
STATE OF KANSAS

DIVISION OF THE CHILD ADVOCATE

2022 Annual Report



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Report Prepared Collaboratively by the KDCA Team

INTRODUCTION & OVERVIEW

What is the Division of the Child Advocate?

The State of Kansas Division of the Child Advocate (KDCA) was established by **Executive Order No. 21-28** ([EO-21-28-Division-of-Child-Advocate-Executed.pdf](#)

[\(kansas.gov\)](#)), October 2021, within the Office of Public Advocates, as set out by Executive Order 21-27 ([EO-21-27-Office-of-Public-Advocates-Executed.pdf \(kansas.gov\)](#)), and attached to the Department of Administration.

The Department of Administration provides technical assistance and advice as the Secretary deems reasonable and necessary to assist the Division of the Child Advocate to function as an independent state agency.

The Kansas Division of the Child Advocate was created in response to ensure Kansas prioritizes the safety and health of childhood as the highest importance, to increasing support for families, protecting Kansas children from harm, ensuring adequate care as vital to improving the delivery of child welfare services, and to provide impartial review of concerns voiced by children and families and evaluation for systems improvement.

A Message from the Child Advocate...

This year has been a culmination of great progress, accomplishments, challenges, and growth.

The history behind KDCA is important as Kansas focuses energy on improving its child welfare systems and working to ensure the health, safety, and well-being of our Kansas children and families. In 2017, House Sub. for SB 126 (2017) directed the Secretary for the Department for Children and Families to establish a Child Welfare System Task Force (Task Force) to study the Kansas child welfare system. The Task Force convened working groups, tasked with submitting a preliminary report in 2018, focusing on the following areas: the general administration of child welfare by DCF, protective services, family preservation, reintegration, foster care, and permanency placement. A final report was issued in January 2019 that included recommendations, organized by priority into three tiers. Additionally, the Kansas Legislature has comprised a Joint Committee on Child Welfare System Oversight tasked with reviewing data on child maltreatment and demographic trends

impacting the child welfare system. This includes reviewing the duties, responsibilities and contributions of the Kansas Department for Children and Families (DCF), the Kansas Department for Aging and Disability Services (KDADS), the Kansas Department of Health and Environment (KDHE), the Department of Corrections, law enforcement, and the judicial branch that comprise the child welfare system, as well as reviewing programs, services, and benefits offered directly or through grants or contracts that impact children and families at risk of becoming involved or who are involved in the child welfare system.

In 2018, a class action lawsuit was filed against the state on behalf of foster youth declaring that they had been deprived of critical mental health assessments and services and experienced extreme placement instability. A settlement agreement was entered and approved by the Court in January 2021, monitoring outcomes over three or four, one-year periods with an emphasis on accountability reporting, practice improvements, and outcomes.

Over the last several years, many of our Kansas leaders identified a need and focused tremendous time and energy towards developing a child advocate/ombudsman office as an essential step towards systems improvement. The creation of KDCA is a critical component in providing an independent, neutral mechanism, giving process solutions and voice to address the concerns of our Kansas children and families.

A year in review highlights an amazing twelve months for KDCA and Kansas children and families, but one that entails obstacles, loss, celebrations, and significant learning. KDCA established a physical office location, hired a qualified and dedicated team, created procedures, met with key stakeholders across the State, and responded to complainants' concerns. A special thank you to the Department of Administration's facilities and property management, IT staff, budget and financial management, and human resources for their support and expertise, assisting KDCA as we have worked diligently to build an infrastructure necessary to accomplish its mission. This year marks progress and evolution. The continued expertise of other state child advocate and ombuds offices has been invaluable, including the support and guidance from the Kansas Long-term Care Ombudsman and KanCare Ombudsman within the Office of Public Advocates.

Year 1 (2022) included the following:

- Hired a cohesive, qualified team, creating a culture to fulfill KDCA's Mission.
- Established a physical office presence within the Office of Public Advocates.
- Developed a system to track records and compile trends and patterns.
- Established KDCA Policies and Procedures, remaining fluid as experience and lessons learned provide guidance on most effective and efficient practices.
- Implemented a basic marketing/outreach plan that included the following:
 - Website Development (live Feb.2022)

- Online Complaint Form
- Toll-Free Line
- Resource Links
- Information/Educational materials

- Created and distributed brochures to stakeholders, service providers, juvenile courts, and the public.
- Established a social media presence on Facebook and Twitter. (live April 2022, Child Abuse Prevention Month)
- Began building connections with key stakeholders, founded on integrity, objectivity, and accountability, for more impactful statewide systems strengthening transformation.
- Initiated formal reviews, analyzing processes and data to formulate recommendations and advocate for case specific change, focused systemic change, and legislative initiatives.
- Procured a case management system.
- Disseminated Former Foster Parent Survey and provided preliminary results.

KDCA's intention is to have honest and impactful change, as one component to improving outcomes for overall child and family well-being. Child welfare systems are complex, multi-dimensional and fundamentally problematic. As we all work together on this collective goal and as difficult truths and lessons are highlighted, I hope we remember to operate from a place of improved accountability and with grace.

I remain grateful for this opportunity and stand extremely thankful and proud of the KDCA team as we embark upon another year of complicated challenges known as our child welfare system yet embrace hope through this journey.

Thank you for your support and the honor in serving our Kansas children and families.



Kerrie Lonard | Kansas Child Advocate

Kansas Division of the Child Advocate Team...

Kerrie Lonard named as the Child Advocate in December 2021. Before joining KDCA, Kerrie spent 14 years with Kansas Legal Services, serving as both Staff Attorney and Managing Attorney. She has represented children and youth as Guardian ad Litem (GAL), as well as parents, and interested parties in child-in-need-of-care proceedings. Prior to earning a law degree, she worked as a school social worker for five years, and other foster care and child advocate roles, including as a CASA volunteer. Kerrie earned a Bachelor of Social Work from the University of Kansas, a Master of Social Work from Washburn University, and is a graduate of Washburn University School of Law. During her tenure in public service and advocacy, Kerrie has served on a number of statewide panels for child welfare systems improvement.

Brook Town joined KDCA as a Case Investigative Analyst. Brook brings over a decade of professional experience in child welfare, most recently working with one of the state's foster care contractors serving families providing foster care, including developing training for foster parents and aiding families as they navigated the fostering, reunification, and adoption journey. Previously Brook worked for the Department for Children and Families, completing Family-Based assessments, referring families to services, and assessing allegations of abuse and neglect. She earned a Bachelor of Social Work from Washburn University and a Master of Social work from Park University. She holds a professional license as a Master Social Worker (LMSW) in Kansas.

Elizabeth Pfalzgraf joined KDCA as a Case Investigative Analyst. Elizabeth has worked in child welfare for more than 10 years in various roles including child abuse and neglect investigations, case management supervision and agency leadership. She has experience in practice model implementation, policy development, performance measure compliance, and enhancing best practice. Elizabeth has served as an assessor in multiple Child and Family Service Reviews (CFSR), evaluating state child welfare practices to federal outcome standards. She earned a Bachelor of Science in Criminal Justice from University of Nebraska and a Master of Social Work from University of Missouri-Kansas City. Elizabeth holds a professional license as a Master Social Worker (LMSW) in Kansas.

Wendy Watson joined KDCA as a Case Investigative Analyst. Wendy has over 15 years of experience in rural and urban child welfare including child protective services investigations, foster care case management, agency leadership, and as a domestic violence specialist. She worked as an investigator within the Utah Child Protection Ombudsman Office and has served as an assessor in Child and Family Service Reviews (CFSR), evaluating state child welfare practices to federal outcome standards. She has experience in practice model implementation, policy development, compliance, and foster care licensing. In addition to child welfare, she has ten years of experience with the KanCare Medicaid waivers. Wendy earned a Bachelor of Social Work from Weber State University. She currently holds a professional license as a Licensed Bachelor Social Worker (LBSW) in Kansas, and previously held a license in the state of Utah.

Sarah Gisick joined KDCA as the Office Administrator. Prior to this, Sarah has served for over a decade in the Early Childhood Education Field. As a Childcare Coordinator focusing on growth and training in the areas of Trauma Informed Care and Positive Behavior Supports, Sarah has connected with a passion in helping children to be healthy, happy, and cared for. Sarah holds a bachelor's degree in Speech Language & Hearing from the University of Kansas.

First Year Project Highlights...

- **Procure Case Management System.** KDCA has partnered with iSight, an investigation software company, to create a robust case management system. KDCA spent several months developing and customizing a system with iSight staff that captures envisioned features. The case management system will aid in timely response to complaints, a uniform workflow, organization of case files and documentation, and compile collected data including common themes and trends found within child welfare. KDCA and iSight have initiated the finalization, and KDCA looks for the case management system to be implemented and active early 2023.
- **Former Foster Parent Survey.** During the September 2022 Joint Committee on Child Welfare System Oversight meeting, testimony was provided regarding the number of foster homes in Kansas that have closed over the last several years. It was reported that there had been a net loss of approximately 500 foster homes. KDCA was tasked with surveying the closed foster homes to learn more about Kansas Foster Parent experiences in hopes of developing recommendations for improving the Kansas Foster Care system.

KDCA received a list of approximately 2,500 foster home licenses which closed between July 1, 2019 and June 30, 2022. A 20-question survey was e-mailed to 2,394 former foster parents and a letter was mailed to an additional 130 former foster parents. The survey was open for responses from October 4, 2022 through October 17, 2022, and a total of 609 responses were received. KDCA compiled the results and provided a preliminary report to the Joint Committee on Child Welfare System Oversight during their November meeting. The survey contained several open-ended questions, and KDCA is continuing to analyze these responses for trends and insight. In addition, just over half of the respondents consented to a follow-up phone call from KDCA regarding their survey responses. KDCA has begun making these phone calls and will continue this work through early 2023. Once complete, KDCA will draft a final report with data, insights, and recommendations.

- **BIS Dialogue.** The Best Interest Staffing (BIS) is the administrative process and means by which an adoptive family is selected for a child in the custody of the Secretary. KDCA is presently facilitating conversations with key stakeholders, including those with “boots on the ground,” regarding the current process. Round table discussions focus on discovering what is working, what is not working, if the process and attendees are consistent among the different DCF Regions and Case Management Providers, how sibling splits are treated, and how family and non-related kin are considered. Ideas are solicited from all parties on how to improve the process. KDCA is researching the processes of other states as well. Upon completion of the project and dialogue, KDCA will prepare a report including information gathered and potential recommendations for policy change.

2022 KDCA Non-Investigative Work

5

The number of committees, taskforces, and panels KDCA staff attend.

95

The number of training hours attended by KDCA staff during 2022.

- CFSR Statewide Assessment Group
- Citizen Review Panel – Custody to Transition
- Citizen Review Panel – Intake to Petition
- FFPSA, Strong Statewide ICAB
- ICAB Policy Subcommittee

36

Presentations or meetings with organizations in Kansas to provide information about KDCA.

JANUARY

- Connect with ACF Representative
- Meet with DCF Staff
- Meet with KDOC & tour campus
- Meet with Children’s Alliance Board of Directors
- Meet with DCF Administration
- Meet with Office of Judicial Administration

FEBRUARY

- Meet with other DCF Regional Staff
- Present about KDCA to Citizen Review Panel – Custody to Transition
- NACC State Coordinator Meeting
- Meet with CASA State Representatives
- Present about KDCA to KS Chapter American Academy of Pediatrics
- Meet with Children’s Mercy SCAN Clinic Doctor
- Present about KDCA to Citizen Review Panel – Intake to Petition
- Present about KDCA to Washburn Law Children & Family Law group
- Share about KDCA with Kansas Neutral – Center for the Study of Social Policy

MARCH

- Meet with DCF Administration Permanency & Foster Care Programs
- Interviewed about KDCA for CARC – KLS Newsletter
- Present about KDCA to the Kansas Foster Accountability Advisory Board
- Meet with DCCCA about KDCA

APRIL

- Tour CMH SCAN Clinic

MAY

- Present about KDCA to DCCCA CPA Statewide Staff at Emporia meeting
- Attend CFSR Kickoff
- Present about KDCA to CASA staff of JO/WY

JUNE

- NACC - ICPC webinar reviewing for Kansas practitioners
- Present about KDCA to KVC CPA

JULY

- Present about KDCA to DCCCA/Children’s Alliance Foster Parent Support Group
- Present about KDCA to KDOC-Crossover Youth State Policy Team

AUGUST

- Present about KDCA to KFAN Advisory Board
- Share about KDCA with a local Parents As Teachers
- Attend NACC 45th National Child Welfare Law Conference in Baltimore

SEPTEMBER

- Testify to Joint Committee on Child Welfare System Oversight
- Present about KDCA to CASA Directors at annual meeting
- Presentation/meet DCF Youth Program Team

OCTOBER

- Joint Committee on Child Welfare System Oversight – Executive Session

NOVEMBER

- Present about KDCA to KU Law Juvenile Law class
- Present about KDCA to KOVA
- Testify to Joint Committee on Child Welfare System Oversight

DECEMBER

- Present to Kansas Foster Accountability Advisory Board

Mission and Vision

The mission of the Division of the Child Advocate is to safeguard the right that all Kansas children have to be cherished, the opportunity to thrive, and are safe from abuse, neglect, and harm. KDCA carries out this mission by providing independent oversight and increased accountability of our State child welfare services, improving delivery and deepening confidence in the child welfare system. KDCA completes an impartial, independent review of Kansas child welfare policies, procedures, and practices, including an independent investigation and evaluation of concerns voiced by children, families, and other individuals.

The Division of the Child Advocate is committed to independence, transparency, accountability, voice, and impactful change. KDCA will act according to the highest standards of ethics, honesty, respect, and dignity. KDCA will operate in a thorough, competent, and efficient manner to effectuate change.

Purpose and Responsibilities

The purpose of the Division of the Child Advocate is to ensure that children and families receive adequate coordination of child welfare services for child maltreatment prevention, protection, and care through services offered by Department for Children and Families, Department for Aging and Disability Services, Department of Corrections, Department of Health and Environment, and juvenile courts.

The Division of the Child Advocate serves as an independent voice for the safety, health, and well-being of children and families who are involved with the State child welfare system due to allegations of child abuse or neglect.

The Division of the Child Advocate has the responsibility to work towards:

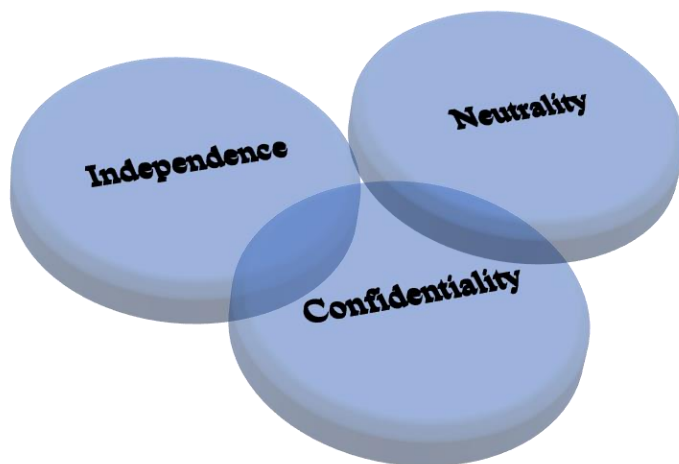
- safeguarding the protection of children who are at risk of abuse or neglect;
- ensuring health and safety of children who are alleged to be a Child In Need of Care or in the custody of the Secretary for the Department for Children and Families;
- advocating to improve existing laws and policies and procedures that have an adverse impact on family preservation and reunification or on child protection, well-being and permanency;
- identifying and articulating the needs of families and children as they relate to family preservation, reunification, child protection, well-being, and permanency to government agencies, the Governor, the Legislature, the Judiciary, the Administration, and the Public; and
- promoting public awareness, education, and understanding of the laws and services that impact families and children subject to the child welfare systems.

Goals and Objectives

The Division of the Child Advocate strives to meet the delineated mandates through the following goals:

- KDCA will fairly and without bias consider the allegations of citizens who bring a complaint to KDCA.
- KDCA staff will endeavor to give citizens a timely response to their requests for assistance.
- Agencies and government employees will receive courteous and unbiased consideration of their positions during KDCA inquiries.
- KDCA will protect confidential information provided to KDCA staff to the extent provided by law. This includes confidences expressed by agency staff.
- KDCA staff will provide complete and accurate information to citizens and agencies as reasonably possible to the extent permissible under the law.
- KDCA staff will help empower citizens by informing and educating them of their rights and entitlements under state and federal laws and how to pursue or resolve disputes.

KDCA models its practice approach after universally accepted codes of ethics and standards for ombuds to include the fundamental components of independence, neutrality, and confidentiality.



Independence

The Division of the Child Advocate's most important foundational component is its independence. KDCA is located organizationally within the Department of Administration for technical assistance and advice, only to function as an independent state agency as part of the Office of Public Advocates. The work of KDCA is conducted independently from DCF, KDADS, KDOC, KDHE, the Governor, OJA, and the Legislature.

Neutrality

The Division of the Child Advocate does not act as a direct advocate for the complainant or on behalf of a governmental agency, but rather as a neutral investigator and advocate for Kansas children and family well-being. The ability to objectively review and analyze complaints, make findings and recommendations free of partisan agendas, political bias and influence, gives KDCA the necessary foundation to operate with integrity and impartiality.

Confidentiality

The Division of the Child Advocate maintains the confidentiality of its complainants unless this is waived by the complainant and such waiver is deemed necessary to carry out KDCA's work or as disclosure may be required by law. The confidential nature of KDCA's work is designed to encourage individuals to report problems or concerns, thereby enabling KDCA to perform its duties more effectively. KDCA maintains the confidentiality of all records as set out by applicable state and federal laws. Executive Order No. 21-28 sets out that the Division of the Child Advocate's Annual Report shall remain confidential until its submission to the entities outlined in section 13 and that such reports shall not include names or personally identifiable information of children, guardians, or families in complaints. KDCA final findings letters and reports shall not include names or personally identifiable information of children, guardians, or families in complaints. Furthermore, no employee of KDCA or anyone in receipt of a KDCA final findings letter or report shall knowingly disclose confidential information without lawful authority.

Functions

The Division of the Child Advocate performs the following functions:

1. Acts on complaints made by or on behalf of a child in the custody of the Secretary for the Department for Children and Families (DCF) or alleged to be a Child In Need of Care that relate to state agencies, service providers, including contractors, subcontractors, and any juvenile court that may adversely affect the health, safety, welfare or civil or human rights of such child;
2. Compiles, collects, and preserves record of complaints received and processed that may reveal concerning patterns to address;
3. Conducts independent reviews of policy, procedure, or practice that is the subject of a complaint submitted;
4. Analyzes and monitors the development and implementation of federal, state and local laws, rules and regulations and policies with respect to child welfare services in the state and recommends changes in such laws, rules and regulations and policies to DCF, KDADS, KDHE, KDOC, KSDE, juvenile courts, the Legislature and the Governor;
5. Recommends changes to policies, procedures or adopted or proposed rules and regulations of any state or local agency that adversely affect or may adversely affect the health, safety, welfare or civil or human rights of any child;
6. Informs and educates children, their guardians and families of the child's rights and entitlements under state and federal laws;

7. Files amicus curiae briefs of the findings and recommendations of the Division in appeals from a child in need of care matter when the Child Advocate deems warranted;
8. Promotes public awareness and understanding of laws and services affecting families and children who are at risk of child abuse or neglect or who are under state supervision, and;
9. Produces an annual report to be submitted to the Governor, the Chief Justice and/or Office of Judicial Administration, the Secretary of Administration, the Secretary for Children and Families, the Joint Committee on Child Welfare Oversight, the House Committee on Children and Seniors or other relevant House Committee, the Senate Committee on Public Health or other relevant Senate Committee, and other relevant legislative committees, identifying the number of complaints received, the disposition of such complaints, the number of children involved in such complaints, the state entities named in such complaints, whether such complaints were found to be substantiated and any recommendations for improving the delivery of child welfare services, and identifying and proposing recommendations to address systemic problems.

KDCA does not have the authority to:

- Investigate allegations of abuse and/or neglect;
- Interfere or intervene in any criminal or civil court proceeding;
- Investigate individual complaints related to judges, magistrates, attorneys or guardians ad litem;
- Overturn any court order;
- Mandate the reversal of an agency/provider decision; or
- Offer legal advice.

When a case is determined to be not in scope, KDCA still seeks to provide assistance, resources, information, and education when possible.

Case Example: KDCA received a complaint concern regarding the inability for a family to be relicensed as foster parents. It was believed by the family that they were listed on the Adult/Child Abuse Registry thereby prohibiting them from becoming licensed. KDCA completed a basic inquiry and after further review was able to help the family understand the difference between the prior foster home licensing violation versus being “substantiated” for abuse/neglect and being placed on the registry. KDCA provided education and basic guidance regarding a child placing agency’s discretion as to sponsorship per their own policies and procedures, encouraging the family to follow through on the previously suggested steps to address the violations.

Who Can File A Complaint?

Any concerned citizen can file a complaint. The following are examples of individuals who might choose to file a complaint:

- The child or youth.
- A biological parent of the child.
- A foster parent of the child.
- An adoptive or prospective parent of the child.
- A legally appointed guardian or permanent custodian of the child.
- The Guardian *ad Litem* (GAL) of the child.
- An adult relative to the child.
- An attorney for any party or interested party.
- A Legislator.
- A mandated reporter.
- School personnel.
- Mental health provider.
- Employee of a state agency or grantee.

Complainant Relationship to Child of Concern	Total # of Complaints
Biological or Adoptive Parent	56
Prospective Adoptive Resource	13
Kinship Placement	7
Other Relatives	4
GAL/Family Advocate	7
Agency Worker: DCF, CMP, CPA, CASA	8
Other (Multiple complainants, medical, educator, therapist, daycare, civil rights group)	10
Child	1
Foster Parent	32
Grandparent	27
Total	165

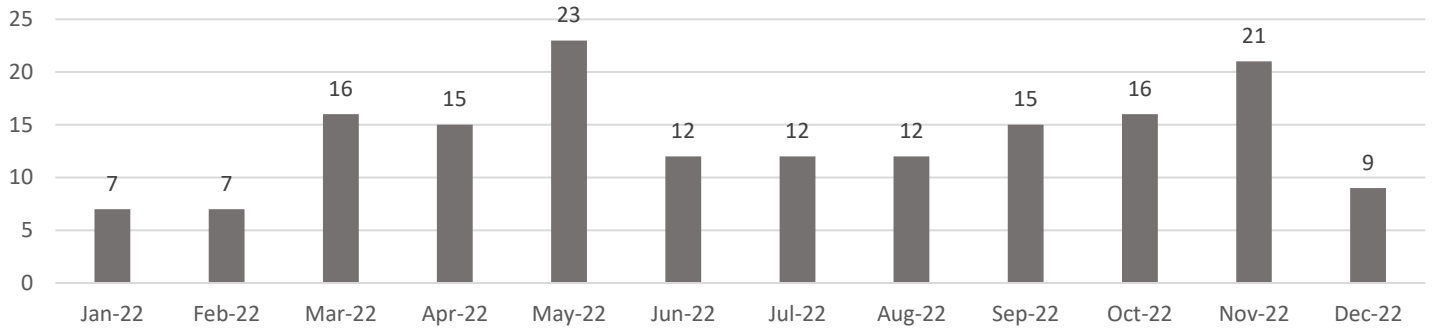
Investigating Complaints

KDCA responds to complaints by providing information and referrals, brief and immediate assistance, or investigation.

Investigations can include assessment of chronic, system-wide issues that adversely affect families and children or complaints alleging administrative acts that may have resulted in serious harm to a family or child, or the risk of such harm.

KDCA investigates complaints by or on behalf of a child in the custody of the Secretary of DCF to determine whether DCF, case management grantee, or another state agency or service provider, including contactors, subcontractors and any juvenile court violated law, policy or procedure, or unreasonably exercised authority, thereby adversely affecting the health, safety, welfare or civil or human rights of such child.

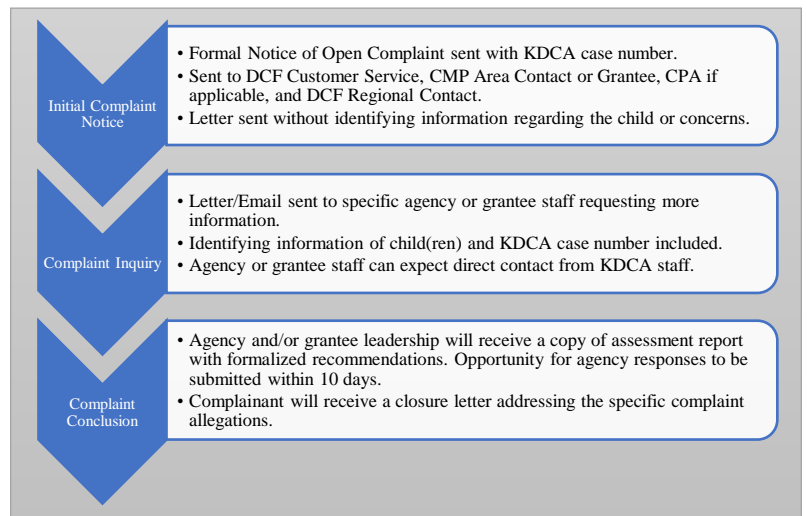
Complaints Received by Month (2022)



Upon the receipt of a complaint, KDCA determines the level of assistance and whether a formal investigation will be initiated. If a formal investigation is initiated, the Division of the Child Advocate then provides notice to DCF, Case Management Provider, Child Placing Agency, or other appropriately identified agency contact. The identity of the complainant is kept confidential unless KDCA has been given explicit permission to share the information with the appropriate parties and KDCA determines it necessary to proceed.

The Division of the Child Advocate may respond in various ways, including but not limited to:

- Finding that the agency followed policy and procedure. KDCA explains to the complainant why the allegations are unsupported and assists complainants to better understand the role and responsibilities of child welfare agencies and system.
- Finds that the complaint allegations are supported. KDCA may advocate to change a decision or course of action by DCF or another agency. This might include recommending changes to laws, policies, or procedures.
- In some instances, even though KDCA has concluded that the agency is acting within its discretion, the complaint still identifies legitimate concerns. In these cases, KDCA helps to resolve the concerns. This might include recommending changes to laws, policies, or procedures.



KDCA Systemic Investigations

Investigation of systemic complaints provides insight to problems effecting multiple children. For example, KDCA received one complaint involving three unrelated CINC cases from the same DCF Region, Area, and service providers, with similar concerns of multiple placements, lack of appropriate placements, and delay in treatment. The investigation, including a total of five effected children, is being reviewed individually as well as systemically, to enable KDCA to make recommendations on a broad scale impacting multiple systems, service providers, families, and children.

How Does Division of the Child Advocate Investigate Complaints?

Investigations fall into three main categories:

Case Specific Investigation:

- Complaint alleges that an agency's act or omission in a particular situation was not in compliance with law, policy, or procedure.

Systemic Investigation:

- Complaint alleges that a system wide or chronic problem exists in the delivery of services to families and children.

KDCA Initiated Investigation:

- When an agency's act or omission in service delivery, which appears to represent conduct that is systemic, recurring, and chronic, is adversely affecting child and family wellbeing.

KDCA INITIATED INVESTIGATION

During 2022 KDCA initiated an investigation concerning safety at a residential facility for youth in DCF custody. The concerns included issues around improper staffing and supervision of youth, improper holds causing injury, and other abuse allegations. Of particular concern was this facility's plans to expand in the near future. KDCA reviewed numerous records regarding the youth placed at the facility and met with DCF regarding the concerns. DCF informed KDCA that they were aware of the concerns, and both their licensing and PPS divisions were working closely to fully investigate the alleged abuse, neglect, and licensing regulation issues. DCF staff in both divisions conducted unannounced site visits, interviewed youth in private, and met with staff in an effort to thoroughly investigate and assess the allegations before the planned expansion. KDCA applauds DCF's quick action in this case and appreciates the agency's willingness to share information with KDCA throughout the process.

Findings

At the conclusion of an investigation, the Division of the Child Advocate determines whether a complaint allegation is supported or unsupported.

KDCA documents all formal findings. A supported finding, in some instances, may involve a past action or inaction. In this scenario, KDCA is

unable to directly advocate for change in that particular case. However, instances where the situation is ongoing and could cause foreseeable harm to a child or family, KDCA will take steps to directly advocate for best practices.

Case Example: KDCA received a complaint concerning retaliation by the agency including withholding sibling visits and delaying a child's adoption. The report on this case has not been finalized; however, during this case, KDCA offered solutions, while providing support. KDCA also attended meetings as a neutral party including the BIS. Complainant reports being pleased that an "unbiased third party was able to review and make determinations based on facts and not emotion," and reported feeling supported. KDCA was invited to, and attended, the adoption of the child.

At the end of an investigation, the Division of the Child Advocate may take action that includes, but is not limited to any of the following or any combination of the following actions and outlined in a written report:

- recommendations to the agency for changes in policy, procedure, or practice that should be implemented to improve service delivery and accountability;
- recommendations to the agency for its own internal or external investigation, review or audit; or
- recommendations for legislative enactment's that would improve services and accountability.

KDCA provides the complainant a summary as to the complaint received, whether the concerns alleged are supported or unsupported, including any recommendations and agency responses received.

2022 Inquiries, Complaints, and Data

KDCA has received a total of 165 formal complaints in 2022, involving 321 children. KDCA has several case reports completed and awaiting

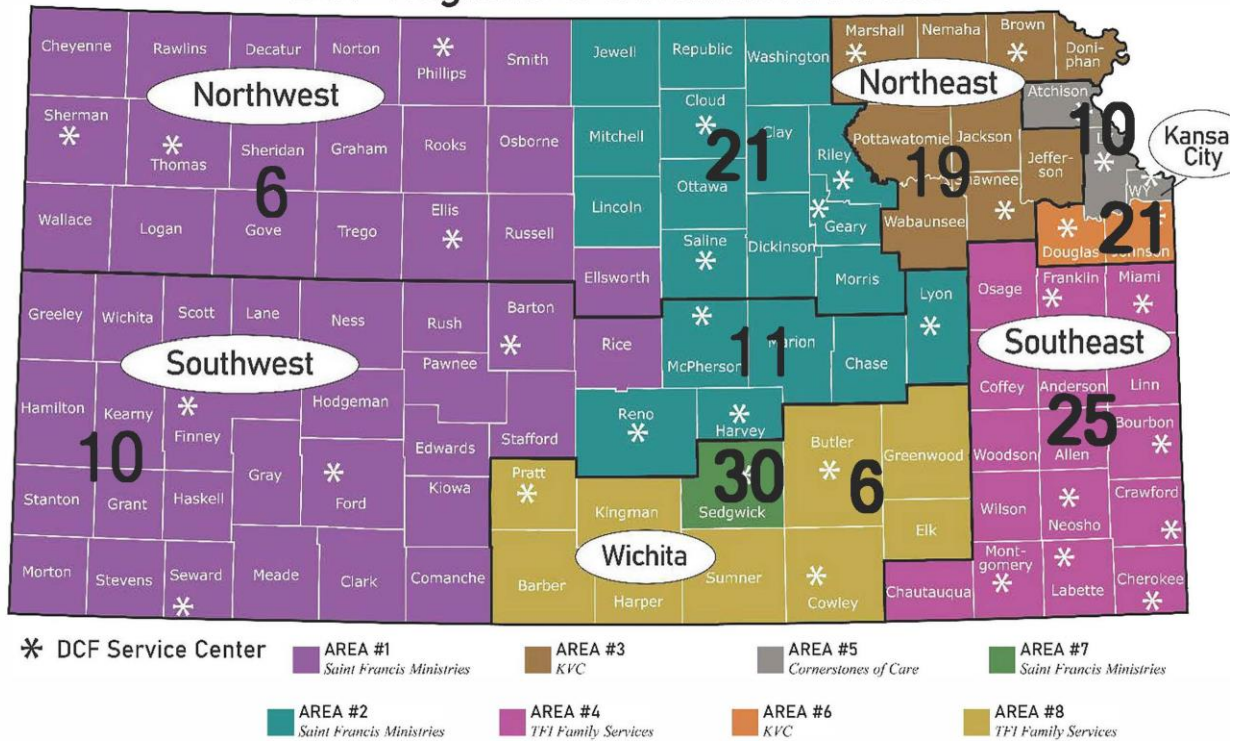
agency response within 10-day timeframe.

- ✓ Open investigations: 76
- ✓ Investigation closed/report completed (may continue monitoring future actions in case): 16
- ✓ Determined to be out of scope: 19
- ✓ Formal investigation not opened (tracking for changes or updates or inquiry only with no formal complaint): 19
- ✓ No contact (received initial concern, unable to contact or gather additional information to determine next steps): 12
- ✓ Formal investigation was not opened, resolution reached with assistance: 6
- ✓ Incoming contact/complaints to assess and staff: 19

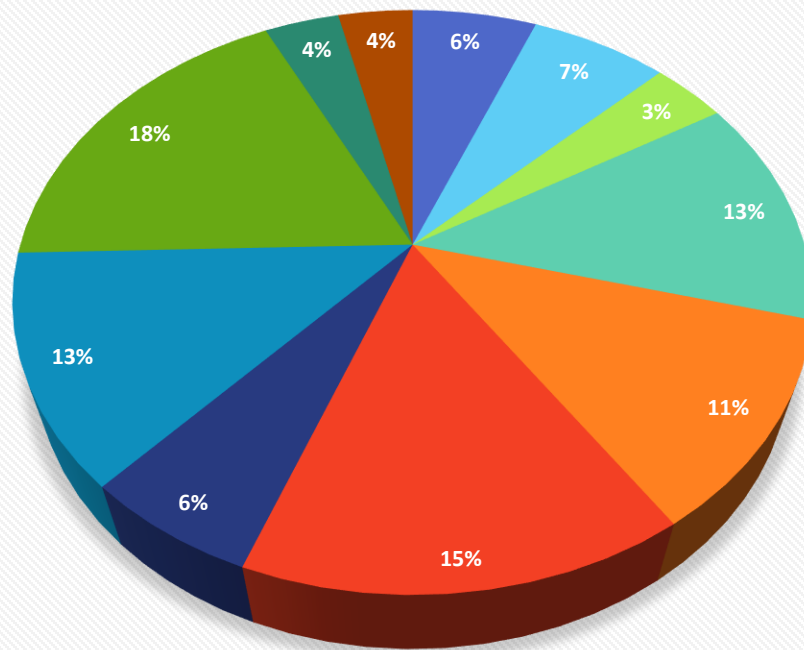
*Total numbers above include two complaints received December 2021.

Formal complaints received based on DCF Region, Area, and CMP

DCF Regions & Catchment Areas



KDCA Cases by Region, Area, & CMP



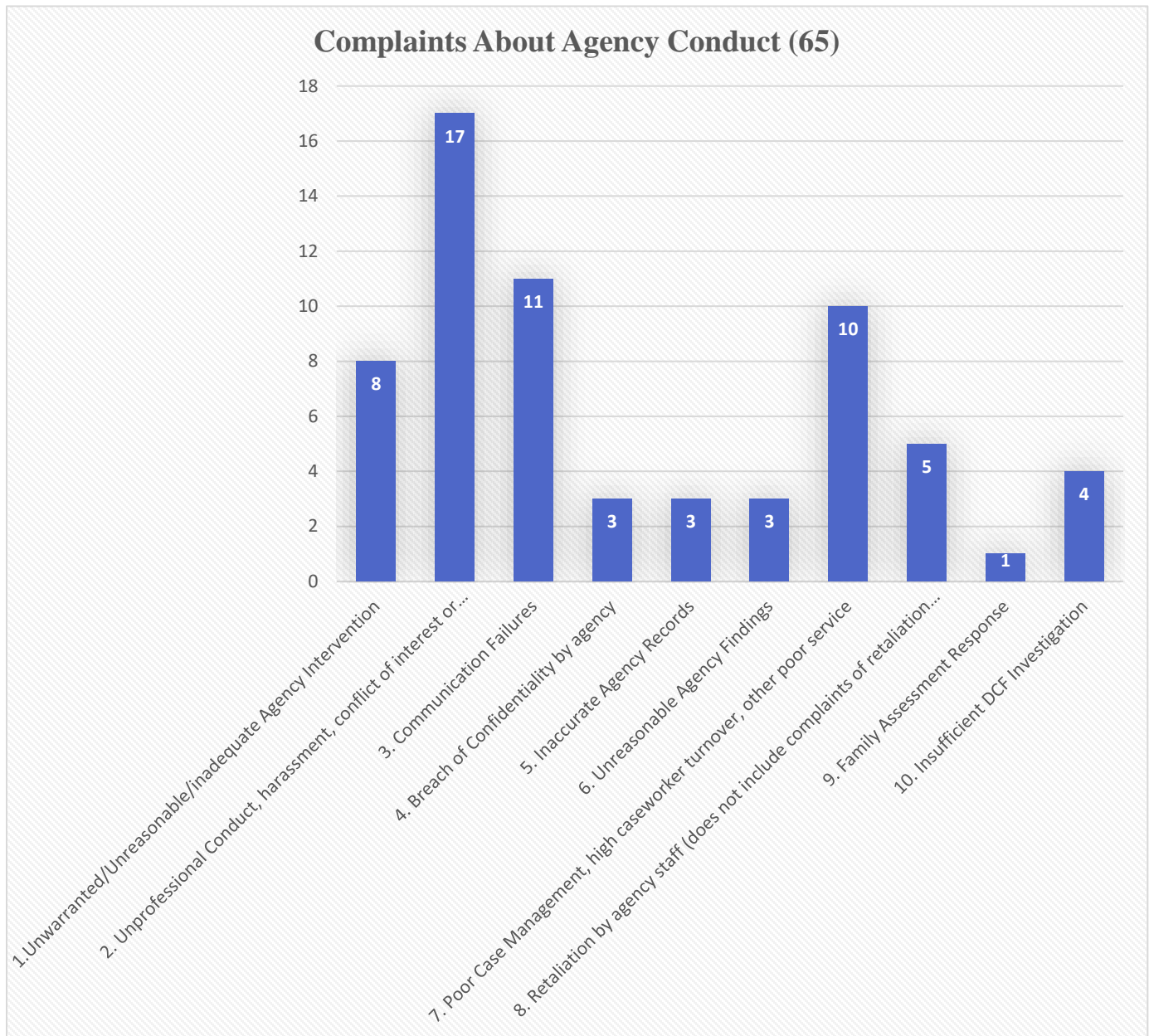
- Southwest Region, Area 1, SFM ■ Southwest Region, Area 2, SFM ■ Northwest Region, Area 1, SFM
- Northwest Region, Area 2, SFM ■ Northeast Region, Area 3, KVC ■ Southeast Region, Area 4, TFI
- Kansas City Region, Area 5, COC ■ Kansas City Region, Area 6, KVC ■ Wichita Region, Area 7, SFM
- Wichita Region, Area 8, TFI ■ Unknown

KDCA COMPLAINT REASONS RECEIVED IN 2022

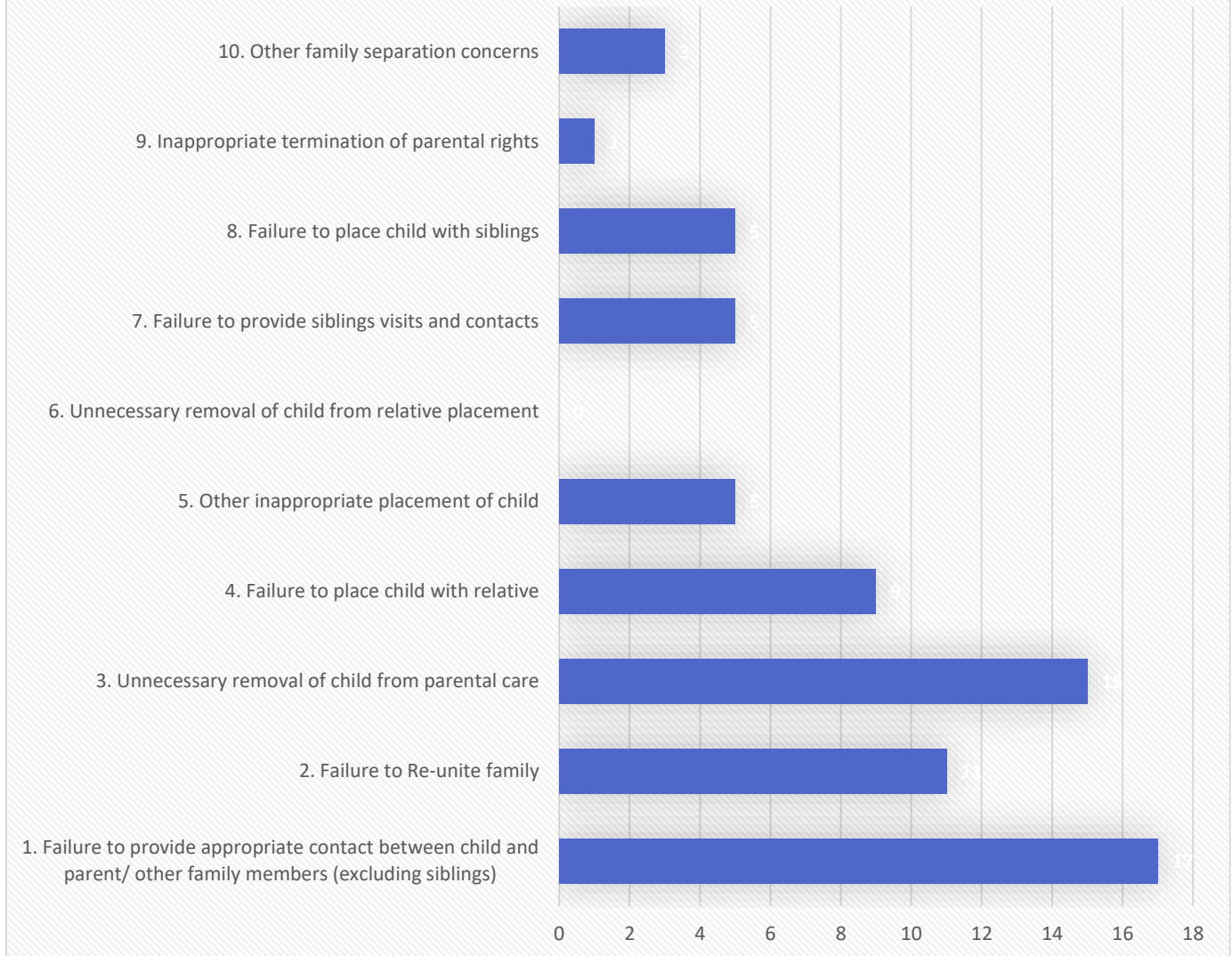
Complaints about Agency Conduct	Total	Family Separation and Reunification	Total	Child Safety	Total	Dependent Child Health, Well-Being, and Permanency	Total	Other Complaint Issues	Total
65	Total	71	Total	20	Total	58	Total	37	Total
1. Unwarranted/unreasonable/inadequate Agency Intervention	8	1. Failure to provide appropriate contact between child and parent/ other family members (excluding siblings)	17	1. Failure to protect children from parental abuse of neglect	2	1. Failure to provide child with adequate medical, mental health, educational or other services	14	1. Failure to provide parent with services/other parent issues	5
2. Unprofessional conduct, harassment, conflict of interest or bias/discrimination by agency staff	17	2. Failure to Re-unite family	11	2. Failure to address safety concerns involving children in foster care or other non-institutional care	6	2. Unnecessary/inappropriate change of child's placement, inadequate transition to new placement	11	2. Violation of parents' rights	4
3. Communication failures	11	3. Unnecessary removal of child from parental care	15	3. Failure to address safety concerns involving children being returned to parental care	6	3. Unreasonable delay in achieving permanency	11	3. Lack of support/services and other issues related to unlicensed relative or fictive kin caregiver	2
4. Breach of confidentiality by agency	3	4. Failure to place child with relative	9	4. Child safety during visits with parents	1	4. Placement instability/multiple moves in foster care	3	4. Lack of support/services to foster parent/other foster parent issues	6
5. Inaccurate agency records	3	5. Other inappropriate placement of child	5	5. Failure by agency to conduct monthly in person visits with child	3	5. ICPC issues	3	5. Foster parent retaliation	4
6. Unreasonable agency findings	3	6. Unnecessary removal of child from relative placement	0	6. Safety of children residing in institutions/facilities	2	6. Placement not meeting child's unique needs	2	6. Foster care licensing issues	0
7. Poor case management, high caseworker turnover, other poor service	10	7. Failure to provide siblings visits and contacts	5			7. Failure to provide appropriate adoption support services/other adoption issues	9	7. Violations of ICWA	1
8. Retaliation by agency staff (does not include complaints of retaliation made by licensed foster parent)	5	8. Failure to place child with siblings	5			8. Extended foster care/independent living services	0	8. Concerns in judicial process	7
9. Family assessment/response	1	9. Inappropriate termination of parental rights	1			9. Failure to provide supports for placement stability	5	9. Quality legal representation	8
10. Insufficient DCF investigation	4	10. Other family separation concerns	3						

Complaints About Agency Conduct – 65

- KDCA received 65 complaints which included concerns about agency conduct. These reports included issues with CMP, CPA, and DCF staff failing to return phone calls, provide requested or needed information, or failing to follow policies for investigations. Complaints in this category also included reports of frequent changes in case managers, poor, missing, or inaccurate documentation, and unprofessional or retaliatory behavior by agency staff.



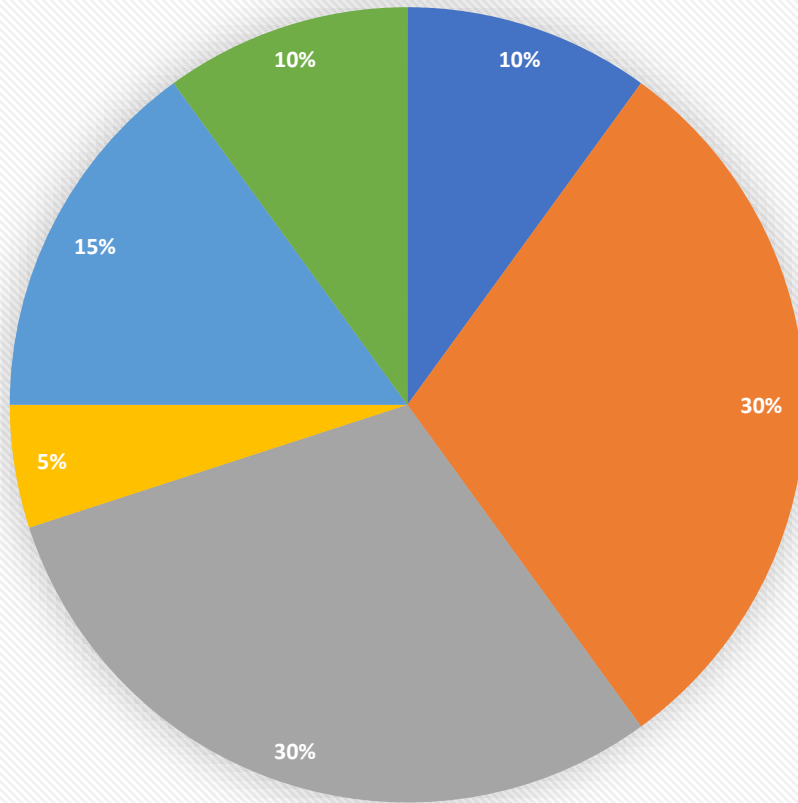
Family Separation and Reunification (71)



Family Separation and Reunification – 71

- 2022 complaints included 71 reports related to family separation and reunification. Concerns in this category include failures to provide adequate visitation between children and parents, relatives, or siblings, unnecessary removal of children from parental care, and failure to place children with relatives and/or siblings

Child Safety (20)

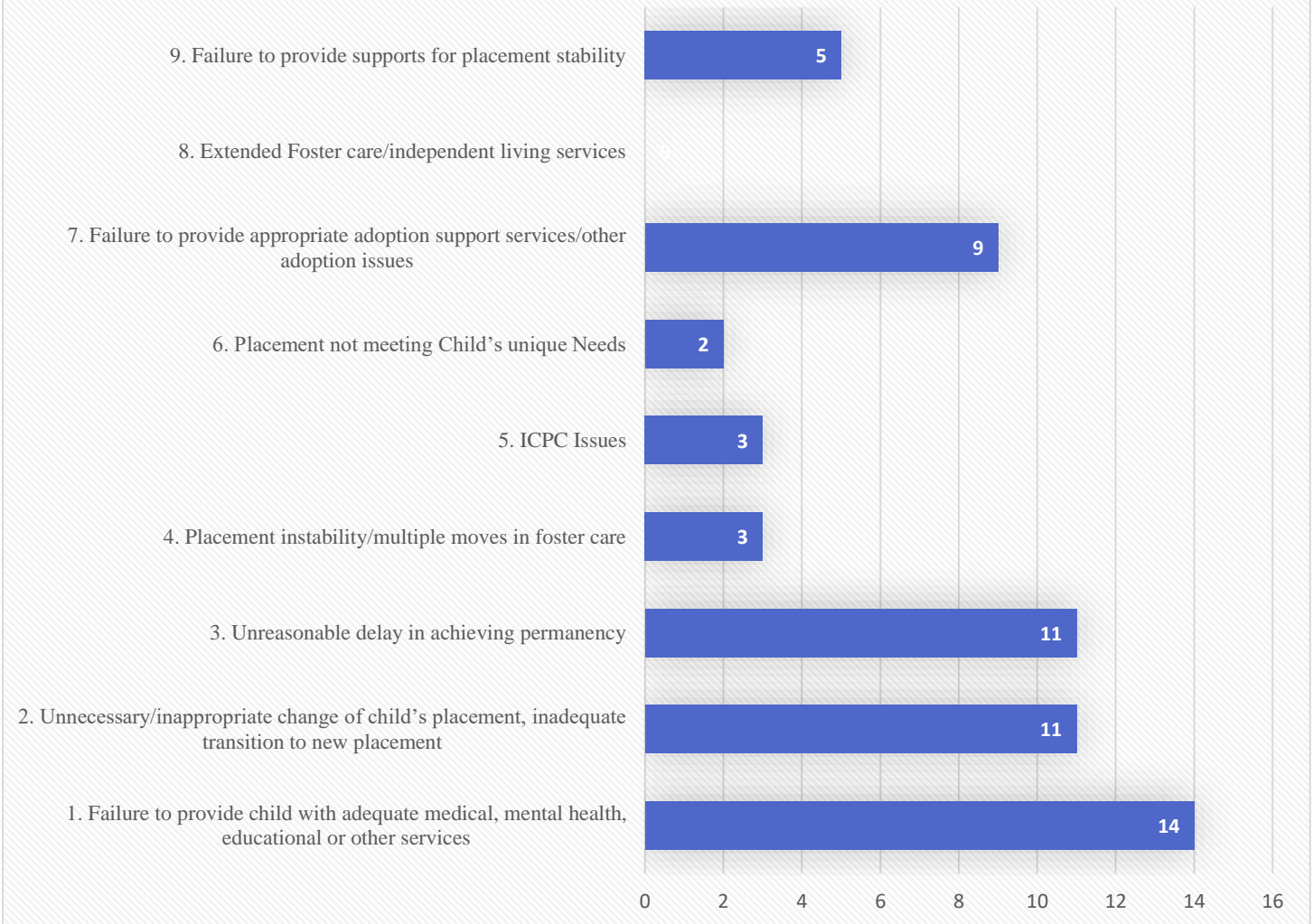


- 1. Failure to protect children from parental abuse or neglect
- 2. Failure to address safety concerns involving children in foster care or other non-institutional care
- 3. Failure to address safety concerns involving children being returned to parental care
- 4. Child safety during visits with parents
- 5. Failure by agency to conduct monthly in person visits with child
- 6. Safety of children residing in institutions/facilities

Child Safety – 20

- In 2022 KDCA received 20 complaints in the Child Safety category. Concerns in this area include failure to protect children from parental abuse or neglect either before removal, during reunification, or during visits. This category also includes concerns related to the safety of children in foster homes, group homes, residential facilities, or any other placement. Finally, this category includes concerns related to inadequate worker-child visits between the CMP and children in DCF custody.

Dependent Child Health, Well-Being, and Permanency (58)

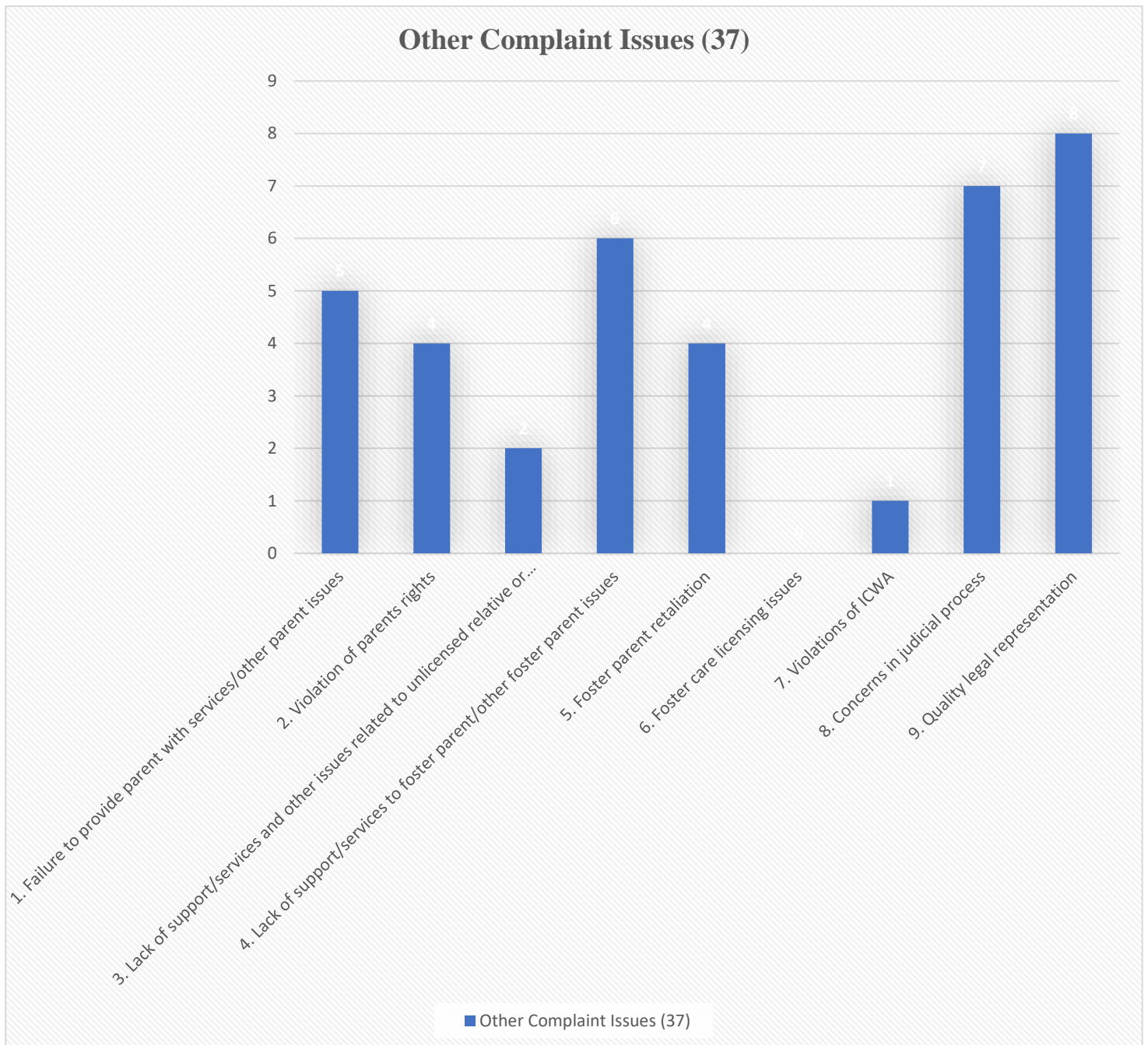


Dependent Child Health, Well-Being, and Permanency – 58

- Complaints received in 2022 included 58 concerns related to dependent child health, well-being, and permanency. This category includes concerns related to placement stability such as frequent moves by children, unnecessary changes in placement, inadequate transitions to new placements, and placements unable to meet a child's unique needs. Other concerns in this category include failure to provide children with adequate medical, mental health, educational, or other services, ICPC issues, and failures to provide appropriate adoption support services.

Other Complaint Issues – 37

- Finally, complaints received in 2022 included 37 issues that fell outside the four previously named categories. By nature, this category is broad; however, concerns in the category include issues with appropriate services and supports to parents, relative/fictive kin placements, or foster parents. Other issues in this category include concerns about the judicial process and quality legal representation for children and/or parents.



Policy and Practice Considerations

Prevention

KDCA supports expansion of prevention services for children and families in the areas of early childhood developmental services, family preservation, childcare assistance, comprehensive medical and mental health services, drug and alcohol treatment for both adults and youth (i.e. KDHE, “*All Hands on DECK*” (drug-endangered children in Kansas) project created to work with those who are disproportionately affected by substance abuse and drug overdose.), expansion of community-based programs with a particular focus on our rural and frontier communities (see *Kansas Children’s Cabinet and Trust Fund, 2022 Annual Report*, highlights model programs and initiatives across the state.)

KDCA recognizes the importance of program initiatives that address or improve access for families to ensure basic needs are met (i.e. livable wages, food security, safe and affordable housing, and access to medical and mental health services).

Significant Trends and Recurring Themes/Issues

During 2022 KDCA identified a number of recurring themes which KDCA plans to further explore in 2023. Highlighted below are some of these themes with case specific examples when possible.

Workforce:

Recruitment, retention, and training of a robust child welfare workforce has been a historic struggle in Kansas and nationwide. High staff turnover, low wage salaries and unmanageable caseloads have plagued child welfare for over half a century and continue to be relevant and of critical attention.

Throughout case reviews conducted in 2022, KDCA saw these very concerns, high turnover and unfilled positions, and the negative impacts on many cases. Specific examples include cases where visitation between a parent and child was delayed, withheld, or cancelled because case managers did not have the ability to transport the children or transportation departments did not have enough drivers to assist. Research has shown a strong positive correlation between parent child visits and rates of reunification.

Other examples include cases where documentation was completed late or not completed at all. Finally, there were cases in which agency staff interactions with parents or placements were described as lacking, infrequent, or rude. KDCA interviews revealed that agency staff often felt unsupported due to their supervisor carrying caseloads or ill equipped due to shortened training windows.

Accountability:

KDCA supports ongoing efforts of accountability, for example, Performance Based Contracts. While federal statutes and regulations provide guidance and minimum standards of services, state and local authority is allowed considerable discretion in the implementation and delivery of services.

Delivery of child welfare services in Kansas is primarily the responsibility of state agencies and contracted case management providers. Multiple agencies, policies, procedures, databases and limited staffing resources create significant challenges for accountability. Performance Based Contracts can aid in providing measurable and enforceable expectations.

At times it is difficult to bring the required parties together, particularly when tasks are time limited. KDCA noted in multiple cases the lack of accountability in the form of policies not followed, documentation not completed, and agencies inadequately communicating concerns and plans, resulting in loss of trust and discord between agencies and families.

Specific examples include a case where the CMP felt unsupported by DCF due to a change in DCF's position, without communication, as to a child's safety in a placement which ultimately created a trust barrier between the parents and CMP. Other examples include cases of parent/child visitation being withheld for non-policy reasons; and a CMP not being notified of the results of an abuse investigation, which could have impacted the care and safety of the child.

Placement Stability:

KDCA supports the efforts to place children with family, nonrelated kin, remain in their home communities, and maintain important connections. Placement stability is a multidimensional challenge directly impacted by ensuring children are only entering care because all other alternatives to remain safely in the care and custody of their parents has been exhausted (i.e. "Addressing the Trauma of Removal in Iowa with Four Questions") and no other alternative plans of care are appropriate. Placement stability is directly impacted by ensuring the children that are in care receive necessary and timely mental health supports, particularly youth with high acuity needs/behaviors. Furthermore, placement stability includes that the families caring for our children in custody receive respect, communication, recognition, and necessary supports.

Significant efforts and improvements have been made over the last several years, but Kansas still has work to do. Placement stability for youth in care has been tracked by the US Department of Health and Human Services (HHS) since 1997 and is defined as no more than two placements during a child's time in foster care. In an effort to track improvements in placement stability HHS also reports the number of moves children experience per 1000 days in care. The federal performance standard is less than 4.44 moves. In Kansas the rate of moves has been steadily increasing since January of 2021 when the statewide rate hit a low of 5.0 moves. In October of 2022 (the last month for which data is available) children were moving an average of 7.4 times per 1000 days. The last time the rate was this high was February of 2020.

Research on placement stability has identified a host of adverse outcomes that are correlated with placement instability.

During 2022 KDCA received a number of complaints regarding placement stability for youth. Concerns were related to frequent, unnecessary, or inappropriate moves, and/or inadequate transition to a new placement. KDCA plans to more closely explore the issue of frequent moves during 2023.

In the cases that KDCA reviewed during 2022, KDCA found multiple examples where children were moved quickly without appropriate services in place. In one such case the CMP gave notice to the foster home and made plans to move the child less than a month after they underwent major surgery. In another case the CMP gave the foster parent a 30-day notice to move a child who was receiving a number of community-based services. The child was moved at the end of the 30 days; however, services were not started for the youth for at least two months after their move. Mental health and community-based services can help maintain placements. In a study out of Illinois researchers found that nearly 20% of moves are due to child behavior problems. The research draws a connection between the behaviors and mental health needs for youth. Adequately supporting foster parents and ensuring that transitions are smooth can have a dramatic impact on placement stability.

Parents' Rights/Foster Parents' Rights:

KDCA distinguishes the importance of ensuring parents' rights in our child welfare system in juxtaposition with the balance of recognizing the role of foster parents as professional team members. KDCA has recommended DCF formally acknowledge the professional relationship that foster parents have within the child welfare system and that foster parents be treated as colleagues. KDCA has further recommended DCF and CMPs include and incorporate the Kansas Foster Parents' Rights (as found in the DCF PPM Appendix 50) into all training as a core foundation. In addition to these Rights, KDCA has found that many Kansas foster parents are unaware of their statutory right to submit their own report to the court for children in their care.

Foster Youth Rights:

KDCA supports youth voice and the efforts towards adopting statutorily a foster youth bill of rights. In addition, KDCA encourages youth voice at all stages of case planning, specifically as set out in the KYAC, Kansas Foster Youth Rights.

Best Interest Staffing (BIS) Administrative Process and Attachment:

KDCA has received numerous concerns related to the BIS process, policies and procedures, and application of best interest analysis, including attachment versus other factors. KDCA has facilitated dialogue in this area, analyzing practices across the state and the impact on children and families, to formulate recommendations around policy and best practices.

Directly related are the inconsistencies in practice across the state as it relates to sibling split analysis and administrative process, the defining of a 'sibling,' ongoing efforts to maintain siblings in placement together, facilitating contact, and bond and attachment. KDCA will continue ongoing dialogue in this area for practice improvements to include evidence-based research and models.

Judicial Court Practices and Quality Legal Representation:

KDCA has received numerous concerns related to judicial court practices, access to quality legal assistance, and specifically guardian ad litem (GAL) standards, accountability, and best practice. KDCA supports the efforts of the Office of Judicial Administration (OJA) and the Kansas Bar Association (KBA), as well as other legal education initiatives, to support education and best practices.

Independent Living and Transition Services:

KDCA recognizes the multiple challenges faced by older youth. KDCA supports the various initiatives and programs facilitated by our DCF Youth Programs/Independent Living Programs.

Post-Adoption Supports:

KDCA has received multiple concerns related to the experience of families post-adoption as it relates to access to adequate and available mental health services and supports and other needed resources. KDCA intends to continue assessing the needs for families post-adoption, including data analysis on failed or disrupted adoptions.

DIVISION OF THE CHILD ADVOCATE

A Glimpse into 2023...

KDCA recognizes the internal areas of growth and improvement necessary. Assessment and evaluation of our processes is ongoing and evolving. We welcome open dialogue with our child welfare systems stakeholders, including agency representatives and those that have sought direct assistance and have bravely shared their experiences and concerns. Future assessment includes implementing a KDCA satisfaction and efficacy survey in 2023.

KDCA remains focused on improving timeliness in processing complaints, this includes developing a more streamlined triage decision-tree, highlighting opportunities for immediate assistance, advocacy, impact, and more effectively addressing the concerns expressed.

Additionally, KDCA will begin developing a process to track recommendations from the prior year, agency responses, and overall impact. As KDCA fine-tunes its reporting and tracking mechanisms, we hope to be in a position to provide more frequent updates through quarterly reporting and/or statistics-at-a-glance via a dashboard model through our website.

KDCA looks forward to working collaboratively towards establishing statutory authority, building on the progress created under the current Executive Order, ensuring the ongoing ability to remain independent, ensuring confidentiality of complainants and records, ensuring access to all records –specifically the need for direct access to court files, and other necessary provisions to operate effectively, efficiently, and impactfully.

2023 and Beyond: Project Initiatives Include:

- Complete the Former Foster Parent Survey data collection, analysis, and summary report.
- Complete the BIS Dialogue, research, analysis, & provide summary report/recommendations.
- Coordinate a platform for collaboration, bringing together the often-siloed efforts of those committed to improving children and family well-being, such as:
 - Citizen Review (CAPTA) Panels:
 - Intake to Petition/CJA Taskforce
 - Custody to Transition
 - Child Death Review Board
 - Family First & Kansas Strong Interagency and Community Advisory Board
 - Crossover Youth State Policy Team
 - Kansas Youth Advisory Council (KYAC)
 - Sedgwick County Department of Corrections Community Taskforce
 - Office of Judicial Administration’s Court Improvement: Supreme Court Taskforce on Permanency Planning
 - Joint Committee on Child Welfare System Oversight
 - Kansas Foster Accountability Advisory Board
 - *Other advocacy councils, boards, committees, taskforce, etc.

KDCA will continue prioritizing outreach and networking opportunities with stakeholders, community partners, families, and youth, including educational presentations and materials.



APPENDIX

Summary Examples of KDCA Complaint Findings and Recommendations

Placement Stability: Supported. KDCA received concerns that CMP, issued a 14-day notice to move a child in foster care thereby disrupting placement stability. This notice was provided just over a week following a major surgery that required several months recovery time. KDCA found that the time and care foster parent provided child through surgery and the recovery presented opportunity for foster parents to employ many of the key tenets of research backed attachment building approaches including, Trust-Based Relational Intervention (TBRI).

- ❖ **Recommendations:** KDCA recommends that CMPs re-evaluate decisions to move children whenever more than 14 days pass between making a decision to move a child and locating a placement.

Required Contacts with Children: Supported. KDCA received additional concerns that CMP had not completed the required monthly in-person contacts with child as required by DCF Policy. KDCA found that CMP did not substantially comply with required contacts with child in this case.

- ❖ **Recommendations:** KDCA recommends CMP provide updated training on current DCF policies with staff regarding worker/child contact requirements. KDCA further recommends that DCF creates policy specific to visits completed by “telecommunications” or video and accommodations for visits in times of family illness. Finally, KDCA recommends that DCF create policy that is more specific regarding the frequency of worker/child visits. Child in this case was seen on the 2nd of one month and then not seen again until the 27th of the following month; these visits were 55 days apart. While this fits within current policy for the CMPs this does not meet policy, requiring an assigned CPS specialist make in person contact at least every 30 calendar days. It is KDCA’s position that Kansas have the same or similar standard policy ensuring the safety of children in the custody of the Secretary as it does for the children with an open investigation/assessment. KDCA recommends that DCF update policy to read that worker/child visits occur a minimum of once per month with no more than 45 days between visits.

(KDCA) identified concern: Intra/Inter-Agency Communication Processes. This case brought to light information sharing and communication issues that can arise when a foster home has children from two different CMPs and is sponsored by a different CPA.

- ❖ **Recommendations:** KDCA recommends that CPAs create policies to assess all foster children in the home globally and provide updates to all involved CMPs as necessary with confidential information redacted.

KDCA recommends DCF add a requirement that “The Child Monthly Report” include information about other children placed in the home – e.g. gender, age, LOC, special needs/services, interactions between all children placed in the home. Furthermore, KDCA recommends that CMPs send court reports to CPAs

when the reports are sent to DCF and the Court. This will provide an additional opportunity to correct any misinformation prior to a hearing.

KDCA identified concern: ICWA. KDCA identified concerns with communication and accurate information being conveyed to the tribal representative.

- ❖ **Recommendations:** KDCA recommends DCF continue to provide all child welfare agency and contract staff with ongoing training on the importance of ICWA.

KDCA identified concern: Inaccurate Documentation. The number and type of inaccuracies presented in documents submitted to the Court could lead an objective observer to view the misinformation as purposeful or malicious which is in direct violation of the Ethics Codes for the licensed professions serving child welfare.

- ❖ **Recommendations:** KDCA recommends that CMP provides additional training to staff on complete and objective documentation, writing/drafting court reports, as well as ethical decision making.

Agency Response:

CMP - [CMP] prioritizes the safety, permanency, and well-being of each child in every placement decision. Team decision making for placement stability has been implemented in all [CMP] areas in order to ensure guidelines are met in regard to these priorities. A decision to move a child is at times made in order to meet the child's needs, ensure safety, or to move the case toward permanency. This may include a move to place children in relative or non-related kinship placements, in least restrictive placements, to place the child with their sibling(s), or to move the child closer to their home community. [CMP] has training and standard operating procedures in place regarding the requirements for all child and family interactions, as well as ICWA requirements. On-going coaching is provided to staff in supervision, along with support given by legal staff. [CMP] will continue to provide any requested information on this case to the Child Advocate office.

KDCA received multiple concerns relating to the case management services provided after two children were placed in the custody of the Secretary of DCF. The received concerns stated that the children were not placed with relatives despite relatives being approved for placement by DCF and the CMP. Additional concerns were received stating that there were multiple canceled visits between the children and their parents, and that reunification between the children and parents was unnecessarily delayed despite parents completing all case plan tasks.

Relative Placement: Supported. Children were placed in a traditional foster home for seven months despite an approved relative home study being completed within the first two months. KDCA did not find sufficient documentation to provide clear reasons as to why children were not placed with a relative. Nor was there any documentation provided regarding the change in opinion on utilizing other relatives, previously ruled out, after seven months. Additional documentation regarding the change in position on relative placement would be helpful in assessing whether policy was followed and how the best interests of the children were accounted for.

- ❖ **Recommendations:** KDCA recommends that CMP provides additional and ongoing training to staff on the importance of objective, accurate, and thorough documentation.

Visitation: Supported. Records indicate that early parent/child visits were completed by video due to Covid protocols. Once parent/child visits were moved to in-person, two visits were canceled due to child illness and one due to transportation, neither made up due to CMP stated "policy."

- ❖ **Recommendations:** KDCA recommends that DCF create specific policy regarding virtual visits, including the times when these visits can be used in lieu of in-person visits and a requirement that virtual visits occur more frequently. While the COVID-19 pandemic seems to be waning, it is likely that there will be times in the future when virtual visits are necessary for extended periods of time to keep children, families, and staff safe.

KDCA recommends that CMP revise this policy to state that visits will be made up as soon as the benefits of visitation outweigh the risks to the child. This should be a holistic consideration with many factors considered, including the location of the visit, distance for travel, and age of the child.

Reunification Services: Supported. A Case Plan just after the one-year mark introduced additional barriers to reunification, for example classes that were not immediately available to the parents. Another barrier was a recommendation for therapeutic visits, based on what appears to be developmentally appropriate behavior exhibited by the children.

DCF policies address the case planning process including the requirement that case plan tasks take into account the input of caregivers and link families to community-based services.

- ❖ **Recommendations:** KDCA recommends that policy be updated to include a requirement that case plan tasks are available in the family's local community. KDCA recommends that DCF work with the CMPs to update their list of approved parenting classes and other resources so that these may be provided to families when they are assigned as case plan tasks and do not create unnecessary barriers to reunification. It should also be noted that both of these tasks are listed as "required by DCF" when no other task has this particular delineation. This differentiation between tasks could confuse service participants at best and, at worst, could open the door for triangulation. It leaves room for interpretation that DCF and CMP are not in agreement regarding these specific tasks. KDCA recommends that DCF and CMP review policies regarding roles, responsibilities, and resolution process.

KDCA recommends that DCF provides agency and contractor staff with annual training on child development.

KDCA identified concern: Timely Documentation. During KDCA's investigation, it was discovered that timely findings were not made on two separate DCF reports assigned for investigation. It is possible that there were items that the investigative team needed and received over a five-month period; however, this is not documented in the case record. Likewise, in the second report, it is possible additional attempts were made during this five-month timeframe to interview parents and/or other alleged perpetrators; however, this is not reflected in the case record.

- ❖ **Recommendations:** KDCA recommends that DCF review policy with CPS investigators regarding timely findings and the need to fully document attempts to obtain all necessary information and interviews. This could be done through regular training or monthly tips about best practices and new research in the field.

Agency Response:

DCF- Thank you for the review and information in case number [xx]. Regarding the timely completion of findings within the policy timeframe, DCF is aware of this challenge and provides technical assistance to regions using management data and tracking tools and reviews policy with staff. The performance goal is that 85% of findings are timely. Aggregate data on this indicator that can be organized to display at supervisor or worker level is maintained and available to local teams to use as tools to understand their timeliness of findings.

Regarding relative placements and documentation for moves to relatives, Placement Stability Team Decision Making implemented statewide in 2022 which can improve clear documentation and understanding of the reason for moves. Regarding the new added task to review the [parenting class], we agree it can be difficult for families to manage late or sudden additional tasks without support and hope that more modern resource on web sites that have the videos and curriculum materials create more ease and access to important information to prevent abusive head or other trauma to young children. Regarding parent/child interactions, we appreciate the notation that states followed federal guidance in 2020 if in-person interactions were not safely possible. Like many states, Kansas used that federal guidance while swiftly discovering creative ways to safely meet in person through outdoor activities and other ideas with families. Our policy includes provisions of telecommunications to augment the minimum weekly in-person interactions and we are considering modernizing the policy to recognize activities such as video conferencing, virtual or text message options, etc. However, we do not currently have plans for a new stand-alone policy to permit virtual interactions, rather we include the option of virtual in a broader policy regarding telecommunication options that augment in-person contacts. Regarding the information on details in case plan

tasks, we agree that naming certain evidenced based models in case plans (such as [xxx]) might have unintended consequences or create confusion for families whether alternative, but similar programs close in their community would fulfill the same task. There may be several early childhood parent skill building or home visiting programs in Kansas for families to choose from in their community.

KDCA received a complaint that children were moved from a foster home due to lack of support or services provided by the CMP and CPA, to meet the children's needs. Therefore, this placement disrupted, the children were moved to a new foster home leading to concern for the children's stability. Further concern reported to KDCA, that efforts were not made to maintain social connection between the children and former placement after disruption.

Failure to Provide Supports for Placement Stability: Unsupported. Children were placed after multiple pre-placement visits with the foster parent and preparation for this move. Although adoption was the permanency goal for both children, the foster placement was unsure of whether they would be an adoptive resource at the time of placement. Both children were receiving mental health and educational services prior to this move and these services were to continue as established after placement with foster parent.

Though DCF Policy outlines what information is to be shared with the foster family, KDCA did not find what specifically was shared with the foster parents that detailed the children's needs, behaviors or history prior to accepting placement of the children.

In addition to offered transportation assistance, the case team held a TDM meeting regarding the concerns of the foster parent and the needs of the children. KDCA found that services to maintain the children's placement with foster parent were declined at the TDM and placement moved forward with disruption.

Additional concerns were shared with KDCA that CMP was not allowing children to maintain contact with their previous foster parents; despite having built a personal relationship. After contact with KDCA, CMP arranged a meeting with foster parent and case team to discuss visitation.

- ❖ **Recommendations:** KDCA recommends CPA and CMP utilize identified process, such as Placement Assessment Questionnaire, when determining best fit placements for children and foster homes. Additionally, KDCA recommends case documentation reflect all known information regarding a child/children, including their current needs, behaviors, and history is shared with a foster parent prior to foster parent accepting placement.

Agency Response:

CMP - [CMP] is in agreement with the Division of Child Advocate with regard to utilizing identified processes for successful placement matching such as maintaining current foster home attributes within the CareMatch system to aid in accurately matching children with families who have the best skillset to care for them, as well as providing tools to foster homes such as the Placement Assessment Questionnaire to aid them in gathering and assessing information to determine goodness of fit for their skillset. We agree that case documentation shall reflect all known information regarding a child/children, including their current needs, behaviors, and history is shared with a foster parent prior to accepting placement. This is the expectation we uphold when training [CMP] staff regarding documentation and the expectation our leadership holds when supervising our team members.

[CMP] is continuously making improvements to our data systems, policies, and procedures as we learn from each situation we encounter. [CMP]'s Information Systems Department is in the planning phase of their next project which is a re-build of the system case managers currently utilize when documenting a child's strength's and needs in order to share that information with our Admissions Department who contacts placement providers to identify a match (Placement Communication Form). Our goal is to modernize this system and as part of that, we are exploring ways we can potentially provide placement providers with a written copy of the information they receive verbally about a child they accept placement of. A written copy of this information could remove questions about what information specifically was or was not shared. It can also assist placement providers when they are setting youth up with new services providers such as individual therapy.

KDCA received multiple concerns relating to abuse and neglect investigations. Additional concerns were received regarding a Child in Need of Care Petition that was filed and the resulting case management services that were provided by the CMP. The complainant concerns were unsupported with no recommendations.

KDCA identified concerns: Systemic Barriers. During KDCA's investigation, barriers to reunification and permanency outside of KDCA's scope were identified. The children were placed in PPC and a criminal investigation opened. One year later, the children's shared parent had completed all case plan tasks and CMP notified the Court of their intent to place the children at home. The County Attorney filed an objection with the Court, indicating their office had recently received the completed police investigation (again a year later) and were assessing it for charges. Shared parent was formally charged with felony child abuse that same day. Unfortunately, because there is a risk that felony criminal charges could lead to the children's removal from the home, or a parent becoming unavailable, reunification was again put on hold, delaying permanency.

- ❖ **Recommendations:** KDCA recommends DCF advance partnerships with local and county law enforcement to educate and train officers and detectives on the impacts of criminal investigations on the safety, trauma, and timely permanency for children in state's custody, particularly in light of child's time.

Agency Response:

DCF-Thank you for the summary and analysis in [xx] including the recommendation for DCF to advance partnerships with local and county law enforcement on the impact to timely permanency of criminal investigations. DCF recognizes investigations of alleged child abuse can take time to complete and there may be a number of factors influencing any prosecution process and timeline. In September 2022, the DCF Social and Legal Connection Series begins creating shared learning opportunities to strengthen families. We will explore how the recommended topic of criminal investigation impact on timely permanency might be added to this series of learning connections or if an alternative approach might be best means for DCF to advance partnership on this matter.

[CMP] - Thank for the clarification regarding that [CMP] was able to provide the documentation required for this case review. [CMP] would like to clarify that the documentation was provided on [date].

KDCA received multiple concerns relating to a safety plan created by the DCF and CMP. It was alleged that this safety plan included foster care licensing regulation violations that prevented the foster parent from maintaining compliance. This inability to comply with the safety plan led to placement instability for the child placed in the home. It was further alleged that the foster parent was subjected to rude and unprofessional behavior by CPS social worker from DCF.

Placement Stability: Supported. **Regulatory Violation:** Supported. DCF and CMP drafted a safety plan in response to DCF receiving numerous reports of abuse regarding the same child. The safety plan stated that the child's foster parent would not file a DCF report without screening with CMP and CPA first. The foster parent responded to the safety plan in writing and stated that this requirement was in violation of licensing regulations. In KDCA's review, it does not appear an attempt was made to negotiate this concern before providing the foster parent with a 30-day notice to move the child. Interviews and documentation indicate that the child was safe in the foster home and made improved developmental progress while in placement.

- ❖ **Recommendations:** *Placement Stability;* In 2016, the Health and Human Services (HHS) began defining placement stability in terms of the number of moves a child experienced per 1000 days in foster care. The federal performance standard is less than 4.12 moves per 1000 days. When child moved, it was their 4th move in 672 days. This move was not supported by all members of the case planning team, and it is KDCA's position that additional efforts were warranted to maintain the child in their placement. KDCA applauds the rollout of the TDM model for all placement changes across the state and is hopeful this will increase placement stability for youth in the custody of the Secretary. For the child, it would have been beneficial for all professionals to have met a second time due to the level of discord regarding the child's move.

KDCA recommends that DCF provide annual training to all agency and contractor staff on the adverse impacts of placement instability and strategies to promote placement stability.

Regulatory Violation; KDCA recommends that DCF and CMP provide staff with a training overview of Foster Licensing Regulations.

Unprofessional Conduct: Supported. Foster parent was contacted by a CPS investigator. The foster parent requested two other professionals join the call and all three individuals described the investigator as unprofessional.

- ❖ **Recommendations:** Child welfare is a particularly challenging field, often forcing staff to work long, untraditional hours and be exposed to abuses of children thereby potentially experiencing secondary trauma. The impact of secondary trauma makes it imperative for staff to have positive support from both their peers and their supervisor. This support is crucial in helping child welfare professionals and service providers identify when they are reaching personal limits and utilize self-care or an Employee Assistance Program (EAP). When supervisors are carrying their own caseloads due to staffing shortages, they are much less able to provide the necessary support to staff. KDCA recommends that DCF identify and prioritize creative recruitment measures to fill their staffing gaps and allow their supervisors to return to providing supervisory support full time. KDCA further recommends that the DCF provide a formal apology to foster parent regarding “unprofessional conduct.”

Various studies have shown a link between agency support and the retention of foster parents. One such study surveyed 160 former foster parents and found that nearly 8% of them discontinued fostering after having a “bad experience with a worker(s)” and another 4.5% closed their license because they didn’t feel “appreciated by the agency (Hanlon, R., et al., 2021).”

- ❖ KDCA recommends that DCF put into policy the professional relationship that foster parents have within the child welfare system.

Agency Response:

DCF - Thank you for the review and recommendations related to report [xx]. Thank you for the information that DCF safety determinations were timely, acknowledging positive steps with Placement Stability Team Decision Making (PS-TDM) and recognizing the efforts in safety planning were made to make sure the foster parent had an opportunity to talk through any concerns. We understand the case team in their efforts did not wish to prevent the foster parent from making a report and we will continue efforts to coach and develop teams to include clearer language in immediate and lasting safety plans. DCF and the case management providers have implemented placement stability workgroups and learning sessions related to TDM including information on the adverse impacts of moves in foster care. We will review our curriculum content regarding references to licensing regulations as it relates to safety planning in a family foster home and have plans to provide more routine refreshers to all team members on the conflict resolution policy 5040. DCF policy includes a foster parent bill of rights addressing the professional relationship with and role of foster parents. Regarding creative recruitment, The DCF recruitment flyer attached includes information on benefits. In 2022, the agency implemented a campaign “Thrive with Us” that includes hiring events across the state at community job events as well as our service centers.

KDCA received a concern that the DCF had failed to properly investigate reports of abuse or neglect over a four-year span. KDCA reviewed documentation and completed interviews with DCF. Interviews were also conducted with the Family Preservation provider.

DCF Investigation Process: Unsupported. Over a four-year span, reports were received and assigned for assessment by PRC regarding the same child. CPS staff completed multiple interviews with collateral witnesses on reports while the child was pre-verbal. In later reports, CPS staff utilized an Extended Safe Talk to allow the child to build rapport and feel more comfortable disclosing if necessary. The family was referred to Family Preservation services twice, actively engaging in the process. Additionally, DCF completed its own internal review of the investigative process.

DCF utilized several resources to ensure the most accurate finding possible in each of the reports received and assigned, as well as providing preventative education and support services to support family wellbeing and safely maintain the child in the home of a parent(s), avoiding unnecessary removal and trauma.

- ❖ No Recommendations.

KDCA identified concerns: Timely Documentation. In the process of reviewing the investigative history, KDCA noted that 27% of events had late findings and FBA.

Events were late due to worker error and/or caseload size. CPS Investigators frequently discuss high caseloads and worker shortages with KDCA. These issues impact their ability to complete the necessary paperwork in a timely fashion as staff must prioritize assessing the safety of children.

- ❖ Recommendations: KDCA recommends DCF continue efforts to look to creative workforce solutions to increase staff recruitment and retention. Ideas can be found in the Workforce Development Framework (WDF) published by the National Child Welfare Workforce Institute.

Agency Response:

DCF- Thank you for your time in review and finding information regarding Case Number [xx]. DCF implemented and continues to explore supports for the workforce completing child and family wellbeing assessments. Regarding active recruitment and retention activities, DCF implemented cash awards to all protective specialists and supervisors in 2021 and specific service centers in 2022 through the State of Kansas Employee Award and Recognition Program, which allows the Secretary of DCF to consider a cash award for Meritorious Service authorized by K.S.A. 75-37,105 for the execution of duties far beyond the service level commonly expected. DCF has within its budget an ability to pay statewide up to 80 practicum students (internships) each academic year and recently increased from \$8.00 to \$14.00 per hour the rate of pay for students while in practicum with DCF with intent to increase student practicum placements. We collaborate with the Kansas Council of Social Work Education and border state colleges for workforce development and this summer are expanding positions into each region to amplify practicum supervision and local academic partnerships. DCF is consulting with the National Child Welfare Workforce Institute on full implementation of their Leadership Academy of Supervisors. In 2021, DCF worked with Department of Administration Office of Personnel Services and Division of Budget to prepare a market rate (pay) study for protection specialists which ultimately was included as an enhancement request in the SFY 23 Governor's Budget Recommendations. That request was approved by legislative action raising individual protective services salaries closer to the market rate by providing up to a 12.5% pay increase not to exceed the market rate effective with the June 13, 2022, pay period.

KDCA received concerns that the CMP provided poor case management and other poor service, thereby causing unnecessary delay in timely permanency for two siblings from a large sibling group in the custody of the Secretary of DCF. Additional concerns were shared regarding CMP communications with the potential adoptive resource families and their CPA about the children, the adoption process, including BIS procedures, and information sharing about the prospective families. Further concerns expressed, highlighted incidents wherein it was alleged that CMP staff had been rude and provided unfair treatment, placing purposeful barriers to hinder the adoption decision process. Additionally, concerns exist that the BIS decision was challenged and therefore CMP is acting in retaliation by barring adoptive resources not selected to be considered as identified resources for other children under the case management of CMP.

Agency Conduct/Action/Inaction of Agency/Employee AND Poor Case management, High Caseworker Turnover, Other Poor Service: Supported. KDCA finds extreme delay in achieving timely permanency for the two children named and the risk of increased long-term trauma impact. The intentions of the case team were to ensure the best interest of both children and that as the CMP they had a duty to fully vet, consider, and exhaust all possible identified adoptive resource families, despite the passing of significant time.

The complaint included an expressed belief that CMP withheld information from prospective adoptive family/families as well as their sponsoring CPA/Assessment Writer(s). Information believed to have been withheld included information about processes, the lengthy delay in scheduling the BIS, and the preference or weight afforded NRKIN in the BIS decision-making process. At least one of the interested families was under the impression from the case team they were a perfect fit for the children and that the BIS was just a formality. Because of this impression, they chose not to pursue adoption with any other children, allowing months to pass. This passing of time and forfeited opportunities to pursue adoption with other children in need of a forever family has had a significant impact and created substantial loss, including a loss of faith in our Kansas systems.

Evidence suggests that communications faltered due to the case team juggling a large caseload and the lack of overall clarity regarding the BIS process involving multiple families, including that of NRKIN. The delayed or incomplete communication does not appear to be out of malice but from a position of lack in training and experience and clear guidance in policy and practice.

- ❖ **Recommendations:** KDCA learned that CMP preemptively self-identified areas to improve through its own independent evaluation, taking steps towards policy changes given the specific experiences and outcomes from the BIS process for the two children. CMP noted that staff training is an ongoing process when it comes to the complexities of the post-termination, adoption process, and an impossible challenge to identify every conceivable scenario that may arise and how to respond. CMP acknowledged that the delayed timeframe in scheduling the BIS should be evaluated and a more reasonable timeline of deadlines created, child's time considered at the forefront, particularly in holding interested families more accountable. KDCA recommends CMP review with all adoption case teams, at least quarterly, DCF PPM 5301.

CMP is also reevaluating how communications occur with adoptive resource families to manage expectations when kinship or nonrelated kin are part of the equation to better explain the narrowing of the pool and greater weight afforded to those families with close-ties relationship.

- ❖ KDCA recommends the same and supports CMP in making such efforts for service and policy improvement in these areas. KDCA encourages CMP to include NRKIN within this policy.
- ❖ KDCA recommends DCF and CMP revisit training with staff in preparing children for adoption. In this case, CMP case team support staff regularly discussed with the two children the status of the adoption and BIS. DCF PPM 5311 sets out that the CMP is responsible for using sound case work practices for preparing the child for placement with an adoptive family and provides guidance in best practices.

KDCA review reflects that CMP took cognizant steps to comply with the BIS process requirements as a whole, yet there was confusion or differing interpretations as to the process when a consensus is not reached, and policy was not followed as it is set out.

- ❖ KDCA recommends that DCF review and provide training and direction to all CMPs and CPAs regarding professional judgment and resolution process.

Inter/Intra Agency Communication Process AND Breach of Confidentiality by Agency: Supported. Records indicate that conversations between the case management team and the children occurred frequently regarding prospective adoptive resources and occurred in the presence of others, including respite providers. KDCA finds that personal information regarding the prospective adoptive families was breached, although without malice.

- ❖ **Recommendations:** KDCA supports CMP efforts to identify and better define how and when information regarding prospective families is shared with children. For example, CMP already noted that change has been implemented in procedure to ensure that any information to be shared with the children shall not occur in the children's current placement, while on respite, or otherwise outside the presence of CMP or

therapeutic supports. KDCA further recommends that DCF adopt policy for all case management providers and child placing agencies as such.

Decision of Agency/Employee AND Rude/Unfair Treatment: Unsupported. CMP employee was reportedly rude, evasive with information, and believed to be purposefully stalling or making the process difficult. KDCA notes that the employee did leave CMP and communications improved somewhat, at least leading up to the scheduling of the BIS.

- ❖ **Recommendations:** KDCA recommends CMP review with all staff the customer service and care policy, on an ongoing basis incorporated into supervision and scheduled staff in-service education. KDCA also recommends CMP better educate, post, and provide the purpose and contact for the CMP customer care phone number, website, email, and mailing address for both internal and external customers.

Threat or Retaliatory Treatment: Unsupported. Concerns exist that the BIS decision was challenged and therefore CMP is acting in retaliation by barring adoptive resources not selected to be considered as identified resources for other children under the case management of CMP. KDCA did not identify any direct threat or evidence of retaliatory treatment.

- ❖ **Recommendations:** KDCA encourages DCF, CMP, and CPA evaluate, in whole, communication practices, specifically considering best practices in communicating to prospective adoptive resource families that are not chosen during the BIS process, providing case specific guidance, highlighting the strengths of the family, if there are identified needs that could be addressed for future consideration, with an end goal of preserving the relationships, investment, and faith in the child welfare system. Kansas kids awaiting permanency and a forever family cannot afford to lose committed, qualified, loving homes.

Agency Response:

DCF-Thank you for the review and information in case number [xx]. DCF appreciates the notations that [CMP] had already taken steps toward procedural changes to align with policy and the recommendations to improve inter/intra agency communication practices. DCF will reinforce and refresh learning opportunities/ trainings with all case management providers around the need to maintain conversations that prepare a child for adoption within a therapeutic setting or internal setting to case management agency teams. In addition, DCF appreciates the recommendation to reinforce learning/ training with all case management agencies on DCF policy number 5040 which is Professional Judgement Resolution. DCF will work with each case management provider to determine the best method to reinforce and complete the transfer of learning on these two topics.

CPA – [CPA] appreciates the Division's thorough review and appreciates the recommendations that were made.

KDCA received a complaint for two children being unwarrantedly removed from parental custody and placed in DCF custody. Additional concerns alleged the children were not adequately supported in court through GAL representation.

Unwarranted removal from parents/guardian: Unsupported. Children were placed in DCF custody by court order through the ongoing high-conflict civil custody case. Request for children to be removed from parental care and filing of CINC case, was at the recommendation of the children's GAL. KDCA does not find that removal was unwarranted.

- ❖ No Recommendations.

Quality Legal Representation: Unsupported. Although KDCA does not have authority to investigate individual complaints related to judges, magistrates, attorneys or guardian ad litem, KDCA does exist to ensure coordination of services including juvenile courts. Guardian ad litem received various records and information from other professionals to include mental health providers, school officials and law enforcement regarding their role/work with

the family. Guardian ad litem also met and spoke with the children in neutral settings on occasions with ongoing communication and seeking status of their care. While the children did voice differing positions than that of the GAL, of which the Court was informed, the recommendations presented to the Court as to the best interests were supported.

- ❖ **Recommendations:** As a recommendation to be considered more often by the Court, KDCA notes that Kansas law sets out an additional safeguard to ensure a child's personal wishes are equally advocated for as those that are in the child's best interest, and an attorney, separate from the GAL, may be appointed.

KDCA received a complaint for concerns that child's adoption was delayed despite completion of BIS and the selection of a relative resource. The child's guardian ad litem filed a motion to suspend child's placement with relative and therefore concern that child's best interest was not represented, as reported to KDCA.

Representation of Child's Best Interest: Supported. Although KDCA does not have authority to investigate individual complaints related to judges, magistrates, attorneys or guardian ad litem, KDCA does exist to ensure coordination of services including juvenile courts. An initial BIS meeting was held, at which time an adoptive resource, including the consideration of relative, was not selected. Additional tasks were requested by the staffing team for the relative provider to complete for further consideration. A second BIS was completed and relative provider was selected as adoptive resource by the staffing team, however GAL was not in support of this decision based on voiced ongoing concerns. Relative followed through on the requested tasks. Child was receiving therapeutic services in which child's provider noted positive progress, as well as child voicing to multiple professionals their wish for relative to adopt them. When child learned they would not be moving into the home with relative as had planned, child displayed adverse behavior impacting their wellbeing. While KDCA supports the outcome of the BIS and CMP's progressive planning for adoption, it should be noted that the GAL was assigned to represent child for the duration of child's CINC case, spanning more than six years. With consistent and ongoing knowledge of the case, historic factors otherwise not considered may influence recommendations and advocacy by GAL.

- ❖ **Recommendation:** Prior to this closing, KDCA was informed that child was placed in the home of the relative as adoptive resource and progressing to finalize permanency. KDCA recommends an ongoing, coordinated multidisciplinary approach, to include CMP, mental health provider(s), GAL, and the Court to support a safe and successful transition for child in relative placement and to ensure that child's needs are met as permanency through adoption is achieved.

Agency Response:

CMP - [CMP] is in agreement with the Division of Child Advocate with regard to the case proceeding with an ongoing, coordinated multidisciplinary approach, to include [CMP], mental health provider(s), GAL, and the Court to support a safe and successful transition for the child in the relative placement and to ensure that the child's needs are met as permanency through adoption is achieved. [CMP] will continue to assess risk and safety, implement support services as needed, and make concerted efforts to help the child reach safe, timely permanency. [CMP] will continue to take into consideration the professional assessments and opinions of all parties involved in the case throughout the permanency process.

KDCA received concerns relating to the services provided by the CMP, for two children in DCF custody. The concerns alleged that the children were emergency moved from a foster home for reasons not in line with DCF policy. The complainant expressed additional concerns that [CMP] did not meet the requirement for monthly in-person contact with the children.

Placement Stability: Supported. CMP provided foster parent a 30-day written notice to move the children to a relative placement; however, due to concerns that the foster parent was subjecting the children to unnecessary

medical exams, the move was carried out within days of providing the notice. The children had been in the foster placement for several months, and during this time, foster parent had expressed numerous concerns about behaviors and visits with family members. CMP described the behaviors as developmentally appropriate. It is KDCA's position that had the foster parent's concerns been handled comprehensively and with more compassion from the outset, the children's move could have taken place per original 30-day notice, creating less trauma for the children and potentially preserving the relationship between the foster parent and relative provider.

- ❖ **Recommendations:** KDCA recommends the CMP develop additional supervision and training policies for new staff to ensure that all new case managers receive cross training and adequate support as they take on the demands of the role. These policies may include additional time spent in supervision during the first 90-120 days.

KDCA further recommends that the CPA develop training policies for foster parents that identify need-based continuing education topics for the foster homes they support.

Required Contacts with Children: Unsupported. Based on documentation reviewed, seven of eleven worker/child visits occurred in person and in the foster home. Two visits likely occurred by video due to COVID-19 concerns. The documentation is unclear regarding the remaining two visits as to where the visit occurred or if the children were physically seen.

- ❖ **Recommendations:** KDCA recommends that CMP review policy regarding worker/child visits with staff, with a particular emphasis on the need for visits to be in-person with the child in care. KDCA further recommends that CMP add contact options to their visit log form or include a required dialogue box for additional information anytime the other option is used.

KDCA identified concern: Objective Documentation.

- ❖ **Recommendations:** KDCA recommends that CMP review best practices for documentation and court report training with all staff, including direct-service staff and supervisors. Furthermore, the recommendations regarding supervision, made above, will also aid in improving objectivity in direct practice, as well as in documentation and report writing.

Agency Response:

CMP -1. [CMP] has a training policy in place that specifies training requirements for all new staff, as well as ongoing training requirements for existing staff. It specifies that staff should meet regularly with their supervisor during their initial 90 days to determine competency and comfort with job duties. It also specifies that staff can reach out to the training team for one-on-one coaching at any time.

To expand on this policy and ensure adequate support is provided to new staff, [CMP] modified the language to include the requirement that supervisors will meet with new case carrying staff a minimum of once a week during their first 90 days and a minimum of twice per month during days 90-120 of employment.

[CMP] recently implemented a Safe and Connected Facilitation team in catchment area [x] ([x]Region). This team facilitates discussions with all parties involved on a case and assists in navigating conversations with a wide array of perspectives. The Safe and Connected Facilitation team can assist the case team in explaining concepts related to the foster care system and challenges that can be anticipated (ex. normal child development and children's responses to visitation). This is also an opportunity to bring all those involved in the children's lives together for an open, honest conversation. This could have prevented any confusion at the beginning of the case in regard to case plan goal and potential relative placement.

1.[CMP]'s employment handbook also requires staff receive an employment evaluation at 90 days which provides additional monitoring and communication regarding a staff member's performance, competency, and comfort level with job responsibilities.

2. [CMP] will develop a policy that specifies a Family Service Coordinator's (FSC) responsibility to help foster families identify needs based on continuing education. FSCs will be responsible for monitoring a family's compliance with the mutually agreed upon trainings. If training completion does not occur within the agreed upon timeframe, a professional development plan will be completed with the family.

3. [CMP] reviewed worker/child visitation requirements with all case carrying staff during staff meetings over the past 60 days. Our policy/procedure has been updated to specify what instances would constitute a virtual visit being allowed (ex. COVID protocols) as well as how this should be documented within the log. If/when staff utilize a virtual visit method for an allowable reason, they will be required to specify the reason and detail the method used (ex. visit conducted via FaceTime due to COVID exposure or positive test).

4. [CMP] is in the process of providing case carrying staff and supervisors training on best practices for documentation and court report writing, focusing on objectivity. This will be completed within the next 60 days.

KDCA received a concern which alleged that the CMP, and DCF were not in agreement regarding the permanency plans for three children in the custody of the Secretary.

Inadequate Intra/Inter-Agency Communication: Supported. A sibling set of three children were reunified with parents and aftercare services were started with the CMP. Records show parents were initially cooperative with services; however, in subsequent months, CMP began to have concerns about the children's safety in the home. CMP made the decision to place the children in respite care due to an open CPS investigation in the home. In review of records, including interviews conducted by KDCA, reports indicate that DCF communications with CMP mirrored CMP's concerns about the children's safety. During a TDM meeting, in the presence of others and the family, these same concerns were not corroborated by DCF. The resulting recommendations from the TDM included returning the children home immediately with additional tasks for parents and CMP.

Records reviewed showed no cause for the change in DCF's level of concern for the family and children's placement in the home. The mixed communications left CMP feeling unsupported by DCF and created a trust barrier between the parents and the CMP case team.

- ❖ **Recommendations:** KDCA recommends DCF and CMP review policy addressing professional judgment resolution with all staff at minimum semi-annually. KDCA further recommends that CMP review their practice for unannounced home visits when it is necessary to place children in respite care. The presence of law enforcement and chaos created by the unanticipated home visit likely contributed to trauma experienced by the children and prevented the parents from providing the children with more supportive statements about the removal. KDCA recommends that CMP review each respite decision individually to determine whether the situation requires an unannounced home visit with law enforcement assistance.

Agency Response:

DCF- *Thank you for the review and recommendations within report [xx]. DCF appreciates and agrees with the information that a Team Decision Making process is the opportunity for everyone to discuss the safest placement decision for a child. We want all our teams to be aware of the purpose of the TDM approach. We will put in place a regular occurring training or learning opportunity regarding Policy 5040 Dispute Resolution so that teams understand any necessary steps to resolve differences in professional judgement.*

CMP- *[CMP] appreciates the opportunity to review the complaint and respond. The agency would like to clarify that it is not procedure to have law enforcement officers present at the home to ensure safety of staff during every situation that involves removing youth from aftercare placement. This determination is made if there is believed to be a threat to the staff or children. [CMP] will ensure PPM 5040 is reviewed with staff.*

KDCA received concerns the CMP provided poor case management and other poor service, contributing to placement instability and placing a child with medical needs at risk of harm. Additional concerns were expressed regarding CMP actions and communications as noncommunicative, rude in nature, and not wholly forthcoming and dishonest.

Agency Conduct/Action/Inaction of Agency/Employee AND Poor Case Management, High Caseworker Turnover, Other Poor Service: Supported.

Inadequate Inter/Intra Agency Communication Process: Supported.

It was alleged that the actions and communications by CMP was at times noncommunicative or rude in nature. It was further alleged that the case team modeled for the youth the use of manipulation and dishonesty. KDCA finds that communication by CMP was not forthcoming in their actions or intentions regarding the placement disruption and move for the youth.

Youth had been in family foster placement for well over a year. Placement is an experienced, licensed foster home who specialized working with older youth and committed to providing a family placement for youth not otherwise achieving permanency. Conflict between youth and placement was increasing in frequency and severity. Following reported concerns alleging emotional abuse and neglect by the family foster home and increasing conflict between the youth and the family, the matter was assigned for investigation. CPA entered a safety plan with the family to address the identified concerns. Ultimately, the investigation determined the allegations to be “unsubstantiated.” At the time of the investigation, CMP communicated to CPA and the family that the child would be in respite. However, the child never returned to the family placement and remained in the “respite” at the Independent Living (IL) program, permanently transitioning to that program placement.

A placement TDM meeting was scheduled for the following week after the youth was placed in “respite.” However, the TDM was then canceled without explanation and never rescheduled.

Additionally, CMP nor DCF provided notice and the grounds for an emergency removal as statutorily required and in policy. The GAL, County Attorney, and the family foster home were barred the timely opportunity to exercise their statutory right to request a court hearing. Furthermore, the family foster home was prevented from addressing the concerns through the TDM process and potentially preserving the relationship and connection between the family and the youth.

- ❖ **Recommendations:** KDCA finds that communication by CMP was not forthcoming in actions or intentions regarding the placement disruption and move for the youth, failing to mitigate and avoid possible placement disruption through (1) proactive communication efforts with placement and CPA, (2) exercising monthly visits in the home to build relationship and rapport with placement, (3) proceed with the placement TDM, and (4) provide the required statutory notice to change placement.

KDCA recommends CMP review policy and procedure, onboarding, and ongoing education with all case team staff to ensure compliance with procedures when addressing placement stability issues. KDCA reiterates the recommendation that DCF put into policy the professional relationship that foster parents have within the child welfare system. KDCA further recommends that DCF and CMP include and incorporate the Kansas Foster Parents’ Rights in all training aspects as a core foundation.

KDCA notes that foster family incurred expenses to meet the needs of the child placed in their home and timely reimbursement presents further opportunity to build relationship and rapport between the CMP, CPA, and foster family, using the first denial for approval to grant a onetime exception to approve for reimbursement, to educate regarding for example what a higher daily rate is expected to cover, reimbursement procedure, and when/how to request a doctor to write a prescription for over-the-counter necessity to ensure medical card coverage.

Inappropriate Placement: Unsupported. KDCA received a concern that CMP actions placed a youth at risk of serious mental and physical medical harm. KDCA finds that although the youth historically struggled with independently managing their medical care that requires daily monitoring and medication management, since transitioning to an Independent Living Program (ILP), they have exhibited this ability successfully. The youth has maintained placement stability since transition to ILP, including educational stability. This transition has been monitored closely, both by the GAL as well as the Court.

❖ No recommendations not otherwise addressed.

Agency Response:

DCF - *Thank you for the review and recommendations for DCF regarding investigation [xx]. We appreciate the acknowledgement of current policies in place around placement stability, required notice of moves and Appendix 5O, Kansas Foster Parents' Rights. Regarding the suggestion to put into policy the professional relationship that foster parents have, Appendix 5O Kansas Foster Parents' Rights is policy and a part of our policy manual. In addition, DCF supported House Bill 2469, Enacting the Kansas Foster Parents Bill of Rights which was introduced in January of 2022; however, did not pass during the 2022 session. Kansas Foster Parent's Rights include relevant information to this review's findings:*

- *The right to be treated by DCF, KDOC-JS and/or DCF Case Management Grantees and other partners with dignity, respect, and trust as a placement/daily care provider and a member of the professional team caring for children in the care/custody of DCF Secretary*
- *If the child in foster care has been placed in the home for more than six months, statutorily the foster parents have the right to a 30-day notice unless an emergency exists or the move is to the selected pre-adoptive family for the purpose of facilitating adoption. Moves should be generally planned, and foster parents should be included in the planning process, allowing for the opportunity for closure. The planning process should identify how the child is to be informed of the move, when appropriate to do so*
- *The right to receive timely financial reimbursement according to agreement and applicable law and to be notified of any costs or expenses for which the foster parent may be eligible for reimbursement*

DCF will work with the case management agency to reinforce awareness of the Kansas Foster Parents' Rights policy and remind them we do not want foster parents to have any out-of-pocket expenses in providing care for children and youth.

[CMP] – Regarding the supported concerns of Agency Conduct/Action/Inaction of Agency/Employee AND Poor Case Management, High Caseworker Turnover, Other Poor Service and Inadequate Inter/Intra Agency Communication Process: The case team had concerns due to interactions with the placement in which they did not have positive things to say about the youth. The placement would not allow the case team to speak to the youth privately during home visits. The case team and VP determined it would be in the best interest to see the youth at school so [youth] could speak privately. This visit is occurred on [date] – the log was coded as “in the child’s residence” but it occurred at the school and the log states such. The therapist also expressed concerns about the way placement spoke to the youth on [date] (documented in the file on an email log), which are documented in a court report dated [date]. The therapist refused to hotline the concerns, but [CMP] staff did after visiting the youth at the school. A safety plan was created by the CPA to keep the youth safe during the investigation. The Mental Health Case Manager met with youth after the safety plan was created and youth reported that [youth] was told [youth] would be in trouble if [youth] told the truth during the investigation (email log dated [date]). This was in violation of the safety plan and the case team decided to place the youth in respite during the investigation. The youth also expressed desire to move from the home. Due to the youth’s age and skill level, the case team asked for the respite search to include IL options. An IL bed opened for youth, but it was long-term only. Based on the

concerns, the case team determined it would not be in youth's best interest to return to the home and [youth] was placed at the TLP on [date]. [CMP] believes the youth was moved for a valid emergency move reason, per [CMP] procedure. [CMP] acknowledges that the PS-TDM should have still occurred and has taken steps to re-train staff regarding the requirements. [CMP] acknowledges the placement and CPA were not notified timely. An acknowledgment of move was completed and sent to the court and DCF on [date] and is attached. [CMP] does not believe high caseworker turnover was a factor during this concern. The youth had a consistent, experienced case manager from [date] to [date].

Plan for Change: The agency is assigning review of the policies/procedures regarding emergency moves, placements, and PS-TDM via [internal system] for all case management staff. All recommendations to cancel a PS-TDM will be referred to the Director for direction regarding safely holding the TDM.

KDCA received a concern about the utilization of a relative placement for a group of siblings in the custody of the Secretary of DCF.

Failure to Utilize Appropriate Relative Placement: Unsupported. A large sibling group was placed in DCF custody. At that time the only identified relative resided in the removal home and therefore was not a placement option. CMP began working with a grandparent and approved them for placement. KDCA investigation revealed DCF had numerous concerns about the grandparent's ability to safely care for the children; however, CMP reports do not include these concerns.

One of the children was emergency moved from their placement and placed with the grandparent. An emergency court hearing was held during which all parties presented evidence regarding safety concerns for placement with the grandparent. The child was ordered to be moved from the grandparent's home and the Court ordered that no children be placed with the grandparent without approval of the Court.

Per statute, CMP conducted a "substantial consideration" review regarding placement with the grandparent. This review was signed as completed four days before a court hearing during which the State presented evidence in opposition to CMP recommendations.

- ❖ **Recommendations:** While documentation supports the position against placing any of the children with the grandparent, KDCA finds the lack of communication between DCF and CMP problematic. DCF is not in support of relative placement with defensible reasons; however, records and interviews imply that DCF has not provided such to CMP.

DCF policy sets out that the CWCMP is responsible for drafting the substantial consideration; however, statute is clear that it is the responsibility of DCF to ensure the evaluation is completed and the written report includes all necessary details.

- ❖ KDCA recommends DCF modify policy on substantial consideration to add a requirement that DCF approve the substantial consideration document before it is submitted to the court. This would allow DCF to add pertinent details that the CMP does not have if relevant.

KDCA identified concern: Breach of Confidentiality. Maintaining reporter confidentiality is vital to the child welfare system as it helps provide a level of safety for reporters, making them more likely to share their concerns with DCF.

- ❖ **Recommendations:** KDCA recommends that CMP provide training on the importance of reporter confidentiality and review related DCF policy and statute. KDCA further recommends that CMP remove the reporter information from all subsequent court reports when updating for future court hearings.

KDCA identified: Investigation Issue. Multiple reports of abuse and neglect were screened out due to the impact of the COVID-19 pandemic. While these decisions appear reasonable during the height of the pandemic, DCF did not track reports that were screened out under this exception to be followed-up on at a later date.

- ❖ **Recommendations:** KDCA recommends that DCF create policy to track reports not assigned solely due to unprecedented crisis, with the intention that these reports be assessed once the crisis resolves.

During a forensic interview, child made clear and detailed disclosures regarding sexual abuse. The documentation does not show that there was additional follow-up regarding disclosures, stating the events had been previously investigated by the agency. A disclosure provided new information that had not been presented in the previous investigation while another disclosure had never previously been assigned for investigation.

- ❖ KDCA recommends that DCF provide regular and ongoing training to all investigative staff regarding current research on victim disclosures of child sexual abuse and best practices for child sexual abuse interviews.

KDCA further recommends that DCF establish policies that new disclosures shall be investigated.

DCF investigator should be commended for completing forensic interviews with multiple children of the sibling set, despite only two of the children being listed as alleged victims. Documentation shows that multiple children made disclosures to corroborate the initial allegations of abuse.

The basis for unsubstantiated finding indicates that DCF could not prove the abuse acts were done for the stimulation of the perpetrator, the child, or another person as required by policy and statutory definition. A perpetrator's intent may be hard to ascertain, especially in cases when it is unlikely an alleged perpetrator will admit to the act in the first place. This is a concern that KDCA is reviewing for potential future recommendations.

- ❖ KDCA recommends that DCF review the findings in this case as it is possible that the disclosures meet the definition of emotional abuse.

Agency Response:

DCF- Thank you for the review and information in case number [xx]. In regards to the recommendation to modify policy 3341, DCF will add the requirement that DCF approve the Substantial Consideration document before submitted to the court. Regarding the recommendation for [CMP] to provide training on the importance of reporter confidentiality, DCF will review policy 1221 and 5000 with [CMP] and communicate to [CMP] to remove the reporter information from all subsequent court reports for future court hearings. Regarding tracking reports not assigned due to unprecedented crisis, DCF will explore processes for tracking reports in the event of a future unprecedented crisis. In March of 2020 through June, 2020, policy exceptions were granted and initiated immediately. Those exceptions included allegation of abuse in the past and the criteria for no further assessment is met when all three criteria are true: 1) the abuse or neglect happened in the past, and; 2) There are no current safety issues, and; 3) there is no apparent risk of reoccurrence in the foreseeable future (per PPM 1303 and history). Reports received with low risk of abuse/neglect were screened in for further assessment as a Care Taker Unable to Cope (CUU) with a 7 working day response. No truancy reports or educational neglect reports were assigned throughout the end of the 2020 school year.

Regarding new disclosures of abuse/neglect to be investigated, PPS will review current policy to consider policy clarification. Policy and Procedure Manual (PPM) 2113 outlines when PPS protection specialists become aware of a new incident of abuse or neglect, a new report to the Kansas Protection Report Center (KPRC) is required. Policy also allows when an additional allegation type is discovered during a current assessment, the specialist shall consult with their supervisor to consider adding an additional allegation type to the current open case.

In response to the recommendation to provide training regarding current research on victim disclosures and best practices for child sexual abuse interviews, DCF PPS Training and Development staff will consult National Institute

of Child Health and Human Development (NICHD), to obtain any new or up-dated research on sexual abuse interviewing using the NICHD protocol. Current training opportunity for Protection Specialist is Interviewing Skills for Child Welfare. This training is a 4-day course which includes the review of articles related to disclosure of sexual abuse and research supporting the NICHD. The 4-day course focuses on a forensic interviewing model where participants include Interviewing Skills for Child Welfare, which is a 4-day course focusing on a forensic interviewing model. Participants receive instructions on developmental assessment, gathering genogram information, use of permission instructions, recognizing open-ended questions as well as strategies for avoiding questions that may be suggestive or leading. Participants receive instruction on use of anatomical drawings through lecture and demonstration. Participants practice interviewing in two 30 minute recorded interviews with actors playing the role of a neglected or abused child, including a scenario that involves sexual abuse.

DCF will review Event #[###] to determine if finding for disclosures may of met the definition of emotional abuse.

CMP - Please accept this letter as a response to the above-mentioned complaint. [CMP] has scheduled a meeting with DCF leadership to discuss situations where the agencies do not agree on determinations in a case. All staff receive training regarding confidentiality, which is addressed in [CMP] policy. This particular situation will be addressed with the staff involved through progressive discipline.

KDCA received a complaint that CMP withheld parent/child visitation allowing only three visits for a sibling group over a four-month span and alleged CMP was treating medical appointments and community events as visits. Additional concerns reported parent not being allowed to attend medical appointments, being denied access to school records, not being included in decisions regarding field trips, camps, activities, haircare, and not being permitted to complete forms related to activities.

Withheld Visits: Supported. KDCA finds that visits were withheld or not occurring for a combination of factors including lack of planning, late visitation plans, case team decision, and the parent's behavior. Furthermore, KDCA finds that no allowable exceptions to visits were present as provided per DCF and CMP policy.

DCF policy requires that an initial family meeting include the completion of the initial service plan and coordination with the parent for visitation. The initial family meeting did not occur timely, therefore a delay initiating formal visitation was experienced. KDCA finds that the CMP's and DCF's failure to hold and complete the family meeting and service plan timely contributed to lack of any parent/child interaction for the first seven weeks. The first visit occurred within a week of the plan being written, demonstrating the importance of a written plan.

There are only four exceptions to visits per policy. In this particular case, parental behavior appears to be the primary reason which is strictly prohibited by DCF policy. Without a valid exception, CMP should provide the appropriate level of supervision during regularly scheduled visits during which interactions could be assessed.

KDCA notes that CMP spent time hearing concerns from all parties involved and expressed genuine concern about helping all family members. CMP's use of positive language regarding the family as noted as a recurring strength of this team and demonstrates respect for their clients. KDCA commends CMP's flexibility in providing visits in locations outside the office.

- ❖ **Recommendations:** KDCA recommends CMP place greater weight and emphasis on what is going well versus what is going poorly when making decisions about parent/child visits. It is recommended that CMP review policy regarding the four allowable exceptions for withholding visits, and that definitions and expectations of visits are clearly defined in timely visitation plans.

Restriction of Parent Consents and Rights: Unsupported. It was reported that parent was not permitted to attend medical appointments, was not asked for consent for school field trips, church activities and not allowed to complete forms related to those activities for the children. Also of concern was parent's denial of right to make daily care

decisions such as haircare and denied access to school records. KDCA finds that CMP was in substantial compliance with policies involving parental consents and rights.

KDCA finds that CMP complied with policy and procedure regarding haircare. DCF policy nor parental rights specifically address haircuts, but do refer to care of the child, which certainly could include haircare. CMP sought parental approval for a haircut and parent gave permission for child's hair to be cut. A disagreement arose due to a change in plan of who would be cutting the child's hair.

While policy does not require inclusion of the parent in medical appointments, parents do retain the right to consultation and consent. Including parents could simplify and verify rightful consultation and consent in the case of medical care, potentially saving case management time as well as increasing parental engagement.

CMP and DCF policy state that parent's consent for extracurricular activities be sought when possible; however, it does not indicate the need for a parent to sign or complete forms. It appears that parental consent for the activities was obtained, and this allegation is unsupported.

KDCA reviewed the concern that parent was restricted from access to school records. None of the court orders indicate that the parent's rights under federal law or otherwise were revoked, therefore it appears parent retained full rights and access.

- ❖ **Recommendations:** KDCA recommends that DCF implement policy providing parents the right to attend medical appointments unless otherwise prohibited by court order. KDCA also recommends that CMP provide training to case management staff regarding the importance of parental involvement, especially around issues of children's medical, educational, and emotional needs and care. Parents have historical medical information regarding the child and rights to consent to medical procedures and will need to be knowledgeable about the child's ongoing medical needs upon reintegration. CMP is urged to include regular discussion of children's care and parental consents in the monthly parent/worker contacts. Planning for medical appointments provides an excellent opportunity for CMP to partner with the CPA to effectuate communication and collaboration among professionals, foster parents, and parents in such a way as to forge relationships, model problem solving, comply with policy, potentially save case management time, and ensure the parent has a voice in their child's care.

KDCA identified concern: Missing, Late and Incomplete Documentation. During KDCA's investigation it was discovered that a significant amount of documentation was not produced timely, in completion, or at all.

- ❖ **Recommendations:** It is recommended that DCF coordinate with CMPs assuring that individual family meetings and service plans are completed timely, and that DCF ensures the visitation portion of the service plan is coordinated and completed with recommendations as to supervision, day of week, time frames and location of visits to increase the ability of the CMP to be able to immediately provide the appropriate level of visitation.

KDCA recommends that CMP continue ongoing efforts to meet timelines as required in policy, ensure that all parent/child and parent/worker interactions are documented, and keep the free-standing Parent/Child Interaction form up to date and detailed to minimize misunderstandings and increase positive outcomes for families.

Agency Response:

CMP - [CMP] is in agreement with the Division of Child Advocate recommendations, specifically regarding consideration for not only areas of concern but also providing greater weight to strengths, safety factors, and what is going well when determining the appropriate level of structure and supervision for parent/child interactions. [CMP] will provide staff and supervisors a review of this expectation as well as the visitation policy, including the four allowable exceptions for withholding visits. [CMP] will also review with staff the importance of documenting

clearly the expectation of visits within timely visitation plans. According to policy, exceptions to interactions/visitations shall be made only when:

1. There are safety issues that threaten participants, or;
2. The whereabouts of a participant are unknown, or;
3. They are therapeutically inappropriate, based on the recommendation of a physician or mental health practitioner, or;
4. There is a court order that limits contacts.

Policy also specifies that exceptions to having interactions/visitations in the home or where the child is living may be made for the same reasons, or if the parents are homeless. The reason for any exception shall be clearly documented and based on input from team members. Plans for other ways to stay connected (i.e. phone calls, other media, letters) shall be made.

[CMP] will participate in discussions with DCF during the Permanency Advisory Council meetings regarding KDCA's recommendation that DCF implement policy providing parents the right to attend medical appointments unless otherwise prohibited by court order. We are in agreement with this practice and would guide staff to follow this even prior to policy changes being made.

Along with the review of policy and expectations mentioned above, [CMP] will also review with case management staff regarding the importance of parental involvement, especially around issues of children's medical, educational, and emotional needs and care. We agree that parents have historical medical information regarding the child and rights to consent to medical procedures and will need to be knowledgeable about the child's ongoing medical needs upon reintegration. We will review with staff the importance of including regular discussion of children's care and parental consents in the monthly parent/worker contacts. We will work to guide staff to use planning for medical appointments as an opportunity to partner with the placement provider and sponsoring agency to collaborate in caring for the child, build relationships, and work as a team to meet the child's needs.

KDCA received a complaint that DCF had unsubstantiated allegations of sexual abuse to child by child's parent despite child's disclosures of the abuse. There were further concerns that child's disclosure of sexual abuse was not considered in judicial proceedings for child's CINC case and therefore child is at risk for being reintegrated with alleged perpetrator.

Insufficient DCF Investigation: Supported. DCF received a report for allegations of sexual abuse to child with alleged perpetrator listed as child's parent. At the time the report was received, child had already been removed from parents due to concerns unrelated to sexual abuse. Records reflect that child disclosed sexual abuse by parent to multiple professionals including child's therapist and during a forensic interview with law enforcement.

While law enforcement and DCF had an open investigation, visitation and contact between the child and parents was paused. DCF's investigation was not closed for a significant length of time, prolonging the pause in no contact between the child and parents. Documentation does indicate that DCF and CMP were awaiting law enforcement direction to proceed with DCF investigation and visitation between child and parents. Communication, as documented, between CMP and DCF was minimal while investigation was pending and visitation between child and parents not occurring.

Despite the concerns and disclosures by the child, DCF investigation was closed unsubstantiated. Based on documentation, interviews, and policy review, KDCA does not agree with unsubstantiated case finding in DCF investigation. DCF policy details standards and criteria for affirmed and substantiated findings and further states Affirmed case finding may be considered when there is a credible victim statement only. Therefore, if not substantiated, at minimum, an Affirmed finding of sexual abuse to child by alleged perpetrator (parent) appears met. While future impact is unknown at the time of DCF investigation closing, the case finding was given significant weight and impact to child's CINC case. (*See Concern in Judicial Court Practices below for further details*).

- ❖ **Recommendations:** KDCA recommends DCF reevaluate unsubstantiated case finding in investigation regarding allegations of sexual abuse to child by parent, applying preponderance of the evidence burden. Additionally, KDCA recommends monthly, if not weekly or bi-weekly, communication between DCF and CMP when an investigation is pending. In addition, notification of allegations/pending investigation, as well as case finding outcome, be shared timely with child's GAL to ensure GAL has necessary information when making recommendations of child's best interest to the court.

Concern in Judicial Court Practices: Supported. DCF investigation was unsubstantiated; however, information regarding the child's disclosure and allegations against child's parent for sexual abuse was not found to be noted in legal proceeding via Journal Entry/Motion/Court Order until one year later. CMP court reports also did not reflect that CMP had shared this information to the court prior to that point. KDCA's review indicates that because DCF investigation was unsubstantiated, professionals assumed child was not sexually abused by parent. Therefore, child's disclosures were not considered evidence or justification for court to discontinue visitation, nor grounds for termination of parental rights.

Documentation reflects child's recurrent disclosures during, and after, DCF's investigation and the prolonged impact to child's wellbeing. CMP documentation indicates child and parents had first visit after several months of no contact, virtually therapeutically supervised for one month, in person therapeutically supervised the following month, unsupervised visitation in the third month and reintegrated with parents by the fifth month. The timeframe in which child disclosed directly to the court in writing is of concern, then having unsupervised visits and ultimately reintegrating is progressive. KDCA did not find whether child's individual therapist was consulted on their recommendations regarding child's status of wellbeing and visitation or reintegration with parents.

- ❖ **Recommendations:** KDCA recommends at least annual training for multidisciplinary professionals including DCF, CMPs, law enforcement and court professionals (GALs, County Attorneys and Judges) on child sexual abuse, process of child disclosure including delayed disclosure, and best practices for child abuse investigations.

Agency Response:

DCF- Thank you for the review and information in case number [xx]. DCF agrees with the recommendation for monthly communication between DCF and a case management provider when an investigation is pending and will draft a policy proposal for that recommendation. In regards to the recommendation to reevaluate unsubstantiated case finding, DCF will complete a review of the investigation of this case number event using current DCF PPS policies 2500, 2502, 2511, 2530 and 2531.

Joint investigations between DCF and law enforcement agency are mandated K.S.A. 38-2226(b) when a report alleges sexual abuse of a child and action may be required to protect the child. DCF PPS Policy 2511 allows for a delay in case finding beyond the 30 working day timeframe when requested by law enforcement.

In response to the recommendation for annual training for multidisciplinary professionals on child sexual abuse, process of child disclosure including delayed disclosure, and best practice for child abuse investigations, DCF PPS Training and Development staff will consult National Institute of Child Health and Human Development (NICHD), to obtain any new or up-dated research on sexual abuse interviewing using the NICHD protocol. Current training opportunity for Protection Specialist is Interviewing Skills for Child Welfare. This training is a 4-day course which includes the review of articles related to disclosure of sexual abuse and research supporting the NICHD. The 4-day course focuses on a forensic interviewing model where participants include Interviewing Skills for Child Welfare, which is a 4-day course focusing on a forensic interviewing model. Participants receive instructions on developmental assessment, gathering genogram information, use of permission instructions, recognizing open-ended questions as well as strategies for avoiding questions that may be suggestive or leading. Participants receive instruction on use of anatomical drawings through lecture and demonstration. Participants practice interviewing in

two 30 minute recorded interviews with actors playing the role of a neglected or abused child, including a scenario that involves sexual abuse.

CMP - [CMP] and DCF (Area [#]) have already agreed to schedule a staffing any time there is an investigation on a youth in [CMP]'s case management program – DCF and the case team will meet to discuss any safety-related decisions that need to be made. All Area [#] Directors and Supervisors have received this communication. The agency is reviewing the process on, and will make a determination regarding, at what point in the investigation to notify the court.

[CMP] is supportive of training regarding child sexual abuse and disclosure and will review current offerings by the agency to determine if already-existing training would satisfy this, and if not, will develop content around this topic. The training would be available to all staff in the [CMP] training library. [CMP] will also work with DCF to determine if content already exists in the state training library to avoid duplication and ensure all staff receive the same information.

[CMP] appreciates the opportunity to review the complaint and respond.

FREQUENTLY USED ACRONYMS

ACF	Administration for Children and Families
BIS	Best Interest Staffing
CASA	Court Appointed Special Advocates
CFSR	Child and Family Services Review
CINC	Child In Need of Care
CMH SCAN	Children’s Mercy Hospital: Safety, Care, and Nurturing
CMP	Case Management Provider
CRP	Citizen Review Panel
CPA	Child Placing Agency
CPS	Child Protection Specialist
CWCMP	Child Welfare Case Management Provider
DCF	Department for Children and Families
FBA	Family Based Assessment
FFPSA	Family First Prevention Services Act
GAL	Guardian ad Litem
HHS	US Department for Health and Human Services
ICAB	Kansas Strong Interagency and Community Advisory Board
ICPC	Interstate Compact for the Placement of Children
ICWA	Indian Child Welfare Act
IL	Independent Living
ILP	Independent Living Program
KDADS	Kansas Department for Aging and Disability Services
KDCA	Kansas Division of the Child Advocate
KDOC	Kansas Department of Corrections (JS – Juvenile Services)
KFAN	Kansas Family Advisory Network

KOVA	Kansas Organization for Victims Assistance
KSDE	Kansas State Department of Education
KYAC	Kansas Youth Advisory Council
NACC	National Association Council for Children
NICHD	National Institute of Child Health and Human Development
NRKIN	Nonrelated Kin
PPM	Policy and Procedure Manual
PPC	Police Protective Custody
PPS	Prevention and Protection Services
PRC	Protection Reporting Center
PS-TDM	Placement Stability Team Decision Meeting
TDM	Team Decision Meeting
TLP	Transitional Living Program

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