

# **PERFORMANCE AUDIT REPORT**

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

**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***

**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 \$10 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. Government Accountability 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.

The Legislative Post Audit Committee is a bipartisan committee comprising five senators and five representatives. Of the Senate members, three are appointed by the President of the Senate and two are appointed by the Senate Minority Leader. Of the Representatives, three are appointed by the Speaker of the House and two are appointed by the Minority Leader.

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

or committees should make their requests for performance audits through the Chairman or any other member of the Committee. Copies of all completed performance audits are available from the Division's office.

### **LEGISLATIVE POST AUDIT COMMITTEE**

Representative John Edmonds, Chair  
Representative Tom Burroughs  
Representative Peggy Mast  
Representative Bill McCreary  
Representative Tom Sawyer

Senator Les Donovan, Vice-Chair  
Senator Anthony Hensley  
Senator Nick Jordan  
Senator Derek Schmidt  
Senator Chris Steineger

### **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://kslegislature.org/postaudit>  
Barbara J. Hinton, Legislative Post Auditor

The Legislative Division of Post Audit supports full access to the services of State government for all citizens. Upon request, Legislative Post Audit can provide its audit reports in large print, audio, or other appropriate alternative format to accommodate persons with visual impairments. Persons with hearing or speech disabilities may reach us through the Kansas Relay Center at 1-800-766-3777. Our office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday.



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](mailto:lpa@lpa.state.ks.us)

February 18, 2005

To: Members, Legislative Post Audit Committee

Representative John Edmonds, Chair	Senator Les Donovan, Vice-Chair
Representative Tom Burroughs	Senator Anthony Hensley
Representative Peggy Mast	Senator Nick Jordan
Representative Bill McCreary	Senator Derek Schmidt
Representative Tom Sawyer	Senator Chris Steineger

This report contains the findings, conclusions, and recommendations 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 the findings presented in this report with any legislative committees, individual legislators, or other State officials.

Barbara J. Hinton  
Legislative Post Auditor

## Get the Big Picture

Read these Sections and Features:

1. **Executive Summary** - an overview of the questions we asked and the answers we found.
2. **Conclusion and Recommendations** - are referenced in the Executive Summary and appear in a box after each question in the report.
3. **Agency Response** - also referenced in the Executive Summary and is the last Appendix.

## Helpful Tools for Getting to the Detail

- In most cases, an “**At a Glance**” description of the agency or department appears within the first few pages of the main report.
- **Side Headings** point out key issues and findings.
- **Charts/Tables** may be found throughout the report, and help provide a picture of what we found.
- **Narrative text boxes** can highlight interesting information, or provide detailed examples of problems we found.
- **Appendices** may include additional supporting documentation, along with the audit **Scope Statement** and **Agency Response(s)**.

# EXECUTIVE SUMMARY

LEGISLATIVE DIVISION OF POST AUDIT

## Overview of the State's Adoption Process

**SRS privatized its adoption program in October 1996. 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 on page 9 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

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

..... page 10

KCSL, but whose adoption took still more than 18 months to complete. We wanted to know why these cases took so long.

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 page 15 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

*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*

..... page 18

*training families who are willing to adopt children and matching these families and children.*

*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.*

<b>Conclusion</b>	.....	page 19
<b>Recommendation</b>	.....	page 20
<b>APPENDIX A: Scope Statement</b>	.....	page 21
<b>APPENDIX B: Agency Responses</b>	.....	page 23

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](mailto:LPA@lpa.state.ks.us).



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

---

Before October 1996, the adoption function of the State's foster care program was provided by the Department of Social and Rehabilitation Services (SRS). In October 1996, SRS privatized that function by awarding the first adoption contract to Lutheran Social Services. That contract ran through June 2000. Lutheran Social Services experienced financial difficulties toward the end of the contract period, and in February 2000 SRS signed a new adoption contract with Kansas Children's Service League (KCSL). That contract runs through June 30, 2005.

In January 2001, Legislative Post Audit issued an audit report reviewing selected financial and service issues related to the State's adoption and foster care contracts. Our main findings related to the adoption contract were these:

- Although the total number of adoptions increased after privatization, the percentage of available children being adopted was actually lower than before privatization.
- Children were being placed with adoptive families and adopted in a more timely manner than before privatization.

Recently, judges and other interested individuals have expressed concerns to legislators that the adoption process has slowed. They cited cases of adoptions taking 9-12 months longer to finalize than they thought should have been necessary. They have speculated that the adoption contractor may have a financial incentive to delay the adoption of certain types of children so it can continue receiving funding for those children, and can use those funds to help subsidize the costs of other children who are more difficult to place with adoptive families.

To address those concerns, this audit answers the following questions:

- 1. Have there been unreasonable or unexplained delays in finalizing adoptions of foster care children in Kansas?**
- 2. Are there any financial incentives in the current system that could encourage delays in issuing the final adoption decree?**

To answer these questions, we reviewed State and federal adoption laws and interviewed SRS and KCSL officials. We also reviewed

the adoption contracts that have been in effect since privatization, related requests for proposals, and responses submitted by Lutheran Social Services and KCSL. In addition, we looked at whether the adoption contractors had met performance standards set out in the contracts, and we summarized data on the number of children referred to KCSL for adoption and the number actually adopted.

Finally, we reviewed a sample of 30 adoptions finalized in fiscal year 2004 that took more than 18 months to complete. All were cases in which the child was adopted by a family that had been identified as a potential adoptive family for that child by the time the child was referred for adoption. For these adoptions, we reviewed KCSL case files.

The scope statement the Legislative Post Audit Committee approved for this audit is included as Appendix A. For reporting purposes, we've combined the two questions posed in the scope statement into a single question.

In conducting this audit, we followed all applicable government auditing standards set forth by the U.S. Government Accountability Office. During our testwork and other analyses of KCSL's adoption data, we found that KCSL's adoption database wasn't always accurate—we found an error rate of about 4% in a sample of data we traced back to case files. Also, it took KCSL several attempts to provide accurate lists of adoption cases categorized by whether an adoptive family had been identified for a child at referral and whether that family actually adopted the child. Finally, when we reviewed KCSL's procedures for ensuring the reliability and accuracy of case-specific data, we found those procedures to be partially inadequate and not followed consistently.

Given these findings, the number of adoption referrals and closures in this report may not be absolutely accurate. However, by comparing KCSL's number of finalized adoptions with data SRS provided, we concluded KCSL's numbers were not so inaccurate they would misrepresent the overall picture of referrals and adoptions.

In reporting on individual cases, we changed the names of the children to protect their identities.

Our findings begin on page 9, following an Overview of the State's adoption process.

## Overview of the State's Adoption Process

---

SRS privatized its adoption services program in October 1996. The original contractor was Lutheran Social Services, which experienced severe financial difficulties and dissolved in 2002. Kansas Children's Service League (KCSL) began providing adoption services on July 1, 2000. Its current contract continues 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 terminated and SRS officially refers the case to KCSL. KCSL is financially responsible for providing all services needed until the child is placed with an adoptive family.

---

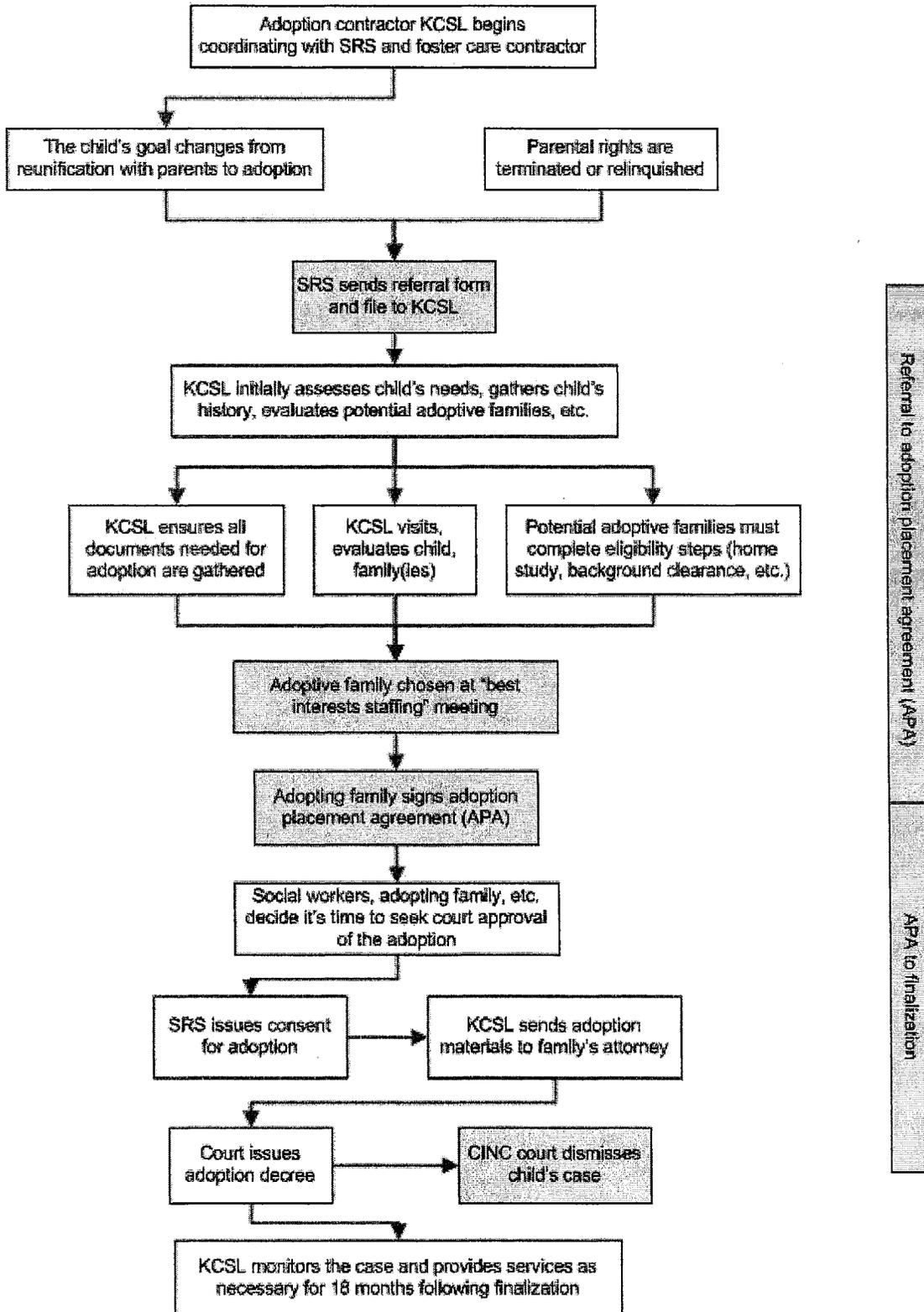
### *Many Steps Must Be Completed Before an Adoption Can Be Finalized*

When the goal for a child in SRS custody changes from reunification with parents to adoption, KCSL may begin to be involved with the case. Although a child can't officially be referred for adoption until the rights of both birth parents have been terminated or relinquished, KCSL staff often begin to perform what they call "bridging work" when referral is anticipated. This allows them to get a head start on the process of identifying potential adoptive parents and ensuring that documents needed to finalize the adoption—such as the child's birth certificate and family history—are gathered.

*Figure OV-1* on the next page shows the main points in the adoption process. It's important to remember that many other actions also must happen along the way. A few key steps are described below:

- **best interests staffing** - the meeting at which the child's team selects the adoptive family. The team usually includes social workers from KCSL and SRS, and it also may include the child's guardian ad litem, court-appointed special advocate, and other involved professionals. To be considered, a family must have a completed home study and must meet related requirements.
- **adoption placement agreement (APA)** - an agreement formalizing the family's intentions to adopt the child. If the child hasn't already been living with the adopting parents by this time, he or she will begin to do so. Once the agreement is signed, adopting parents no longer will receive foster care payments, and many start receiving an adoption subsidy. Usually the adoption subsidy is less than foster care payments.
- **finalization** - occurs when the court decree of adoption is filed. Once the adoption is final, the court that originally declared the child a child in need of care officially releases the child from SRS custody.

## Figure OV - 1 Adoption Process in Brief



---

***Over a Four-Year Period, KCSL Finalized The Adoption of More than 2,100 Children, But Met Only About Half Its Contractual Performance Measures***

KCSL will be the State's adoption contractor through June 30, 2005. The following paragraphs describe the results of KCSL's activities through the first four years of its contract.

KCSL has received almost 700 new adoption cases in each of the past three years. Since July 2000, more than 4,000 children have been referred to KCSL for adoption. Half those children came in the first contract year, when KCSL received a number of children Lutheran Social Services had not placed. Since then, the number of referrals has been steady and the number of open adoption cases at year-end has remained between 1,500 and 1,600 children, as shown in *Figure OV- 2* on the next page.

KCSL finalized adoptions for 633 children in fiscal year 2004, significantly more than in previous years. The agency has increased the number of adoptions finalized in each year of its contract, as shown in *Figure OV-3*. More than 80% of the children who leave the program each year do so through a KCSL-arranged adoption. The others typically go into independent living, are adopted privately, enter a guardianship relationship, or age out when they turn 18.

More than 250 children have been in the adoption program for more than four years. *Figure OV-4* shows that as of June 30, 2004, a total of 278 (18%) of the open adoption cases had been in the program for more than four years. All these children had been transferred from Lutheran Social Services when KCSL took over the contract.

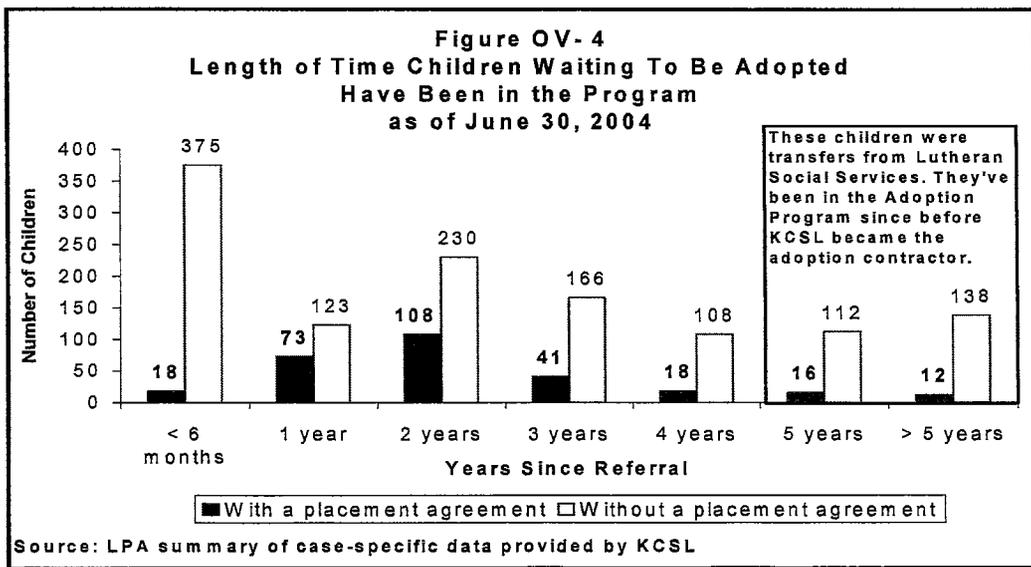
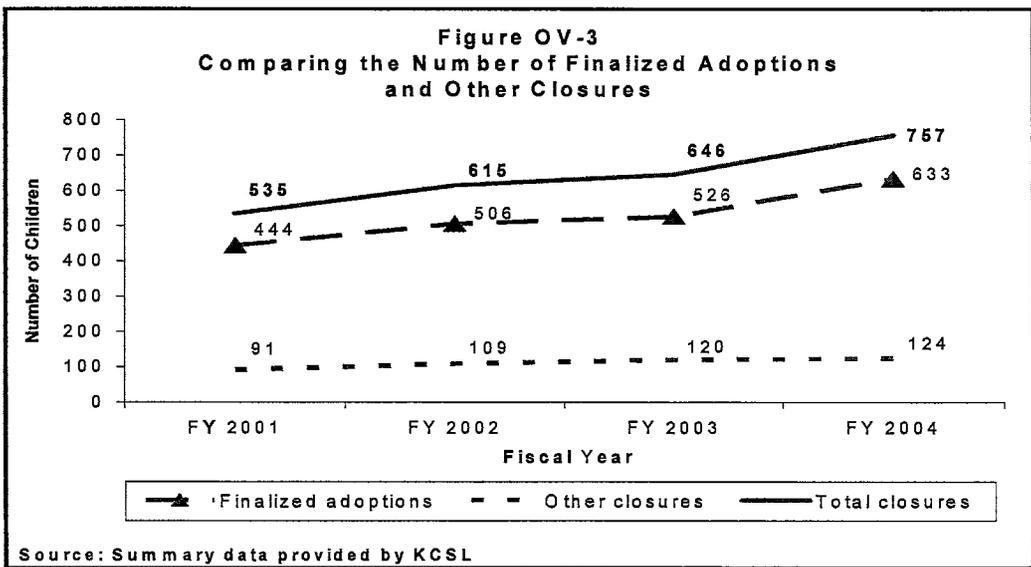
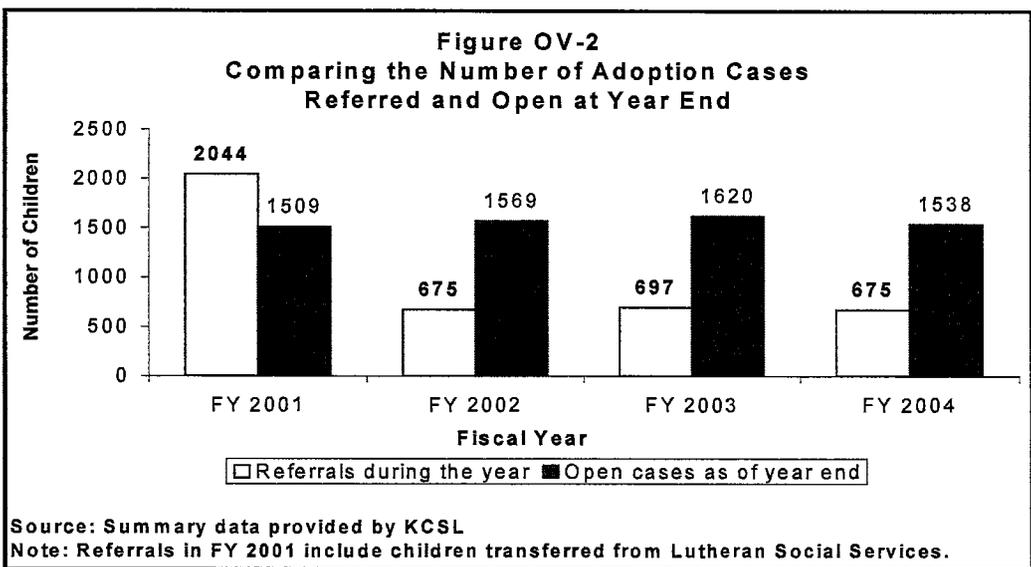
---

***Although Its Performance Generally Has Improved, KCSL Consistently Has Failed To Achieve Performance Measures Related To Timeliness Of Adoption Services***

Three of 12 performance measures in SRS's current contract with KCSL relate to timeliness. As *Figure OV-5* on page 7 shows, KCSL hadn't met any of the contractual standards for timeliness in the two most recently completed years.

In addition to timeliness, the contract also contains performance measures related to the safety and well-being of the children. For example, the contract requires that 65% of children referred with a sibling and placed for adoption will be placed with a sibling, and that 98% of the children in KCSL's supervision will not experience substantiated abuse or neglect. Overall, for the four completed years of its contract, KCSL met these performance measures only 21 of 37 times (57%).

Regardless of how long adoptions take or whether KCSL meets performance standards in the contract, SRS pays KCSL the same amounts. The current contract calls for SRS to pay KCSL almost



\$1 million per month as an administrative fee, and about \$1,250 per month for each child in the open case load. The contract has no provisions for SRS to withhold any money for failure to achieve performance standards or to reduce payments for children who are in the system for extended periods.

**Figure OV- 5  
KCSL's Achievement of Timeliness Performance Measures  
For the First 4 Years of Its Contract**

Timeliness Performance Measure	KCSL Performance in Contract Year			
	1	2	3	4
<i>55% of children will be placed with adoptive families within 6 months of the receipt of the referral for adoption</i>	17%	16%	21%	31%
<i>70% of children will be placed with adoptive families within 1 year of the receipt of the referral for adoption</i>	Not Measured	10%	37%	54%
<i>90% of adoptive placements shall be finalized within 12 months of the placement date</i>	Not Measured	<b>90%</b>	84%	84%

Source: "Outcomes Performance Across Years," SRS Children and Family Services Data and Research Unit

**Kansas Has Just Begun To Meet Timeliness Standards  
Required by the Federal Adoption and Safe Families Act of 1997**

Among the provisions of the federal Adoption and Safe Families Act of 1997 was one requiring the U.S. Department of Health and Human Services to develop a set of outcome measures – including length of stay in foster care, number of foster care placements, and number of adoptions – that can be used to assess states' performance in operating child protection and child welfare programs.

In late 2000, Health and Human Services issued a standard that called for 36% of the children adopted through a state's adoption program to have their adoption finalized within 24 months of the last time they were removed from home. However, Health and Human Services also said it would negotiate with individual states for a standard that could be less than 36%.

In 2001, federal officials completed a review of Kansas programs and found that Kansas was not meeting the 36% federal standard. They subsequently negotiated a performance measure of 26%, and required SRS to outline steps on how it would get there. SRS reports that it first achieved the 26% goal for the quarter ended June 30, 2004.

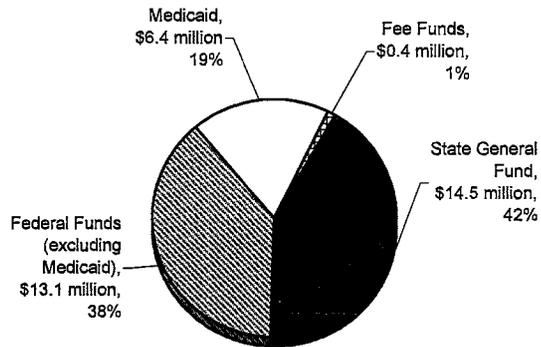
## Kansas Adoption Contract AT A GLANCE

- Authority:** K.S.A. 38-1512 authorizes the Secretary of Social and Rehabilitation Services to pay the expenses for the care and custody of any child placed in the Secretary's custody. SRS contracts with KCSL to provide services for those children who have been referred for adoption.
- Staffing:** KCSL has about 125 full-time equivalent positions allocated to providing adoption services.
- Budget:** KCSL's adoption program is funded entirely through payments received from SRS.

### Calendar Year 2004 Expenditures

Type	Amount	% of Total
Salaries, benefits	\$4,885,939	14%
Operating expenses	\$28,112,230	82%
Indirect overhead	\$1,145,342	3%
Depreciation	\$265,687	1%

### Sources for Funding for Expenditures



**Total Expenses:** \$34,409,198      **100%**      **Total Funding:** \$34,409,198

Source: Expenditures come from KCSL's unaudited financial statements for the year ended December 31, 2004. Information on sources of funding was estimated using payment information provided by SRS. That's because KCSL has a different fiscal year than the State.

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

**ANSWER IN BRIEF:** *Most children adopted in fiscal year 2004 already had a potential adoptive family identified by the time they were referred to KCSL. On average, these adoptions took the shortest time to complete, but they still took more than a year to finalize. Two-thirds of the adoption cases we reviewed experienced at least one delay in the adoption process that seemed to be unreasonable or unexplained. Adoptive parents appear to have caused most of the unreasonable or unexplained delays. Under the current system, adoptive parents and KCSL can benefit financially from delays in the adoption process. New contracts for adoption and foster care services will reduce contractors' financial incentives to delay adoptions. These and other findings are described in the sections that follow.*

***Most Children Adopted In Fiscal Year 2004 Already Had a Potential Adoptive Family Identified By the Time They Were Referred to KCSL***

Potential adoptive families get identified in a variety of ways. Sometimes they've expressed an interest—ranging from strong to mild—in adopting the child. Others get listed because a social worker thinks they might be interested. These families don't always end up adopting the child. They may change their minds or indicate they're not interested, or the child's social work team may decide another family would be a better fit for the child.

Because of legislative concerns that adoptions were taking too long to complete—especially when a child's foster family or relative was eager to complete the process—we focused our review on cases where the family that actually adopted the child had already been identified as the potential adoptive family at the time the child was referred for adoption. As *Figure I-1* shows, that was the case for more than half the children adopted in fiscal year 2004.

**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 <u>different</u> 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 the following:

- 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. In such cases, a number of steps in the adoption process essentially must be repeated.

**KCSL and SRS have established several oversight and reporting steps to try to ensure that children don't languish in the adoption system.** In most areas of the State, case workers from both KCSL and SRS are assigned to each adoption case. They are responsible for monitoring and overseeing the child's progress, and making recommendations as needed.

Both agencies also have regional managers to oversee the work of the individual case workers, and case supervisors and managers are expected to meet to discuss problems in their areas and what the agencies can do to address systemic delays.

KCSL top management receives monthly reports—and SRS upper-level managers receive quarterly reports—that summarize the numbers of children in each adoption phase, by region. In addition, social workers must submit progress reports to the district court every six months, and a permanency hearing is to be held before a judge at least once every 12 months.

Despite this process, the following sections show that it's still possible for children to experience major—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***

During this audit, we reviewed case files for a sample of 30 of the 351 children who were adopted by the family identified at the time they were referred to KCSL. We chose these 30 from the 73 cases that took more than 18 months to complete. The profile box on the next page describes the demographic characteristics of these 30 children.

Our review was designed to determine the following:

- the extent to which unreasonable or unexplained delays had occurred in any of these cases, and the reasons for those delays.
- how lengthy the delays were. We classified delays as "major" if they held up the adoption process for two or more months.
- who caused the delay, to the extent we could tell. That could be adoptive parents, KCSL or SRS social workers, other states, and the adoptive families' attorneys.

- where in the process the delays occurred. We primarily were looking to see whether the delay occurred before or after the placement agreement was signed.

We considered delays to be unreasonable or unexplained if they occurred for reasons such as these:

- Paperwork wasn't obtained in a timely manner. For example, information that should have been collected early in the process, such as a child's birth certificate, wasn't in the file and ready to go.
- Adopting parents failed to return social worker phone calls, failed to attend required meetings, or failed to submit application materials and other required paperwork. The paperwork required for a home study, for example, includes certificates of completion of a parenting class, autobiographical material, and financial information.
- Adopting parents procrastinated on deciding whether they really wanted to adopt the child, if the file didn't show they had any significant concerns, or if the child wasn't experiencing any unusual behaviors.

#### **Overall, the Sample Was Similar to the Population of Children Adopted in 2004**

Our sample of 30 children didn't differ substantially in terms of age, gender, and race from the population of children whose adoptions were finalized in fiscal year 2004. However, fewer in our group were adopted as part of sibling groups, and more were adopted by relatives.

- ▶ their average age was almost five years when they were referred to KCSL for adoption; the youngest child was one year old; the oldest was nearly 13.
- ▶ 15 were boys, and 15 were girls. The primary race listed for 14 was white, 12 black, 3 "Hispanic," and 1 Native American.
- ▶ 16 were part of a "sibling group": they had one or more brothers or sisters that KCSL was trying to place with the same potential adoptive families.
- ▶ 17 were adopted by their foster families, and 13 were adopted by relatives.
- ▶ 16 of their adoptions were finalized within two years from the date the case was referred to KCSL, seven took three years to be finalized, four took four years to be finalized, and three took more than four years to finalize. The longest adoption case in our sample took five years to finalize.

**Having potential adoptive parents identified at the time children are referred for adoption doesn't mean these cases will be simple and straightforward.** On the contrary, we found that these cases often were complex and involved, and that many of the delays that occurred appeared to be unavoidable or beyond the State's control.

### **Some Adoption Cases Can Be Extremely Complex and Involved**

Jana, her older brother, and her older sister had been living with relatives since she was about 1½. When she was 3½, this healthy child and her siblings were referred for adoption because their parents' rights had been terminated. The relatives with whom they'd been living wanted to adopt her and her siblings. Social workers and other adults involved chose these relatives as the adoptive family for the siblings, and they continued to live in that home. Despite this, Jana was 8 when the adoption was finalized. Some of the events that caused delays in this case include:

- Her birth father appealed termination of his parental rights. The appeal took about six months to resolve.
- The potential adoptive parents sought help for the children and themselves to cope with the older children's emotional problems associated with the abuse (including suspected sexual abuse) and neglect they'd experienced in their birth parents' home. Social workers were concerned that the potential adoptive couple didn't have the skills to cope with these children. The children, especially the older children, and the family as a group received counseling.
- The potential adoptive parent had to meet additional requirements in order to adopt: they had to remodel their home in order to have enough bedrooms so that the brother had his own room, and the adopting mom had to undergo additional screening to ensure that she didn't have current problems with alcohol abuse. (She didn't.)
- The potential adoptive dad inappropriately disciplined the brother. Social workers investigated, and the family had to complete specific tasks to get back on track.
- The potential adoptive dad allegedly inappropriately helped the sisters with their baths. This was investigated as possible sexual abuse but wasn't substantiated.
- The brother's behavior got more unmanageable over time, and the potential adoptive mom had severe misgivings about adopting him. The brother eventually spent some time in a group home and social workers considered separating him for adoption by another family, but he eventually rejoined his sisters in this family.
- The potential adoptive mom died. The family had to adjust to the loss, and some social workers had reservations about whether the potential adoptive dad could cope as a single parent, plus the family's well ran dry and the children weren't bathing often enough. Once those problems were overcome, the home study had to be updated to reflect the change in the family.

More than half and some of the lengthiest of the 106 delays we found occurred for legitimate reasons. For example, the birth parents of nine of the 30 children in our sample appealed termination of their parental rights. In one case, the birth mother appealed to the Kansas Supreme Court; her appeals weren't resolved until almost 14 months after referral. After the court's ruling, it took only a few months for the adoption to be finalized.

Another case was delayed while a child's grandfather and his wife—who lived in another state—completed that state's foster home requirements and then an adoption home study. After that, they then were required by officials in that state to wait six months before the case could be finalized. From referral to finalization, the case took about 20 months.

The box below describes some of the delays that occurred for two other children in our sample.

**“Reasonable” Delays Can Play a Big Role in  
Extending the Adoption Process**

The stories of two children in our sample illustrate delays in the process that appeared to be unavoidable or beyond KCSL's or SRS' control. These cases demonstrate how multiple reasonable delays can occur and can extend the adoption process.

- Mental health and behavior problems can slow adoptions. Daniel was 10 when he was referred to the adoption contract with his older sister and brother. All three had been living with his eventual adoptive family for a year before referral. Those foster parents had received special training to deal with complicated health and learning issues: Daniel has post-traumatic stress disorder, suffered sexual abuse, takes multiple medications, and has learning disabilities, and his siblings also had mental health and behavioral challenges. First Daniel and then his sister had episodes so bad they were removed from the home for periods of time. Mental health and medical professionals tried various therapies and medications to help Daniel keep his behavior in check, with varying success. The foster parents were chosen as the adoptive family about two years after referral. The foster parents continued to want to adopt all three, and they negotiated for an increased subsidy amount to help them cover Daniel's hefty therapy and medication expenses. Daniel had just turned 14 when the adoption was finalized. His older brother wasn't adopted because he'd already turned 18 by then.
- Keeping siblings together can slow adoptions. Michelle's case was slowed mostly by various hurdles to keeping her with her brothers. After Michelle (then 2½) was hospitalized with injuries, she and her brothers were removed from her birth mother's home. She began living with her paternal aunt about a month later. Michelle was referred for adoption when she was not quite 4½. The aunt wanted to adopt Michelle and her brothers and keep them together, but the aunt's apartment was too small to accommodate all three. She had to take a home buyer's class in order to qualify for a home loan, and then she had to find a house she could afford. She also had to wait for and then take the 10-week parenting class required before the home study could be completed. Another aunt in another state also expressed interest, and that aunt had to be given time to try to become eligible. Michelle and her brothers were adopted by the first aunt when Michelle was almost 6½.

**In all, 20 of the 30 children whose case files we reviewed had at least one delay in the adoption process that appeared to us to be unreasonable or unexplained.** Some of these adoptions were delayed several times during the process; we identified a total of 34 unreasonable or unexplained delays in these 20 cases. Overall, we classified half of the unreasonable delays as major; that is, they delayed the adoption process by at least two months. That information is summarized in *Figure I-2* on page 15.

As *Figure I-2* to the right shows, the most common delays we identified involved issues related to the completion of the home-study, and to KCSL or others not completing needed paperwork on a timely basis. Two examples are shown below.

Jacob was nearly 8 when he entered foster care because of his birth mother's alcoholism and subsequent neglect of him. He soon began living with his aunt and uncle. The aunt and uncle at first thought another family would be better for him, but the other family backed out and the aunt and uncle decided to adopt him. After making this decision, the aunt and uncle took five months to complete the parenting course and to submit home study paperwork.

Maria was nearly 13 when she was referred for adoption. By that time, she'd been in foster care for more than two years, and her four younger siblings also had been in and out of foster care. Maria's paternal grandparents and an aunt and uncle asked to adopt her. (She didn't share a birth father with any of her siblings, and her birth father had died.) Both the grandparents and the aunt and uncle had turned in all the paperwork required of them for the home study within three months after the appeal was denied. However, those home studies weren't assigned within KCSL for another two months, and they weren't completed for still another two months.

The box below describes three other cases in which the adoptions were slowed because of unreasonable delays.

### **For 3 of the 30 Children, None of the Delays Were Reasonable**

Justin was taken into SRS custody when he was 8½ because of physical and sexual abuse plus physical neglect in his birth parents' home. He immediately moved in with the foster father who was to become his adoptive father. But the foster father was slow to complete paperwork needed for the home study, and he allowed people to move in and out of his house. Information including criminal history is required about each person living in the home, so completing the home study was delayed for about five months. The adoption was delayed again, this time less than a month, because the KCSL social worker didn't have Justin's social history ready for the adoption packet.

Martin began living with the foster parents who eventually adopted him when he was only six days old; he'd been taken away from his birth mother at birth because, allegedly, she'd earlier injured his half-sister. He was finally referred for adoption when he was nearly 2. The adopting foster parents took about 10 months longer than seems reasonable to complete all the home study paperwork: they lost and had to redo their autobiographies, they incorrectly completed their employment verification and health assessments, and they didn't get their household budget in until the last minute. They also weren't good about returning social workers' calls. Martin was nearly 5 before the adoption was completed.

Alan had been living with the grandmother who eventually adopted him since he was five months old, and he was almost 2½ when he was referred for adoption through SRS. His grandmother wasn't a licensed foster care provider and therefore didn't receive foster care payments. KCSL didn't have a teacher available for the parenting class Alan's grandmother was required to complete before the home study could be finished. More than a year later, SRS eliminated the parenting class requirement for adopting relatives who weren't getting foster care payments. However, the home study still wasn't completed for an additional five months; we couldn't determine who prolonged that process. Alan was 4 ½ before the adoption was finalized.

Figure I-2

Unreasonable or Unexplained Delays in the Files LPA Reviewed

Category	Unreasonable or Unexplained Delays	
	Major (a)	Minor
<b>Home Study Delays</b> <i>Examples</i>	<b>13</b> --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	<b>3</b> --adopting parents didn't return home study materials on time
<b>Paperwork Delays</b> <i>Examples</i>	<b>1</b> --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	<b>12</b> -- 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
<b>Child Welfare Concerns</b> <i>Examples</i>	<b>2</b> -- 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	<b>1</b> -- 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
<b>Concerns of the Adoptive Family</b>	<b>1</b> -- 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	<b>1</b> -- subsidy negotiations took a month or two longer than usual
	<b>17</b>	<b>17</b>
<b>TOTALS</b>	<b>34</b>	
(a) caused a major delay in an adoption, approximately 2 months or more Source: LPA analysis of 30 KCSL adoption case files		

It was impossible to determine exactly how long each case was delayed by such actions. Nevertheless, in an attempt to better assess the impact of these delays, we developed estimates for how much we thought each delay slowed the adoption process, i.e., how much longer the process took than it "should" have taken. This analysis yielded the following results:

- unnecessary delays appeared to slow the adoption process for each of these 20 children by an average of six months.
- for nine of the children, unnecessary delays slowed the adoption process by no more than four months, however, the adoption of four children appeared to have been delayed unnecessarily by more than 10 months.

- home study delays slowed adoptions the most, by an average of nearly six months. Paperwork delays had the least effect, adding only a month and a half to the adoption process.

Adoptive parents appear to have been responsible for most of the major unreasonable or unexplained delays we identified. This information is summarized in *Figure I-3*. KCSL social workers appear to have been responsible for 10 such delays, but most of those weren't major (that is, the delay was less than two months).

**Figure I-3**  
**Parties Responsible for Unreasonable or Unexplained Delays**

Party responsible for the delay	Delays that were unreasonable or unexplained			Could KCSL affect the unreasonable delays?
	major	minor	%	
adoptive parents	10	3	38%	only indirectly
KCSL (a)	3	7	29%	yes, directly
can't tell	2	2	12%	can't tell
KCSL and SRS (joint decisions) (b)	1	1	6%	partially
SRS (c)	0	2	6%	no
other	1	2	9%	no
Totals	17	17	100%	

(a) KCSL delayed home studies (major delays) and gathering paperwork (minor delays).  
 (b) KCSL and SRS social workers jointly making decisions on scheduling major meetings and document signings  
 (c) SRS delayed paperwork

Source: LPA analysis of 30 KCSL adoption case files

***Under the Current System, Adoptive Parents and KCSL Can Benefit Financially from Delays in the Adoption Process***

The current adoption process has built-in financial incentives that could encourage delays by either the adopting family or KCSL.

Under the current contract, SRS pays KCSL \$1,252 per month for each child until the adoption has been finalized. KCSL uses that money to pay foster parents an agreed-upon monthly amount per child in "maintenance" payments, and to cover certain other expenses (such as day care, respite care and counseling services). Under this system:

- **the adopting family can benefit from delays that occur before signing the adoption placement agreement.** That's because the foster care payments and expense reimbursements the family receives BEFORE signing the adoption placement agreement are usually much larger than the adoption subsidies they receive AFTER signing the agreement.

- **KCSL is more likely to benefit from delays that occur after that agreement is signed.** KCSL's payments to adoptive families, in most cases, stop AFTER the agreement has been signed, but KCSL continues to receive \$1,252 per month per child from SRS until the adoption is finalized.

**The switch from foster care payments to adoption support payments can significantly decrease the amount of money the adoptive family receives from State programs.** The adoption subsidy is available for children with special needs who would be difficult to adopt without cash assistance. Typically, the maximum amount payable is \$400 per month, but that amount can be increased to \$700 per month in some circumstances. Unlike foster care child maintenance payments, its purpose isn't for routine living expenses; rather, it helps adoptive families cover the additional costs of providing for the special needs of the adopted child, such as specialized day care, speech therapy, and non-prescription medication. SRS staff approve these payments, and the adopting family is paid using SRS funds.

Both SRS and KCSL officials told us that, in most cases, foster care maintenance payments exceed adoption subsidy payments. On the other hand, they also said some adopting families may receive temporary assistance payments instead of foster care maintenance payments, and the adoption subsidy can be more than the temporary assistance payment.

**Figure I-4**  
Comparing the Amounts Paid for  
Child Maintenance and Adoption Subsidy

Child	Monthly Amount Paid for:			Change AFTER Placement Agreement Is Signed
	Foster Care Child Maintenance	Temporary Assistance to Families (TAF)	Adoption Subsidy	
1	\$ 793	\$ 0	\$ 66	\$ - 727
2	540	0	0	- 540
3	540	0	400	- 140
4	540	0	400	- 140
5	0	175	150	- 25
6	0	0	0	0
7	0	175	400	225

Source: KCSL ChildPro database, SRS Economic & Employment Support program data, SRS adoption subsidy contracts

Figure I-4 shows the differences in payments for seven children in our sample. It shows that, after the adoption placement was signed, five families experienced reduced governmental assistance, one received increased assistance, and one family received no assistance through any program.

**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 caused intentionally, it was clear that the delays did allow either the adoptive parents or KCSL to benefit financially.

- Eight delays resulted primarily from actions adopting families took (or should have taken but didn't) while they were receiving foster payments—a time when they stood to benefit financially. Six of these delays were major (that is, they took more than two months), and most were home study delays. In one case, the foster parent wavered in whether she really wanted to adopt the child (or at least told social workers she wasn't sure about adopting), delaying the process by about eight months.
- Another seven delays resulted primarily from KCSL staff actions (or non-action) after the placement agreement was signed—a time when KCSL benefitted financially. Although six of these delays were minor paperwork delays, we did note one major delay.

In another case, KCSL benefitted even though the delay occurred before the placement agreement was signed. In this case, the adopting parents weren't getting foster care maintenance payments, so any delay benefitted KCSL. KCSL's social worker didn't complete the home study for nearly five months after the adopting parents had turned in all their paperwork and had completed parenting classes. (KCSL told us this social worker has left the agency.)

For the delays involving adoptive parents to have been avoided, KCSL case workers should have been more vigilant about the progress being made on each case, and they possibly could have put more pressure on adopting parents to fulfill their obligations. In discussing such issues with KCSL and SRS managers, they told us that it's important for case workers to balance pressure with patience, because losing an adoptive family would be far more time consuming and costly to the State.

For the delays involving KCSL staff actions to have been avoided, staff should have been more observant to ensure that required paperwork wasn't missing from the file. We noted that KCSL staff had begun using a checklist to help ensure that required documents had been obtained. This seems likely to help maximize the chances that missing or incomplete documents will be obtained in a timely manner.

---

***New Contracts for Adoption and Foster Care Services Will Reduce Contractors' Financial Incentives To Delay Adoptions***

During this audit, SRS was in the process of seeking and evaluating proposals for providing family preservation, foster care, and adoption services. In late January 2005, SRS awarded new contracts for these services.

Two changes will significantly affect the delivery of adoption services under the new contracts:

- the adoption contractor will no longer have case management responsibilities. Regardless of whether the child is to be returned to his or her family or adopted, responsibility for managing that child's case will stay, throughout the life of the case, with the contractor who originally receives the case.

- the adoption contractor will be responsible only for recruiting and training families who are willing to adopt children and matching these families and children.

These changes should reduce the opportunity for agencies to benefit financially from delays, but they won't have the same effect for delays caused by potential adoptive parents. Although contracts haven't yet been signed, SRS officials told us the new foster care contracts will require SRS to pay each contractor a specified monthly amount per child. Over time, these monthly amounts will decrease as follows:

- to 66% after a child has been in the foster care system for six months
- to 29% after the child has been in the system for 12 months

SRS officials told us they thought these reductions should encourage contractors to either place the child with an adoptive family or reunite the child with his or her family sooner than under previous contracts.

It's our understanding these contracts won't affect payments to foster families caring for a child. As a result, the same financial incentives described in earlier sections of this report will continue to exist for potential adoptive families.

However, because contractor payments for children in the foster care system will be reduced over time, it's likely that contractors will be more cognizant of all delays and may 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.

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***

1. To help minimize the number of unreasonable delays that occur in the adoption process, SRS and its contractors should ensure their case workers develop and use a checklist to demonstrate they've taken the following steps:
  - review the documents included in the child's file,
  - verify that all required documents are present and provide accurate information, and
  - make timely requests to the appropriate parties to obtain any missing documents

Periodically, supervisors should review a sample of files and verify these procedures are being followed.

## APPENDIX A

This appendix contains the scope statement approved by the Legislative Post Audit Committee on August 23, 2004. The audit was requested by Representative Dean Newton and Representative Brenda Landwehr.

### SCOPE STATEMENT

#### **Foster Care: Determining Whether Adoptions Are Being Finalized As Quickly As Possible, Once An Adoptive Family is Located**

Prior to October 1996, the adoption function of the State's foster care program was handled by workers in the Department of Social and Rehabilitation Services. In October 1996, the Department privatized that function by awarding the first adoption contract to Lutheran Social Services through June 2000. Lutheran Social Services experienced financial difficulties toward the end of the initial contract period, and in February 2000, the Department signed a new adoption services contract with Kansas Children's Service League (KCSL). KCSL remains the State's adoption contractor.

In January 2001, Legislative Post Audit issued an audit report reviewing selected financial and service issues related to the State's adoption and foster care contracts. The main findings related to the adoption contract were:

- Although the total number of adoptions increased after privatization, the percentage of available children being adopted was actually lower than before privatization.
- Children were being placed with adoptive families and adopted in a more timely manner than before privatization.

Recently, judges and other interested individuals have expressed concerns to Legislators that the adoption process has slowed up. They cite cases of adoptions taking 9-12 months longer to finalize than they think should have been necessary. They have speculated that the adoption contractor may have a financial incentive to delay adoption of certain types of children so it can continue receiving funding for those children to help subsidize the costs of other children who are more difficult to find adoptive families for.

A performance audit of this topic would answer the following questions:

1. Have there been unreasonable or unexplainable delays in finalizing adoptions of foster care children in Kansas? To answer this question, we would review information maintained by SRS and by Kansas Children's Service League for the past few years regarding the average length of time all children were placed with the adoption contractor before being permanently placed with an adoptive family. By reviewing agency records, we would attempt to isolate the cases that had potential adoptive families at the time they were referred to the adoption contractor (KCSL). For those cases, we would review the time elapsed from placement until the adoption was finalized. For a sample of cases that took a long time to finalize, we would look for specific phases of the case that took longer than average, and attempt to determine why.

We would review documentation in the case files to determine such things as what actions were taken throughout the case, whether there appeared to be any long periods of time where nothing was happening, and whether certain actions or processes were being delayed or repeated. Through interviews with staff assigned to those cases we would obtain explanations for anything that looked unusual about

the case. In addition, we would contact judges, guardians ad litem, adoptive parents or others connected with the case to get their opinions about whether there were unnecessary delays in finalizing the adoption and what contributed to those delays. Also, we would review any complaints that SRS, or KCSL have received about cases taking too long, and we would include some or all of those cases in our review. We would conduct additional work as needed.

2. Are there any financial incentives in the current system that could encourage delays in issuing the final adoption decree? To answer this question, we would determine how payments are made to the adoption contractor and to foster parents seeking to adopt their foster child. We would review the system to assess whether there are any potential financial benefits to any of the parties from delaying the date the adoption is finalized. Through our work on question 1 and our interviews with people involved with the system, we would determine whether it appears that adoptions are being delayed because of financial incentives to do so.

Estimated time to complete: 10-12 weeks

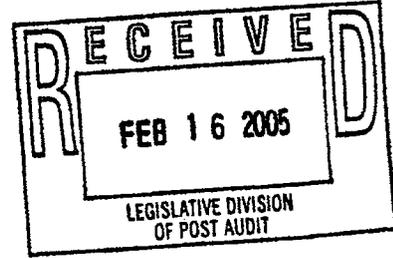
## **APPENDIX B**

### **AGENCY RESPONSES**

On February 10, 2005, we sent draft copies of the report to the Department of Social and Rehabilitation Services and to Kansas Children's Service League. We received their responses on February 16, 2005. The agencies agreed with the findings of this report. These responses are included in this appendix.



KANSAS



GARY J. DANIELS, ACTING SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

SOCIAL AND REHABILITATION SERVICES

February 15, 2005

Ms. Barbara J. Hinton  
Legislative Post Audit  
800 SW Jackson St., Suite 1200  
Topeka, KS 66612-2212

Dear Ms. Hinton:

Thank you for the opportunity to review the LPA report on Foster Care: Determining Whether Adoptions Are Being Finalized As Quickly As Possible, Once An Adoptive Family Is Located.

My staff have reviewed the report and generally agree with the audit outcome. The identification of paper work slowing the process is an issue that has been addressed over the years. Kansas Children's Service League (KCSL) has a checklist that is used as a tool once the child's case plan becomes adoption. This is part of the "bridging work" described in the report. KCSL collaborated with the Foster Care Contractors in order to increase timely adoptions this past fiscal year. In FY 2004, KCSL finalized 633 adoptions their highest ever since they have been the adoption contractor for the State of Kansas.

The new Child Welfare Community Based Service Contracts beginning in July 1, 2005, requires the child/family to be served by the same case manager throughout the life of the case, thus eliminating a transfer to another contract agency. The Department will address the paperwork issue in policy by adding a checklist as suggested in the recommendations to our Policy and Procedure Manual. This will be incorporated and used as a tool when the child comes into out of home placement and is referred for reintegration services. The Department is requiring that all children in out of home placement have a dual case plan of reintegration/adoption. When it appears that reintegration is no longer viable, the agency will have a plan already in place to move forward. This will increase timely adoptions and reduce the length of stay for children in out of home placement.

As noted in the report, the case examples used for the audit demonstrate that adoption is a very emotional and complex issue. Adoption is a lifelong process for the child and the adoptive family. The dynamics in adoption are fluid thus changing all the time. Making the decision to adopt can be a very rewarding experience and also a very challenging one much like parenting in general. However, the issues of grief and loss never go away completely making adoption a lifelong process.

Sincerely

Gary J. Daniels  
Acting Secretary

GJD:PL:br

cc: Candy Shively  
Sandra Hazlett  
Mary Hoover

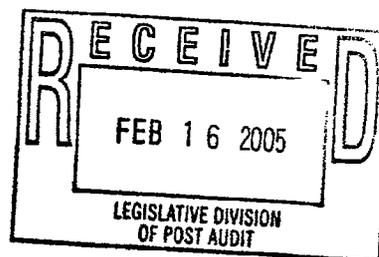
DOCKING STATE OFFICE BUILDING, 915 SW HARRISON ST., ROOM 603-N, TOPEKA, KS 66612-1570

Voice 785-296-3271 Fax 785-296-4885 www.srkansas.org



# Kansas Children's Service League

Giving Kids Our Best. For Over 100 Years.



Toll-free  
877-530-5275  
www.kcsl.org

3616 S.W. Topeka Blvd.  
P.O. Box 5268  
Topeka, KS 66605-0268  
Tel 785-274-3100  
Fax 785-274-3188

February 14, 2005

Barbara Hinton  
Legislative Post Auditor  
Legislative Division of Post Audit  
800 SW Jackson St., Suite 1200  
Topeka, KS 66612-2212

RE: "Foster Care: Determining Whether Adoptions are Being Finalized as Quickly as Possible, Once an Adoptive Family is Located"

Dear Ms. Hinton,

Thank you for the opportunity to review the above referenced LPA draft report. It is clear from this document that LPA staff conducted a comprehensive review of the Kansas public adoption system, and KCSL's current role as the statewide contractor.

We have a few comments related to the report's contents.

1. The report verifies that KCSL does not utilize or condone institutional policy or practice that creates intentional delays in adoption finalizations in order to financially benefit the agency.
2. Data provided in the report clearly identifies the number of adoption finalizations increased each of the first four years of this contract, while adoption dissolutions (the number of children returning to out of home placement after an adoption finalization) remained less than 1%. Specifically, the State received a \$440,000 Adoption Incentive Bonus for exceeding expected numbers of finalizations during the last federal fiscal year. Finally, performance on the six and 12 month permanency outcomes improved each year. (see pages 6 and 7 of LPA report)

### Locations

Abilene	Leoti
Andover	Liberal
Cimarron	Manhattan
Clay Center	Marysville
Concordia	Olathe
Council Grove	Pittsburg
Deerfield	Pratt
Garden City	Salina
Hays	Satanta
Hugoton	Scott City
Hutchinson	Stafford
Johnson	Topeka
Junction City	Ulysses
Kansas City	Wichita
Kingman	

Kansas Children's Service League is the Kansas Chapter of Prevent Child Abuse America, a member of the Child Welfare League of America and the United Way. Accredited by the Council on Accreditation.





3. As discussed with LPA staff during the course of the audit, the published contract performance on the following outcome – 90% of adoptive placements shall be finalized within 12 months of the placement date – is somewhat misleading (see page 7 of LPA report). This element currently tracks all adoptive placements, including those that disrupt, i.e. a child in APA is removed from a home that is no longer considered the adoptive placement, prior to finalization. For all adoptive placements that reach finalization, 93% do so in 12 months or less following APA.
4. The report references federal performance expectations for adoption permanency (see page 7 of LPA report). It is important to note that the quoted timeframe is from entry into the system (initial removal to out of home placement) until release of custody due to adoption finalization. This performance standard is not solely related to work conducted by adoption professionals.

#### **KCSL Response to Recommendation**

The LPA report recommends that a checklist be developed and monitored to ensure necessary documents are in a child's file, that required documents contain accurate information, and that timely requests were made to obtain missing documents. KCSL created such a process prior to the LPA audit and examples of monitoring tools were shared with audit staff. The report references this on page 18.

KCSL will continue to use the monitoring process until the current contract ends on June 30, 2005. As the continuing statewide adoption contractor, the agency is in the process of developing policy, practice, and quality assurance monitoring systems that will guide the implementation of the new service model to take effect July 1, 2005. We will pay particular attention to those documentation elements identified in the LPA report.

Kansas Children's Service League appreciates the professionalism shown by LPA staff throughout this audit process. Please feel free to contact me, or Sandra Dixon, V.P. of Child Welfare Services, if you have questions about this response.

Sincerely,

Wm. Clark Luster  
President/CEO