
CHAPTER 3

The track system has not had its anticipated effect

Chapter Summary

DFS hoped to engage families in services that would help them better care for their children.

Each time a family has an accepted CA/N report, DFS opens an incident and assigns it to one of three tracks for casework. DFS officials told us they adopted the track system so workers could engage some families in a less accusatory manner, through the assessment and prevention tracks, without reaching formal conclusions (substantiated, unsubstantiated or unfounded). Caseworkers could then offer families services to help them better care for their children.

The track system's purpose is to prevent problems from escalating.

To determine how well the track system is working, we looked at whether providing families with services (or the opportunity to get them) through the multiple response system, would lessen the need for further and more intensive DFS involvement. Policy supports that expectation, stating that the purpose of the prevention and assessment tracks is to “prevent problems from escalating to a level” where the more rigorous DFS approach(es) would be warranted. We found, however, that the track system does not reliably accomplish that purpose.

DFS should determine how to make the track system meet its potential, or seek its repeal.

Although it is difficult to determine cause and effect in CPS because of the many circumstances surrounding each incident, we see two impediments to track system effectiveness. First, families do not have to cooperate with DFS recommendations unless ordered by courts, and only some substantiated investigation track incidents get to that level. Second, we believe that DFS limits the effectiveness of the multiple response system by treating each incident in relative isolation from the others that families often generate.

DFS has an obligation to evaluate the track system to determine what changes are needed to meet its potential, or the agency should request its repeal. We believe a first step would be implementing higher level reviews of track assignments for families with multiple incidents to ensure decision-making is the most beneficial for the welfare of the children involved.

Multiple response is an accepted practice

The model advances family-centered practice.

The DFS multiple response or track system, and the rationale behind it, are typical of the multiple response approaches many states have adopted in their child welfare systems, dating back to the mid-1990's. Applying these models gives CPS agencies a method for allocating limited resources, but the primary benefit is advancing family-centered practice to provide interventions that match up with families' strengths and needs.

New tracks have not positively affected the level of families' later interactions with DFS

We divided our sample of CPS files into two groups, one focusing on investigation track incidents and one on non-investigation incidents (prevention and assessment track incidents, and "other"). Together, these samples involved 137 family groups which included at least one parent and child, and usually other persons who lived together as families.

In our file review, we saw that families have multiple CPS incidents spread among the tracks with little indication that their child welfare problems subside.

In our investigation sample, there were 220 CPS incidents spread among 68 families. A majority of them had a series of at least three incidents opened during the period we reviewed. Some families had as many as six to nine incidents, although most had five or fewer. As shown in Figure 3.1, families' levels of interaction with CPS move back and forth among the tracks, with little indication that their child welfare issues tend toward resolution.

In the sample we drew to examine incidents tracked as prevention, assessment, or "other," families were much less likely to have multiple incidents, and very few had investigation incidents during the period reviewed. However, since the closure reasons for nearly all these incidents indicate either that families did not accept the services offered, or caseworkers did not see that services were necessary, it does not appear that DFS involvement had much to do with resolving their child welfare problems.

Figure 3.1

Illustration of the sequence of incidents DFS opened for families LSO investigation track sample (34 of 68 families shown)

| Family | Incidents opened during the period 2004-2007 (Note: illustration does <u>not</u> portray incident length, or intervals between incidents) | | | | | | | | |
|--------|--|-----------|-----------|-----------|-----------|-----------|----------|---------|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 1 | Inv-sub | Other | | | | | | | |
| 2 | Inv-sub | | | | | | | | |
| 3 | Inv-sub | | | | | | | | |
| 4 | Inv-sub | Other | | | | | | | |
| 5 | Inv-sub | Other | Inv-sub | Assess | Assess | | | | |
| 6 | Inv-unsub | | | | | | | | |
| 7 | Inv-unsub | | | | | | | | |
| 8 | Other | Inv-sub | | | | | | | |
| 9 | Assess | Inv-sub | Assess | Assess | | | | | |
| 10 | Assess | Inv-unsub | Inv - sub | | | | | | |
| 11 | Inv -sub | | | | | | | | |
| 12 | Inv-sub | Inv-unsub | Inv - sub | Asses | Inv-unsub | Inv-sub | | | |
| 13 | Inv-sub | Inv-unsub | | | | | | | |
| 14 | Assess | Inv -sub. | Other | Other | Other | Inv-sub. | Prev. | | |
| 15 | Inv -sub | Assess | Inv -sub | | | | | | |
| 16 | Inv-unsub | | | | | | | | |
| 17 | Inv-unsub | Other | Prev | Inv-unsub | | | | | |
| 18 | Other | Other | Assess | Assess | Assess | Inv-unsub | In-unsub | Inv-sub | |
| 19 | YF | Inv-unsub | Inv-unsub | | | | | | |
| 20 | Assess | Inv-unsub | Inv-unsub | Assess | Inv-sub | Inv-sub | | | |
| 21 | Inv-sub | Prev | | | | | | | |
| 22 | Prev | Prev | Other | Prev | Prev | Inv-sub | | | |
| 23 | Other | Inv-unsub | | | | | | | |
| 24 | Other | Prev | Inv-sub | Inv-unsub | | | | | |
| 25 | Other | Prev | Inv-sub | Inv-unsub | | | | | |
| 26 | Inv-unsub | Inv-unsub | | | | | | | |
| 27 | Inv-sub | Inv-unsub | | | | | | | |
| 28 | Prev | Inv-sub | | | | | | | |
| 29 | Prev | Other | Other | Inv-sub | | | | | |
| 30 | Inv-sub | Inv-sub | | | | | | | |
| 31 | Inv-unsub | | | | | | | | |
| 32 | Assess | Other | Assess | Inv-unsub | Inv-unsub | Inv-unsub | | | |
| 33 | Other | Other | Other | Inv-sub | | | | | |
| 34 | Inv-sub | | | | | | | | |

| | | | | |
|------------|-----------|---------------------------------------|--------|------------------------------------|
| Key | Inv-sub | Investigation track - Substantiated | Assess | Assessment track |
| | Inv-unsub | Investigation track - Unsubstantiated | Prev | Prevention track |
| | Other | Incident without track assignment | YF | Non-CPS, Youth and Family incident |

Source: LSO analysis of DFS WYCAPS data. See Appendix E for full sample.

Judging from track assignments, families' incidents often increased in seriousness

In our sample of investigation incidents, families with prevention and assessment track incidents tended to develop more serious child welfare problems, rather than improving or avoiding a

higher-level DFS response. We saw 17 drops in severity, according to track assignment of subsequent incidents, but 26 increases in track levels from one incident to the next.

Lower track incidents tended to be followed by investigation incidents.

Among the families that developed more serious problems were 15 instances where assessment incidents were followed by investigation incidents; 9 of these were substantiated. In 9 instances, an investigation track incident followed prevention track incidents, and a majority of those also ended as substantiated. By contrast, the most prevalent positive results we saw were assessment and prevention incidents that ended DFS' involvement with families; again, we saw 9 of these instances.

It was difficult to see the rationale for stepping down track assignments for families' subsequent incidents.

In reviewing the files, it was often difficult to see the rationale behind stepping down a family's subsequent incidents. Moving a later incident from investigation to assessment, for example, was puzzling since it was fairly typical for a family's child welfare issues to remain the same across incidents. Sometimes supervisors opened incidents as assessments when the families already had open investigation incidents in progress. One family struggled with the same neglect issues through four successive incidents: three of them were assessment track incidents, and one was an investigation substantiated for neglect. The determining factor for the increased DFS response, an investigation that led to substantiation, was the caseworker's request that the county attorney authorize temporary foster care for the children.

DFS assigned subsequent incidents to the investigation track when protective custody was taken.

It was more evident why DFS supervisors moved families' incidents up from prevention or assessment to investigation. As described above, the incident became an investigation if protective custody occurred; then, the involvement of law enforcement almost always prompted an investigative response from DFS. Or, if DFS first engaged parents through assessment for not attending to their children's medical needs but the parents refused to cooperate, DFS would often assign a subsequent report on the same issue to the investigation track.

Investigation track incidents may be most effective

In the aggregate, we found the most positive outcome is likely to occur after a family has experienced a CPS investigation that

Courts may order parents to accept services when substantiations lead to neglect petitions.

results in a substantiation for child maltreatment. Often, however, a series of incidents in different tracks leads up to the investigation incident. In our sample, 31 families in the investigation track ended their involvement in CPS during the 2004 - 2007 period. This information suggests that the most intensive DFS response, a substantiated investigation and the casework and services that follow, is most effective in removing families from the CPS caseload, and by implication, in improving children's welfare. However, we did see 7 instances where families had substantiated incidents followed by other substantiations.

From examining files, we know that in substantiated incidents, parents can benefit from typical court-ordered services; such services can prepare them to give their children better care. However, we also know that families with substantiated CA/N incidents exit from the Wyoming CPS arena for reasons other than having been rehabilitated. For example, they move from the state or lose permanent custody of their children, or the offending parent is incarcerated.

Even having an unsubstantiated incident seemed to end families' CPS involvement.

Yet, we found that having an unsubstantiated investigation incident was almost as effective in ending DFS involvement with families in our sample. In our sample of investigation incidents, 20 families had unsubstantiated investigation track incidents that were not followed by incidents of any kind during our review period. Incidents of this type rarely result in families obtaining services that might help them address the issues that prompted DFS to respond at its highest level of intervention, investigation.

But we believe our review revealed valid indicators of track system effectiveness.

The high number of incidents without a track assignment limits determinations of effectiveness

As shown in Chapter 2 and illustrated in Figure 3.1, incidents often are not identified in WYCAPS as being assigned to a track. Having so many "other" incidents hampered our attempt to analyze the effectiveness of the track system and limited our ability to draw conclusions. Nevertheless, we believe our sample is accurate in revealing indicators of investigation track effectiveness, and questioning that of the other two tracks.

Families' child welfare problems persist, as does DFS involvement in their lives

We read descriptions of repeated and continuous, usually neglectful, treatment of children that prompted reports to DFS.

Assessment incidents result from reports that contain allegations of child abuse or neglect, when the allegations are not severe enough to warrant an investigation. Often families are reported again and DFS opens additional incidents, indicating that some level of child maltreatment has likely reoccurred or persisted. In our file review, we read descriptions of repeated and continuous, usually neglectful, treatment of children that prompted reports to DFS. Since many of these reports come from professional reporters, we believe that at least some level of maltreatment was often present and may have persisted during the interim between incident openings.

According to DFS, in the most recent federal reporting period, 96 percent of children in the CPS system did not experience repeat maltreatment. However, for federal reporting requirements, DFS follows the federal standard, which considers maltreatment to have occurred under narrow circumstances: only if children are victims of repeated substantiated maltreatment in the six-month period following the initial substantiation.

DFS repeatedly, intermittently, contacts some families

With the tracks, there are more CPS incidents, but fewer investigations.

With the multiple response capacity, DFS caseworkers potentially come in contact with families more than they would have previously. In the past, statute authorized DFS to either investigate or reject reports, although CPS supervisors indicate there has always been a prevention response for those families seeking DFS assistance. Now, through the assessment track, caseworkers can approach families with a service response; this can take place when reports contain allegations but DFS supervisors perceive there is no actionable abuse or neglect under the law (either the Child Protection Act or criminal statutes).

Data show a higher number of CPS incidents now, under the track system, but DFS carries out fewer investigations. This suggests that caseworkers are contacting more families, or the same families more often. Looking again at Figure 3.1, the prevalence of non-investigation incidents shows that DFS now

DFS is making CPS contacts it would not have before the tracks.

quite often makes contacts with families that likely would not have occurred before the track system. Of the 220 CPS incidents covered in our investigation incident sample, 101 of them were non-investigation (prevention, assessment, or other). Figure 3.2, showing another excerpt from the full sample table, depicts how the intervals between incidents and their durations vary.

Figure 3.2

Example showing the intermittent nature and duration of families' CPS incidents

| | | | | | | |
|-------------------|------------------|-------------------|-----------------|------------------|------------------|------------------|
| Family 20 | | | | | | |
| Incident | Assess | Inv-unsub | Inv-unsub | Assess | Inv-sub | Inv-sub/open |
| Dates open | 10/21/05-12/1/05 | 3/30/06-12/6/06 | 12/1/06-2/20/07 | 10/8/07-11/16/07 | 11/14/07-1/3/08 | 12/4/07-open |
| Family 21 | | | | | | |
| Incident | Inv-sub | Prev | | | | |
| Dates open | 1/3/05-1/18/05 | 12/11/06-12/12/06 | | | | |
| Family 22 | | | | | | |
| Incident | Prev | Prev | Other | Prev | Prev | Inv-sub |
| Dates open | 12/17/03-2/12/04 | 4/15/04-6/4/04 | 5/10/04-5/11/04 | 5/13/05-9/7/05 | 11/7/05-12/15/05 | 11/7/06-11/28/07 |
| Family 23 | | | | | | |
| Incident | Other | Inv-unsub | | | | |
| Dates open | 3/18/05-3/25/05 | 5/14/06-6/14/06 | | | | |
| Family 24 | | | | | | |
| Incident | Other | Prev | Inv-sub | Inv-unsub | | |
| Dates open | 2/2/04-2/10/04 | 9/13/04-6/22/05 | 1/19/06-3/7/06 | 9/29/06-10/26/06 | | |

Accepting DFS services is voluntary, unless court-ordered

District or county attorneys determine whether courts will be involved in CPS.

Often, when DFS investigates and substantiates allegations of neglect or abuse, the local office contacts the district or county attorney, requesting that a petition be filed in Juvenile Court under the Child Protection Act (W.S. 14-3-411). DFS provides assistance but district or county attorneys determine whether the “best interest of the child requires that judicial action be taken.” Statute also allows – and this generally occurred in the incidents we reviewed – the court to hold adjudication of the petition in abeyance and instead, to issue a consent decree (see Figure 3.3 for typical consent decree requirements). Prosecutors and children’s parents and guardians ad litem must agree to these decrees, and

courts implement them in both placement incidents and those where children remain in their homes.

Figure 3.3

Provisions typical of consent decrees

With parents substantiated for neglect, and children who either remained in the home or are now being reunified with parents

Consent decree requirements mostly mirror DFS family service plans.

- Children remain in DFS custody with placement with parents.
- Parents will cooperate with DFS.
- Parents will allow DFS regular unannounced home visits.
- Parents will keep house clean, provide ample food.
- Parents will keep children clean and bathed.
- Children and parents will participate in counseling as requested.
- Children will have no unexcused absences from school.

Source: LSO review of DFS CPS files.

MDTs are involved when families get into the courts.

For the court to dismiss the petition, parents must more or less meet the terms of the consent decree, which is much the same as the DFS family service plan. DFS caseworkers, along with MDTs, assist and monitor the parents as they work through their plans and consent decree requirements.

When services are optional, families most often do not accept them

Prosecutors tend not to file petitions for low-level CA/N, so families have had this option all along.

Our 1999 report on CPS criticized DFS for not providing more contracted services to the CPS population. Implementing the prevention and assessment level tracks has given DFS a way to attempt to engage families, provide caseworker counseling, and make referrals for services provided by other agencies or organizations. However, supervisors indicate that since acceptance of services is voluntary, DFS is not always successful in this. As supervisors explain:

- “On the flip side, families can refuse services and there is always the possibility more reports, sometimes more severe, will be filed with the Department.”

- “(The track system) has allowed families to refuse services, but these are in cases where we don’t have enough to refer to the District Attorney’s Office and wouldn’t be able to ‘force’ them to comply with a case plan regardless of how we assigned the case.”

In our sample, nearly 80 percent of families in lower track incidents did not accept services.

We reviewed closure reasons for our sample of assessment and prevention incidents, and found that in nearly 80 percent of them the families did not accept the services offered by DFS. Where caseworkers were able to engage families, they most often provided casework counseling, such as discussing concerns and consequences for children living with continued parental drug use, domestic violence, or unsanitary living conditions. They also frequently provided case management, offering parents referrals for substance abuse evaluation, medical care for the children, food stamps, and day care.

Sometimes, DFS threatens higher track assignment to bring about a family’s cooperation.

In lower track incidents that lack the support of a court order, some caseworkers try to use the multiple response system itself to bring about family cooperation. Although not sanctioned by policy, we occasionally saw that caseworkers told parents unless there was cooperation through an assessment track incident, the next incident would be tracked as investigation. In other cases, we saw supervisors hold off making track assignments until they could gauge families’ inclination to cooperate in accepting and acting upon casework counseling and services.

Incident-based system does not lend itself to a sustained effort to address families’ problems

DFS responses narrowly focus on the specific conditions that prompt CA/N reports.

DFS operates in an incident mode wherein each CPS intervention is triggered by an event, usually a report of some level of child maltreatment. The DFS actions and interventions that follow focus on the problems that prompted the report, and are contained within an “incident” that extends over a period of time, between the date the report was accepted and the date the caseworker and supervisor formally close DFS involvement. A family’s case could be considered the collection of incidents that DFS has opened in response to accepted reports on the various individuals in the group.

DFS handles most incidents in isolation, not in the context of a family's case.

In effect, DFS handles most CPS incidents in isolation rather than in the context of a family's case. For example, we saw numerous assessment incidents closed after the parents cleaned their homes so they no longer posed the reported welfare threats to their children that prompted DFS attention. Caseworkers would typically make (or attempt to make) at least one return visit, and then close the incidents, often noting "goal achieved" as the closure reason. These same families often had subsequent incidents opened, usually for repeated reports of unsanitary living conditions. Verification of one clean-up did not address the underlying problems, which typically were poverty, substance abuse issues, and lack of parenting skills.

In the family-centered model, all circumstances, strengths and weaknesses are important.

The assessment and prevention tracks are meant to create a climate in which families comfortably seek assistance and use services available in their communities to prevent their problems from escalating to the investigation level. However, casework within the narrow confines of each incident seems counter-intuitive to the family-centered practice model, which DFS has focused on in the wake of the first federal review in 2002. In this model, all of a family's circumstances, strengths, and weaknesses are taken into consideration. Working an incident by addressing only the problem at hand, as illustrated in a single report, does not accomplish this.

Recommendation: DFS should evaluate its track system to determine how to make it work as envisioned, or request its repeal.

Children end up in chronic low-level CA/N situations until they worsen to the investigation level.

By taking the steps necessary to implement the track system in its rules in 2001, DFS indicated its belief in the model's potential. Seven years later, however, it has not evaluated its results, as other states have done, to determine if this model is meeting expectations. Our evaluation shows that the track system is not improving families' lots, and worse, that it may very well leave children in chronic low-level maltreatment situations until their predicaments worsen to the investigation level. Thus, we believe DFS has an obligation to determine what changes may be necessary to make the track system work, or seek its repeal.

DFS should better use information from repeated interactions with families.

From our perspective, CPS supervisors and caseworkers are not making full use of one of the track system's advantages: the family histories that result from their cycling through multiple incidents. While a uniform initial step in opening new incidents is for supervisors and caseworkers to review the histories in WYCAPS, we did not always see how this background knowledge informed subsequent track assignments or casework.

A higher level of review for families with multiple incidents seems necessary.

We believe DFS should consider creating a level of review beyond the supervisors and caseworkers immediately involved. Rather than continuing the cycle of opening and closing lower track incidents without managing to get the family connected with services to address its issues, at a certain threshold, DFS should initiate a higher level of review. DFS should determine what this review would look like, but it might include district managers, state office consultants, supervisors from other offices, or community child protection teams where they are active. The purpose would be to ensure that all available casework and service resources are brought to bear, including presenting affidavits to the courts for intervention.

If statute thwarts DFS' ability to use family histories in track assignment, it should seek necessary changes.

The statutory authorization for the track system itself limits families from becoming involved with DFS at its highest level, the investigation track. Only certain incidents qualify for the investigation response, but without investigation, there is not the substantiation that can lead to court action, and which in turn requires parental participation in a rehabilitation plan. If DFS believes it is unable to consider families' histories in assigning subsequent incidents to investigation, then it should request the Legislature to authorize such authority.

