
AGENCY RESPONSE

Wyoming Child Protective Services

STATE OF WYOMING
DEPARTMENT OF FAMILY SERVICES

Dave Freudenthal, Governor
Tony Lewis, Director



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Memorandum

To: The Honorable John Schiffer, Chairman
Management Audit Committee

From: Tony Lewis, Director

Date: September 2, 2008

Re: Agency Response to Child Protective Services Audit

Ref: TL – 08- 155

INTRODUCTION

The Department of Family Services (DFS) would like to acknowledge the time, effort and thoughtful analysis dedicated by the LSO staff to child protective services in its August 2008 Evaluation. We appreciate the careful review of CPS data, practice and finances, and we believe the recommendations are well focused and well-considered.

As the report notes, even though the goal of protecting children's health, safety and welfare is straightforward, the laws, rules and policy guiding child protective services are complex and imprecise. Moreover, the complexity of practice for social workers is compounded by the overlapping authorities of law officers, prosecuting attorneys, judges and health professionals. DFS caseworkers investigate reports of abuse with or without law enforcement and substantiate abuse or neglect. Police officers and physicians can also make inquiry and take physical custody of a child (DFS cannot). Locally-elected prosecutors decide whether to prosecute abuse or neglect and often set expectations for how local DFS and law enforcement should interact or respond to reports. Local multi-disciplinary teams make formal recommendations to the court, and the district or juvenile court judge makes the final decision whether to remove a child from the home and where the child is to be placed.

Given this landscape of sometimes competing interests and responsibilities, it is perhaps surprising that Wyoming is consistently one of the States that removes the most children from

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families. Although comparisons can be misleading, Wyoming typically ranks high nationally in rates of removal both for child abuse and neglect (CA/N) and juvenile justice.

DFS data does not lend itself to any convenient statewide explanation. Explanations on a county level, however, are more revealing. Wyoming's highest rates of CPS placement occur in Platte, Natrona, Carbon, Sweetwater and Campbell counties, which are all well over twice the national placement average. Generally, close to two-thirds of Wyoming counties are at or below the national average, with Teton, Park and Uinta Counties placing children at about one-third the national rate. At the same time, safety measures are high and child mortality rates are not unusual in these counties.

What seems apparent looking at different child welfare data in different counties is that service structures have evolved to meet different demands. Counties that have experienced the biggest growth due to the mineral industry seem to rely more on crisis care and secure placement. Counties that have experienced slower growth, tend to place fewer children in out-of-home care and rely on community-based services. Counties that are beginning to struggle with growth, such as Converse, Carbon and Sublette, are experiencing demand for group home, family foster care and residential treatment services.

With these regional factors in mind, Wyoming's challenge in child protection seems straight forward. Unquestionably, child protective service practice and quality assurance need to get ahead of the game, and better non-secure services need to be developed in hard hit communities. In particular, CA/N cases need earlier and more intensive evaluation, as the audit suggests. Similar to the state's challenge in juvenile justice, DFS also needs to help struggling communities plan for and cultivate better local services and interventions.

RESPONSES:

RECOMMENDATION 1:

DFS should seek statutory change to allow supervisors more time before assigning tracks.

RESPONSE:

Partially Agree

DFS strongly agrees that supervisors need more time to evaluate and assign cases to proper tracks, though the agency does not agree it is necessary to revise statutes to accomplish this task. DFS, under the authority of existing statutes, can develop policies and guidance that will be more specific and provide better training and oversight. DFS intends to develop new policy in this regard and complete training by June 30, 2009.

The agency will also cooperate in statutory revision, should the Management Audit Committee so direct.

RECOMMENDATION 2:

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

RESPONSE:

Partially Agree

DFS recognizes the need to evaluate the track system and make needed changes, though it does not believe that repeal of the track system is in the best interests of Wyoming children and families.

The multiple track response system is currently the nation's best practice model, given increasingly large volumes of child abuse and neglect reports, growing caseloads involving complex problems, and limited resources (Child Welfare Information Gateway, Children's Bureau/ACYF February 2008). The multiple track response system allows more flexibility in responding to child abuse and neglect reports, recognizing an adversarial focus is neither needed nor helpful for all cases. Understanding the family issues that lie beneath maltreatment reports and engaging families more effectively to use services to address their specific needs, can often be more productive in the long run than simply removing a child from the home. As the LSO's preliminary audit recommendation suggests, matching services to the needs of individual families -- while ensuring child safety -- depends on a thorough evaluation and/or investigation of a family's relevant circumstances.

DFS will provide training to supervisors and caseworkers in regards to changes in policy and practice. After DFS provides training to supervisors and caseworkers, DFS will re-evaluate the track system and projects to have that evaluation complete by December, 2009.

RECOMMENDATION 3:

DFS should require caseworkers to prepare investigative plans or use a standardized investigation checklist.

RESPONSE:

Agree

DFS agrees caseworkers must prepare and execute CA/N investigations more effectively, and that pre-planning outlines, checklists and other tools will help standardize performance and lead to better management evaluation. A provision currently exists in DFS Policy 3.6 "Investigative Track", which provides guidance regarding the steps that need to be taken during an investigation and explains the rationale for conducting investigation by policy. However, DFS has not developed a standardized check list or methods for monitoring more uniform performance from county to county.

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The Protective Services Division will take the following action steps to comply with this recommendation:

1. DFS will work with the field supervisors and managers to evaluate and implement tools, such as checklists, that will lead to more uniform planning, performance and evaluation of investigations.
2. The Protective Services Division will evaluate its current training and provide opportunities for case workers to attend trainings offered by various training agencies statewide to enhance their skills and increase specialization.

RECOMMENDATION 4:

DFS should require caseworkers to prepare evidence summaries after each investigation.

RESPONSE:

Agree

DFS agrees a detailed professional investigative report is essential to generate evidence summaries after each investigation which documents the findings. Investigative reports are often needed in court hearings, and are equally essential in the development of the case plan for the family. DFS proposes to take the following action to address this finding:

1. Regular trainings are scheduled to enhance the supervisors' skills to provide better supervision throughout the investigative process.
2. The Protective Services Division will provide on-site training regarding quality evidence summaries, to every CPS District.
3. DFS will evaluate the quality of evidence summaries over the next 12 months.

RECOMMENDATION 5:

DFS should be vigilant in "under investigation" central registry checks.

RESPONSE:

Agree

DFS agrees that it must continue to be vigilant in conducting Central Registry checks to ensure that names are appropriately released.

DFS recognizes the need to create a better data management process for the Central Registry. In order to develop this process, DFS will determine if changes to the current WYCAPS system are feasible or if the changes will need to be integrated into the next generation data system. DFS anticipates completing this up-front analysis of WYCAPS within the next 12 months. DFS will continue to evaluate and improve its standardized procedure to verify information prior to release.

RECOMMENDATION 6:

DFS should ensure notification of substantiated persons takes place and is properly documented.

RESPONSE:

Agree

The LSO audit noted that 5 people, who were not notified their names would be placed on the central registry, were not reported to employers due to lack of proper notification. DFS agrees notification must be done in all instances of investigated cases of abuse and neglect. This is required by law as a due process issue and is essential where refusal of employment is a possible result of an affirmative report.

DFS will assure notice is emphasized in the CORE training presented to all new case workers. It will moreover assure that supervisors are provided refresher training on the fundamental right to notice.

The LSO audit noted that 55 cases on the Central Registry were not reported to employers because there was not sufficient supporting documentation (see page 44). DFS has information documenting the majority of these names were entered on the Central Registry in the 1990's and 1980's, prior to WYCAPS and when policy allowed for the file to be destroyed after five years of inactivity.

We recognize the conversion of data from the old system to WYCAPS is insufficient and must routinely be validated by the field office. In addition, the retention schedule for CPS cases was revised near 1999 and now requires that CPS files be retained for a period of 99 years. To help ensure files are appropriately retained, supervisors will be provided follow-up training on file retention schedules.

RECOMMENDATION 7:

DFS must balance family-centered practice with ensuring child safety by clarifying policies in key areas, and setting electronic alerts to prompt caseworkers to make visits to children in in-home services incidents.

RESPONSE:

Partially Agree

DFS strongly agrees that child safety is a critical component of family-centered practice. While family centered practice may favor family preservation, it does not ignore serious safety needs. DFS has recently completed the design of its family-centered service model and is in the process of refining, retraining, and evaluating its implementation. Policy was modified to incorporate family-centered practice principles, with emphasis on all of the family members, and include emphasis on safety of all children. The current policy will be reviewed and updated to emphasize child safety is a priority.

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Technical assistance is available to all Districts which can be provided on-site or through use of video conferencing as efforts are made to reduce out-of-home placements by working with the family, community service providers, schools, law enforcement and others who can assist with the case.

DFS agrees it must create a standardized methodology for tracking and monitoring contact between DFS caseworkers and children and families served within the in-home services population. Although DFS recognizes the importance of creating and implementing a process for monitoring contact for in-home services incidents, the agency believes developing a report that identifies incidents within the in-home services population that have not received contact in the current month and making the report available through the CARD reporting system would be a better strategy than creating additional WYCAPS alerts. Creating a report on the CARD database adds additional flexibility in reporting that is not available through WYCAPS and can be accomplished with considerably fewer resources. DFS anticipates completing the development of the report by spring of 2009.

RECOMMENDATION 8:

DFS should continue to expand quality assurance efforts with CPS casework and administrative process reviews.

RESPONSE:

Agree

DFS agrees there has been significant progress in the area of quality assurance, and it also agrees quality assurance activities should include areas beyond those measured in the state administered Mini-Child and Family Services Review (CFSR). DFS is currently in the process of evaluating and revising its quality assurance system and specifically the Mini-CFSR process it conducts throughout the state.

DFS believes the state level Mini-CFSR is a valuable process that produces much needed information on the performance of each DFS office; however DFS believes it can make better use of the information gathered from this process to create the necessary changes in practice to improve outcomes. As part of the aforementioned revisions to the state administered Mini-CFSR review process, DFS intends to require the development of more formal program improvement plans from each of the DFS offices reviewed. DFS believes through this more formal local planning process, the specific process and policy issues can be assessed, evaluated, and resolved.

As noted in the report, DFS has expanded its ability to analyze and interpret internal and external data and has greatly increased its reporting capacity since the 1999 LSO CPS audit. Although there has been considerable improvement in this area, DFS believes it can make better use of the data it currently collects for the purpose of monitoring compliance with CPS policy and procedure. DFS believes it can expand its current reporting capabilities to include reports to measure activities such as timeliness of investigation, completion of required safety and risk assessments, and frequency of contact between DFS caseworkers and children and families. DFS believes better utilization of existing data will be a valuable component in addressing the issues outlined within this recommendation.

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Beyond the need to expand reporting capacity and monitoring, DFS agrees it needs to engage in more frequent and thorough analysis of specific practice, resource, and policy issues that impact services or the attainment of agency goals. DFS envisions using the findings from the state Mini-CFSR review process, the federal CFSR findings, and findings from related reports and audits to establish and prioritize a research agenda. By conducting specific analysis on the underlying issues that determine outcomes, DFS believes it will be able to make better informed decisions regarding resource allocation and develop more targeted strategies designed to improve outcomes for the families we serve.

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