

1999

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Date: 3/27/99

Time: 12:30 PM

To: Senata PARNELL

Fax No.: 465-6592

From: Nancy Wilkinson

Phone No.: (907) 260-3131

# of Pages (including this sheet): 8

Message: \_\_\_\_\_

SOME ISSUES SOME SOLUTIONS

Only the tip of the iceberg.

THANKS - J

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\_\_\_\_\_

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To Senator Phillips, Senator Parnell

3/26/99

My name is Nancy Wilkinson. I have recently resigned from the division of Family and Youth Services, Kenai Field office where I worked for four years as a Social Worker III. I was employed as an intake worker where I specialized in sexual abuse cases. I have been in child protection work in two states for the past nine years. After two years in the Kenai Field office, I began raising questions and concerns regarding procedures and prevailing practices. I resigned when it became apparent the Division was not interested in addressing these concerns. This letter is a summary of my experiences with the Division as well as possible solutions.

I recently read the article by Lisa Demer in the Anchorage Daily News dated March 20, 1999. I noticed the issue of staff turnover was not adequately addressed. In the recent staff turnover in the Kenai Field office, no one was asked for an exit interview. I did see a supervisors meeting agenda last fall in which Teresa Tanoury wanted exit interviews on all workers that resigned. Why is the Division unable to retain workers? I handled the intake load of two workers for months at a time. When a new worker was hired, he or she left within the year. I observed poor choice of selection, inadequate training, little support from management, and over load of cases too soon. My own evaluations indicated I needed more training, yet I was always passed over for the new hires, in fact, I paid for my own training on two different occasions in order to be more effective at my job. It is my observation that new workers must spend too much time (three weeks to be exact) reading the CPS Manual, then a few pamphlets and a day or two of job shadowing. In other states, a new social worker was partnered with a seasoned worker for a minimum of two months during which time they went out on every call, learned the paper work, familiarized themselves with the manual, participated in court hearings and introduced to key referral sources such as law enforcement, schools and mental health professionals. This practice seemed to increase confidence, prevent burnout, and retain workers. Training was regularly scheduled on a monthly basis. No one was exempt from this.

The National Association of Social Workers says that a report of harm takes an average of two and a half days to complete an investigation. If one worker is responsible for an assigned average of 56 reports of Harm per month in the Kenai field office (See Audit Report 06-4586-98), screening becomes imperative. This is an area where appropriate training needs to be applied. For example, an on call worker received a report regarding ongoing sexual abuse of a child from a local referral agency. The worker was not properly trained, refused to take the report and referred the reporter to local law enforcement instead. This action put the child at risk for continuing sexual abuse. The intake worker and law enforcement were unable to locate the child for a month. This example illustrates the importance of training, particularly at first contact with a reporter. Other states make this specific training important and mandatory.

The Smart Start Bill that was signed in to law made multidisciplinary teams in the communities mandatory. In Kenai, not only has there never been a meeting of the multidisciplinary team, one has yet to be established. This may be related to the conflict between the local and regional DFYS administration and law enforcement agencies on the Kenai Peninsula. Presently in Kenai there is little constructive communication between DFYS and law enforcement. This is clearly detrimental to the children DFYS is sworn to protect. DFYS has at best been adversarial and reluctant to voluntarily assist law enforcement when needed. Communication and protocols are needed at managerial levels to resolve the jurisdictional and interagency issues.

The last point I wish to make is that I think line workers should have input into supervisors evaluations regarding support, knowledge of issues and accessibility.

Please understand, myself and my colleagues are champions of children and to us, this is not only a profession, it is a mission as well. I appreciate your time and attention to this subject. If I can be of further assistance, do not hesitate to contact me.

Sincerely,

  
Nancy Wilkinson, BA

# ALASKA STATE LEGISLATURE



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Juneau, Alaska 99801-1182  
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## REPRESENTATIVE MARK D. HODGINS House District 9

Commissioner Purdue,

*Karen, Karen*

September 12, 1998

As you know from my actions of the past, that I am very interested in the success of our child protection agency and maintaining the goal of keeping the children as our primary concern. I admit to some heart felt concerns about how children must be protected and try to use patience when waiting for the system to react to those children's concerns.

An incident has been brought to my office via the foster parents of my area. This has grown to include social workers and management up to the deputy commissioner. The problem revolves around an apparent lack of communication between different levels of management, employees, foster parents and local support service agencies.

Apparently, a superficial problem concerning hiring of a new supervisor in the Kenai office is just a flag on the tip of this iceberg. That situation has grown to the possible resigning of approximately five experienced employees from the Kenai office, which is neither here nor there on the overall operation of your department. However, if we were to look at morale, burnout and employee turnover issues, it's a very telling story.

Apparently, for some reason, various levels of management do not listen and/or do not communicate well with levels above and below their station. Suggestions, concerns and pleas of help from lower levels and/or other agencies are not able to penetrate a "glass ceiling" for one reason or another and get to the appropriate decision makers. Possibly, because of budget constraints, your management has been forced to be reactive instead of proactive in certain situations. I realize as Commissioner you could not be aware of every incident or indeed should even have to take the time for such minute scrutiny. But, because constituents of mine have brought these concerns to my office, that gets me and my fellow legislative colleagues involved. I would like to enlist your help to determine what areas we can work collectively to solve problems and keep my constituent concerns to a minimum.

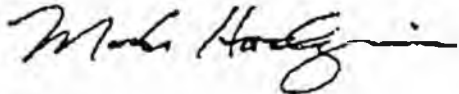
I fully realize the need to understand the problem before suggesting solutions. Therefore, I will certainly take the time required with you or your personnel to assist in finding those problem areas. Sometimes, it can be very beneficial to have a disinterested, but motivated, third party perform such a "walk around". What I would like to do is to review offices that have a higher than average employee turnover against offices that have a less than average employee turnover to determine if constant management policies are involved or to determine other differences. Management support, training

availability, case loads, agency and support services interaction, educational and practical qualifications of supervisors/employees, budgets and allocations are a few areas that might reveal some insight.

I also have other concerns that would best be discussed in a private meeting with you and some of my legislative colleagues.

Please advise me of a convenient time to discuss the above mutual issues and ideas in the near future.

Thank you



Mark Hodgins

CC:

SENATOR WILKINS  
REPRESENTATIVE BUNDE  
SPEAKER PHILLIPS

9/9/98

To Whom It may concern

RE: Kenai Field office Letter of Complaint

We wish to relate to you the substance of the meetings that took place at the Kenai Field Office on 9/8/98. Gladys Langdon, Regional Staff Manager, Bill Galic, SW IV, and the entire staff met at IPM at Gladys' request. Gladys suggested the staff discuss the personnel problems in the office. Tory Sandoz, SWIII objected to the format and countered that the complainants met privately with Gladys and Bill to discuss the nature of the complaint regarding the hiring of Katie Stafford as the new supervisor for the Ongoing unit in Kenai. It was also felt that the inclusion of the new workers would put a strain on them as they are not involved in the complaint. Gladys agreed and we met at 4:30PM on 9/8/98.

At 4:30PM, Gladys Langdon, Bill Galic, Tory Sandoz, Kimberly Lindley, Nancy Wilkinson, Debra Kimbrell and Lenny Frye met to discuss the Letter of Complaint. At this time Tory Sandoz gave the letter in person to Gladys Langdon and related the same letter had been faxed to Bill Galic on Friday, 9/4/98. Bill verified he received the fax on Friday. The staff listed the issues with the hire of Katie Stafford. These issues included: (1) Katie's poor community relations particularly with law enforcement and a core group of foster parents, (2) attitudes and beliefs that adoption is wrong and children should not be removed from families and placed in foster care, (3) lacks training and experience in policy and procedure in intake and ongoing case work, (4) has very poor relationships with the majority of the current staff, (5) that it was common knowledge in the office and the community she disliked child protection and was only hired to license foster homes and child care facilities and, (6) poor decision making with regard to protecting children as evidenced by putting children at risk while on call. Gladys Langdon related to those present that these concerns were new to her and that she did not know this at the time of hiring Katie. Gladys related Katie's resume which included crisis line, youth counseling, child protection in the state of Colorado. She was also employed as a supervisor for a youth facility promoting emancipation. Gladys responded to the question about why an individual with years of experience, has through knowledge of policy and procedure and extensive community support and is able to start immediately

without extensive training was not hired by saying that hiring a line staff to be supervisor was very challenging and caused many problems. Gladys also related that those not happy with the choice of supervisor are able to choose to leave employment with the Kenai office. Gladys acknowledged she was aware a majority of the staff may choose to leave as a result of the hire of Katie Stafford. This did not seem to concern her greatly despite the fact the staff members have been in DFYS employ for many years. Gladys also acknowledged her frustration with trying to solve the personnel problem in Kenai that began 2 years ago when Bill attempted some team building activities to define a mission statement for the office. The result was a firm division of personnel in the Kenai Field office in which Katie and Bill were allied on the opposite side from the majority of the staff. Many feelings were hurt and angry. It is well known that Bill conducted the interviews with the applicants and that Gladys was not present at all of them, not even by phone.

The staff requested an answer to the Letter of Complaint in the time parameters as outlined in Article 15 of the Collective Bargaining Agreement.

May 13, 1998

Gladys Langdon, SW V  
Regional Staff Manager  
550 W. 8th Street  
Anchorage, AK 99501

Dear Gladys;

Our field office wishes to address you about the critical need for additional staff and for an additional supervisor in our office. We understand you are in Juneau advocating for positions in our region.

One does not have to work here very long to know there is a direct relationship between caseload size and staff numbers. It is very apparent that the different regions have vastly different staff to cases ratios. Southeast reports an average of 12 to 15 cases per ongoing social worker. Bethel reports about 15 per ongoing social worker and Northern region social workers report 20 per worker. The Kenai field office alone has between 35 to 40 cases per ongoing social worker and has been doing so for over three years fully staffed! Our office operates with 2 clerks and no SSA's for support staff. Last month, Fairbanks hired two new SSA's. We have no help with transportation of children or supervision of visits. The intake case load is much larger than can be handled by two workers. The office handles over 60 reports of harm a month. When the backlog becomes too uncomfortable, ongoing social workers are pulled off the duties of managing 35 to 40 cases to do investigations.

As you know, the Kenai Field office supervises the Seward and Homer field offices as well. This totals 9 social workers and five clerks to supervise. The supervisor is gone out of the Kenai office for training, supervisory meetings, Seward/Homer supervision and leave for at least 5 to 7 working days a month. There has been no time left to negotiate protocol which has interfered with the professional relationship between the community and DFYS. When the supervisor is in the office, he is still unavailable due to urgent requests from Anchorage, file reviews, hostile calls from the community, legislative requests, committee meetings, Ombudsman and GAL's. It is our understanding that an additional social worker IV is being considered in allocation of staff. We have heard this position will be based out of Anchorage to cover Valdez, Glenallen, Homer and Seward.

Historically, this has been tried before and has failed to adequately solve the problem. The Kenai office will not see any relief if this occurs.

We are requesting that an additional supervisor be placed in the Kenai field office. Just to give us breathing room, one SSA and three social workers are required to meet minimum standards.

At this time the staff that has been very stable here for three years is beginning to crumble under the strain. We are at the crisis point of 1994 before this office was fully staffed. We cannot keep up with the new mandates, and the "fast-track" policies. If we do not get additional staff, the ability for the staff to comply becomes an impossibility.

Sincerely,

Kim Lindley, SWIII  
Tory Sandoz, SWIII  
David Mack, SWIII  
Lenny Frye, SWIII  
Nancy Wilkinson, SWIII  
Debra Kimbrell, Clerk II

cc: Karen Purdue  
Stan Hafferman  
Bill Galic

# Child Protection Status Report

Preliminary review of impacts of House Bill 375 and FY 99 budget increases

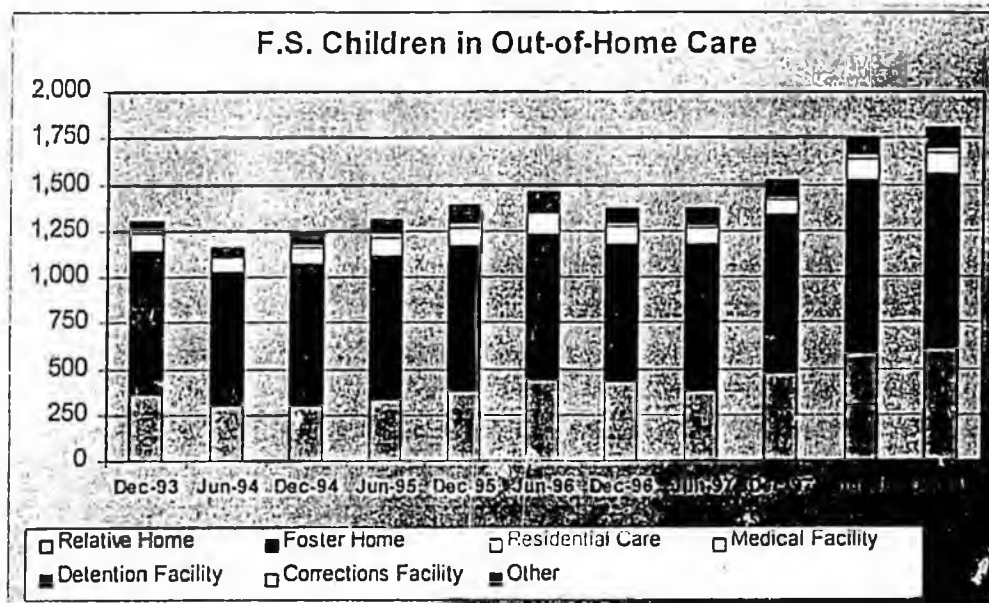
## Introduction

Last spring, the Legislature and the Knowles administration made sweeping changes to Alaska's child protection laws. In fact, more changes were made to the law last year than in the previous two decades combined. Massive and early efforts were made to gear up for implementation of the landmark changes in law, which took effect September 14, 1998. Social workers, attorneys, judges, law enforcement officers and others spent many hours learning about the new law and their responsibilities. Implementation has, for the most part, been smooth and rapid as a result of the tremendous preparation effort, but not without challenges.

Numerous other improvements in the child protection system have also been launched to help make sure children are better protected from abuse and neglect – and assured speedy transitions to safe, permanent homes. Changes in programs and practices and the resources needed throughout the system to implement those changes were outlined last year. Since that time, new child protection staff have been added throughout the system, which includes a half dozen separate state agencies. (See Attachment 1) These changes and some of the early impacts are described briefly in this report.

Many improvements have been made or are in progress. The full impact of these changes cannot be clearly defined or measured at this early date. The new law has been in effect only 4 ½ months and the impact of many of the new resources are only beginning to be fully felt. A few trends, however, have become apparent. For instance, more children are

receiving higher levels of protection through legal intervention under the new law. This increase in interventions has led to a sharp rise in the number of children being removed from dangerous situations and being placed in state custody. There are now more 2,800 children in state custody (including family services and youth corrections) – an all-time high. During the past year alone, the number of children living in “out-of-home” care has risen by more than 300 – to 1,846 on Jan. 1. This increase has created a significant increase in cases for social workers to manage, and increased the need for skilled foster parents, special residential care, and other services to meet the needs of these damaged children.



Renewed and focused efforts have been made to develop and implement the best permanent plans for more than 500 children who have been in state custody for lengthy periods of time – those particularly targeted by federal law and HB 375. This backlog of cases left languishing under the old law presents tremendous challenges as new cases continue to rise and the new law forces speedier action to conclude legal actions and move toward permanency in all cases. As new staff throughout the system complete training and gain the on-the-job experience, their impact in moving these cases toward resolution will become more apparent and measurable.

Throughout the child protection system, caseloads remain high – far above recommended national standards. The state is still far from its “zero tolerance” goal of responding to all reports of child abuse and neglect. Social workers, state lawyers, child and parent advocates, and judges continue to face a daunting backlog of cases. There remains a need to increase the number of skilled foster parents and to support them in caring for children. A statewide foster care recruitment campaign and a new “Levels of Care” program will provide relief to our foster care system. It is clear, however, that achieving our “zero tolerance” goal will require additional resources throughout the child protection system.

### Impacts of House Bill 375

House Bill 375 was passed last year to improve protection for children by:

- Making the health and safety of children the paramount concern in all child protection decisions;
- Better defining actions and circumstances that constitute child abuse and neglect;
- Providing better guidance for child protection agencies, the courts, and parents;
- Establishing clear timelines for action by agencies and parents to change conditions or behavior that harm children or leave them languishing without permanent homes;
- Promoting coordination and teamwork on behalf of children and families;
- Establishing greater accountability for the parents and agencies to act in the best interests of children.

Although the provisions of HB 375 have been in effect only four and one half months, the new law has already had a substantial impact in improving protections for children.

A key change has been the implementation of deadlines for court proceedings. (*See Attachment 2*) Statewide, court policy now gives priority to child protection cases in scheduling judges' time. This assures speedy action on decisions affecting the fate of children. Lengthy delays are no longer common before a trial is held to determine if a child is a Child In Need of Aid (CINA). Judges must consider the effects of a delay on the children and the result has been strict limits on delays. Cases are being adjudicated within the 120-day limit established in HB 375. The impact is particularly noticeable in Anchorage, where adjudication decisions were routinely delayed for up to a year prior to passage of HB 375.

Timely adjudication decisions are forcing parents to act faster to resolve problems that harmed their children or placed them at risk. Case plans are court ordered at the time of adjudication and

parents are forced to focus on resolving the problems that harmed the child. Agencies are both prompted and assisted in working with parents to develop and complete case plans.

Earlier adjudication and the HB 375 requirement for a permanency hearing twelve months after removal of a child from home are also prompting quicker decisions on the best permanent plan for children. Judges are now scheduling permanency hearings at the time of disposition and permanency hearings are already scheduled for next summer in cases adjudicated early under the new law. Permanency decisions will now be made within twelve months rather than eighteen, a major benefit for children.

Concurrent planning (developing alternative permanent plans simultaneously) is specifically allowed under HB 375 in all cases when children are removed from their homes and is required in cases in which the permanent plan is termination of parental rights. Training is being provided for social workers and concurrent planning is being implemented. This will reduce the amount of time necessary to actually place children in permanent homes once a decision is made on the best plan for each child.

In a few cases (several sexual abuse cases and one physical abuse case in which a father broke 15 bones in a baby), action has been filed seeking a court ruling that "reasonable efforts" to reunite the child with the offending parent are not required. Under the old law, efforts would have been required to return these children to their home before alternative plans could be made. Under the new law, judges can decide that the conduct of parents is so egregious that efforts to reunite the children with their parents are unnecessary. Quick action can be taken to permanently protect these children from dangerous parents, without making fruitless efforts or needlessly endangering the children.

With definitions that more clearly establish the basis for intervention, children are receiving protection in cases where intervention was not previously possible. Examples include cases in which: a mother's alcohol addiction impaired her ability to care for her children and put them at risk through chronic neglect; a mother knowingly left her children unsupervised in the care of a sex offender; a child's father repeatedly and severely beat the child's mother in the child's presence but did not directly inflict physical injury on the child.

Although it is too early to clearly quantify the impact of HB 375 on termination proceedings, it is clear that some cases which could not be pursued under the old law are moving forward following implementation of HB 375. One example is a case in which a petition to terminate parental rights has been filed to free two children for adoption by their foster parents. The children suffer from Fetal Alcohol Syndrome (FAS) and have been in foster care since birth. Under Alaska's previous law, a termination petition could not be pursued because, after years of addiction and giving birth to 10 children with Fetal Alcohol Syndrome, the parents had stopped drinking and wanted to reestablish a parental relationship with the children. The state could not prove that the addictive drinking which led to removal of the children was likely to continue. The "too little, too late" provision of HB 375 allows the state to move forward to pursue termination of parental rights and adoption by their foster parents. In some other cases parents have relinquished parental rights when new amended termination petitions were filed after HB 375 went into effect.

Another noticeable change affecting decisions is the participation of foster parents and relatives at child protection court proceedings. Judges are hearing directly from caretakers who are with children 24 hours a day 7 days a week and this assists them in making decisions that are in the best interests of the children.

HB 375 has also caused direct changes in agency policies that better protect children. The Department of Corrections has established a new policy prohibiting convicted sex offenders from returning to homes with children after completion of sex offender therapy.

A critical result of HB 375 is the enormous demand on all agencies to move a backlog of longstanding cases to permanency while simultaneously adhering to the new deadlines for action imposed by HB 375 on new cases. Because the old law allowed cases to linger unresolved there is a backlog of cases that must be acted on within the next year. At the same time, the stringent standards set by the new law once a child is adjudicated are prompting more cases to be contested. Meeting the firm timelines set by HB 375 with the increased number of cases involving formal court action and contested trials is taxing the limits of all parts of the child protection system. This challenge will continue until the backlog of cases is resolved. In the meantime, balancing the demands with resource limits may delay resolution of longstanding cases.

One strategy being pursued to deal with this problem is the development of two mediation pilot projects – one dealing with cases slated for termination of parental rights and one focused on pre-adjudication mediation. While they hold promise, these projects are only in the initial stages and their impact has not yet been felt.

### Status of FY 99 budget increases

#### **Department of Health and Social Services, Division of Family and Youth Services**

**New Child Protection Positions:** For Fiscal Year 1999, the Legislature authorized partial-year funding for 28 new positions without an increase in costs to the General Fund. The positions were funding through the state's federal Title XX block grant. The Division was able to fill the positions by staggering the hire dates for the new front-line social worker positions. (*See Attachment 3*)

To help in this effort, the division opened state job registers full-time to receive applications, ran ads in newspapers statewide, and conducted job fairs in Fairbanks and Anchorage. More than 500 Alaskans applied, met job qualifications, and were placed on social work job registers between May and September of 1998. In addition, the division entered into a partnership with the University of Alaska (Anchorage and Fairbanks campuses) to start two agency-based student units. Students in these units receive a small stipend and are prepared for child welfare practice at DFYS prior to employment.

These and other factors have resulted in an improved hiring system that gives managers more options in selecting candidates.

One important note: Approximately 425 of the Alaskans who applied during this time were at the entry or slightly higher – or Social Worker I and II<sup>1</sup> – level. The division considered recruiting out of state for more qualified and experienced applicants, but chose to keep its effort in-state because of the overwhelming recruitment response. The tradeoff has been that the division has had to put more emphasis on educating, orienting and training new hires.

Creating 28 new staff positions also resulted in increased turnover because there were more opportunities for existing staff to transfer or promote.

Nevertheless, the division has lowered its overall vacancy rate to about 11 percent. Staff vacancies are tracked weekly by agency managers. The division has eliminated the practice by individual managers of holding child protection positions vacant to meet budgeted vacancy rates, eliminating any artificial vacancy in these positions.

Additionally, the division is beginning to focus on the number of times cases change workers – and exploring alternative processes to reduce that number. In the Northern Region, the division has begun to change work processes in some offices to eliminate specialized work units (intake or investigation units and permanency planning units) and assign cases to a single worker from opening to closure.

**Staff Training:** The division generated an increase of \$674,000 in federal funds for training staff – funding captured with an additional \$100,000 GF in FY 99. Through a partnership with the University of Alaska, the division created the Training Academy in Anchorage. The academy staff was hired last summer and training for DFYS social workers is under way.

A competency-based in-service training program for workers and supervisors is essential to helping the agency meet its mission. Child protection work is a difficult and complicated field, fraught with uncertainties and dilemmas. Decisions can literally mean the difference between life and death for children, and disruption or preservation for families. It is critical for workers to have the knowledge and skills needed for their jobs.

Many states are using the Child Welfare League of America's endorsed competency-based in-service training for child welfare. This training approach has been developed, field-tested, and refined for the past 15 years.

Core training is considered the foundation of practice and establishes a minimum standard for all staff. All new front-line staff are required to complete core training within the first six months of employment. Starting this month, all newly hired front-line staff in Alaska must report to the Training Academy and complete half of the core training and an orientation that includes

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<sup>1</sup> The majority of front line social workers are in the Social Worker III job class, which requires a Bachelors degree and two years of related job experience.

instruction on the Child Protection Services Policy and Procedures Manual and processing required documentation.

The Training Academy will also provide on-going training based on individual worker competency levels and job assignments. Besides selecting individual training curriculums, the division will eventually use competency assessments for pre-employment screening and employee performance evaluations.

**Family Support Services:** Under Alaska's new law, support services to help parents resolve problems that place children at risk will be critical to achieving early permanency for children. They represent a critical investment that can speed a child's return home and both reduce disruption for the child and family and some of the costs of out-of-home care.

For FY 99, the division received an additional \$850,000 for family intervention and support services.

The Divisions of Alcoholism and Drug Abuse (ADA) and Family and Youth Services worked together to distribute \$350,000 of that money to ADA grantees in Anchorage and Bethel. In Anchorage, \$150,000 was awarded to the ADA grantee for women's and children's residential alcohol treatment beds. In Bethel, \$200,000 went to the ADA grantee to fund a joint parent education and alcohol treatment program for DFYS referred parents.

The remaining \$500,000 was awarded to existing Family Preservation/Family Support Grantees to expand their current services to meet increased caseloads.

**Community Based Family Assessment/Case Management Pilot:** A promising strategy to help achieve "zero tolerance" full response to all reports of harm is the "differential response approach." This approach allows a community-based support agency to respond to very low risk reports to assess the risk to children and assist families in obtaining help needed to eliminate that risk.

For FY 99, a "dual-track" pilot project was partially funded at \$212,000. Under this pilot project, a non-profit agency will offer services to children and families in lower risk cases. The Mat-Su area was chosen as the community for the pilot project because that is where the agency has had the most difficulty assigning reports of harm for investigation. A request for proposals is currently out. Proposals are due Feb. 26.

In addition to providing protection for children currently not receiving adequate services, it is hoped that this pilot program will demonstrate the successful impact of intervention in cases of child abuse and neglect. It can also help reduce the need for more costly official intervention by the Department, while preventing future harm to the children involved.

**Foster Parent Payments:** A critical problem in recruiting and retaining foster parents has been the fact that Alaska's foster care reimbursement base rate remained unchanged for nearly a decade. Under the FY 99 budget, foster parents received an increase in their daily rate. The increase took effect last August.

**Foster Care Caseload Growth:** For FY 99, the division received \$397,900 to cover anticipated growth in foster care caseload. At the start of the fiscal year, the division had 1,062 full-time equivalent (FTE) foster care clients, compared to 859 FTE in July 1997. While this FTE counts the number of children spending full time in foster care, the total number of children in foster care in July 1998 was 1,747, compared to 1,372 in July 1997. The number of children in foster care has continued to rise dramatically. On January 1, 1999, there were 1,846 children in receiving out-of-home care.

**Foster Parent Recruitment:** The division received \$107,000 in FY 99 to develop a foster parent recruitment program. An informal working group has planned a statewide campaign titled *Foster a Future*. The recruitment campaign, which will soon be launched, includes both statewide media and locally based activities.

The goal of *Foster a Future* is to have a high-profile campaign that is sustained for at least a year or more. Contracts have been awarded to: establish an 800 number and staff person to respond to interested Alaskans and to begin screening and orientation of prospective foster parents; develop a series of television and radio ads; and design a set of recruitment brochures, posters and print ads. The campaign will also include a "speakers bureau" made up of people in communities throughout the state to serve as local recruiters. They will carry the recruitment message to churches, service organizations, local events, etc.

**Emergency Child Care Placements and Emergency Shelter Care:** The division increased the number of emergency shelter beds for children taken into emergency custody, using an additional \$328,500 for emergency child care placements and \$186,900 for emergency shelter care. Fish disaster and AYI funds were also used to help meet the immediate needs of children requiring safe emergency placements. (See Attachment 4)

**Respite Care for Foster Parents, Individualized Children's Mental Health Services, and Alternative Residential Care:** For FY 99, the division received \$300,000 for respite for foster parents, \$100,000 for individualized children's mental health services, and \$534,300 for Alternative Residential Care. The division expanded respite care provided through the existing special needs augmented rate system and designed a new *Levels of Care* system that will assure a systematic approach to providing respite care in the future. During the first half of FY 99 the division designed, field-tested, gathered public comments, and developed solicitations for pilot projects for Anchorage and Fairbanks.

The objective of the Levels of Care is twofold:

- to establish therapeutic foster homes in Alaska communities for severely emotionally disturbed children; and
- to provide consistency and uniformity in the placement of children in out-of-home care and in the rates and methods of reimbursement of foster parents.

Many children in state custody have complex needs and experience multiple moves between foster homes or residential care facilities. The existing foster care program inconsistently, and often inadequately, reimburses foster parents. Lack of experience and inadequate training for the

care of complex children has led to a shortage of appropriate foster placements. Potential foster parents have lacked support services and respite to help them provide the specialized care that children need today. (See Attachment 5)

**Subsidized Adoption and Guardianship Caseload Growth:** For FY 99, the division received an additional \$803,700 for subsidized adoptions and guardianships. Subsidized adoption and guardianship caseloads are calculated based on an average caseload for a period, taking into account the number of new cases opened and the number of cases closed. Closures typically occur when a child reaches 18 and "ages out" of the program. The average caseload during the first half of FY 99 was 1,046 cases, which includes the net effect of 75 new cases and 18 closed cases.

**Other changes:** The Division has undertaken numerous other efforts to improve the child protection system. These efforts are in response to various audits and management reviews conducted during the last several years, and to the recent changes in state and federal law. (See Attachment 6)

## **Department of Law**

**Criminal Division:** For FY 99, the Department of Law's Criminal Division received funding for one new prosecutor position in the Anchorage District Attorney's Office to handle child sexual and physical abuse cases. An experienced prosecutor who specializes in these types of cases was hired to fill the position. The prosecutor will handle child abuse cases as well as serving as the statewide coordinator for the most serious child abuse prosecutions.

The additional funding has been used to provide more aggressive charging and prosecution of child abuse cases. It is difficult to quantify the number of cases prosecuted which might not have been filed without the funding, but it is clear that in cases that are filed, the charges pursued by the department are higher and the resulting sentences being handed down are greater.

**Civil Division:** The Civil Division received additional funding in FY 99 for three attorney positions (one in Fairbanks and two in Anchorage) and a paraprofessional position and two legal secretary positions in Anchorage. In addition, funding was received to retain an existing juvenile delinquency attorney position in Anchorage; the position had been in jeopardy because of a loss of interagency funding. Finally, supplemental funding was appropriated to fund one full-time attorney position in Anchorage through FY99 to assist with the adoption backlog project.

A massive recruitment effort was initiated shortly after the positions were funded. Sixty attorneys applied for the positions in Anchorage. After 26 initial interviews and 12 follow-up interviews, all the positions were filled. As of late January, one of the permanent Anchorage attorney positions, the temporary adoption backlog attorney position, the paraprofessional position, and one legal secretary position are filled. The second Anchorage attorney position was filled, but the person hired left abruptly in late December because he could not handle the overwhelming caseload. A replacement has been hired and will start work about February 8.

One legal secretary position in Anchorage and the Fairbanks attorney position are currently vacant.

The Fairbanks attorney position was only funded at 50 percent in FY99, with annualization requested in the Governor's FY00 request. The department has not been able to fill it as a half-time position. A short-term federal grant for juvenile delinquency will allow the position to be upgraded to full-time, and the position will be filled sometime this spring. However, the annualization funding is still needed as the federally funded half of the position cannot do CINA cases, and the juvenile delinquency funds are needed in any event to manage a burgeoning Barrow juvenile delinquency caseload.

In the meantime, the funds for the Fairbanks position and the Anchorage vacancies are not sitting idle. Nine Civil Division attorneys not normally assigned to children's cases have volunteered to assist the Human Services section with the Anchorage, Kenai, and Bethel caseloads, on top of their own caseloads. In addition, a former Human Services attorney has agreed to a short-term contract to handle 10 more complicated termination cases through their completion.

### **Office of Public Advocacy**

The Office of Public Advocacy (OPA) received two increased appropriations totaling \$321,000 to augment its guardian ad litem services to abused and neglected children.

The Office of Public Advocacy used \$185,000 of this funding to hire three additional non-attorney guardians ad litem. One position was added to the Fairbanks staff and two were added to the Anchorage staff. Each of these positions was employed to deal with the sharp caseload increase (42%) between FY 97 and FY 98. Because the incoming surge of cases reached crisis proportions in Anchorage in late FY 98, the upcoming positions were filled with temporary guardians ad litem nearly three months before they became permanent employees.

The remaining \$136,000 was appropriated to help OPA work through an adoption backlog. The backlog arose because of the federal mandates that dictated that pre-adoption cases needed to move more swiftly through the system. To that end, a date of December 1, 1999, was imposed as the legal deadline for achieving ultimate dispositions in cases where children have been left in limbo for far too long. The Office of Public Advocacy utilized \$80,000 to fill an Attorney IV position to handle this legally complex caseload.

The remaining contractual funds were used to provide representation to the second parent involved in these CINA proceedings, as is required under OPA's statutory mandate.

### **Public Defender Agency**

For FY 99, the Public Defender Agency (PDA) received \$255,000 in additional funding in the form of a Reimbursable Service Agreement (RSA) from the Dept. of Health and Social Services for FY99. PDA also received \$80,000 in adoption backlog funding.

PDA needed to act quickly to meet the increase in Child in Need of Aid (CINA) cases. (The number of new CINA cases for PDA rose 40% in FY98 over FY97.) The hardest hit offices were Anchorage and Bethel. Immediately after the end of the legislative session, PDA began the process of hiring a new attorney in Anchorage, a new attorney in Bethel, and a new administrative clerk in Anchorage. The Anchorage attorney was on the job and working an active CINA caseload in mid-July. The Bethel attorney started work in early August. These people have been working almost exclusively on CINA cases, although the Bethel attorney also handles juvenile delinquency cases.

PDA also experienced considerable increase in the funds needed for contractual, travel, and equipment expenses. Due to the increased emphasis on early probable cause determinations and the 120-day adjudication deadline, there have been more trials and contested hearings. Therefore, we have had increases in things like expert witnesses, travel, and other litigation support. We are hoping to keep these costs within the \$62,000 estimate we made for FY 99.

The adoption backlog funding was used to hire an experienced attorney in Anchorage. This attorney has been working on Anchorage CINA termination cases, but also did a lot of traveling to our outer offices to train lawyers on the new law and work on particularly difficult issues such as retroactivity of the new law. Finally, PDA has filled a legal secretary position for its Juneau office. Although PDA has seen the main effect of the new law and policy in Anchorage and Bethel, Southeast Alaska has also been affected.

## **Alaska Court System**

For FY 99, The Legislature appropriated funds for two additional Family Court masters (one in Fairbanks and one in Anchorage). The Legislature authorized support staff for these positions – two permanent part-time in-court clerks (for Anchorage) and two Court Clerk II positions (again, one each for Fairbanks and Anchorage). Additionally, the Legislature appropriated \$57,800 for pro-tem Superior Court Judge time to assist in the adjudication of the pending CINA caseload within the new timelines established by the statute. Finally, in the supplemental appropriation, \$84,000 of pre-tem superior court judge time was appropriated for adjudication of the increased number of termination of parental rights cases anticipated with the passage of HB375.

The positions either have been recruited or are in the process of recruitment. The positions are being deployed as follows: Family court masters in Anchorage (3<sup>rd</sup> district) and Fairbanks (4<sup>th</sup> district). Support staff have been assigned to Anchorage, Fairbanks, and Bethel. The assignment of one position to the Bethel court is in reaction to the dramatic increase in CINA filings in the Bethel court over the past year.

## Attachment 1

### Child Protection System ~ Roles and Responsibilities of Various Agencies

<b>Division of Family and Youth Services</b>	<ul style="list-style-type: none"><li>▪ Receives referrals of abuse or neglect and assesses all referrals; determines risk to child.</li><li>▪ Conducts thorough case assessment, planning, management, and service delivery to assure the safety of children and to strengthen families, wherever possible;</li><li>▪ Provides supportive and treatment services, resource linkage, direct counseling, and substitute care.</li></ul>
<b>Law Enforcement</b>	<ul style="list-style-type: none"><li>▪ Investigates and intervenes when perpetrators are believed to have broken the law;</li><li>▪ Supports and protects DFYS staff from potential harmful acts of family members during necessary and appropriate emergency removal of children;</li><li>▪ Conducts arrests, facilitates restraining orders, and protects family members.</li></ul>
<b>Alaska Court System</b>	<ul style="list-style-type: none"><li>▪ Protects rights of children and parents;</li><li>▪ Determines whether there is sufficient legal basis under state and federal laws for the DFYS to intervene on behalf of abused or neglected children;</li><li>▪ Limits or terminates parental rights, where necessary and appropriate, and assigns responsibility for custody and care of the children to the DFYS whenever necessary;</li><li>▪ Routinely reviews case plans for children in the custody of the DFYS to ensure that the child's best interests are met;</li><li>▪ Appoints attorneys, guardians ad litem and CASAs to represent the child and the parents in court proceedings.</li></ul>
<b>Office of Public Advocacy</b>	<ul style="list-style-type: none"><li>▪ Advocates in court for the best interests of abused and neglected children;</li><li>▪ Conducts independent investigation of the child's situation;</li><li>▪ Monitors parents' and children's compliance with case plans and ensures that DFYS is offering appropriate services to the family;</li><li>▪ Operates a program of community volunteers (CASA) to assist staff guardians ad litem.</li></ul>
<b>Department of Law</b>	<ul style="list-style-type: none"><li>▪ Represents the DFYS in court hearings and trials;</li><li>▪ Advises social workers on appropriate action in each case;</li><li>▪ Provides legal assistance to the agency in preparation of cases for court and in other legal activities;</li><li>▪ Files and prosecutes criminal charges when appropriate.</li></ul>
<b>Public Defender Agency and other Parents' Attorneys</b>	<ul style="list-style-type: none"><li>▪ Represents the parents in court proceedings; and</li><li>▪ Provides legal assistance to parents in preparing cases for court, complying with case plans, and in placement decisions for the children.</li></ul>

## Attachment 2

### Hearings Held for Children in Need of Aid Cases

Hearing Type	Purpose
Temporary Custody and Probable Cause	To decide whether or not the child can be immediately and safely returned home while the trial on the alleged abuse and/or neglect is pending. The Department has 24 hours to notify the court when emergency custody is assumed. The hearing is held within 48 hours of notifying the court that the child has been taken into emergency custody.
Review Hearing	To review certain aspects of the case, such as placement decisions or for an early return home
Adjudication Hearing	To determine if allegations of abuse or neglect are sustained by the evidence presented and are legally sufficient to support state intervention on behalf of the child. The adjudication hearing is completed no later than 120 days after the child is removed from the home. If the Court determines that the child is in need of aid, a disposition hearing is ordered.
Disposition Hearing	To determine whether the child will be 1/ placed back with the parents or other responsible adult with or without supervision of the department, 2/ placed in the custody of the department for placement in or out of home, or 3/ whether the parents' rights should be terminated.
Permanency Planning Hearing	To decide the permanent placement of a child, such as returning home or being placed for adoption. Federal and state law requires this hearing to be held no later than 12 months from the time a child is considered to have entered foster care.
Termination of Parental Rights Hearing	To end the rights of the parents to visit, communicate with, and obtain information about the child or to ever regain custody. This hearing is initiated whenever there is strong evidence that a child will never be able to safely be placed with his or her parents and that adoption is in the child's best interests.
Adoption Hearing	To build a new legal relationship between the child and the individuals who are to become the child's adoptive parents. No time limit exists between termination of parental rights and adoption.

### Attachment 3

The following tables provide the location and hire dates for the 28 new DFYS positions.

	New Position(s)	Hire Dates (1998)
Anchorage		
	6 Social Worker III	9/8-9/24
	1 Social Service Associate	9/3
	1 Social Worker IV	9/16
	1 Community Care Licensing Specialist I	9/9

	New Position(s)	Hire Dates (1998)
Mat Su		
	1 Social Worker III	9/16
	1 Social Worker II	8/17
	1 Social Worker IV	9/16

	New Position(s)	Hire Dates (1998)
Kenai		
	1 Social Worker III	8/16
	1 Social Worker II	8/16
	1 Social Worker IV	9/16

	New Position(s)	Hire Dates (1998)
Dillingham		
	1 Social Worker III	10/5

	New Position(s)	Hire Dates (1998)
Fairbanks		
	6 Social Worker III	8/16-10/16
	1 Community Care Licensing Specialist I	11/16
	1 Social Worker IV	10/8

	New Position(s)	Hire Dates (1998)
Bethel		
	2 Social Worker III	8/17;8/27
	1 Social Worker IV	8/16

	New Position(s)	Hire Dates (1998)
Aniak		
	1 Social Worker III	8/20

## Attachment 4

### **Emergency Shelter Beds**

The following table shows the location, agency, funding source, and number of emergency shelter placements purchased during the first six months of FY 99. Grant amendments were issued to current grantees already providing residential care services.

Anchorage	Challenge House – <i>Alaska Youth and Parent Foundation</i>	\$200,400 Emergency Child Care Placements	5 beds
Anchorage	Intermission Crisis Nursery – <i>Anchorage Center for Parents</i>	\$173,600 Emergency Child Care Placements	6 beds, partial year
Fairbanks	Emergency Shelter – <i>Hospitality House</i>	\$127,200 AYI funding	5 beds
Dillingham	Emergency Shelter – <i>SAFE Home of Dillingham</i>	\$75,000 Fish Disaster funding	3 beds
Ketchikan	Emergency Shelter – <i>Residential Child Care</i>	\$40,000 Emergency Shelter Care	1 bed
Bethel	Emergency Shelter – <i>AVCP</i>	\$30,400	1 bed

## Attachment 5

### **Levels of Care**

The *Levels of Care* system will provide five levels based on the needs of the children placed and the training and experience of the foster parents. Each child will be placed at the appropriate level depending upon the degree of difficulty of care as determined using an objective needs assessment regime. The qualification of foster parents to provide care at the different levels will be determined under objective criteria that consider training, experience, and other factors related to their ability to provide the care.

#### **Level 1**

Level 1 reimburses foster parents for the basic costs of room, board, maintenance and parental supervision for foster children with less complex needs. Emergency shelter costs for children awaiting long-term placement are also covered at this level. This level is funded through the Foster Care Base Rate Component.

#### **Level 2**

Level 2 adds a standardized provider reimbursement increment based on the extraordinary difficulty of caring for the child placed with them. Foster parents who provide Level 2 services will be reimbursed at the higher rate for costs that are essential because of the higher demands presented by difficult children.

#### **Level 3**

Level 3 provides a larger payment than Level 2 for the provision of in-home therapeutic services by foster parents to children with documented medical, mental health and behavioral needs that indicate therapeutic services.

#### **Level 4**

Level 4 includes an additional payment increment above Level 3 for more intensive in-home therapeutic services provided by foster parents to children with medical, mental health and behavioral needs that place them at risk of residential placement (including out-of-state placement), long-term hospitalization, or placement in a youth corrections facility.

The Levels of Care system radically changes the Foster Care Augmented Rate program. Levels 2, 3, and 4 will be funded through the Foster Care Augmented Rate component. Level 2 foster care will be paid through the Division's current foster care payment system, while levels 3 and 4 will be administered through grants to community agencies. Foster parents providing Level 3 and 4 therapeutic care will have the support of a community non-profit agency that helps them manage their foster children's complex needs.

#### **Level 5**

The final level, beyond the four levels of care outlined here, is the Alaska Youth Initiative (AYI) program which is paid for through the AYI budget component. The AYI program provides individualized wraparound services for children who are at risk of out-of-state placement or who have experienced repeated failures in other available in-state placements.

## Attachment 6

### Changes to the Child Protection System as a Result of Audits, Management Reviews, Changes in Federal and State Legislation

**DFYS restructured to focus on child protection and juvenile crime.** The Division of Family and Youth Services was restructured in order to provide more accountability and consistency across the state.

A fourth region was developed to provide more support and oversight. Anchorage is now a separate region, and the remainder of the Southcentral area is the new fourth region.

#### **Children identified who need to transition from the old law to the new law – the Transition List.**

Although the state law is silent on transitioning children who were first in state custody prior to the new law taking effect, the new federal law is not. The Adoption and Safe Families Act requires states to file a petition to terminate parental rights and, concurrently, to identify, recruit, process, and approve a qualified adoptive family in case of:

1. A child who has been in foster care for 15 of the most recent 22 months;
2. A child who the court has determined to be an abandoned infant; or
3. A court determination that a parent of a child has assaulted the child or killed or assaulted another of their children.

The only exception to this is when:

- At the option of the state, the child is being cared for by a relative;
- The state has documented in the case plan (available for court review) a compelling reason that filing such a petition would not be in the best interests of the child; or
- The state has not in a timely fashion provided the family with the services that the state deems necessary for the safe return of the child.

For any child in foster care on the date the federal law was enacted (November 19, 1997), states are required to adhere to the following schedule:

- States are required to comply with this provision for one-third of the children in foster care on the date of enactment by no later than 6 months after the end of the first legislative session, giving priority to children with permanency plans of adoptions and children who have been in foster care the longest;
- For two thirds of the children in foster care on the date of enactment no later than 12 months after the end of the first legislative session; and
- States must be in full compliance for all children in foster care on the date of enactment by no later than 18 months after the end of the first legislative session.

Alaska has 631 children affected by the new federal law. Both social workers and assistant attorneys general have reviewed this list and determined whether a petition for termination of parental rights would be in the child's best interests. Permanent plans for most of these children are being implemented, however, approximately 132 of these cases will require termination of parental rights court hearings. The federal office will review the status of all 631 of these children to determine if the state is in compliance.

**Children identified who are currently coming up against the required timelines.** For any child entering foster care after the date of enactment, the state is required to comply with the above provision when any such child has been in care for 15 of the most recent 22 months. There are approximately 312 children who have been in custody and are currently coming up against the required timelines. These children are in addition to those on the "transition list."

## Attachment 6 (Cont.)

**Staff morale/feedback:** The division has conducted two job-satisfaction surveys, one of current employed social workers and another of social worker staff who left during the previous six months. Key findings from the surveys were that two factors most affect turnover and employee satisfaction: high caseloads and lack of training. More than 60 percent of the workers responding to the survey indicated that the workload is unmanageable. The division is directly addressing these two issues with strategies to improve training and reduce caseloads to manageable levels.

**Concurrent Planning for Children in State Custody.** The division is training social work staff on concurrent planning, which is a new case management method that has been effective in reducing the length of foster care placements. Starting with all front-line supervisors on January 29, 1999, and continuing through the second week of February, social work staff will be trained on concurrent planning. Concurrent planning provides for family support services to strengthen or treat the conditions that led to the child being removed while simultaneously developing an alternative plan, in case it is needed.

**Special Adoption grants awarded to move children quicker from foster care to adoption.** Grants were awarded to private adoption agencies and tribes to help move foster children who are waiting for final, permanent homes. Project SUCCEED will help facilitate adoptions and guardianships for children in state custody.

**Child Welfare Outcomes identified.** The Child Welfare League of America came to Alaska and identified child protection outcomes for policy and program development in the Division. Those outcomes include: child safety, permanency for children, cultural continuity, and child and family well-being.

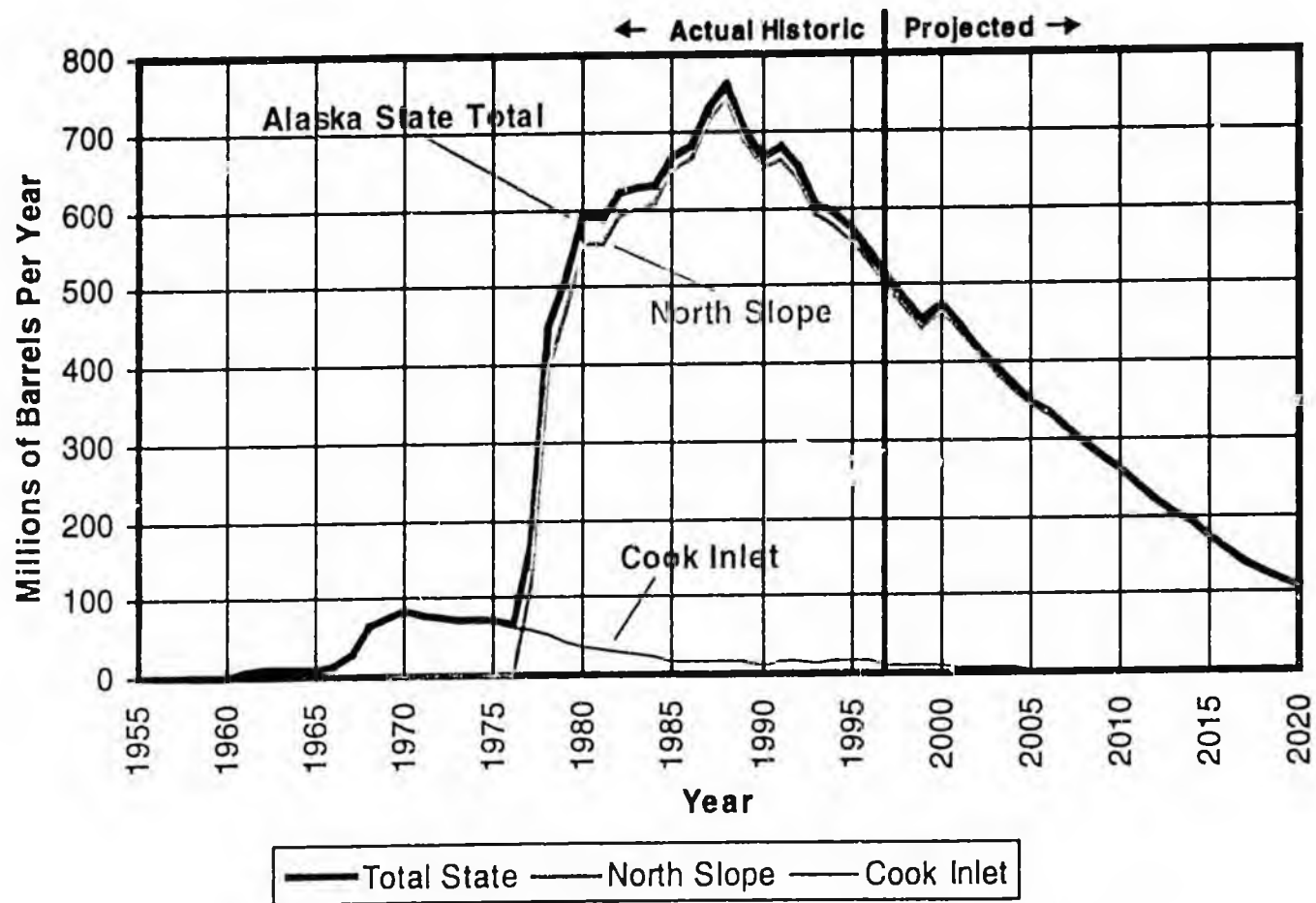
**Supervisor Case Review System developed.** A systematic method for reviewing every child protection case file was developed with experts from the Child Welfare League of America.

**Federal revenue examined.** A national consultant helped DFYS examine methods for enhancing federal revenues, bringing more federal dollars in for Alaska's child protection system.

**Child Protection System Policy and Procedures Manual** has been rewritten to be in alignment with the new law.

# Alaska Oil Production Rates

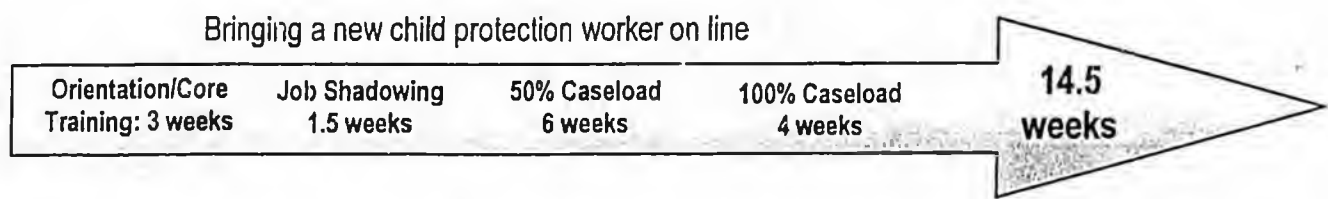
Historical and Projected



## Response to March 1998 Audit and January 1999 Follow-Up Audit

**Recommendations #1 and #2: Hire additional authorized staff and report to Legislature.**  
**Status: Substantially Accomplished**

- Established 28 new front line positions by first week of July 1998.
- Conducted aggressive recruitment campaign including special job fairs in Anchorage and Fairbanks.
- Generated a pool of over 500 Alaskan candidates for social worker jobs.
- Filled all but one of the new positions by October.



- Implemented streamlined hiring process through Workplace Alaska in November to minimize vacancy when turnover occurs.
- Stabilized vacancy and turnover rates by November.
- Reduced vacancy rate from 12% in FY98 to 7% in March 1999.
- Anchorage:
  - Adjustment necessary to deal with temporary situation.
  - Management action taken to assure effective responses, reduce worker turnover.
  - Response rate by January 1999 improved to 93% - all time high.

**Recommendation # 3: Change child protection law.**  
**Status: Substantially Accomplished**

What the new child protection law does:

- ❖ Makes health and safety of child paramount in child protection decisions.
- ❖ Provides clear guidelines for intervention in child protection cases.
- ❖ Clarifies reasonable efforts requirements for keeping families together.
- ❖ Establishes new requirement for reasonable efforts for achieving permanency
- ❖ Requires plan for reasonable visitation when child and parents are separated.
- ❖ Requires criminal record checks.
- ❖ Requires permanent plan determination at 12 instead of 18 months.
- ❖ Requires action to initiate termination of parental rights for children in custody 15 of the most recent 22 months (300 children affected.)
- ❖ Requires monthly reports to the public.
- ❖ Establishes Child Fatality Team.
- ❖ Requires DHSS to establish Multidisciplinary Teams to assist in investigations.
- ❖ Requires notices of court hearings to foster parents.
- ❖ Requires feedback to mandatory reporters.

- Trained all supervisors in June 1998.
- Held 15 trainings statewide for all front line workers, guardians, and attorneys.
- Rewrote CPS Policy and Procedures Manual to reconcile with new law (several hundred pages.)
- Implemented strict deadlines for child protection actions dramatically intensifying casework effort.

**Recommendation # 6: Continue efforts to provide training to workers.****Status: Substantially Accomplished**

- Opened Family Services Training Academy in August 1998.
- Established requirement that all social workers receive orientation and training before carrying caseloads.
- Specialized training was begun for social workers in concurrent planning, risk assessment, ICWA, domestic violence.

**Recommendation # 4: Fully use personal services funding to support staffing.****Status: Achieved**

- New positions were established early, hiring essentially completed by October.
- Adopted a zero vacancy approach for social worker positions - no artificial V&T, social worker hiring is aggressively pursued to minimize vacancies.
- Non-permanent positions employed when necessary to minimize vacancy.

**Recommendation # 5 and # 8: Develop consistent workload adjusting policy and updated workload measurement model.****Status: In Progress**

- Prioritization and workload adjust policy in place but needs refinement.
- Existing approach assures response to all highest risk cases - Priority 1 & 2 cases.
- Reviewed other states approaches and consulted with Child Welfare League of America.
- Adopted CWLA caseload standards to measure workload.
- Developed Zero Tolerance Plan to reduce caseloads over the next three years.
- Worked with frontline supervisors to improve definition of risk and to begin developing new risk assessment tool (January and March.)
- Drafted more consistent intake and investigations policy statewide.

**Recommendation # 7: Assure accurate and timely data in the management information system.****Status: In Progress**

- Trained data entry specialists in each region in July 1998.
- Determined connectivity for field offices are not Y2K compatible.
- Developed plan to connect field offices to State WAN.
- Began connecting largest offices to WAN.
- Developed strategy for new MIS development.

**Competing Priorities.**

- Audit 2
  - Revise risk assessment tools and processes.
  - Develop alternatives to closing cases where custody is not taken but services needed.
  - Document involvement of parents in case planning.
  - Ensure all social workers receive training.
  - Develop non-judicial processes to resolve case-related issues.
  - Review confidentiality requirements.
- Internal Audits and Reviews
- Ombudsman Recommendations
- Child Protection Review Team
- Kempe Center Review

**Family Services Performance Measures.**

- Average length of time children who are taken into custody to protect them from abuse or neglect spend in out of home care.
- Average number of out of home placements before a permanent home is found for a child.
- Percent of cases for children served in their home in which a recurrence of substantiated abuse or neglect occurs 6, 12, and 24 months following case closure.
- Percent of cases for children placed in alternative permanent homes in which a recurrence of substantiated abuse or neglect occurs 6, 12, and 24 months following case closure.
- Percentage of permanent adoptive and guardianship homes that are disrupted 6, 12, and 24 months after placement.
- Percentage of children placed in temporary care who experience substantiated abuse or neglect.
- Average time required to place children in a safe, permanent home after determining that they cannot be returned to their own home.

**P1** Assigned to all cases presenting the greatest degree of risk to the child, and requiring an emergency response.

P1 must be responded to within 24 hours.

**Priority One (P1)**

Death	Abandonment
Brain Damage. Skull Fracture	Failure to Thrive
Subdural Hematoma	Burns. Scalding
Internal Injuries	Wounds
Malnutrition	Bone Fractures
Torture	Venereal Disease
Sexual Exploitation or Molestation	
Lack of Supervision (no caretaker and young child)	

## Report of Harm Prioritization

**P2** Assigned to all reports which present a lesser degree of risk to the child. Priority 2 designations indicate that while the situation is serious, information available does not indicate the child is in immediate danger.

P2 must be responded to within 72 hours.

**Priority Two (P2)**

Cuts/Bruises/Welts  
Human Bites  
Sprains/Dislocations  
Tying/Close Confinement  
Drug/Alcohol Abuse  
Medical Neglect  
Excessive Corporal Punishment

**P3** Assigned to those referrals which indicate that a delay in responding to the situation will not result in significant additional harm.

P3 must be responded to within seven calendar days from receipt of the report.

**Priority Three (P3)**

Other Abuse  
Inadequate Food (older child)  
Inadequate Shelter  
Inadequate Clothes  
Educational Neglect  
Other Neglect (older child)  
Emotional Abuse (no observable manifestations)

Source: Child Protective Services Manual, 1998 version.

# Audit Report

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DEPARTMENT OF HEALTH  
AND SOCIAL SERVICES  
DIVISION OF FAMILY AND  
YOUTH SERVICES  
FOLLOW-UP

January 26, 1999

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Audit Control Number:

06-4595-99

Division of Legislative Audit  
P.O. Box 113300, Juneau, Alaska 99811-3300

# LEGISLATIVE BUDGET AND AUDIT COMMITTEE

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## DIVISION OF LEGISLATIVE AUDIT

The Legislative Budget and Audit Committee is a permanent interim committee of the Alaska Legislature. The committee is made up of five senators and five representatives, with one alternate from each legislative chamber. The chairmanship of the committee alternates between the two chambers every legislature.

The committee is responsible for providing the legislature with audits of state government agencies. The programs and activities of state government now cost more than \$5 billion a year. As legislators and administrators try increasingly to allocate state revenues effectively and make government work more efficiently, they need information to evaluate the work of governmental agencies. The audit work performed by the Division of Legislative Audit helps provide that information.

As a guide to all their work, the Division of Legislative Audit complies with generally accepted auditing standards established by the American Institute of Certified Public Accountants and with government auditing standards established by the U.S. General Accounting Office.

Audits are performed at the direction of the Legislative Budget and Audit Committee. Individual legislators or committees can submit requests for audits of specific programs or agencies to the committee for consideration. Copies of all completed audits are available from the Division of Legislative Audit's offices in either Juneau, Anchorage, or our web site <http://www.legis.state.ak.us/legaud/web/default.htm>.

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# ALASKA STATE LEGISLATURE

## LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



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January 26, 1999

Members of the Legislative Budget  
and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes, the attached report is submitted for your review.

### DEPARTMENT OF HEALTH AND SOCIAL SERVICES DIVISION OF FAMILY AND YOUTH SERVICES FOLLOW-UP AUDIT

January 26, 1999

Audit Control Number

06-4595-99

In April 1998 we issued an audit report that discussed various aspects of the operations of the Division of Family and Youth Services (DFYS). In that report we discussed many of the problems faced by DFYS, which contributed to the agency not being able to respond to all of the reports of harm (ROHs) received regarding the abuse and neglect of children. This report is a follow-up review of the current status of the recommendations made in the prior report.

Our central conclusion is that at this time, it is too early to see significant impacts on either number of cases worked, or on how the cases are worked by DFYS. So far in FY 99 (through October 1998) the agency is investigating fewer reports of abuse and neglect than it had for the same months in each of the prior two years. It again appears management decisions have contributed to the agency not making any progress towards investigating all ROHs it receives. We also discuss in the report improvements such as better recruitment and more timely hiring of social workers as well as better training provided to the newly-hired social workers.

The audit was conducted in accordance with generally accepted government auditing standards. Fieldwork procedures utilized in developing the conclusions and recommendations presented in this report are discussed in the Objective, Scope and Methodology section.

A handwritten signature in cursive script that reads "Pat Davidson".

Pat Davidson, CPA  
Legislative Auditor

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## OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Title 24 of the Alaska Statutes and a special request by the Legislative Budget and Audit Committee, we conducted a review of various aspects of management and casework related to the child protective services function within the Division of Family and Youth Services (DFYS). The agency is organizationally located in the Department of Health and Social Services (DHSS). Our audit was designed to review the issues previously identified in a prior DFYS audit (Audit Control No. 06-4586-98) released in April, 1998.

### Objectives

Specifically, the objectives of our follow-up review are as follows:

1. To evaluate how effectively DFYS management has utilized FY 99 personal services appropriations in maintaining agency-staffing levels to adequately address and respond to reports of child abuse and neglect received by the agency.
2. To identify the factors and circumstances, if any, which inhibit the agency's readiness to effectively respond to reports of child abuse and neglect.
3. To identify the degree to which DFYS is unable to respond to reports of harm and how the agency deals with such reports.
4. To assess the impact of recent changes in federal and state law on the State's child protection system.
5. To determine the status and effectiveness of the newly established Family Services Training Academy.

### Scope

Our audit focused primarily on determining the current status of recommendations from our prior audit. Data analyzed was primarily from the first four months of FY 99, with comparisons to the same four months in prior years. As of the date of this review, comprehensive statistics past October 1998 were not available.

### Methodology

In carrying out our follow-up audit we:

1. Interviewed DFYS child protection staff across the State including investigators, supervisors, and regional children services managers.
2. Reviewed reports from the agency's case management system, known as PROBER.

3. Reviewed other child protection system reports including various publications from the Child Welfare League of America.
4. Analyzed expenditures for DFYS personal services in FY 98 and FY 99 using agency budgets and state payroll information.
5. Performed a review of various aspects of the legal system and its affects on the State's child protection system. Our review included obtaining an understanding of current state and federal laws, the impact of recent Alaska Supreme Court decisions, and recent changes to federal law (the Adoption and Safe Families Act of 1997). We also attended training that discussed the impact of the new state and federal laws on the way cases are worked.
6. Attended a multi-agency meeting regarding the impact on services to children of the new federal and state laws.
7. Attended a meeting of regional children services managers.
8. Interviewed the coordinator for the DFYS/University of Alaska-Anchorage Training Academy.
9. Reviewed course evaluations completed by individuals receiving the training offered.

## ORGANIZATION AND FUNCTION

Title 47 of the Alaska Statutes charges the Department of Health and Social Services with responsibility for providing a range of services designed to remedy or prevent abuse, neglect, and exploitation of children and youth. To meet these statutory responsibilities, the department created the Division of Family and Youth Services (DFYS) in 1980 by combining the Division of Social Services with the youth section of the Division of Corrections.

The Family Services section of DFYS is responsible for providing child protection and welfare services, licensing of child care facilities, and the recruitment, selection, and training of foster parents. The other major section of DFYS, Youth Corrections or Youth Services is responsible for supervising adjudicated youth offenders. In FY 99, the agency budgetarily separated family services functions from youth corrections activities.

The focus of this audit was Family Services. Specifically, the audit concentrated on child protective services (CPS). The goal of CPS is to identify, treat, and prevent child abuse and neglect, as well as to ensure reasonable efforts are made to protect and maintain children in their own homes. DFYS provides protective services for children by investigating reports of harm, referring families to community resources, initiating legal intervention if children are unable to remain safely in their own homes, and providing out-of-home placements and permanency planning when necessary.

When children are taken into physical custody they are placed either in foster care or in an emergency shelter facility. DFYS also contracts with residential care facilities to provide assorted levels of care and treatment of youth.

Each provider is subjected to licensure and periodic review to assure children are provided with reasonable care in a safe environment. Responding to complaints of abuse and neglect for children in out-of-home care is also the responsibility of DFYS social workers.

In 1991, the Hickel administration comprehensively reorganized DFYS. The Family Services section was scaled down (from five) to three regions: Southeast, Southcentral, and Northern. The Southcentral region has recently been divided into two regions: Anchorage and the rest of Southcentral. The administrator for each region headquartered in Juneau, Anchorage, and Fairbanks, respectively, currently reports directly to the division director.

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## SYNOPSIS OF PRIOR REPORT CONCLUSIONS

As discussed in the Objectives, Scope and Methodology section, the objective of this review is to assess the current status of the findings from our previous Division of Family and Youth Services (DFYS) audit released in April 1998. In this section we summarize conclusions from that report. In that audit we also presented recommendations that addressed such case management topics as workload prioritization, personnel utilization, personnel training, and new child protective services legislation. These are summarized in the Findings and Recommendations section.

### Personnel and caseload

A central issue of our prior review was the utilization of personnel resources. Up until the time of the previous audit, DFYS had faced a growing caseload. Although the workload has leveled off over the past year, the agency reports cases are becoming more complex. The growth in caseload and its increasing complexity limited the agency's ability to carry out investigations effectively and efficiently. Not all reports of harm (ROHs) involving abuse or neglect of children can be investigated. Of those reports that are assigned, many investigations were delayed. Though DFYS was unable to effectively carry out much of its work, the agency attempted to address the most serious problems through a system of prioritization of ROHs. By doing so, the agency tried to identify and address the needs of children most at risk.

In this context, we reported in our previous audit the following conclusions:

1. In FY 97 DFYS could not investigate more than 3,700 ROHs that were within the agency's jurisdiction. DFYS is required, by statute, to take and investigate all ROHs of suspected child abuse and neglect. For the last complete fiscal year at the time of our prior audit, the agency was unable to meet this statutory responsibility.
2. The agency's triage response to ROHs is risk based but leaves some children at risk. As discussed previously, to manage an increasing workload, DFYS has developed an informal policy to delay or never investigate ROHs determined to be lower risk. The use of this practice, referred to as workload adjusting, varies between district offices. Some agency offices workload adjusted as many as two-thirds of the ROHs received. Though it appeared to us DFYS was generally triaging ROHs in ways consistent with a risk-based approach, we remained concerned that the agency's inability to investigate many cases leaves some children at risk.<sup>1</sup>

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<sup>1</sup> The agency's Child Protective Services (CPS) manual, which provides guidance for prioritizing ROHs, comments that children younger than 6-years-old are more vulnerable to harm than older children. Of the workload adjusted reports we reviewed, 56 (19%) involved children under the age of 6. This vulnerable group represents children that are the least able to care for or protect themselves. These children are also more likely to be isolated from public view and mandatory reporters than children of school age.

3. Most ROH investigations that are started are completed within two months. In our prior review we discussed the length of time it took DFYS to investigate ROHs. As measured by the first report of contact compared to the last report of contact, we determined that while the average case took about 35 days to investigate, most (83%) were completed within 60 days. We also noted the cases that were ultimately substantiated typically were investigated longer than cases determined to be unconfirmed or invalid. In a review of 412 cases, we found that on average, substantiated cases took nearly 45 days to investigate, while unconfirmed cases took only 29 days.<sup>2</sup>
4. DFYS was unable to consistently provide ongoing services to some children and families. Whenever a decision is made to continue with a case beyond the investigation phase, DFYS policy requires ongoing services to be provided to the family. The minimum casework service to be provided to the child and family are determined by an agency risk assessment which consists of evaluating several factors. In general, the higher the assessed risk to the child, the more contact is required by the DFYS social worker.

The Southcentral Region developed and implemented an internal supervisory review process for ongoing cases. The reviews were carried out over the last nine months of calendar year 1997. These reviews, in total have indicated that in the Southcentral Region about two-thirds (67.5%) of the ongoing cases did not meet the required contact standards.

5. DFYS did not fully utilize appropriation funding for personnel during FY 97. A standard practice in most executive branch agencies is to leave some authorized, funded positions vacant in order to be sure operational expenditures are within established budgets. Although DFYS received a relatively small reduction in the requested funding for staff, agency managers left 21 positions vacant for all of FY 97. Of these, ten were case carrying social worker positions, one was a social worker supervisory position, while six others provided support, both administrative and programmatic, to line social workers.

Our analysis indicates that child protective services, particularly in-the-field social worker positions, absorbed a disproportionately greater number of these empty positions, ostensibly kept vacant to cover the agency's imposed vacancy and turnover, or V&T, factor. This practice was particularly pronounced in the agency's Northern Region (NRO). Of the ten case-carrying social workers positions kept vacant statewide, five were in NRO.

The combination of the positions left vacant (or forced vacancy factor), combined with the other positions that went vacant for shorter periods time (the natural vacancy rate

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<sup>2</sup>Lack of timely and thorough investigations can actually increase the risk of abusive or neglectful behavior. According to a 1990 report issued by the U.S. Advisory Board on Child Abuse and Neglect, unresolved investigations create and sustain uncertainty in the family about the future. This uncertainty causes anxiety within families, and may stall children's development. Further, mandated reporters (i.e. teachers, doctors, etc.) may begin to doubt the system and fail to continue to report suspected cases of abuse, thus placing children at greater risk of continued abuse or neglect. The risk is even greater for families who are not offered or do not accept services following an investigation.

generated by employee turnover), allowed DFYS to come in well under (just over \$1 million) the agency's FY 97 personal services budget. DFYS utilized this funding to cover retirement incentive program costs not only for staff within the agency's appropriation, but for other agencies within the Department of Health and Social Services.

Most of the excess authorization funding (just over \$880,000) was used to fund a reimbursable services agreement (RSA) with the Division of Retirement and Benefits for retirement incentive program (RIP) costs. The RSA essentially prepaid RIP costs for FY 98, FY 99, FY 00, and FY 01. In addition, the RSA funds were used not only to cover the RIP costs for DFYS employees, but also for some of the RIP costs of participating staff of the Alaska Psychiatric Institute.

### Other Issues

In addition to the personnel and caseload issues discussed in the previous report we also discussed other issues that had an impact on the operations of DFYS. These other issues discussed in the report included:

1. Child protection statutes. State law also affects the functioning of the agency, and how it is interpreted and applied by the courts. We concluded that a lack of specificity in the statutes as they existed, limited the agency's authority to terminate parental rights.<sup>3</sup>
2. DFYS staff training efforts have suffered from lack of coordination, consistency, and funding. In the previous audit we discussed how DFYS training had been reduced in past years, primarily due to changes in administration, decisions by management, and/or use of available funding. This has resulted in untimely "CORE" training which provides child protection orientation to new employees. Prior to February 1998, CORE training had not been held since early 1995.

### Discussion of prior report conclusions in current report

These various conclusions were reflected, to varying degrees, in the Findings and Recommendations presented in the previous report. We used those Findings and Recommendations as a basis for setting the scope of this follow-up audit. Accordingly, the current situation, practices, and our perspective on the issues summarized in this section are reflected in the Findings and Recommendations of this report.

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<sup>3</sup>We often saw cases where parents repeatedly failed to take appropriate action or change their personal conduct to alleviate the living conditions that posed a threat to the safety of their children. Included in the cases we selected for review were two cases where DFYS moved to terminate parental rights. In both instances there were numerous children involved and the parents had an extensive history of failure in complying with the case plan developed by DFYS. The case plan attempted to reunify the children in state custody with their parents while providing some assurance of safety and care. The children's case files involved sequential case plans, filled out over numerous years, which called for the parents to enter substance abuse treatment. The parent(s) involved were given multiple opportunities to make minimal changes needed to forestall termination of parental rights, but their efforts were repeatedly insufficient to fully resolve the problems involved.

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## BACKGROUND INFORMATION

The following brief description of new federal and state laws is intended to provide the reader with a better understanding of some of the more significant technical changes in those laws.

### New federal law promotes limiting time children may be kept in out-of-home care

On November 19, 1997 the president signed into law the Adoption and Safe Families Act of 1997. The primary focus of this law is to improve the safety of children, promote adoption and other permanent homes for children who need them, and support families. The new law made numerous changes and clarified a wide range of federal policies that had been in place since the 1980 Adoption Assistance and Child Welfare Act. The new law provides for the following:

1. Set-aside funding is provided for continuing support of the Court Improvement Project. The Alaska Court System (ACS) continues its efforts at streamlining and promoting consistency in the adjudication of child-in-need-of-aid (CINA) cases. ACS has received federal funding under the 1997 act to assist in this effort. ACS is in the process of formally reviewing how the system handles CINA hearings in various jurisdictions and has issued a 1996 report that identified many significant areas of differences and made numerous recommendations for improvement.
2. Adoption incentive payments provided for states. The legislation provides \$20 million in federal fiscal years 1999 through 2003 for payments to eligible states which exceed the average number of adoptions the State completed between 1995 and 1997. Essentially the program provides for paying states a bonus for each foster child adopted.
3. New time line and basis for filing for termination of parental rights. Previously, under federal law the length of time a child spent in out-of-home care was not necessarily a singular factor for states to initiate termination of parental rights. Under the new law, states must file a petition to terminate parental rights on behalf of any child, regardless of age, who has been in foster care for 15 out of the most recent 22 months. For children already in foster care, states are required to phase in the filing of termination petitions beginning with children for whom the permanency plan is adoption or have been in care the longest.
4. New, shorter time frame for permanency hearings. The prior federal law required a disposition hearing within 18 months of a child's placement into out-of-home care. The new law establishes a permanency planning hearing for children in care to occur within 12 months of a child's entry into care. At the hearing, the law requires a determination be made whether and when: (1) the child will be returned home; (2) the child will be placed for adoption and a termination of parental rights filed; (3) the child will be referred for legal guardianship; or, (4) another planned permanent living arrangement is made if other options are not appropriate.

5. Further definition of "reasonable efforts" to reunite families. As required by the 1980 law, states must continue to make reasonable efforts to preserve and reunify families. However, currently the "reasonable efforts" requirement does not specifically apply to cases in which a court has found:
  - The parent has subjected the child to an "aggravated circumstance" as defined in state law (including, but not limited to abandonment, torture, chronic abuse, and sexual abuse).
  - The parent has committed murder or voluntary manslaughter or aided or abetted, attempted, conspired or solicited to commit such a murder or manslaughter of another child of the parent.
  - The parent has committed felony assault that results in serious bodily injury to the child or another one of their children.
  - The parental rights of the parent to a sibling have been involuntarily terminated.
6. Foster parents, pre-adoptive parents, and caretaking relatives are allowed access to court reviews and are allowed to speak at judicial proceedings. Under the new law a foster parent, any pre-adoptive parent, or relative caring for a child must be given notice of and an opportunity to be heard in any review or hearing involving the child.
7. Established outcome measures. The U.S. Department of Health and Human Services will develop, in consultation with governors, state legislatures, state and local public officials, and child welfare advocates, a set of outcome measures to be used to assess the performance of states in operating child protection and child welfare programs. Also to be developed is a system for rating the performance of states with respect to the outcome measures.

In many respects it is this new federal law, in addition to the recent Alaska Supreme Court decisions, and recent casework setbacks, which have contributed to the administration seeking a substantial revision to the State's CINA statutes. As with much federal legislation, the State has both "stick" and "carrot" incentives to conform with the law. Perhaps most significant is the prospect of losing federal funding used to support various aspects of child protection services in the State.

## REPORT CONCLUSIONS

Our prior audit identified several areas needing improvement in the case management process followed by the Division of Family and Youth Services (DFYS). A central aspect of our prior review involved the agency's capability and capacity to investigate all the reports of harm (ROHs) made to DFYS concerning the abuse and neglect of children. Although to a degree, the insufficiency of staff was a problem of the agency's own making, we recommended DFYS receive funding for additional social worker positions. The legislature responded with funding to hire 28 more positions.

As discussed in the Findings and Recommendations section, the division has, over the last eight months since the audit report was issued, made efforts to resolve some of the problems set out in the previous report. The effects of these efforts, however, have not yet been fully realized in the short time period between that audit and this review.

### Two key management decisions have contributed to a decrease in investigated ROHs

DFYS made two key management decisions during the first four months of FY 99 (July-October of 1998) that contributed to a drop in the number of ROHs the agency assigned for investigation. As shown by figure 1 on the top of the following page, there was a 4% drop, statewide in the rate of investigated ROHs over the first four months of FY 99 compared to the same four months in FY 98.

The two decisions made by DFYS officials that contributed to a curtailing of agency activity, as measured by assigned ROHs, were:

1. Managerial decisions related to promotions and transfers contributed to an inexperienced staff manning the Anchorage intake units. The new positions DFYS received set off a chain reaction within the agency. The establishment of new positions along with both regular turnover and a new agency policy not to keep any positions intentionally vacant, provided opportunities for promotion and transfer within the agency. DFYS allowed such transfers and promotions to take place, even though it may have had a negative impact on the agency's short-term readiness to respond to ROHs.

DFYS management reports that new hires typically require at least 70 to 90 days of orientation before they are able to carry full intake caseloads. The combination of new employees, regular turnover, and internal promotion resulted in an increasingly inexperienced intake unit<sup>4</sup> that reduced the division's ability to effectively maintain its readiness to respond to ROHs despite addition of front line workers. Presumably, this is a short-run factor, which will lessen in impact on ROH investigations as new workers gain work experience.

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<sup>4</sup> One DFYS report shows that, beginning in May 1998, only 1 intake worker out of 20 in the Anchorage intake units was tenured beyond their probationary period. Turnover statistics in Fairbanks are similar.

Figure 1

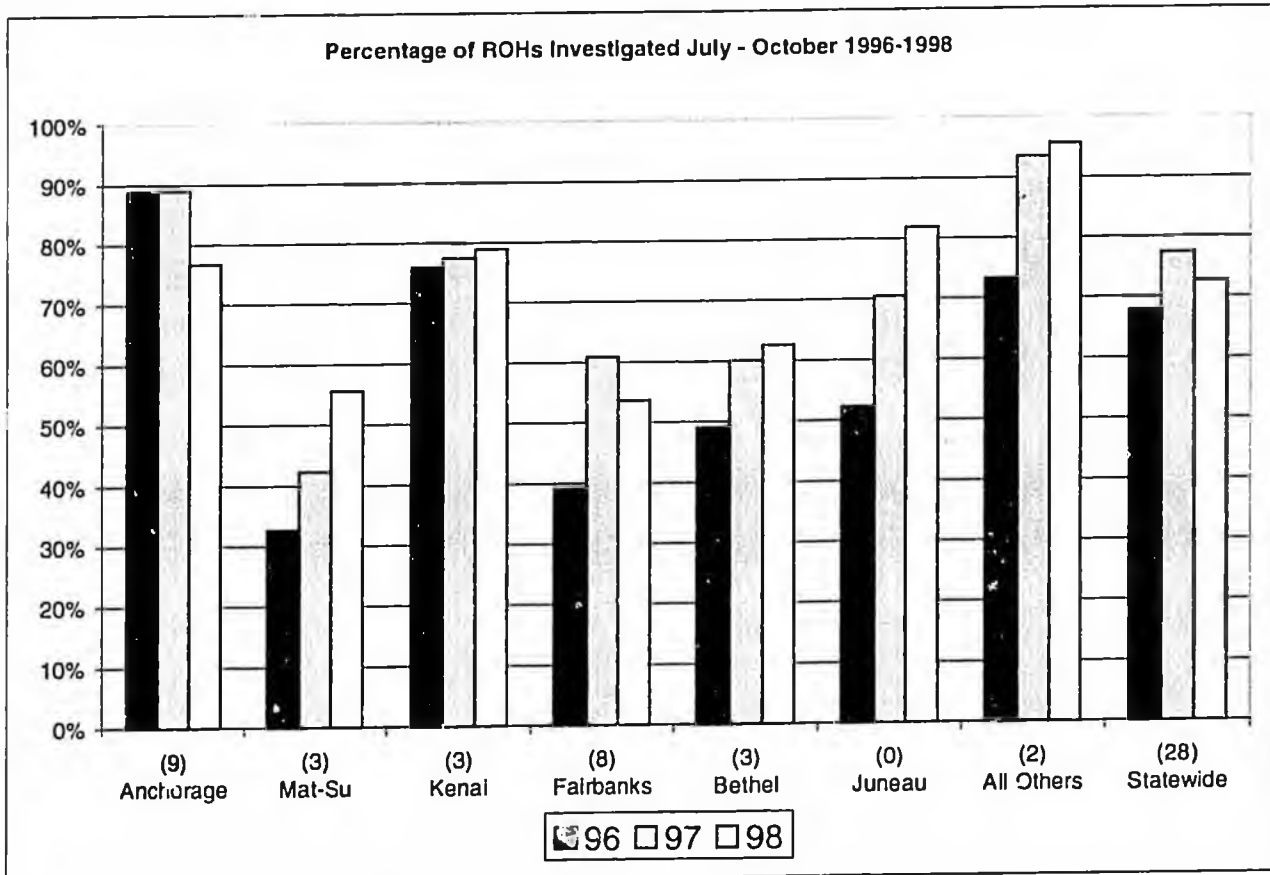
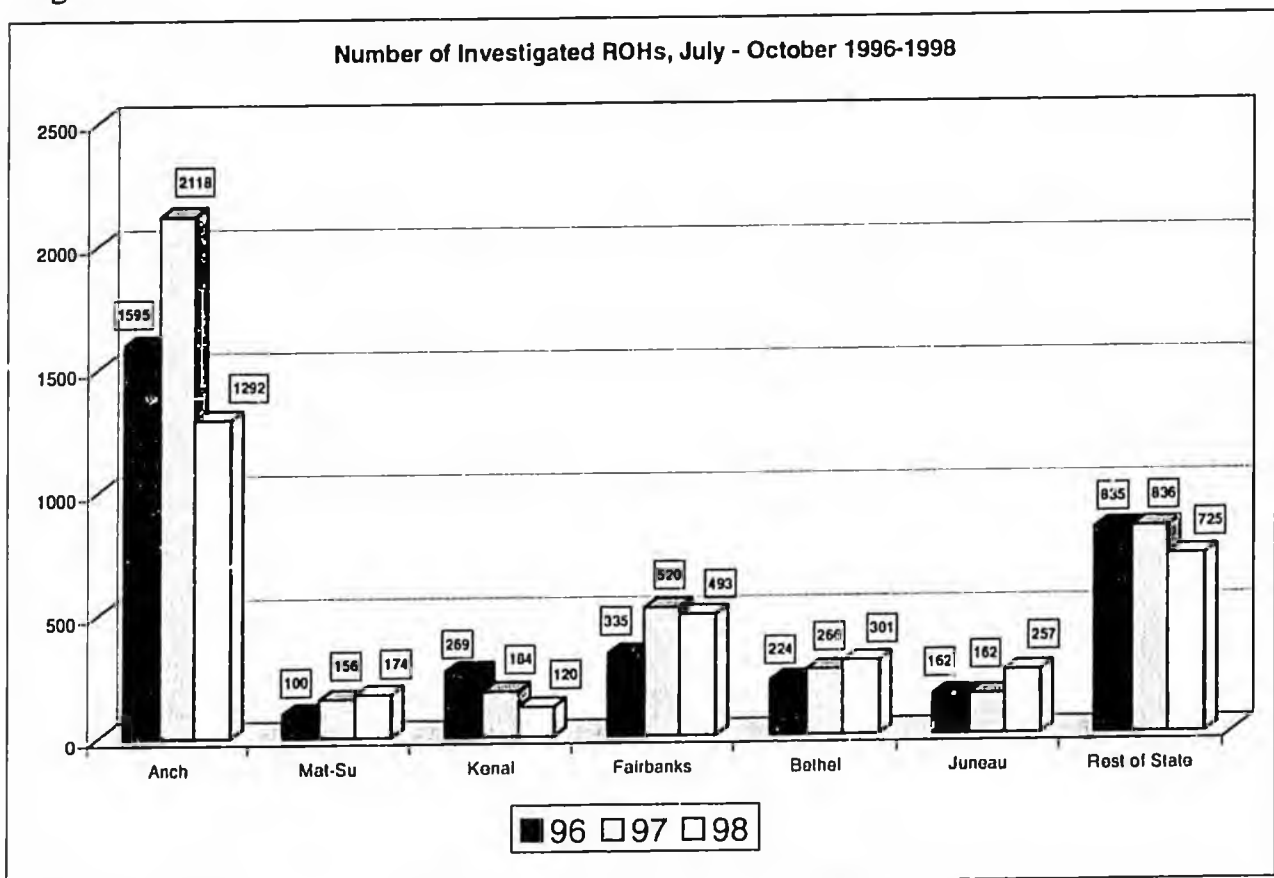


Figure 2



2. More aggressive use of workload adjusting in Anchorage intake units. Besides the start-up and employee dislocation factors faced by DFYS in the first few months of FY 99, the agency also made a significant change in the way the Anchorage intake unit operated. Previously, the Anchorage intake unit investigated over 85% of the ROHs it received, and "workload adjusted" relatively few.<sup>5</sup>

In the early part of FY 99, the policy followed by Fairbanks and many other DFYS offices essentially was fully adopted in Anchorage. With the explicit approval of DFYS management, Anchorage began workload adjusting significantly more ROHs than the intake units previously had done. According to DFYS management this was done to improve the investigative casework that the agency did do – while at the same time it lessened the stress on relatively inexperienced social worker staff beginning work in the intake units. As a result, because the Anchorage intake unit accounts for over a third of all ROHs statewide, this change in policy resulted in a decrease in the overall number of ROHs assigned for investigation.

Given the time constraints of our follow-up review, we could not evaluate if the ROH investigations being carried out by the Anchorage intake unit, were qualitatively better than those done prior years. It may be that children, in the aggregate, are better protected by having DFYS conduct investigations that consistently meet an established minimum standard for more serious ROHs rather than doing more investigations, but in a less comprehensive way. However, such an approach is not consistent with claims the agency has historically made and leaves children, who are the subject of uninvestigated ROHs, at risk.

From our perspective, such decisions and the accompanying results, seemingly send a contradictory message to state policymakers. In testimony before the legislature and materials made available to the public, DFYS has pointed to the large number of uninvestigated ROHs as being indicative of the agency's need for more staff. After receiving funds for more staff, the agency adopted policies and made decisions that resulted, at least in the short run, in fewer ROHs being investigated. DFYS representatives established the percentage of ROHs investigated as a critical measure of agency operations. Accordingly, the agency should carefully consider what impact its decisions will have on that measure in order to maintain its credibility with the public and state lawmakers.

Additionally, in our view it is too early to see the impact of the staff hired into the newly authorized positions. While DFYS has made reasonable attempts to fill these positions in a timely manner, most were not filled until September or October. New hires typically require at least 70 to 90 days of orientation before they are able to carry full caseloads. As a result the impact of these new positions is not reflected in the July - October 1998 data included in this report.

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<sup>5</sup> By comparison, in recent years, the intake unit in Fairbanks utilized a distinctly different policy which resulted in only 54-61% of its ROHs being investigated, due to low priority or lack of staff availability. Other offices in the State also workload adjusted many of the ROHs received, for example the Mat-Su set-aside referred over 58% of the ROHs it received in FY 98. The Anchorage unit was the exception rather than the rule in the number of ROHs that it assigned for investigation, when compared to other DFYS offices.

New legislation strengthened child protection statutes, but impact so far on casework is minimal

In May 1998, the legislature passed a new child protective services statute, described by some as one of the most aggressive in the nation. Some petitions have been amended to reflect both old and new statutory criteria. However, social workers have been backlogged with old cases and new statutory requirements have effected few cases that predate the new statute. For the cases to date that have been affected by the new law, the most significant impact has been on social workers that now face additional paperwork as they file amended adjudication petitions.

In response to provisions of the federal Adoption and Safe Families Act and similar provisions in the new statute, DFYS has begun to research alternative methods to move children through state custody. As discussed in the Background Information section, one of the primary provisions of both the federal and the state legislation was to force the agency to more promptly develop permanency plans for children in out-of-home care more promptly. The legislation focuses specifically on children that have been in out-of-home situations for the longest periods of time with emphasis on those that have been in state custody at least 15 of the most recent 22 months.

On November 17, 1997 when the federal Adoption and Safe Families Act became effective, DFYS had identified more than 600 children that had been in out-of-home care for 15 of the most recent 22 months. The list of these children, referred to as the transition list, has now been reviewed and worked. The result of this review has been the identification as of December 15, 1998 of just over 300 children for whom the State still needs to take action. Most of the children pending removal from the list are currently scheduled for termination proceedings, adoptions, or guardianships. Though some of the children initially on the transition list have now returned home, it is possible that many of the children still on the list will never be reunited with their parents. The size of the list has forced DFYS to consider options for permanently placing these children more quickly.

Placement with relatives, guardianships, and adoptions are all possible permanent resolutions. Permanency can be achieved through a variety of routes including voluntary relinquishment of parental rights, negotiations with parents, or, the most extreme and time-consuming method, termination of parental rights (TPR). Obtaining a TPR requires more preparation and court time than other methods and generally results in these cases taking much longer to complete. Because permanency plans that are negotiated and agreed to with the parents are more expedient than termination proceedings, DFYS prefers to pursue these options when possible.

To help DFYS avoid protracted termination proceedings, the division is currently in the process of establishing a pilot mediation program to help reconcile the objectives of the agency and the wishes of the parents so that children can be permanently placed without the delays typically associated with TPR hearings. Typically, the objective of negotiations will be that parents will voluntarily relinquish their parental rights or permit their children to be placed with legal guardians.

### Management information systems still need improvement

To date, the division has not repaired or replaced its case management system, PROBER. The system continues to reflect more than 5,000 investigations open longer than 90 days. The research analyst responsible for the data believes these open cases primarily reflect data problems rather than an actual open cases. It does appear, however, that the agency has, for data entry purposes, more consistently defined ROHs that are not being assigned for investigation. Problems previously identified with uninvestigated Child Protective Service's reports being inconsistently labeled on PROBER appear, based on system data available (for the first four months of FY 99), to be more consistently entered as workload adjusted reports.

The DFYS workload measurement model has not been improved since the last audit. As a result, the actual case workload remains understated and the model is rarely used for caseload management decisions.

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## FINDINGS AND RECOMMENDATIONS

This review of the Division of Family and Youth Services (DFYS) was designed as a follow-up of a previous audit (Audit Control No. 06-4586-98) released in April, 1998. Each of the recommendations addressed below reflects our evaluation of the current status of the prior recommendations made in that report.

### Prior Recommendation Nos. 1 and 2

1. The legislature should consider authorizing and funding additional social worker positions in order for the Division of Family and Youth Services within the Department of Health and Social Services (DHSS) to better meet the agency's statutory mandates.
2. If the legislature appropriates additional funding for child protection services for FY 99, the commissioner of DHSS should report the effects of those increases to the legislature.

In our previous audit, we recommended that the legislature consider authorizing funding for additional social worker positions. We concluded more positions would improve the agency's ability to investigate reports of harm (ROHs) and meet contact standards for children taken into and remaining in state custody. In the prior audit we also noted that because of previous management philosophy in one region and bureaucratic barriers to hiring, the division had not effectively used the personal services funding it had received in the past. To promote accountability for any funding increase, we suggested that DFYS report to the legislature how increased staffing was being utilized to help the agency carry out its statutory responsibilities.

Current status of prior recommendations: The legislature authorized 28 new social worker positions<sup>6</sup> for FY 99. Funding for these positions was staggered, with some funded for a full 12 months beginning July 1, 1998, while others were funded for only 9 months.

At the time the new social worker positions were authorized, non-supervisory social workers were hired from state personnel registers only. Reportedly, the registers for social workers contained few viable candidates. In response, the agency embarked on several recruitment efforts to expand the pool of potential applicants for the new positions. One of the more successful of these efforts was a job fair conducted at the end of August, during which DFYS personnel spoke to applicants and helped them complete state employment applications. This effort resulted in expanding the register by as many as 40 prospective social worker candidates.

Though DFYS hired social workers in a timely fashion, the increase in the number of social workers has not yet been reflected in casework statistics. In large part, the lack of impact on agency statistics is presumably a function of time. Because most of the social workers were hired in September 1998 and will spend their first 70 to 90 days in orientation, the full effect of these additional resources will not be reflected in the casework statistics presented in this report.

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<sup>6</sup> The positions authorized included social workers, social services associates, community care specialists, and administrative positions.

It is probably too soon to determine how the additional positions will eventually affect case management.

On a statewide level, DFYS data shows that, though available staff has increased, fewer cases were assigned for investigation during the first four months of FY 99, compared to the same time frame in previous years (see Figure 2 on page 12). For Anchorage, which receives more than a third of all reports of harm, at least two factors have impacted the ability of the agency to investigate reports of harm (see discussion in the Report Conclusions section):

1. High personnel turnover in the social worker ranks. Both newly created positions and turnover in existing positions resulted in most intake workers in the Anchorage and Fairbanks offices being relatively inexperienced. Internal position juggling intensified generally high levels of turnover typical in social work as new positions provided social workers opportunities to transfer or seek promotion.
2. A revised managerial philosophy for workload adjusting reports. In an attempt to better manage caseloads, DFYS decided to delay investigation on a number of lower priority cases in Anchorage. As discussed in the Report Conclusions section, in the first few months of FY 99, DFYS expanded the use of workload adjusting in the Anchorage intake units.

In addition to investigating fewer reports, caseworkers in the permanency planning unit also report that they are consistently unable to meet contact standards for children in state custody. As of November 1998, the State had custody of more children than at any point over the last 12 months. Though the division's child protective services manual nearly always requires at least one face-to-face contact every three months with each child in state custody, some workers carry caseloads that include 70 to 80 children and admit that they have not seen some of the children under their supervision in more than nine months.

The Division of Legislative Audit's current position on prior recommendations: DFYS has investigated fewer reports of harm in the first four months of FY 99 even with an increase in funding for social worker positions. When this is considered along with the increase in Child-in-Need-of-Aid (CINA) petitions we are concerned that the agency is still not able to consistently meet its various statutory mandates and casework policy requirements.

The expanded use of workload adjusting in Anchorage seems to be more of a reactive, perhaps short-term measure, rather than part of an overall strategy to efficiently and effectively address reports of abuse and neglect. Additionally, when considering workload adjust policy, we believe DFYS should be mindful of public policy pronouncements of "zero tolerance" and be sure that whatever policy is adopted can be reconciled to such stated policy. While workload adjusting has merit, we continue to believe it should be coupled with a valid workload measurement device (see discussion under Prior Audit Recommendation Nos. 5 and 8).

DFYS made reasonable efforts to hire for the newly authorized positions in a timely manner. Accordingly, most of the positions authorized in July were filled before October. However,

promotional and transfer opportunities provided by these positions may have temporarily reduced the agency's ability to respond to reports of harm, as staff turnover increased significantly. We recognize that as the new positions were only authorized in July and most new personnel have been employed with the agency for a maximum of two or three months, it is still very early to attempt to evaluate the effect of the new hires on casework statistics. In light of the division's apparent reduced capacity to respond to reports of harm however, we believe DFYS, in making future hiring and promotion decisions, should evaluate the overall effect such decisions will have on the division's ability to respond to ROHs.

### Prior Recommendation No. 3

The legislature should consider amending relevant child protection statutes in order to provide a basis for better and more consistent casework.

Our previous review recommended the legislature consider amending child protection statutes to provide a basis for better and more consistent casework. In that recommendation we noted two areas where court interpretations of the current statute had weakened the statute significantly. Additionally, the Kempe Children's Center, a nationally recognized organization in the child protection field, commented that Alaska Statutes were among the weakest child protection statutes in the country.

Current status of prior recommendation: An amended child protective services (CPS) statute became effective on September 14, 1998. The new statute changes some of the requirements for finding a child in need of aid and provides timelines under which social workers should consider terminating parental rights. At this early date, the new statute appears to have had only a minimal impact on actual casework. Some social workers report they have prepared amended CINA petitions for children in state custody and sometimes draft new petitions to include criteria under both the new and old law.

We noted two provisions of the prior statute in our last review that were particularly weak: one for abandonment and one for neglect. For a child to be found in need of aid before the change in statute, the child had to be "...*habitually absent from home or refusing to accept available care, or having no parent, guardian, custodian, or relative caring or willing to provide care.*"

Under the prior statute, the ability to provide care was not examined nor was inability to care for a child a factor in determining if a child warranted a CINA determination. This weakness appears to be remedied by new statutory language that defines abandonment as "...*a conscious disregard of parental responsibilities toward the child by failing to provide reasonable support, maintain regular contact, or provide normal supervision, considering the child's age and need for care by an adult.*" The improved specificity of the statute for a CINA determination will potentially allow for earlier intervention from DFYS through better identification of parental behaviors that constitute neglect.

The previous statute related to child neglect required the child to have suffered or be at imminent and substantial risk of suffering physical harm before the child could be declared in need of aid. The amended statute allows the court to find neglect if:

*the parent, guardian, or custodian fails to provide the child adequate food, clothing, shelter, education, medical attention, or other care and control necessary for the child's physical and mental development, though financially able to do so or offered financial or other reasonable means to do so.*

In part, the Knowles administration proposed statutory changes to promote compliance with the requirements of new federal laws. Under the federal Adoption and Safe Families Act of 1997, states must file a petition to terminate parental rights and concurrently, identify, recruit, process, and approve a qualified adoptive family on behalf of any child, regardless of age, that has been in foster care for 15 out of the most recent 22 months. Though there are some specific exceptions to this requirement, the amended state law also discusses termination of parental rights for children in custody for 15 of the last 22 months.

At the inception of the federal law in November 1997, DFYS had identified more than 600 children that had been in custody for more than 15 of the most recent 22 months. Since that time, the list has been updated to reflect changes in each child's status. The latest estimate is that just over 300 children remain in this long-term out-of-home-status. In addition to the children on the transition list when the federal law became effective, more children have been added to the long-term out-of-home-care category over the last 14 months.

One of the changes precipitated by new state and federal laws is concurrent case planning. To be prepared to more rapidly move children into permanent care, social workers must now plan both for the success and the failure of the family in reunification efforts. While encouraging parents to seek treatment and overcome whatever situation caused their children to be removed from the home, social workers must also develop a permanency plan for the child that includes alternatives to returning home. Though northern region offices had been practicing concurrent planning prior to the new legislation, this practice was not as formalized in other regions of the State.

When children cannot be returned to their parents, the most permanent and extreme alternative permanency plan is termination of parental rights. As of the date of this report, no termination of parental rights has been attempted under the new law. The public defender has warned, however, that cases begun under the old law and carried to termination proceedings under the new law will be appealed. In the view of the public defender's office, the attempt by the Department of Law to retroactively apply state laws as they pertain to termination proceedings may be unconstitutional.

At this time, DFYS staff estimates there are only a small number of previous cases that could be brought to termination only under the new law. In part, this is because social workers have been so busy with backlogged cases, that they have not yet had time to identify old cases that could not have gone to termination under the former law.

The agency's compliance with the law requiring earlier permanency plans for children in state custody may be hindered by factors beyond the control of DFYS. Social workers are most concerned about the time limits imposed by the new law because their caseloads do not seem conducive to meeting the timelines. Other agencies are reportedly equally overburdened. The Attorney General's Office is responsible for representing the agency in court whenever termination of parental rights is sought, guardians ad litem are responsible for representing the children, and public defenders are often responsible for representing the rights of the parents. Each of these agencies, however, has expressed concerns about not having the staff to handle a large influx of cases.

In addition to the backlogs in state agencies, private agencies offering treatment programs for substance abusing parents typically have waiting lists for admission. Consequently, children linger in state custody while their parents wait for limited slots in treatment programs. If the parents subsequently fail in one treatment program, the waiting period for both parent and child may begin all over again. The timeline requirements of the new law make each one of these treatment failures even more critical.

In recognition of some of the systematic problems associated with terminating parental rights, DFYS is developing a pilot mediation program to work with families that can not be reunited. One purpose of mediation is to provide the agency and the parents an opportunity to avoid protracted termination hearings while still acting in the best interests of the children involved. DFYS hopes that much less time will be spent in mediation than would be spent in termination hearings.

The Division of Legislative Audit's current position on prior recommendation: In our view, the amendment strengthens the statute by describing parental behaviors that may be considered abandonment or neglect rather than requiring the social worker to determine whether the child is in imminent danger of substantial physical harm. Social workers, however, comment that the new statute seems to have little effect on emergency custody decisions, but pertains more to adjudication hearings.

Though we recognize the value of statutory time limits for children in state custody, we are also aware that there are certain system-wide factors that may impede the agency's compliance with the statute. We encourage DFYS to continue creative efforts to reduce the length of time children spend in non-permanent settings.

#### Prior Recommendation No. 4

The DHSS director of administrative services should ensure expenditures for the retirement incentive program (RIP) are made in accordance with legislative appropriations.

Our previous audit noted that DHSS utilized \$880,000 of authorized DFYS personal services funding to fund other divisions as well as the agency's RIP costs for three years. We have found no large dollar transactions for FY 98 or 99 to suggest that similar funding transfers have been

made in the previous fiscal year or so far in FY 99. Our analysis to date indicates that virtually all personal services funding has been used in payroll related costs.

Prior Recommendation Nos. 5 and 8

5. The director of DFYS should develop and implement a clear and consistent policy regarding when ROHs can be left uninvestigated.
8. The director of DFYS should develop an updated, accurate, and relevant workload measurement model.

In the past, DFYS had a policy of workload adjusting reports of harm based on certain workload measurement criteria. Because the workload measurement model that was used to make these decisions is severely flawed, it was disregarded by agency managers as a method to regulate assigned or workload adjusted cases. Previously, we recommended that DFYS refine or replace the workload measurement model and develop a clear and consistent policy for workload adjusting ROHs.

Current status of prior year recommendation: The issue of the workload measurement model has not been addressed. Additionally, no clear workload adjusting policy has been established. The availability of community resources and each local DFYS office's working relationship with these agencies has been cited as a critical factor that has an impact on workload adjusting ROHs. DFYS has encountered some difficulties with the establishment of a uniform policy on a statewide basis as both types of cases and available resources vary greatly from community to community.

Some of these differences were highlighted by a review of Anchorage workload adjusted ROHs performed by the Mat-Su office manager. Because the Mat-Su office workload adjusts many of the ROHs it receives, the manager was asked by Anchorage managers to review a small sample of ROHs received by the Anchorage office to provide feedback on the Anchorage office's workload adjusting practices compared to those of the Mat-Su office. His review found that most cases he reviewed in Anchorage should not be workload adjusted.

In large part, his assessment was based not so much on the severity of the cases involved, but rather on the lack of suitable alternative community resources in Anchorage. The availability and working relationship with community resources are only one factor limiting the uniformity of workload adjusted reports. Additionally, there are some philosophical differences between managers related to workload adjusting. Some managers reject the idea that workload adjusting will remain a necessity and strive to investigate all CPS related ROHs, while other managers recognize workload adjusting as necessary and prefer not to investigate a case unless there is enough time to do the work adequately.

The Division of Legislative Audit's current position on prior recommendations: Because DFYS finds that it is still unable to investigate each report of harm and the resultant need to allocate available resources responsibly, we continue to recommend that DFYS develop a

usable and reliable workload measurement system. While we understand that community resources vary significantly, we continue to believe that DFYS should strive for more consistency in report prioritization and the resultant assignment of cases.

In addition, any expansion or further implementation of an agency-wide, consistently applied workload adjusting methodology should be coupled with a valid workload measurement device. The expanded use of workload adjusting in Anchorage seems to be more of a reactive, perhaps short-term measure, rather than part of an overall strategy to efficiently and effectively address reports of abuse and neglect.

#### Prior Recommendation No. 6

The director of DFYS should continue efforts to develop an integrated professional development and training program in conjunction with the University of Alaska and pursue Title IV-E funding.

In our prior audit we discussed the need for, and the recent events involving, an ongoing training program for DFYS social workers. As we discussed in the prior recommendation, a well-trained workforce is essential for the effective functioning of a child welfare program. Effective, ongoing training is also a way to combat high turnover rates among DFYS social workers. We noted that DFYS was pursuing federal training funds that were available, and we encouraged the agency to seek the federal funding necessary to upgrade its training program.

Current status of prior recommendation: Previously, we recommended that DFYS develop an integrated professional training program in conjunction with the University of Alaska. The agency has made progress in the development of such training. Since that audit, the agency, in conjunction with the University of Alaska - Anchorage, has begun teaching CORE classes to new social workers and has established an ambitious schedule of more advanced CORE classes. The first of these classes, offered at the beginning of November 1998, received very positive evaluations from the class participants. In addition, a class for new supervisors, generally more tenured social workers, was scheduled for mid-January 1999.

Additionally, DFYS has offered stipends to students currently in the social work bachelor's program and to some current employees seeking master's degrees in social work. The conditions of the stipend are that recipients are committed to work for the agency for at least a year after their education is completed. At this point, the agency has about ten bachelor degree students and four master degree students in the stipend program.

The Division of Legislative Audit's current position on prior recommendation: DFYS has made significant progress in its efforts to establish consistent and well-funded training. We encourage the agency to continue these efforts and to aggressively pursue federal funding sources to maximize and ensure the stability of the agency's training efforts.

Prior Recommendation No. 7

The director of the Division of Family and Youth Services should ensure accurate and timely entry of child protection case information into its management information system.

During our last review, we identified several deficiencies in the agency's case management system, PROBER and recommended that the agency take action to remedy these problems.

Current status of prior recommendation: Among the problems we discussed previously was lack of consistent practice with regard to case closure within the system. As of December 1, 1998 PROBER showed more than 5,000 investigations open longer than 90 days. According to the agency's data analyst, many of these cases reflect data problems rather than actual open investigations.

Additional problems we noted with PROBER were related to specific inconsistencies in how data was recorded. Though a review of statistical data provided by DFYS suggests that some of these problems have been resolved, DFYS supervisors continue to comment that the system is neither user friendly nor totally dependable.

The Division of Legislative Audit's current position on prior recommendation: We continue to recommend that DFYS correct, upgrade, or replace the current case management system.

TONY KNOWLES, GOVERNOR

**DEPT. OF HEALTH AND SOCIAL SERVICES**

OFFICE OF THE COMMISSIONER

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March 8, 1999

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LEGISLATIVE AUDIT

Pat Davidson, Legislative Auditor  
Division of Legislative Audit  
Legislative Budget and Audit Committee  
P.O. Box 113300  
Juneau, Alaska 99811-3300

RE: Legislative Audit Control Number 06-4595-99  
Follow Up Audit on Division of Family and Youth Services (DFYS)

Dear Ms. Davidson:

Thank you for the opportunity to comment on findings of your recent review conducted in follow-up to the audit of the Division of Family and Youth Services (DFYS) released last year.

That report, released April 2, 1998, contained two critical findings: 1) that changes were needed in Alaska's child protection laws; and 2) that without additional staff, DFYS could not meet the mandates of either existing or proposed child protection laws. It was clear that changes were needed in Alaska's laws to allow earlier, more effective intervention to protect children and to speed the process of placing abused children in safe, permanent homes. It was equally clear that DFYS could not improve its ability to carry out these mandates without additional staff.

In responding to that report, I cautioned that the real effects could be measured in a meaningful way only in the long term. Your follow-up review reflects the difficulty and limits of such an early assessment of broad-scale system change. Drawing meaningful conclusions about the impact of new staff is difficult to accomplish while those staff are being hired and trained and while workload continues to fuel staff turnover. Similarly, few meaningful conclusions can be reached by assessing the impact of such a sweeping new law at such an early date.

While I believe it is far too soon to draw definitive conclusions about the many recent changes to Alaska's child protection system, I also understand the keen interest and responsibility you and I have in assessing these changes. With this in mind, a few general comments are appropriate in response to some conclusions emphasized in your report.

**Staffing**

A key finding of your current report is that DFYS remains unable to meet its statutory mandates and casework policy requirements. This finding is, unfortunately, only too predictable. In seeking

achieve "zero tolerance" – a full response to all credible and legitimate reports of harm and the ability to implement appropriate interventions when warranted. The Legislature authorized an even smaller number. It was clear that we would not achieve the "zero tolerance" mandate.

In assessing the impact of new staff, your report focuses primarily on the number of reports of harm investigated. This is certainly a critical measure – if a report is not investigated, children are left at risk and many will be harmed as has been amply demonstrated by those cases discussed publicly and in prior audits. However, the agency must not only investigate reports of harm, but also intervene effectively when necessary and provide services to the child and family to achieve a permanent positive outcome for the child. Doing this does not allow us to focus on a single measure of performance, however important. Focusing solely on increasing the number of investigations conducted would, as your report suggests, have been politically expedient in quickly demonstrating the impact of additional staff. It would not, however, have been responsible in meeting our other statutory obligations to children and families with whom we have intervened.

Auditors noted that the past year has seen an increase in the number of cases resulting in formal intervention and agency custody – something your recent review of DFYS custody decisions indicated was warranted. Because of this, the number of children in agency custody has increased by 400 from January 1998 – January 1999 and is now at an all time high. Responding to cases involving formal intervention, conducting thorough investigations, and implementing appropriate services in these more complex cases requires substantially greater amounts of time than responding to reports of harm where formal intervention is not required. Coping with the workload related to these additional formal intervention cases means less time is available to respond to other reports of harm. Because of this the number of investigations that can be assigned and completed has been reduced. This factor alone precludes precise comparisons of the impact of new staff with staff efforts in prior years.

As your report notes, our concerted efforts have been successful in recruiting and hiring new social work staff and fully utilizing funding for personnel. The new positions authorized for FY 99 were established in July, far in advance of normal timelines, and largely filled by September. However, again following prior recommendations of auditors, we have been careful not to overwhelm new staff by assigning full and complex caseloads before they are trained and experienced. New staff cannot be expected to carry full caseloads and function at the journey level for approximately six months after being hired. This prudent and necessary practice also contributes to reductions in the number of investigations that can be conducted.

We agree that the impact of turnover in existing positions has also affected overall agency capacity. When experienced staff are lost, there is inevitably a reduction in work capacity while new staff are recruited, hired, trained and gain experience. As noted in your report, the division has been experiencing an "high personnel turnover" in social work positions in some offices or units. While there has been some predictable impact from promotions associated with the five new supervisory and other new social worker positions, the primary impact of turnover has been loss of experienced staff to other employment opportunities, something not controllable by agency

managers. This has occurred primarily in the intake and investigation units of the two largest offices where the workload continues to be greatest and where there is greater competition with private organizations for qualified staff. These units experienced almost a complete turnover. High and stressful caseloads led most of these workers to leave the agency while some transferred to other units.

Improved administrative action made it possible to assign and investigate more reports of harm in FY 98 than in FY 97. In FY 98, the division assigned 1,400 more reports of harm than were assigned the previous year, a fact that is not mentioned in the narrative of your report. (Furthermore, the fact that the agency assigned a record number of cases in FY 98 should be taken into account when drawing comparisons to the current fiscal year.)

The division was able to respond to an increased number of cases in FY 98 by better utilizing existing positions and aggressively assigning investigations. However, this accomplishment came at a cost – we lost many experienced staff.

We know from experience and from responses to surveys of staff that the two best ways to deal with turnover are to improve training and reduce workloads to manageable levels. The results of two job satisfaction surveys recently conducted by DFYS – one of current social workers and another of social workers who left the agency during the past six months – clearly explain these important factors affecting turnover. Over 60 percent of the workers responding to the survey indicated that their workload is unmanageable. Lack of sufficient and specialized training also contributes greatly to stress and turnover.

The need for training is being addressed directly through orientation and “core” training of all new workers at the Family Services Training Academy developed in partnership with the University of Alaska. The Academy has begun a full schedule of social worker training and all new social workers have been attending training sessions. Though the training reduces the initial capacity of newly authorized staff, they will ultimately be better prepared to perform work at a higher level.

We remain concerned about staff turnover and vacancy rates for obvious reasons. Staff vacancies are tracked weekly, hiring managers have been directed to fill all social worker vacancies as quickly as possible, and with the assistance of special initiatives the division has lowered the vacancy rate significantly. We anticipate increases in the level of response to reports of harm throughout this fiscal year as new staff complete training and gain experience. Our most recent data, unavailable at the time auditors completed their report, indicates that we are, in fact, beginning to realize the benefit of the new positions as the real work capacity of new staff reaches journey level. The overall response to reports of harm is beginning to reflect that increased capacity.

What seems clear is that, although the Legislature approved 28 of the 30-40 new positions recommended by auditors last year, these positions alone cannot reduce caseloads to manageable levels or enable the agency to fully meet its statutory obligations. We cannot resolve the overall workload problem, which may be the most significant factor affecting staff turnover, without

increased staffing to bring down caseloads. We have developed a model to project staffing needs to achieve "zero tolerance" by moving toward national caseload standards over a several year period. We have based our request for an additional 26 positions in the Governor's FY 00 budget on the basis of that model.

### Child Protection Law Changes

Changes in Alaska's child protection laws passed by the last Legislature strengthen protection for children by: 1) making the health and safety of children paramount in child protection decisions; 2) establishing clear timelines requiring prompt action by agencies, courts, and parents in resolving child protection matters; and 3) establishing greater accountability for agencies and parents to act in the best interests of children. The new law also provides improved guidance by better defining actions and circumstances that constitute child abuse and neglect. Finally, the new law does much to promote coordination and teamwork on behalf of children and families.

We believe, as we think you do, that a true assessment of the impacts of our new law can only be accomplished over the long term, certainly not within a few months of its effective date. However, recognizing the constraints inherent in assessing the impact at this early date, we believe several notable changes have occurred.

First, massive efforts were made by all agencies involved in the child protection system to train staff in preparation for implementing the law. From June through September, all DFYS social workers and staff from partner agencies attended training sessions at more than 15 different training locations throughout the state. DFYS' Child Protection Services Manual was also rewritten to reflect changes required by the new law.

Second, our courts are enforcing the new 120-day timelines for adjudication in child in need of aid (CINA) cases. This means that children taken into state custody are no longer routinely experiencing lengthy delays before critical decisions are made and parents are prompted to address the issues that place children at risk. Judges must consider the effects of delays on the children and the result has been strict limits on delays. Earlier adjudications are prompting quicker action on permanent plans for children – permanency hearings are being scheduled at the time of adjudication. This increases the demands on all parts of the child protection system, but may ultimately prove beneficial once existing case backlogs are resolved.

Third, foster parents and relatives are attending court hearings. Judges hear first-hand from caretakers who are with the children every day and this assists them in making decisions that are in the best interests of the children.

Fourth, actions have been filed in some cases that would not have been possible under the old law – CINA adjudication and termination actions not possible under the old law are now proceeding to resolution.

Another important result of Alaska's new law and the federal Adoption and Safe Families Act is the enormous effort to move a backlog of longstanding cases to permanency while simultaneously adhering to the new deadlines for action imposed by HB 375. Alaska has 631 children who must be moved to permanency within 18 months of the date the federal law was enacted (November 19, 1997.) High caseloads for DFYS and our partner agencies has and will impede our ability to accomplish this as well as meet the requirements as additional children reach this threshold. The full impact of the new law will not be realized until no backlog of cases exists and certainly cannot be measured within four months of its effective date.

To meet its responsibilities, DFYS has begun training of social work staff to implement concurrent planning, which is specifically authorized under our new law. Concurrent planning provides for family support services to strengthen or treat the conditions that led to the child being removed while simultaneously developing an alternative plan, in case it is needed.

Together with the Alaska Court System, Office of Public Advocacy, Public Defender Agency, and the Department of Law, DFYS is also working to develop voluntary mediation services to assist in resolving some of the longstanding cases. Obviously, it is too early to assess even the short-term impact of this effort, as it is with the new law.

#### Workload Adjusting and Workload Measurement

The issue of workload measurement model has, in essence, been resolved. DFYS replaced the workload accounting system of the 1980s by adopting the Child Welfare League of America recommended caseload standards to measure workload. Like many other states, the division has elected to use the CWLA recommended caseload standards to measure workload and to plan, organize, and administer services, and as goals for continuing improvement of services. The ratios of client to staff offer guidance based upon the study and consensus of national experts determining what constitutes best practice. The standards, simplified, are below.

Child Welfare League of America's  
Recommended Caseload/Workload Standards

Intake Investigation	12 active cases per month, per 1 social worker
On-going Cases	17 active families per 1 social worker, and no more than 1 new case assigned for every 6 open cases
Family Foster Care	12-15 children per 1 social worker
Combined Investigation and On-going	10 active on-going cases and 4 active investigations per 1 social worker
Supervision	1 supervisor per 5 social workers

Pat Davidson  
March 8, 1999  
Page 6

We agree that a new policy based on the CWLA caseload standard is needed to guide managers in different offices and circumstances to appropriately allocate limited staff resources and best protect children. Risk assessment must remain a central element of this policy as it is in all aspects of child protection casework. Clearly, expertise from outside DFYS will be necessary to develop a new risk-based system for prioritizing reports of harm and appropriately allocating staff time to achieve the best outcomes. We have been unable to seek the necessary assistance of national experts this fiscal year because of insufficient funds. Basic program operating costs such as office leases and client-related travel must take priority over even important program development this year. We had to postpone this purposely but hope to proceed with this project next fiscal year.

### **Staff Training**

We have, as your report notes made substantial progress in developing an integrated training and professional development program in partnership with the University of Alaska. We are continuing to aggressively pursue federal funding to extend this program.

### **Management Information**

We concur with your recommendation that DFYS correct, upgrade, and ultimately replace the current management information system. We are pursuing improvements through all these approaches – training staff and changing processes to improve data quality in the existing system, upgrading to wide area network connections to maintain functionality in the face of technology obsolescence. The bottom line, we need approximately \$7 million to completely replace the system with improved technology. All these actions are necessary to assure vital information is available to support daily casework activities and to support effective management and policy decisions.

Much has been done to change Alaska's child protection system since the release of your audit report last April. While it is far too early to draw definitive conclusions about the full impact of these changes, it seems clear that legislative action taken last year has improved protections for Alaska's children. Much remains to be done in the future.

I appreciate your efforts and those of your staff to objectively review these critical issues.

Sincerely,



Karen Perdue  
Commissioner

# ALASKA STATE LEGISLATURE

## LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



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March 9, 1999

Members of the Legislative Budget  
and Audit Committee:

We have reviewed the response of the Department of Health and Social Services to our audit report. We have the following comments regarding the department's discussion regarding how we assessed the impact of new social worker positions on agency performance.

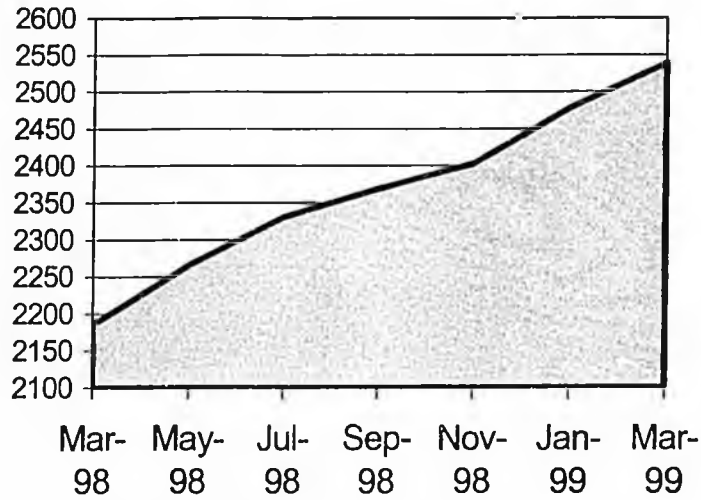
The department notes that our report focuses primarily on the number of reports of harm (ROH) investigated by the Division of Family and Youth Services (DFYS). The department also states that there are other important aspects of child protection which DFYS must focus on, possibly at the expense of ROH investigation statistics.

We agree that investigation statistics alone, while significant, do not completely reflect the full scope of DFYS child protection responsibilities. We would encourage the agency to identify and report on additional performance measures that reflect other qualitative aspects of child protection. These measures would enhance an evaluation of the agency's operations.

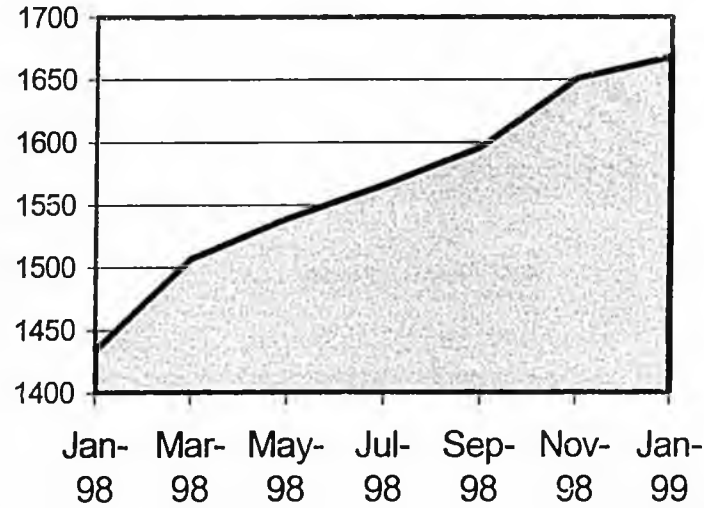
A handwritten signature in cursive script that reads "Pat Davidson".

Pat Davidson, CPA  
Legislative Auditor

**Children in State Custody**  
Under Child Protection Law



**Number of Families Receiving Ongoing Services**



**Reports of Harm**

Percentage Assigned for Investigation

