

February 21, 1997

Representative Lloyd Frandsen, House Chairman  
Senator Nathan Tanner, Senate Chairman  
Members of the Human Services Interim Study Committee  
State Capitol Building  
Salt Lake City, UT 84114

**Subject: Bureau of Services Review (Report #95-07)**

Dear Legislators:

We have completed our review of the Bureau of Services Review (BSR) within the Department of Human Services. We found that BSR is doing a good job of monitoring Division of Family Services (DFS) compliance with the legal and procedural requirements of the state's child welfare system. However, the BSR is not specifically reporting on how well the system is protecting children from abuse or neglect and preserving families.

The BSR was created to give the Legislature, department and division management, and the public needed information about how successfully children are protected, families are preserved and permanency is established. While the BSR has done a good job of checking for specific, procedural compliance with legal and other requirements, BSR reviewers do not reach an overall conclusion on each individual case about whether the child was protected from abuse or neglect, whether adequate services were provided to preserve the family and whether a permanent home was found for the child in a timely manner. While reporting on compliance technically adheres to the legislative requirements, strict compliance reporting does not give the Legislature and others a direct evaluation of what is most important to the state's child welfare system.

House Bill 265 (1994 General Legislative Session), which is the guiding legislation for the state's child welfare system, requires the Department of Human Services to develop outcome measures in each area of child welfare. Our office reviewed the Division of Family Services' outcome measures and reported our findings in June 1995 (see our Report #95-04). The

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legislation also requires the department to annually review a randomly selected sample of foster and child protective services cases. This letter addresses the BSR's case sampling approach to test compliance with policies and procedures.

The Department of Human Services established the Bureau of Services Review to select a random sample of cases and report on compliance with the legislative requirements, the "settlement agreement" (an agreement signed in court between the Governor and attorneys representing the National Youth Law Center), and DFS policy and procedure. Beginning in 1995, the BSR team took a random sample of cases and reviewed each case to determine how well the case complied with the specific procedural requirements. In July 1995, the BSR team reported its findings from reviewing more than 600 cases randomly selected from the state's child welfare system. Their report found considerable progress being made in complying with the requirements and also found areas where significant improvement was needed, primarily in foster care.

House Bill 265 also requires the Legislative Auditor General's Office to sample cases reviewed by the BSR and report to the Human Services Subcommittee by December of each year. Our office randomly selected 58 cases to determine if the BSR case review adequately addressed the legislative and other requirements. We reviewed cases and compared our responses with the BSR team member's responses for each case.

In the following sections of this report we first explain where BSR reviews can be strengthened through reporting on how well the child was protected and the family preserved on each case. We further explain how the reviews can be strengthened through conducting double readings. Finally, we show that the BSR reviews are effective in monitoring for compliance.

## **BSR Reviews Can Be Strengthened**

The BSR reviews can become more useful to the Legislature, DFS management, and the public if the reviewers report their conclusion about whether the child was protected, adequate services were provided to preserve the family and whether a permanent family was provided in a timely manner on each case reviewed. By expanding the reviews to cover these areas, the BSR can show what the worker has or has not done in protecting the child and preserving the family, and can identify specific areas where improvement should occur. In addition, the BSR's review process itself will be more consistent if the BSR conducts a second review of a sample of cases.

## **Expand Reviews to Cover Mission Accomplishment**

The BSR is reporting on compliance, but the reviewers are not reaching an overall conclusion about individual cases. Though House Bill 265 does not specifically require the reviewers to assess mission accomplishment in each case, concluding how well children were protected and families preserved in each case will give the Legislature, DFS management and the public specific information on how well the state's child welfare system accomplishes its intended purpose. Making this conclusion requires the BSR reviewer to consider not only compliance with procedures but it also requires the reviewer to make an evaluation of the professional judgement exercised by the caseworker to accomplish the mission.

Several nationally renowned experts have emphasized the importance of the reviewer concluding how well the child was protected and the family preserved in each case. We contacted two professors, one from the University of Washington and another from Central Michigan University, who are leading researchers in child welfare. We asked for their opinion as to how important it is for researchers conducting case file reviews to evaluate the protection given the child and the adequacy of services given the family. These professors said that without making that evaluation on each case, policy makers do not know how well the system is accomplishing what it was intended to accomplish. In fact, one expert said some child welfare agencies appear more interested in making sure workers adhere to policy requirements on a case than in whether the agency mission was accomplished. Requiring the BSR reviewers to evaluate how well the child was protected and the family preserved will emphasize to case workers that accomplishing the mission is more important than just completing the requirements.

Caseworkers must use their best judgement about how to protect the child and preserve the family. DFS policies and procedures, legislative requirements, and the settlement agreement, all provide guidelines. However, how to implement these guidelines and what action should be taken to protect the child and preserve the family beyond what is explicitly stated in the guidelines depend on the caseworker's professional judgement. This requires the caseworker to consider law, policy, good social work practice and the unique circumstances of the case. For instance, conducting a home visit, completing an assessment of the risk in the home, and interviewing the child are among the steps dictated. However, after completing the required steps, the caseworker must still decide whether to close the case with no services provided, keep the child in the home and provide services, or remove the child. The BSR reviews would be more beneficial if the reviewer would comment, not only on how well the requirements were adhered to, but also on how well the mission was accomplished. Making this assessment encompasses not only compliance with procedures but also requires an evaluation of the professional judgement exercised by the caseworker.

This kind of review has several advantages. First, incorporating within the review an assessment of how well children were protected and families preserved gives a more accurate understanding of whether the system is accomplishing what it was intended to accomplish. Right now, the BSR reviewer scores how well caseworkers comply with the requirements imposed upon them through House Bill 265, the settlement agreement and DFS policies. This score does not necessarily relate to how well the worker protected the child or preserved the family. Second, incorporating within the review an assessment of how well children were protected and families preserved can identify additional areas of improvement. Right now, the BSR reviewers only comment on where the caseworkers need to improve in complying with House Bill 265 and the settlement agreement. These documents cannot cover every situation because each case is unique. By going beyond the settlement agreement and House Bill 265 and asking the more fundamental question of how well the mission was accomplished, the reviewer can potentially identify areas where the system can improve. This provision is not currently in House Bill 265 and the settlement agreement.

Currently the review scores only reflect compliance with procedures. The scores do not always accurately reflect how well the child was protected or a permanent family provided. Without assessing how well the child was protected and a permanent home provided, the review scores are incomplete because the scores do not reflect how quickly the state's child welfare system got a permanent home for the child. For example, one teenager (age 15) in a foster care case was placed in the Weber County Mental Health Residential Sex Offender's Program. The BSR reviewer gave the worker a score of 63 percent, indicating the case was handled poorly because, among other reasons, the BSR reviewer answered "No" to many questions, such as: (1). Was a Child Protection Team (CPT) team used to review the circumstances of the case?; (2). Was a kinship placement reviewed?; and (3). Did he have bi-weekly visits with his siblings? Many of these requirements do not directly relate to this case because the court ordered the youth into DFS custody and into a residential treatment program for his pedophilia. In this case the goals of protecting the child and providing services were met but the low score does not reflect these accomplishments.

**Reviews can Identify Improvements.** In addition, reviewing case files for mission accomplishment can help identify significant areas of improvement. We identified ways that the child could possibly have achieved permanency more quickly which were not directly covered by the requirements. House Bill 265, the settlement agreement and DFS policies and procedures are valuable; however, they cannot cover every situation in child welfare because each case presents a unique set of conditions and problems. Within the parameters provided, the worker must exercise carefully weighed judgement to make sure the child is protected and permanency achieved as soon as possible. If the BSR reviewer assesses the overall actions of the caseworker in accomplishing the mission and not just the actions of the caseworker in adhering to the requirements, the reviewer can identify additional areas of improvement not

covered by House Bill 265, policies and procedures or the settlement agreement. In our review of BSR cases we identified areas of improvement not covered by the BSR review questionnaire. They were not noted by BSR because the reviewers limited themselves to just questions covered in the questionnaire. For example, from the 16 foster care cases reviewed, we identified areas of improvement in three cases. In each of these cases, a permanent home could possibly have been provided more quickly through taking actions which are not directly covered by requirements and so were not dealt with in the BSR questionnaire. We discuss one of these cases in detail below:

In this case an eleven-year-old boy was placed in foster care because his parents were unwilling to care for him. The BSR reviewer gave this case a score of 92 percent, indicating the caseworker followed the vast majority of the requirements of House Bill 265, the settlement agreement, and DFS policies and procedures. However, we are concerned about the child's status. The child is in permanent foster care, meaning DFS is the child's permanent guardian. A more desirable relationship would be for the child to have a permanent family either through adoption or through the foster parents assuming permanent guardianship. When a family adopts or assumes permanent guardianship the child is legally recognized as part of the family, whereas in foster care the child is not legally part of the family but is a ward of the state. Being part of a family is more desirable because a family gives the child emotional and physical stability that are essential in a child's development. In this case the foster parents were not willing to adopt the child but would have taken permanent guardianship if they could have retained the subsidy at its current level. State policy prescribes a lower subsidy for permanent guardianship than for foster care. Consequently, the foster parents declined permanent guardianship, choosing instead to keep the child in foster care. The only reason the more desirable option of permanent guardianship was not chosen was because the subsidy would be reduced. Since guardianship is more desirable than foster care, the BSR reviewer should have noted that the child is not getting the most desirable permanency arrangement and brought this problem to the attention of DFS management. Perhaps this subsidy policy could be modified to benefit this child and potentially other children. Since the BSR review questionnaire only covers compliance with specific procedures and does not address the overall question of how quickly permanency was established for the child, this issue was not addressed by the BSR reviewer. Also, whether changes in this policy could be made or not, the 92 score accurately reflects compliance, but it does not reflect how well a permanent home was achieved. By challenging this policy, perhaps the caseworker could have helped achieve a more permanent home for this child.

Not only does our office believe that reviewing mission accomplishment would benefit the system, management and supervisors likewise believe that reviewing mission accomplishment would help them manage better. Regional directors and supervisors suggested that the BSR

review be expanded to include 'quality' and not just compliance. They indicated that a review that included mission accomplishment would assist them in helping to improve their districts. Further, the BSR reviewers themselves said they want to review cases for mission accomplishment, but because of the controversy surrounding DFS, they are focusing their reviews around just complying with House Bill 265 and the settlement agreement.

Incorporating a review of mission into the BSR questionnaire would require the questionnaire to be revised. The questionnaire would need a section that specifically asks the reviewer to assess whether the caseworker took appropriate steps to protect the child and to provide permanency. The reviewer would also have to assess what additional steps should have been taken, if any, to protect the child and to provide a permanent home. The BSR reviewer would base the answers to these questions on the case-file information, interviews with caseworkers and supervisors, and on the reviewer's knowledge of good social work practices.

Besides assessing how well children are protected and families are preserved, the reviews would be strengthened through incorporating a system of double readings. Double readings would make the reviews more consistent and accurate and therefore more credible with the Legislature, the Division of Family Services and the public.

### **Double Readings Can Improve Reviews**

The consistency and accuracy of reviews can improve through BSR reviewers reading some cases twice and discussing inconsistencies among themselves. This process of reviewing and discussing the same case together would bring consistency in how questions are answered. Currently, each BSR reviewer answers the questions according to his or her own interpretation of what the question is asking in relation to the facts of the case. We found there are differences among reviewers in how they interpret and score information. Developing a system of double readings where a second BSR reviewer also reads some cases would help bring consistency to the review process. A system of double readings is strongly recommended by the national experts referred to earlier in this report. They stated that conducting double readings helps ensure accuracy because reading some cases twice identifies any problems in how information is to be interpreted and scored. Also, how consistently the questions are answered among BSR reviewers is significant because the Legislature, management and the public rely upon the accuracy of the information. Without consistency among the reviewers, the scores cannot be relied upon.

We found several instances where reviewers answered the same questions on different cases with similar circumstances differently. By discussing cases, the reviewers could then agree on how they are going to answer these questions consistently. For example, in one case,

the BSR reviewer answered “Yes” that a support person was offered even though a support person of the child’s choice was not formally offered. The settlement agreement indicates that when a child is interviewed the child is to have a support person of the child’s choosing present. In this case, the support person was the day-care provider but the day care provider was not totally of the child’s choosing. The BSR reviewer said that it is acceptable for the caseworker to modify the procedure in asking for a support person. Rather than allowing the child a support person who is of the child’s choosing, it is acceptable to limit the child’s choice of who can be selected as a support person to someone in the day-care center, provided the support person is not the alleged perpetrator. According to the BSR reviewers, limiting the number of people who can be chosen as support persons allows the case to proceed in a timely manner. In a similar case where a support person was not formally offered, another reviewer answered “Documented Exception.” This reviewer said that he wanted to show that the support person was not totally of the child’s choosing, but he still wanted to give the worker credit for having a support person. He answered “Documented Exception” because he wanted to show that the conditions of the case permitted the caseworker to modify the requirement to offer a support person totally of the child’s choosing. If the BSR reviewers discuss these issues together they can achieve consistency in their scoring.

In several Child Protective Services (CPS) investigations and foster care cases, we found information in the case file that the BSR reviewer did not find and so did not give the caseworker credit for having the document in the case file. For instance, in one case the BSR reviewer said she could not find a particular court document and so did not give the caseworker credit for having this information in the file. However, because the paperwork on this case was very large, the BSR reviewer just missed finding this particular document which we found in our review of the case file. In these cases, double readings would help ensure accuracy because a second reviewer might find documents missed by the original BSR reviewer.

In this section of our report, we conclude that the BSR review could be strengthened by requiring the reviewers to focus on the mission of DFS and by instituting a system of double readings. In the next section, we show that the BSR review is effective in monitoring and reviewing for compliance.

## **BSR Is Effective In Monitoring For Compliance**

We believe the BSR reviews are effective in monitoring for compliance. As previously noted, the questionnaires were created to test DFS caseworkers for compliance with House Bill 265, the settlement agreement, and DFS policies and procedures. The questionnaires are still being revised and over time will be more fully developed. Nevertheless, we conclude that the

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questionnaires at their current level of development are generally effective in assessing compliance. We believe the BSR review is effectively monitoring compliance for the following reasons: first, the questionnaires cover the requirements of the settlement agreement and House Bill 265; second, the reviewers generally interpret the case-file information accurately; third, when the BSR reviewers have found problems, the problems are reported to the regional directors and the regional directors report taking action. The result of our tests and a summary of our methodology are explained below.

### **BSR Questionnaires Cover Requirements**

The BSR questionnaires cover the requirements of House Bill 265 and the settlement agreement. House Bill 265 contains numerous requirements for the worker to take particular steps depending on the circumstances of the case. The settlement agreement contains many similar and related requirements. For example, in CPS investigations, House Bill 265 (U.C.A. 78-3a-304(2)(a) requires the CPS worker to verify that a search of prior referrals on all the children and alleged perpetrators is made. Next, the settlement agreement (Section I(A)(1)) requires that the investigation be initiated within the appropriate time. The BSR team took these two requirements and made them the first two questions in their CPS Investigation questionnaire. All the questions follow in an order to create a checklist for the BSR reviewer to compare to the case. We compared the requirements of House Bill 265 and the settlement agreement with the BSR questionnaires and found that the questionnaires cover the bulk of the requirements.

### **BSR Accurately Applies the Questionnaire to the Case-file Information**

Besides covering the legal requirements, we think the BSR review is generally quite accurate in applying the questionnaires to the case-file information. The BSR questionnaires are written to review Foster Care, CPS Investigation, CPS Intake, and CPS Intake-Unaccepted referrals. We selected a sample of cases from each of these four categories and used the BSR team's questionnaires to review our sample of cases. We then compared our answers with the BSR team's answers and found that only a relatively small percentage of the responses differed. The following figure compares the percent of questions where we agreed with the BSR reviewers for each of the four questionnaires prepared.

**Figure I**  
**BSR's Responses Compared to ULAG (1) Responses**

Type Of Questionnaire	Total Questions(2)	No. Of Questions Where ULAG Disagrees With BSR	Percent
CPS Investigation	363	36	10
CPS Intake	288	14	5
CPS Unaccepted	<u>153</u>	<u>15</u>	<u>10</u>
<b>CPS Subtotal</b>	<b>804</b>	<b>65</b>	<b>8</b>
Foster Care	<u>2,720</u>	<u>242</u>	<u>9</u>
<b>Grand Total</b>	<b>3,524</b>	<b>307</b>	<b>9</b>

(1) Utah Legislative Auditor General's Office  
 (2) This number was calculated by multiplying the total number of cases we reviewed times the total number of questions in the questionnaire.

As noted above, there were a few questions where we disagreed with BSR, but for the most part our responses agreed with BSR's responses. Also, most of our disagreements with BSR's responses are not substantive but are rather relatively minor differences of opinion in scoring the information. As shown above, we disagreed with BSR on 65 out of 804 total questions in CPS Intake, CPS Investigation and Rejected Referrals. Of the 65 questions where we disagreed, we identified only eight questions, representing eight separate cases, where we felt the disagreement was substantive enough to affect the child's protection. For the remaining 57 questions, we felt the disagreements were not significant differences in protecting the child but are differences in how to score the answers. In the following paragraphs we discuss the eight questions where we felt our disagreement with BSR was significant because of the effect on child protection. We then discuss the 57 questions where we felt the disagreements were not significant. We discuss the disagreements as examples of the types of disagreements we had with BSR. We had similar disagreements in foster care but there is not room in this letter to discuss the questions where we disagreed in foster care.

**Few Substantive Disagreements In CPS Were Found.** There were eight CPS questions, representing eight children, where we felt the disagreements were significant because they potentially had a direct effect on child protection. We discuss these eight questions below:

In three questions, we did not feel there was adequate justification to reject the child protection referral. Consequently, referrals were not investigated which should have been, or at least more documentation was needed as to why the referral was rejected. If the referral should have been investigated and was not, children potentially were not protected. In two of the cases, the BSR reviewer felt that the information given over the phone was too sketchy for CPS to investigate the referral. However, we believe that the intake worker should have gotten more information or documented his or her attempts to get additional information. In the third case, the BSR reviewer felt there was sufficient information to reject the referral based on the fact that a visit to the home had been conducted three weeks earlier. However, the information in the log also indicates that the referent is concerned that the alleged perpetrators had been warned of the prior visit to the home, eliminating the element of surprise, and the referent also alleged that the home was currently filthy. We think these allegations warranted another investigation. Based on the documentation in the log, we believe the BSR worker should have said there was not adequate justification to reject these referrals.

In another case, we felt that a home visit should have been conducted whereas the BSR reviewer felt that a home visit was not necessary. In this referral the children could potentially be neglected but without the caseworker conducting a home visit this neglect would not be discovered. The primary concern on this case was that the children were allegedly being sexually abused. Further review of the case shows that the children were all teenagers and the sexual abuse appears to be consensual. However, one of the allegations in this case was physical neglect, which requires a home visit. In our opinion, the BSR worker should have answered "No" that a home visit was not conducted rather than "NA" that a home visit was not required.

In another case we felt the response priority should be higher than was assigned by the intake worker. We believe that the priority on a case where the child was crying all morning should be higher than the Priority III assigned because we believe that this indicates that the child might be in immediate harm.

In the remaining three cases we disagreed with the scoring of whether a support person was offered and whether the risk assessment was complete. We scored the answers on these three questions as "No" and "Partly," indicating that a support person was not offered and indicating that the risk assessment, though completed by the caseworker, did not reflect the seriousness of the situation. The BSR reviewer agreed with our concerns but this disagreement is not reflected in the case scoring because the reviewer answered "Yes" to the questions. Consequently, the BSR reviewer did not comment on the issues raised by these questions. We think, and the BSR reviewer agrees, that these questions are significant and need to be addressed by management because these issues affect child

protection. Without different scoring, these issues will not be brought to DFS management's attention and potentially be resolved.

**Most Disagreements Were not Directly Related to Child Safety.** Most disagreements were not very significant because the disagreements were primarily minor differences in interpreting and scoring the information. On some questions we felt the BSR reviewer could have reflected more accurately the conditions found by choosing a different response. On other questions we responded with an answer that was more specific to the question and on other questions we found that the BSR reviewer just missed information in his or her review. We give examples in the paragraphs below of the types of disagreements but there is not room to discuss all 57 questions where we had a minor disagreement with the BSR reviewer.

For instance, we believe answering "Partly" on some questions more accurately reflects worker actions. On some questions the caseworker completed part of the steps required by the question but not all of them. Responding "Partly" is more representative of what the worker did than answering "Yes" the worker took the steps required by the question, or "No" the worker did not. The current BSR questionnaire only gives the reviewer the option of responding "Yes," "No," "Not Applicable" or "Documented Exception." There is no "Partly" response. The BSR team responds "Yes" when a worker only completes some of the requirements on a particular question. In several instances, the intake worker on a particular referral got most but not all the information required. For example, one question asks for birth dates and identification numbers for all family members. In several cases the mother's birth date was not filled in on the intake report or the client's identification number was left off. We responded "Partly" on these questions because the caseworker included some of the information whereas BSR responded "Yes." These are minor concerns since in our opinion the lack of this information does not significantly affect the investigation.

Another reason we have different responses is because we decided to respond with an answer that we believe is more specific than the BSR team. On CPS Investigation question 23 ("Did the CPS worker make an unannounced home visit with the parents and/or child?"), we answered "Documented Exception" and BSR answered "Yes" on one particular case. In this case, the worker called ahead and made an appointment with the mother to visit her in the evening. Although an unannounced home visit is technically required, the circumstances of this case dictated otherwise. The child had been removed from the home by the police and placed in a shelter. Because the police had removed the child for his violence, it appears that the element of surprise in an unannounced home visit was not needed. BSR answered "Yes" that an unannounced home visit had been made. We answered "Documented Exception" which we believe more accurately reflects the circumstances of the case. "Documented Exception" indicates that the worker was justified in not conducting a surprise home visit even though it is normally required.

On another question, we did not disagree with how information should be interpreted and reported, rather, the BSR reviewer did not find something that was in the case file. As mentioned before, a system of double readings could help avoid these kinds of errors. On this question, CPS Investigation question 19 (“Were the children informed that a support person could be with them during the interview?”), we found a comment on a particular case in the worker’s activity log about offering a support person that the BSR team member missed. Thus our response was “Yes” and BSR responded “No.”

As was the case with CPS, we found that the bulk of our disagreements with the BSR reviewer in foster care were not very significant. For instance, we found that the BSR reviewer missed information in the foster care case files on about 15 questions. Consequently, on these questions we gave the caseworker credit for completing the steps whereas the BSR reviewer did not. We consider these disagreements to be minor since they only affect the scoring given on the case; they do not affect how well the child was protected or the family preserved.

In summary, we agree with the BSR team on the vast majority of questions reviewed. Only a relatively small number of differences exist. These differences are generally accountable as minor perspective or interpretation differences. In the next section we note that BSR staff are notifying state and local DFS management of deficiencies identified in their review and the districts report taking action to resolve identified problems.

### **DFS Management and Regional Directors are Being Informed and Report Taking Action**

BSR staff informs DFS management and regional directors of problems with the system and regional directors report that corrective action is being taken. By completing the reviews, the BSR team identifies problems with the system. The problems are brought to management’s attention through reports to the regional directors. The regional directors report that they take corrective action on the problems reported by BSR.

Regional managers in all the districts report taking action on the deficiencies noted. They said they review the deficiencies noted by the BSR review and then require supervisors and staff to take corrective action. For example, in one region the deficiencies noted by BSR are tracked by region management. When a deficiency occurs repeatedly, this deficiency is reviewed in a staff meeting and, if needed, a training session is held to correct the deficiency. Some of the deficiencies for which follow up has occurred are: necessity for a face-to-face interview within three days; necessity for the caseworkers to notify the Office of Recovery Services after parents have had their parental rights terminated; and the necessity for a multi-disciplinary team to formulate the treatment plan. In addition to reviewing the regional

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managers' reports on how well they are correcting the problems with specific cases, we followed up on a few cases reviewed by BSR and found corrective action being taken. Though not all districts have formally tracked errors over time, all the districts have the supervisor go over the deficiencies with the affected worker and then report back to both the regional director and to the director of DFS.

We hope this letter responds to your concerns about BSR's review process. Please contact us if we can assist you further.

Sincerely,

Wayne L. Welsh  
Auditor General

WLW:CLM/lm

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## Agency Response