect for further investigation.** When SRS receives a report of alleged abuse or neglect, staff must determine whether it needs to be investigated (“screened in”). If it determines that further investigation isn’t warranted, the report is “screened out.”

Beginning in January 1995, SRS was required to properly screen 80% of all alleged abuse and neglect reports it received. This period, SRS properly screened 94% of the 246 reports reviewed by the Internal Monitor.

**SRS staff timely entered into its Central Registry database only 3 of the 8 names of foster care providers (foster parents or facility workers) whose abuse or neglect of a child had been validated.** Having these names in the database is a critical step in ensuring that foster children are safe. For example, KDHE checks this database before issuing licenses to foster parents, workers in foster care facilities, day care providers, and the like.

This period, the Internal Monitor reviewed 252 reports against a total of 389 foster parents and providers. In all, 381 of the providers weren’t required to be entered into the database because

SRS determined there was no abuse (311), the provider had successfully completed a corrective action plan or was in the process of doing so (31), or the provider had successfully appealed or was currently appealing a finding of abuse (12).

This left only 8 providers subject to this requirement. Only 3 of those names were entered timely, however, so SRS' compliance rate this period was 38%.

***Proposed Corrective Action for Entering Names in the Central Registry***

SRS acknowledged it wasn't in compliance with this requirement. Since our review, SRS started tracking the status of reports of abuse and neglect and requires area offices to regularly update information about these reports in its Family and Child Tracking System-FACTS. SRS also plans to develop written guidelines for the area offices to follow. In the meantime, it will continue to provide staff with training in this area.

***SRS Wasn't in Compliance with 3 Training Requirements For Foster Parents and Adoptive Homes***

These requirements are summarized below:

- All foster parents must complete 16 hours of annual training before a child in SRS' custody can be placed in their home.
- To track this training, SRS is required to maintain an accurate and up-to-date computer system.
- SRS also must maintain an accurate and up-to-date system to record the initial training (MAPP training) parents must complete before being licensed as a foster parent or as an adoptive home.

SRS acknowledged that only 58 of the 184 (32%) foster parents who were supposed to receive annual training this period completed it. In addition, SRS reported that none of the systems it uses to track annual and MAPP training met the requirements for being accurate and up-to-date.

***Proposed Corrective Action for Annual Foster Parent Training and Training Databases***

Currently, KDHE sends the information SRS needs to track training on a monthly basis. In the future, KDHE will submit the information electronically and it will be merged into SRS' database. In the meantime, SRS will continue to remind contractors when homes are due for annual training.

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***SRS Wasn't In Compliance With 2 Requirements Related to Information Systems That Track Foster Care Data***

**SRS wasn't in compliance with 2 requirements related to its new information system—FACTS.** The settlement agreement requires SRS to develop and maintain an automated computer system to provide all the information it needs to manage the foster care system. SRS began implementing the FACTS system in August 1997, but only 2 requirements have been tested so far. To be in compliance with these requirements, the information in FACTS about prior allegations of abuse and neglect, screening decisions, risk assessments, and investigations has to be timely and accurate 80% of the time.

SRS reported that only 146 of the 249 (59%) prior allegations the internal monitor reviewed were entered into FACTS on a timely and accurate basis. SRS also reported it wasn't in compliance with the other information requirements. When this information doesn't get entered on time or isn't accurate, it increases the likelihood that at-risk families and children won't be identified.

***Proposed Corrective Action for the Foster Care Information System***

SRS will continue its FACTS data entry training and regular staff meetings to address problem areas. It also will continue to require each area office to submit corrective action plans to improve compliance.

## **Appendix A**

### **Compliance Summary for Monitoring Period #13**

The following pages summarize SRS' compliance with the requirements that were due for assessment this period. The legend below provides explanations for the symbols we used in the chart.

- C = In compliance
- CR = The requirement was monitored in a case review
- D = Monitoring of the requirement was delayed while the parties negotiate issues related to it
- N = Not in compliance

ACTIONS REQUIRED BY SRS:	MONITORING PERIOD													Monitoring Stops?
	1 Jan- June 1994	2 July- Dec 1994	3 Jan- June 1995	4 July- Dec 1995	5 Jan- June 1996	6 July- Dec 1996	7 Jan- June 1997	8 July- Dec 1997	9 Jan- June 1998	10 July- Dec 1998	(1)11 Jan- June 1999	12 July- Dec 1999	13 Jan- June 2000	
1 Properly assess and screen reports of alleged abuse and neglect.			71% N	66% N	D	83% N	85% N	86% N	88% N	88% N	87% C	86% C	94% C	Y
2 Enter confirmed reports of abuse/neglect by foster parents or other providers in Central Registry.			64% N	11% N	38% N	N	N	38% N	0% N	0% N	50% N	29% N	38% N	
3 CR1. Complete a family service plan, if required.			N	N	N	N	N	N	C	N	C	N	N	
4 CR1. Interview all the appropriate parties during a protective services investigation.			N	N	N	N	N	N	C	N	C	C	C	Y
5 CR1. Complete protective service investigations within the required timeframe.			N	N	N	N	N	N	C	N	C	C	C	Y
6 CR1. Take reasonable action to obtain medical services if they're necessary.			D	D	D	N	N	N	C	N	N	N	N	
7 CR1. Review previous unconfirmed reports when there are 3 unconfirmed reports on the same family or child within a 2-year period.			N	N	N	N	N	N	N	N	N	N	N	
8 CR1. Document the results of the review of 3 unconfirmed reports on the same family or child within a 2-year period.			N	19% N	22% N	N	N	N	N	N	N	N	N	
9 CR1. Request ex parte order or law enforcement removal only if children are in imminent danger of serious injury, the perpetrator has access to them, and they can't be protected by the non-abusing parent.			100% C	89% N	100% C	N	N	N	C	N	N	N	N	
10 CR2. Complete a written case plan within the required timeframe.				N	N	N	N	N	D	C	D	C	C	Y
11 CR2. Update case plans for children in SRS custody within the required timeframe.				N	N	N	N	N	D	C	D	C	C	Y
12 CR2. Include services to prevent out-of-home placement in the initial case plan.				N	N	N	N	N	D	C	D	N	C	
13 CR2. Describe the reason for agency involvement in the initial case plan.				N	N	N	N	N	D	C	D	C	C	Y
14 CR2. Include services in the case plan to meet the child's needs, to reinforce family strengths and, where applicable, to reunify the family.				N	N	N	N	N	D	C	D	N	C	
15 CR2. Identify in the case plan the type of placement, its appropriateness and, if applicable, how recommendations of the court were considered.				N	N	N	N	N	D	N	D	C	C	
16 CR2. Include a discussion of compliance with the previous case plan in the administrative review.				N	N	N	N	N	D	C	D	C	C	Y
17 CR2. Specify in the case plan the projected date for achieving the case planning goal.				N	N	N	N	N	D	C	D	C	C	Y
18 CR2. Include in the administrative review a discussion of the continuing need for placement and services.				N	N	N	N	N	D	C	D	C	C	Y
19 CR2. Adhere to SRS policies on long-term foster care and independent living plans.				N	N	N	N	N	D	N	D	C	C	
20 CR2. Notify parents and appropriate parties of the time, date, and place of the administrative review within the required timeframe.				N	N	N	N	N	D	N	D	C	C	
21 CR2. Schedule administrative reviews to maximize participation.				N	N	N	N	N	D	N	D	N	N	

(1)The compliance standard changed in Monitoring Period 11 from 90% for 2 consecutive periods to 80% for 3.

ACTIONS REQUIRED BY SRS:	MONITORING PERIOD													Monitoring Stops?
	1 Jan- June 1994	2 July- Dec 1994	3 Jan- June 1995	4 July- Dec 1995	5 Jan- June 1996	6 July- Dec 1996	7 Jan- June 1997	8 July- Dec 1997	9 Jan- June 1998	10 July- Dec 1998	(1)11 Jan- June 1999	12 July- Dec 1999	13 Jan- June 2000	
22 CR2. Provide reports to the court on the child's progress and current placement and, if applicable, progress toward adoption or long-term placement.				N	N	N	N	N	D	N	D	C	C	
23 CR2. Provide reports to the court when the child is removed from the home or parental rights are terminated, within the required timeframe.				N	N	N	N	N	D	N	D	N	N	
24 CR2. Ensure that children are placed only in licensed homes, or homes meeting certain exceptions.				N	N	N	N	N	D	N	D	C	C	Y
25 CR2. Develop a written parent/child visitation plan, when appropriate, with visits scheduled at the required frequency.				N	N	N	N	N	D	C	D	C	C	Y
26 CR2. Schedule unsupervised visits unless court ordered or for reasonable cause.				N	N	N	N	N	D	C	D	C	C	Y
27 CR2. Schedule supervised visits in the most home-like setting possible.				N	N	N	N	N	D	C	D	C	C	Y
28 CR2. Develop a written visitation plan for siblings and schedule visits at the required frequency.				N	N	N	N	N	D	N	D	N	C	
29 CR2. Develop a written visitation plan for worker/parent and schedule visits at the required frequency.				N	N	N	N	N	D	C	D	C	C	Y
30 CR2. Develop a written worker/child visitation plan and schedule visits at the required frequency.				N	N	N	N	N	D	C	D	C	C	Y
31 CR2. When a child has been in out-of-home placement for one year, consider a plan of adoption.				N	N	N	N	N	D	N	D	N	N	
32 CR2. If a plan of adoption is not established, document the basis for the decision.				N	N	N	N	N	D	N	D	N	N	
33 CR2. Determine if relinquishment is appropriate when adoption is established as the permanency plan.				N	N	N	N	N	D	N	D	N	N	
34 CR2. Discuss relinquishment with parents, if appropriate.				N	N	N	N	N	D	N	D	N	N	
35 CR2. Only place children in homes where the foster/adoptive parents have been MAPP trained, or where the parents meet Dept. exceptions.				N	N	N	N	N	D	N	D	N	C	
36 Maintain accurate and up-to-date MAPP training record system.						N	N	N	N	D	D	N	N	
37 Implement and maintain accurate and up-to-date annual foster parent training record system.						N	N	N	N	D	D	N	N	
38 Provide annual child welfare training to all foster parents.						N	N	N	N	25% N	39% N	35% N	32% N	
39 Make diligent efforts to learn promptly of filing of journal entries terminating parental rights.					N	N	N	N	N	N	C	C	C	Y
40 CR3. Send information for motion to terminate parental rights, within the required timeframe.					73% N	79% N	91% C	85% N	94% C	86% N	88% N	91% C	92% C	Y
41 Maintain accurate data about needed placements and placement vacancies.										D	D	D	D	

<sup>(1)</sup>The compliance standard changed in Monitoring Period 11 from 90% for 2 consecutive periods to 80% for 3.

ACTIONS REQUIRED BY SRS:	MONITORING PERIOD													Monitoring Stops?
	1 Jan- June 1994	2 July- Dec 1994	3 Jan- June 1995	4 July- Dec 1995	5 Jan- June 1996	6 July- Dec 1996	7 Jan- June 1997	8 July- Dec 1997	9 Jan- June 1998	10 July- Dec 1998	(1)11 Jan- June 1999	12 July- Dec 1999	13 Jan- June 2000	
42 Assess and if necessary, modify placement services for children in custody.										D	D	D	D	
43 Maintain accurate data about the availability of and need for services.										D	D	D	D	
44 Assess and if necessary, modify services program for children in custody.										D	D	D	D	
45 Implement and maintain an accurate and up-to-date information system that tracks prior allegations of abuse and neglect.										D	D	N	N	
46 Same as above for the results of screening decisions, risk assessments, and investigations.										D	D	N	N	
47 Same as above for referrals for services.										D	D	D	D	
48 Same as above for worker caseloads.										D	D	D	D	
49 Same as above for case planning information.										D	D	D	D	
50 Same as above for child specific placement information.										D	D	D	D	
51 Same as above for case specific service information.										D	D	D	D	
52 Same as above for program management and legal compliance information.										D	D	D	D	

(1)The compliance standard changed in Monitoring Period 11 from 90% for 2 consecutive periods to 80% for 3.

## **Appendix B**

### **Agency Response**

On April 12, 2001 we provided copies of the draft audit report to SRS and to Children's Rights, Inc. Their responses are included in this appendix.

We carefully reviewed both responses. While we didn't make all the changes the parties suggested, we did make a number of changes to improve the accuracy and clarity of the report. These changes didn't alter the report's findings.



KANSAS DEPARTMENT OF SOCIAL  
AND REHABILITATION SERVICES

915 SW HARRISON STREET, TOPEKA, KANSAS 66612

JANET SCHALANSKY, SECRETARY

April 18, 2001

Barbara J. Hinton  
Legislative Division of Post Audit  
Mercantile Bank Tower  
800 SW Jackson Street, Suite 1200  
Topeka, KS 66612-2212

**RE: Comments to the Draft copy for the Performance Audit Verifying Information Provided by the Department of Social and Rehabilitation Services on its Compliance with the Terms of the Foster Care Lawsuit Settlement Agreement Monitoring Report #13, covering the period of January-June 2000.**

Dear Ms. Hinton:

The Department is in receipt of the draft report completed by Legislative Post Audit and distributed for comment.

We are encouraged by the number of elements determined to be compliant in this current period. We are also cognizant of work yet to be done. The removal of nineteen elements from active monitoring will enable us to focus even more strenuously on the remaining segments of Case Reviews #1 and #2, the Central Registry database, and documentation of foster parent training. Greater focus will be placed on the monitoring of the Family and Child Tracking System (FACTS) as an increasing number of specific elements will be reviewed by the Internal Quality Assurance Management Unit.

Our specific comments to the report are attached. Thank you for the opportunity to review and comment on the draft report.

Sincerely,

A handwritten signature in cursive script, appearing to read "Janet Schalansky", with a long, sweeping flourish extending to the right.

Janet Schalansky  
Secretary

cc: Joyce Allegrucci, Assistant Secretary  
Mary Hoover, Chief Internal Auditor, SRS Audits  
Deborah June Purce

**Page 3, First paragraph:** The department wishes to clarify that SRS must maintain a compliance level of 80% on each question within an element for three consecutive review periods, or 90% for two consecutive periods.

**Page 4, Sixth paragraph:** The department wishes to clarify that compliance is measured through documentation of investigation activities. If an interview or other activity is not documented, the worker may actually have taken appropriate action. However, compliance with the settlement agreement AND SRS policy calls for complete documentation.

The seven remaining elements of Case Review #1 (Investigation and Assessment) are made up of seventeen questions. The department wishes to comment that the two requirements determined to be compliant contain nine of those questions. Thus, nine questions have now been completed and eight remain. The department is completing a significant review of these investigation elements and will be issuing new instructions to area staff concerning enhanced documentation and local monitoring of case activities.

**Page 4, Seventh (Last) paragraph:** The 26 case management requirements consist of 38 specific questions. In this six-month review period, a total of 31 questions were compliant. Again, the department is focusing on the elements that remain noncompliant and will work with area SRS staff as well as foster care and adoption contractor staff to enhance the development and documentation of case plans for children and families.

**Page 5, First paragraph:** The adoption requirement referenced here is the final one of eleven original Case Review #3 elements. The department is pleased to note that this concludes the monitoring of an entire case review series. This is the first of the case reviews to be completed.

**Page 5, Third and Sixth paragraphs:** It is essential to clarify that only individuals who have been *validated* for abuse or neglect may be entered in the Central Registry. An individual may be substantiated and thereafter complete a corrective action plan or successfully appeal the decision and his/her name does not go into the Registry. Only a validated perpetrator may be entered in the state's Central Registry.

**Page 6, Second paragraph:** The department wishes to provide an update on the eight cases referenced. Six of the eight individuals were in the Central Registry at the time of the review, but three had not been entered timely. Of the remaining two cases, one person is currently under a corrective action plan and the other case was addressed through a corrective action with the agency itself.

**Pages 6, Fifth (last) paragraph:** The department wishes to clarify that the issue of foster parent training continues to be one of documentation as well as completion of training hours. The vast majority of foster homes are sponsored by private child-placing agencies and the department depends on those agencies to provide documentation on a timely basis. We continue to struggle to coordinate these documentation efforts with the sponsoring or contracting agencies and will be working with Children's Rights, Inc., on ways to improve our process of documentation.

**Page 7, First paragraph:** The department wishes to enhance the draft corrective action plan previously developed concerning the SRS database of foster parent training. In January 2001 key SRS staff were given access to the KDHE licensing database. The data systems were not designed to “link,” therefore the current plan is for SRS to receive a monthly electronic transmission of key elements of the KDHE database and “merge” them into the SRS database. This will greatly impact the ongoing issue of SRS knowing the exact license renewal date for each family and alert us to the existence of licensed families not in our data system.

**Page 7, Second and Third paragraphs:** These paragraphs reference the department’s compliance on specific elements of FACTS in terms of timeliness and accuracy. The department wishes to clarify that future iterations of the FACTS auditing will include accuracy, but the reports referenced in this Report #13 included findings only on timeliness of data entry.



404 PARK AVENUE SOUTH, NEW YORK NY 10016  
212-683-2210 • FAX: 212-683-4015  
E-mail: [info@childrensrights.org](mailto:info@childrensrights.org)

MARCIA ROBINSON LOWRY  
PRESIDENT & EXECUTIVE DIRECTOR

April 18, 2001

**BY FAX AND OVERNIGHT MAIL**

Barbara J. Hinton  
Legislative Post Auditor  
Legislature of Kansas  
Legislative Division of Post Audit  
Mercantile Bank Tower  
800 Southwest Jackson Street, Suite 1200  
Topeka, Kansas 66612-2212

Re: **Sheila A. v. Whiteman, Case No. 89-CV-33**

Dear Ms. Hinton:

Thank you for inviting our comments to Legislative Post Audit's 13<sup>th</sup> Report of the Department of Social and Rehabilitation Services' Compliance with the Settlement Agreement entered into by the Department and the class of children, represented by Children's Rights, Inc.

Initially, we can report that we are pleased that of the 42 requirements monitored, monitoring of 19 requirements will stop as of this period because the Department has been found to be in compliance for the required time period. It also appears that the Department is on its way to reaching sustained compliance in 8 additional areas. We are also heartened that, of the requirements monitored this period compared to last, the percentage found in compliance (60%) is substantially higher than the percentage found in compliance in the last monitoring period (16%).

Unfortunately, however, these numbers do not tell the entire story. There are several areas of substantial noncompliance that are of concern to us. As past Performance Audits have repeatedly noted, the timely entry of names of foster care providers who have abused or neglected a child is critically important to screening potential caretakers and thereby safeguarding children in placement. However, the Department continues to struggle with this requirement. While it has demonstrated improvement in the past, moving from 0% compliance (none of the required names were entered in the Central Registry for the applicable monitoring period) to 50% compliance (half of the required names were entered into the Central Registry for the applicable monitoring period), performance last period fell to 29%, and it remains abysmally low this period at 38%. It is clear that the Department's corrective actions have not worked and the issue needs to be examined anew.

There are other critical areas of noncompliance that continue to be of concern, especially since they occur in areas in which SRS never, or rarely, has been in compliance. Among these areas are several that directly affect child safety and health: taking reasonable action to obtain medical services when necessary, reviewing previous unconfirmed reports of abuse or neglect when there are 3 such reports on the same family or child within a two year period documenting the results of such reviews, and requesting an ex parte or law enforcement removal only in specified circumstances. The Department also continues to be out of compliance regarding two instances that are intended to keep cases moving: scheduling administrative reviews in a way that maximizes participation, and providing timely reports to the court when a child is removed from the home or when parental rights are terminated. For all of these seemingly intractable areas, SRS's corrective actions need to be particularly creative.

Regarding adoption, SRS has been continually out of compliance in considering adoption when a child has been in care for a year, documenting the basis for not choosing a plan of adoption, and discussing relinquishment with parents when appropriate. Given the requirements of the Adoption and Safe Families Act, one would hope that the Department would have shown steady improvement in this area, and its failure to do so gives us great pause.

Another area of continual concern pertains to the Department's information system. As we commented in past monitoring periods, the deficiencies of the FACTS system has again led to problems and delays in monitoring (particularly with Case Review 2, which addresses case planning). Legislative Post Audit Report #13 was delayed because when case reviewers began reviewing the samples, they found that there were cases in the sample that should not have been there, such as children no longer in custody. Thus, the data from the FACTS system was inaccurate. Because many of the samples were not applicable to the case read, additional time was needed just to collect the data.

It is crucial that the Department maintain an accurate and reliable information system that can be readily accessed to obtain information about the children it serves. Currently, as was the case in the last monitoring period, only 2 of the 8 elements from the Settlement Agreement's obligation X.A. have been monitored (the parties agreed to this in order to develop a monitoring methodology), and those 2 areas are out of compliance. While we are pleased that the Department's ability to enter prior allegations of abuse and neglect into FACTS has increased (59% performance, up from 14% in LPA Report #12), compliance is still unacceptably low in this area. Additionally, while screening, risk assessment and investigation information is again out of compliance, compliance has increased (90%, 90% and 69%, respectively, from 82%, 86% and 48% compliance, respectively, in LPA Report #12). As to the remaining elements required of the computer system by the Settlement Agreement, IQAMU has been preparing audit plans for the 6 remaining elements, but we have not yet seen those plans.

Finally, the Department is persistently noncompliant regarding foster parent training. The Audit Report states that only 32% of foster parents who were supposed to receive annual training this period completed that training. This is actually down from the already unacceptable 35% in the last report.

Training of foster parents still has not been made a priority, despite the historical lack of compliance in this area and its importance to supporting foster parents and the children in their care. Serious measures need to be taken for this area to be adequately addressed.

Of course, we ask that the Department provide us with their corrective action plans that address all the areas that failed to meet compliance.

As always, thank you for the opportunity to comment.

Very truly yours,

A handwritten signature in black ink, appearing to read "Susan Lambiase". The signature is fluid and cursive, with a long horizontal stroke at the end.

Susan Lambiase  
Children's Rights, Inc.

Attorney for Plaintiffs