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Audit Subcommittee of the Legislative Management Committee

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Senator Mike Dmitrich • Representative Brad King

June 28, 2001

Members of the Human Services Interim Committee
State Capitol Building
Salt Lake City Ut 84114

Subject: A Review of the Bureau of Services Review (Report #99-05)

Dear Legislators:

We have completed our audit of the Bureau of Services Review (BSR) as required by **Utah Code 62A-4a-118**. We continue to emphasize that evaluating child welfare cases for procedural compliance should be part of a broader review of system performance, including outcomes to children and families. In 1995 we made the recommendation that BSR expand its procedural review and specifically assess how well the Division of Child and Family Services (DCFS) was accomplishing its mission of protecting children. BSR implemented that recommendation the following year, but then reverted to only measuring compliance for the 1997 and 1998 monitoring periods. Because measuring for compliance alone provides limited information, we now reiterate the need for a broad review system that directly assesses performance and outcomes. Currently, BSR is developing and implementing a more comprehensive system of reviewing cases which looks promising, and this transition seems to be well accepted by participants in Utah's child welfare system.

BSR has responded to both legislative and court oversight requirements since our 1994 audit of DCFS and the David C. et al. v. Leavitt lawsuit settlement agreement of the same year. After our audit, the 1994 Legislature directed the executive director of the Department of Human Services to annually report whether DCFS is adhering to "state statutes, division policy, and legislative policy" in conducting child welfare casework. The executive director has used BSR to fulfill that legislative requirement and to monitor DCFS's compliance with court-enforced requirements.

Between 1994 and 1998, BSR focused most of its effort on testing DCFS's compliance with the court-monitored settlement agreement. BSR officials told us that they made this decision because of the threat of receivership, by the court, if compliance with the terms of the agreement was not sufficient. BSR even dropped its one-year effort to provide a broader caseworker performance monitoring process that resulted from a recommendation in our 1995 review. Despite our endorsement of that new direction, BSR reverted to only measuring DCFS compliance with the settlement agreement.

This report focuses on whether BSR meets legislative, as opposed to court, defined objectives. As we discussed our preliminary findings with BSR staff, they made it clear to us that meeting the more demanding court-mandated requirements continues to dominate their efforts. Now that the court has rejected the failed settlement agreement and directed the development of a new "milestone plan," BSR has turned its attention to helping DCFS develop and fulfill that plan. The plan calls for a broader review that assesses performance and outcomes. As stated earlier, this is the course of action that we have recommended since 1995. The fact that court directives are driving BSR performance calls into question the utility of our annual review of BSR.

We conducted our review of the latest published BSR report (1998) which only measured procedural compliance. Appendix A shows a historical perspective of BSR and Utah Legislative Auditor General (ULAG) reports. The following points summarize the main findings of our audit:

- ❖ *A broader monitoring system that more accurately assesses caseworker performance and outcomes to families is needed. We describe some special concerns with the intake process which we feel must be addressed. We also discuss BSR's current development and implementation of a more comprehensive—and hopefully effective—review process.*
- ❖ *Results of our audit of BSR's 1998 compliance review indicate that the system can be strengthened. We discuss reasons for differences in scoring and also suggest ways that BSR can improve the compliance review process.*

More Comprehensive Monitoring Is Needed

BSR needs to adopt a more comprehensive monitoring program that more directly evaluates whether DCFS is achieving desired outcomes for children and families. One weakness of BSR's 1998 review was its focus on detailed process compliance based solely on paper files. Broader reviews can provide state policymakers more useful information on the effectiveness of the child welfare system, rather than just on compliance with detailed requirements. We feel an improved review of intake cases is especially needed because some cases have received perfect compliance

scores even though they were incorrectly rejected. BSR officials are aware of the shortcomings of a review that measures compliance only and have told us that they are changing to a more comprehensive, and hopefully effective, review process. BSR reports it has been unable to move beyond compliance monitoring until recently because of the demands of the settlement agreement.

One purpose of BSR reviews is to provide accountability to the Legislature about how effectively Utah's child welfare system is operating. The **Utah Code** requires BSR to select a random sample of child welfare cases for review and report its "findings regarding whether state statutes, division policy, and legislative policy were followed in each sample case." Except for its 1996 report, BSR has limited the scope of its findings to caseworker compliance with detailed process requirements. Although compliance monitoring is important and can provide helpful information, it is quite limited in its ability to accurately and completely reflect system performance. As we first recommended in 1995, BSR reviews need to focus more on the mission of the child welfare system and less on compliance with process requirements.

Broader Reviews Would Be More Outcome Oriented and Can Lead to System Improvements

A broader case review process which evaluates overall caseworker performance and utilizes multiple sources of information can more accurately reflect system effectiveness. We believe BSR can more accurately assess whether Utah's child welfare system is protecting children and preserving families by moving beyond compliance monitoring and more directly evaluating case outcomes. One step BSR should take is to assess the overall quality of casework in each case it reviews, as it did in its 1996 review. In addition, BSR should draw on other sources of information besides paper files (such as interviews with families, case-workers, etc.) when reviewing cases. The results of our case reviews indicate that these steps could provide better information and help identify areas of system improvement.

Compliance Reviews Are Not Sufficient. A high compliance rating should mean the quality of the casework is high as well. However, as we stated in our 1995 report and as we discovered again during this review, the compliance score "does not necessarily relate to how well the worker protected the child or preserved the family." That report referred to statements from leading researchers in the field of child welfare as to the importance of assessing overall quality and system performance. These researchers claim that such an assessment: 1) allows policymakers to more accurately see how effectively the system is working, and 2) communicates to caseworkers that focusing on the mission of the system is more important than just complying with procedures.

In 1997, the monitoring panel that was also established to review the DCFS system elected to conduct a review of the qualitative aspects of casework to supplement their review of compliance. Their report provides some informative background on the origins of a compliance-

based review and the benefits of a qualitative review:

Historically, most efforts at evaluating and monitoring human services such as child welfare made extensive, if not exclusive, use of methods adapted from business and finance. Virtually all of the measurements were quantitative and involved auditing processes: counting activities, checking records and determining if deadlines are met. A focus on quality assurance and continuous quality improvement has begun to find increasing favor, not only in business and industry, but also in health care and human services... . The reason for the rapid ascent of the "quality movement" is simple: it can not only identify problems, it can help solve them. By focusing on the critical outcomes and on the essential system performance to achieve those outcomes, attention begins to shift to questions which provide richer, more useful information.

In addition, the chairperson of the monitoring panel told us that after her experience with detailed compliance reviews and broader qualitative reviews, she feels it is important to focus more on outcome measures and less on system process.

Overall Assessment of Casework Performance Is Needed. The most significant weakness of BSR's compliance monitoring has been its failure to reach an overall conclusion about caseworker performance. BSR has looked at the parts, but not at the whole. The main point of our 1995 audit was that BSR should make an overall case assessment of how well DCFS is accomplishing its mission of protecting children. Doing so would be a helpful addition to compliance reviews because it would: 1) more accurately portray system effectiveness, and 2) help in identifying additional areas of improvement.

The problem with BSR's compliance monitoring instrument is that it asks questions regarding the *documentation* of the fulfillment of individual requirements in a case, but not about the overall *appropriateness* of actions taken. In 1996, BSR corrected this shortcoming by implementing our recommendation to include performance questions regarding the overall effectiveness of DCFS casework. For example, the 1996 review included these broad questions:

- *Was the child protected?*
- *Is the child being appropriately served by the agency?*
- *Were adequate and appropriate services provided or offered to preserve the family?*

BSR reviewers assessed these performance questions using "Excellent," "Good," "Fair," or "Poor" scoring options and also commented on the overall quality of the casework. However, BSR eliminated these performance-based questions from both the 1997 and 1998 monitoring periods to focus exclusively on measuring compliance with the settlement agreement.

Valuable Information Is Available Outside Case Files. Another weakness of BSR's 1998 compliance review process was that it only utilized one source of information: child welfare

case files, however complete or incomplete they were. Basing reviews on other sources of information, such as interviews with parties familiar with a child's case, would provide broader, more insightful information and would help reviewers assess overall caseworker performance. We contacted DCFS supervisors, caseworkers and school personnel on some cases and found they provided important information and additional perspective that helped us reach a better conclusion about the quality of casework.

The monitoring panel reached a similar conclusion to ours. According to the chairperson, reviewers must interview individuals involved in cases to truly understand what happened and to obtain a clearer picture of outcomes for children. She told us the panel sometimes found a wide disparity between what was portrayed in the files and what actually happened to children and families.

Our Case Reviews Show the Need for Broader Monitoring. As we conducted our review, we found that a broader assessment of performance would have provided more useful information on many of the cases about the overall quality of casework. Ultimately, this is important because it can lead to better training of what is expected from caseworkers. For example:

- *A Child Protective Services (CPS) worker closed a case as unable to locate in December and recommended that the case be transferred to another office in the area where the child was reportedly living. Case file documentation indicates that the next action taken on the case wasn't until April when a worker visited the home twice but could not locate the family. E-mail correspondence clearly indicates that a problem occurred with the transfer of this case with this statement: "the case was never forwarded to your office as it should have been." In the 1998 compliance review, there was no way to comment on very questionable casework like this and bring attention to the fact that this child's case was lost somewhere in the system for over three months.*
- *A CPS worker was investigating a case when she discovered a burn on the neck of the youngest child in the family. On her own she opened a separate investigation of this matter and initiated phone calls to several medical providers to describe the boy's condition and receive medical advice. She contacted the family's doctor and arranged for a free visit so the child could be treated. Ultimately, the doctor concluded that the burn was healing fine on its own and the case was closed as unsubstantiated for medical neglect. We concluded that this child was well protected by a very concerned caseworker, yet there is no way to express that conclusion when just measuring procedural compliance. In fact, one of the compliance questions answered by the BSR reviewer indicated that the case was not properly investigated.*

BSR Should Evaluate the Appropriateness of Intake Decisions

BSR needs to pay special attention to monitoring the CPS intake process because it is, by nature, a high-risk area. Intake is the function of receiving allegations from concerned individuals regarding the safety and well-being of children. Each allegation is screened by an intake worker and either accepted for investigation or rejected, if the worker determines that the allegation does not meet the necessary criteria outlined in policy. All cases that are accepted for investigation are assigned a priority level depending on severity of circumstance.

When an intake case is not accepted, the child involved receives no protection from the state. Our review of 1998 cases showed that in some instances, compliance scores did a very poor job of measuring the overall quality of casework. Therefore, we feel it is critical that BSR assess the appropriateness of the decisions made when referrals are not accepted for investigation. We also discovered that one DCFS region had a high percentage of unaccepted referrals that was questionable, raising a particular concern about regional variations in intake practices.

As discussed earlier, we feel BSR needs to reach overall conclusions about caseworker performance. The problem is that the BSR intake compliance instrument asks questions regarding the *documentation* of the steps taken in not accepting the referral, but not specifically about the *appropriateness* of the decision made to not accept the referral. We feel BSR should return to a system similar to what was used in its 1996 review. That year, the BSR reviewer assessed whether the decision to not accept the referral was adequately supported using “Excellent,” “Good,” “Fair,” or “Poor” scoring options, and also included a narrative on the appropriateness of the decision.

Case Reviews Show Need for Overall Evaluation. We were concerned with the intake area because 4 of the 19 referrals we reviewed that were not accepted for investigation (21%) received very high compliance ratings as unaccepted referrals, yet we think they should have been accepted for investigation. BSR agreed with us when we showed them these cases. Two examples of our concern with unaccepted referrals are described below. Both of these cases received 100% compliance ratings by BSR:

- *A concerned neighbor called to report that two children had been sleeping in the shed of an apartment complex in January. The intake worker recorded the following: “I told her that we would not open a case because the shed was heated, and we would not consider that neglect.” We showed BSR reviewers this case and they agreed that a CPS investigation should have been conducted. The director of intake for this region was shocked and agreed that the referral should have been accepted. He did note that this particular intake worker was only employed a short time and was let go because of incompetence. He could not explain why another person signed where he should have signed after reviewing the referral, nor could he recognize or read the signature.*
- *There were three separate referrals made for this child within the same month, none of which were accepted. The first was a phone call from a man concerned about his wife’s*

drug use throughout her pregnancy. According to this man, the doctors said the baby would be born underdeveloped and would probably not survive. The referent was told that a case could not be opened and investigated until the victim was born. The second referral was a phone call also from the husband. He stated that the baby had been born two days earlier and weighed only three pounds. He also said that the baby's test results were negative for all drugs. The intake worker recorded that "the referent was informed that this referral would not be accepted because there are no allegations of abuse or neglect." The third referral was a written notice from law enforcement. The intake worker indicated that the referral could not be accepted until the baby was born, even though the baby was born seven days earlier.

The intake supervisor we spoke with said that the first referral was handled correctly, but she admitted that the casework could have been better in the other two referrals. In our opinion, the baby's low birth weight may well have been linked to the mother's drug use and should have been enough reason to contact the doctors for a medical opinion. The casework on the third referral was clearly not sufficient because, rather than checking for prior referrals which would have shown that the baby had been born seven days earlier, the worker rejected the case assuming the baby was still not born.

We believe BSR must monitor the intake process with an instrument that includes a direct assessment of the correctness of the decision made to not accept the referral. This assessment will involve a subjective judgement by BSR which obviously may vary between reviewers, but it will provide a way to flag cases that are inappropriately rejected, which can then lead to better caseworker training. Another possibility would be a silent monitoring process where BSR reviewers would randomly listen to incoming calls and then assess the intake worker's decision to accept or not accept the referral.

Regional Intake Variations Raise an Additional Concern. We also discovered that one region in particular had a high percentage of unaccepted referrals that was questionable. Of the four intake cases we felt were incorrectly refused, three came from this region (out of eight sampled). Division statistics show that this region also has a higher percentage of unaccepted referrals than the other regions, and several other sources, including an intake supervisor, have expressed concern with this region's intake practices. BSR has also indicated that they would like to conduct a special study of this region's intake practices, which we believe could be very valuable.

We believe these concerns are another reason that BSR should monitor the intake process. Regional policy variations should be an important consideration as BSR samples cases and analyzes results. Doing so can help ensure that intake practices are consistent with division and legislative policy among all regions.

BSR Reports It Is Developing a Broader Case Review System

BSR reports it is developing a more comprehensive case review process which includes a modest compliance measurement component, supplemented with a broad-based assessment of case performance and family outcomes. This review process is a result of the order made by the U.S. district court last September that the settlement agreement, which was previously the driving force behind the monitoring of DCFS, be allowed to expire as planned. The court agreed with DCFS and state officials that the settlement agreement was cumbersome and constraining and referred to it as a “failed agreement...that created a number of unworkable enforcement procedures and measurement systems.” Another weakness of the settlement agreement mentioned by the court was that it was “drafted by attorneys with no particular expertise in child welfare matters.”

In place of the settlement agreement, the court appointed an outside consulting group that specializes in child welfare matters to work with DCFS and BSR in developing a comprehensive corrective action plan. BSR is scaling back the emphasis on compliance measurement to those items deemed most critical and is developing a qualitative review component. Together, the two review instruments will be designed to monitor not only compliance but quality and outcomes as well. While we agree with these concepts, we are concerned that intake cases were not monitored in 1999 and that CPS cases are not included in the planned qualitative review.

Compliance Monitoring Will Be Reduced. Figure I shows the reduction in the number of questions reviewed by case type between 1998 and 1999, and that number will be even lower in the future according to BSR.

Figure I Change in Number of Compliance Items Measured by BSR			
Type of Case Review	Number of Questions on Review Instrument in 1998	Number of Questions on Review Instrument in 1999	Percent Reduction
CPS			
Unaccepted Referral	5	0	100.0%
Unable to Locate	4	4	0.0
General Investigation	43	27	37.0
In-home	27	23	14.8
Foster Care	162	94	41.9
Totals	241	148	38.6%

While we generally agree that the number of compliance questions should be reduced, we do not agree with eliminating the monitoring of intake. BSR did not monitor unaccepted referrals in their 1999 compliance review. We disagree with this course of action based on the results of our review of this area and the fact that, by its very nature, intake is a high-risk area. A poor decision at intake allows children to remain without DCFS services and at risk. We think BSR should monitor the intake process including unaccepted referrals.

Qualitative Review Will Be Added. In addition to a scaled back monitoring of compliance, BSR plans to conduct a qualitative review of foster care and in-home cases. The qualitative review instrument will attempt to measure both child and family progress as well as overall system performance. The review will be designed to gauge the quality of services provided to children and families primarily through interviewing the key participants in each case such as children, caseworkers, natural parents, foster parents, and service providers. While the qualitative review of foster care and in-home cases is promising, we are concerned that CPS cases are not included in the planned reviews. As previously discussed, we feel an overall assessment of the quality of all types of cases, including CPS, is needed.

BSR recently completed a pilot test of the quality measurement instrument by reviewing 24 cases in three different offices. BSR staff stated that, overall, the instrument works well and provides valuable information. They added, however, that the method of numerically rating the results of each case still needs improvement. The plan is that BSR and the consulting group will formally begin the qualitative case review later this year and review several cases in each of the seven DCFS regions. The consultant will continue to be involved until each region meets a pre-determined performance level for two years. While not yet agreed upon, the performance standard will most likely require that between 70 and 85 percent of all cases reviewed in each region receive a score in an acceptable range.

Although we were not able to test this expanded review system and we have some concerns, this new direction looks promising. The next section of the report discusses the results of our audit of BSR's 1998 review and what can be done to improve the compliance review process.

Compliance Review Process Can Be Strengthened

Like our prior two audits, our current review shows that BSR is generally accurate in rating DCFS compliance with procedural requirements and policy. In this report our disagreement rate with BSR is somewhat higher and results from a variety of factors, which are discussed in this section. We also suggest ways we feel BSR can improve the compliance review system. BSR agrees that the 1998 compliance review had shortcomings and they report that they are addressing ways to make future reviews more effective.

Results of Compliance Review Are Generally Consistent with Past Audits

The results of our review of BSR are generally consistent with our prior two audits although the disagreement rate is somewhat higher. The methodology we used also remained generally consistent with past reviews. Some minor variations were necessary because of changes in BSR's policies and practices. We disagreed with BSR scoring on certain questions, and a few of those disagreements are potentially significant because they may affect child safety or well-being. We also found that BSR appears to be unbiased in their review of DCFS casework.

Methodology Is Generally Consistent with Prior Audits. We selected a random sub-sample of the cases BSR reviewed for its 1998 monitoring period. We chose to limit our review to analyzing the most significant requirements of the process because we feel the emphasis on measuring compliance needs to be reduced to the most crucial items.

All case files were read and scored blindly, meaning that we were not aware of how the original BSR reviewer had scored each requirement. All disagreements were first discussed as an audit team. We then discussed each disagreement with one of the three permanent BSR

reviewers. In some instances, a second BSR reviewer and/or member of BSR management was also consulted. The purpose of consulting with BSR was to thoroughly understand the reasons and causes of the disagreements.

Disagreement Rate Is Somewhat Higher Than in Past Audits. We disagreed with the scoring on 12% of the compliance items in our sample of BSR's 1998 review. This rate is somewhat higher than what we found in our audits of 1995 (9%) and 1996 (7%) for reasons mentioned later in this section. However, like our prior audits, most of our disagreements are not significant in terms of child safety or well-being.

BSR contracted with a research consulting group to randomly select a statistically valid sample of more than 2,000 cases for the 1998 review. Cases were selected in the categories of unaccepted referrals, unable to locate, general investigations, in-home services, and foster care. BSR readers then reviewed the case files to assess how well DCFS caseworkers complied with the requirements of the settlement agreement, legislation, and division policy.

Figure II shows the results of our review in terms of disagreements with BSR scoring by case type and in total.

Figure II
ULAG Evaluation of a Sample of
BSR's 1998 Compliance Review

Type of Case Review	Number of Questions Reviewed	Number of Disagreements with BSR Scoring	Percent of Disagreement
CPS			
Unaccepted Referral	86	8	9.3%
Unable to Locate	60	12	20.0
General Investigation	224	26	11.6
In-home	74	8	10.8
Foster Care	227	28	12.3
Totals	671	82	12.2%

Some Disagreements Are Potentially Significant. Most of the disagreements we had with BSR scoring are not significant in terms of child safety or well-being. However, in our judgement a few of the disagreements are potentially significant because they represent a DCFS inaction which: 1) BSR failed to accurately score, and 2) may have kept the child from being adequately protected. We believe these disagreements, even though relatively small in number, are important because they show where BSR reviews do not reflect what may be critical lapses in casework.

Some examples of these potentially significant disagreements are described below:

- An allegation of physical abuse was closed as unfounded without interviewing important witnesses named on the intake sheet. The BSR reader indicated that the CPS worker's decision to close the case was based on facts known at the time, namely, that she found no marks or bruises on the children when she visited the family. However, we felt further investigation was warranted before the case could have been safely closed as unfounded. The intake sheet identified an ex-boyfriend (including phone number) and neighbors who were willing to testify that the mother was physically abusive of her children, and an emergency room physician who had previously reported the mother due to "suspicious bruising on the children." Our disagreement with BSR is potentially significant because we feel the investigation was not thorough enough to conclude that the children had not*

been physically abused.

- *We disagreed with the BSR reader on whether the worker had visited four siblings within two days of their placement in shelter care as required by policy. BSR answered “Yes,” counting the initial drop off of the children to the shelter as a visit. We answered “No” because the visit must occur after the children are placed in shelter since the visit is for the express purpose of determining their adjustment to the new placement. The logs indicated that the children were very upset by their removal from the home, yet the first documented visit was not until eight days after placement. This disagreement is potentially significant because of the young ages of the children, and because being removed from their home appeared to be emotionally traumatic for the children.*

BSR Appears Unbiased in Their Assessment of DCFS. We found no overall pattern or evidence suggesting that BSR is too lenient in evaluating DCFS casework. We believe this because our scoring disagreements with BSR on an individual question basis were sometimes in the favor of DCFS, and the overall compliance ratings were similar. (BSR’s compliance rating was 80.7% and ULAG’s compliance rating was 78.5%.)

We also found that the use of the “Documented Exception” scoring option is not excessive and generally does not appear to be a problem. (The “Documented Exception” is used when a caseworker makes a reasonable effort to complete a particular requirement, but is unable to fulfill the requirement for reasons beyond his/her control. In tabulating compliance ratings, the “Documented Exception” option is scored the same as a “Yes.”) The monitoring panel that was also created to measure DCFS compliance has been critical of the “Documented Exception” option because they believe it values caseworker effort more than the actual delivery of services to children and families. They also believe the option may mask problems that could and should be addressed at the system level. In addition, we noted in our 1996 audit that BSR readers were not using the scoring option consistently and that clearer instructions were needed.

In this review, however, we did not find that the “Documented Exception” option was used too frequently or inconsistently by BSR. This scoring option was used by BSR to answer only 5.4% of all questions in our review, while ULAG used it to answer 4.7% of the questions. Therefore, their use does not appear to be a way of inflating compliance numbers. In addition, BSR conducts special studies of requirements that are frequently scored with the “Documented Exception” option to understand the causes. In particular, they studied the issue of missed priority time frames in CPS investigations and issued a report addressing the reasons that caseworkers are not able to see children within assigned time frames. Our contact with

DCFS regional directors indicates that BSR feedback has been helpful in addressing issues among staff and providing better caseworker training.

Several Factors Account for Scoring Differences

Scoring differences occur for many reasons, and to some extent these disagreements are difficult to avoid due to the subjective nature of the review process. However, some of the discrepancy can and should be minimized with a more careful case review process by BSR. We categorized our disagreements into the following three areas:

- **Many Disagreements Result from BSR Reader Errors**

More than one half of our disagreements with BSR scoring appear to be the result of some type of BSR reader error; either BSR missed documentation in the case file that indicated DCFS compliance or non-compliance with the requirement, or the reader misunderstood the manual and did not answer according to its instructions. In 1998, BSR reviewed 2,035 case files while in 1995 and 1996 it reviewed less than 700 cases each year. In our opinion, the primary cause of reader errors is that BSR reviews so many cases in a short time period.

- **Review Process Is Inherently Subjective**

Many of the scoring disagreements we had with BSR are simply differences in judgement and interpretation between readers. In these instances, reviewers give two different answers, but both may have some merit. These disagreements are to some degree inevitable due to the subjective nature of trying to quantify what are often very qualitative concepts. On a few occasions the permanent BSR readers even gave us different answers when we discussed scoring disagreements with them.

We feel that it would be very difficult to eliminate all scoring differences because of the subjective nature of child welfare case reviews. However, continued refinements to the BSR reader instruction manual and to the type of questions used in measuring compliance may help to reduce some of this subjectivity.

- **Some Disagreements Relate to BSR Policy**

A few of our disagreements are related specifically to how BSR chooses to answer certain questions. In these instances, the BSR reader answered correctly according to the instructions in the manual. However, we did not agree with the logic used in the manual and therefore chose what we thought was a more appropriate answer.

For example, if an essential requirement is not completed by a caseworker, BSR

considers the subsequent requirements which relate to that question as being not applicable. One CPS question asks if the worker *gathered* information essential to the child's safety and well-being within 24 hours of placement in shelter care. Both BSR and ULAG answered this question "No" on one particular case because it was not done. The next question asks if the worker *gave* that information to the shelter care provider. BSR answered "Not Applicable" so as not to penalize the worker twice for such closely related requirements. ULAG, however, answered this question "No" because the requirement was not completed.

Our concern in situations like this is that BSR's scoring allows two "Yes" answers if both requirements are met, but only one "No" answer if neither requirement is met. We believe each question should be answered on its own merits as long as it is listed as a separate requirement. We also believe this to be an inappropriate use of the "Not Applicable" scoring option. Requirements that *do apply* to a case and are expected to be done should not be scored "Not Applicable" simply because they were not completed. These closely related questions should be combined when possible into a single question, and BSR staff have indicated that this is being done to resolve this scoring concern in future reviews. Otherwise, we believe each question should be answered separately and on its own merits.

Another factor that may also affect scoring differences is the possibility that documentation could have been added or removed from the case files between the time of BSR's review and our review. However, we understood this was a possibility before we began our reviews and that it likely only pertained to foster care cases. We were, therefore, careful to check dates on documents when reviewing case files and we believe that added or removed documentation had very little, if any, effect on the number of disagreements we had with BSR scoring.

Improvements to the Compliance Review Process Are Possible

Reviewing cases for procedural compliance can be more beneficial if improvements are made to the process. Additional attention in the following areas will produce a more efficient system:

- **Focus on Accuracy Rather Than on Number of Cases Reviewed** - As mentioned earlier, many of the disagreements we had with BSR scoring resulted from reader errors. BSR reviewed over 2,000 cases in 1998 with limited time and staff and indicated that reading so many cases does not allow them to spend much time on each case. State statute requires BSR to take a statistically significant sample of cases, but we believe BSR has flexibility in choosing the number of cases actually sampled. A smaller sample size would provide additional time for staff to more thoroughly review each case. We believe that greater priority should be given to the accuracy of compliance reviews rather than on the number of cases reviewed.

- **Continue to Refine and Reduce the Number of Questions Reviewed** - The number of items reviewed for compliance should be limited to the most significant aspects of casework that lend themselves to compliance reviews. Questions that attempt to measure broad, qualitative concepts are better dealt with as either part of a quality review or specifically as performance-based questions.
- **Continue to Refine the BSR Manual** - In the course of our audit, we observed that BSR was refining their reader instruction manual to clear up confusion as to how certain questions should be answered. We think this is a necessary and beneficial process because it provides better reader training and can help minimize scoring differences. Refining the manual may also prevent overuse of the “Not Applicable” scoring option.
- **Continue to Formalize the Double-reading Process** - In our 1995 report, we recommended that BSR develop a process of double-reading cases to promote greater accuracy and consistency. That recommendation was implemented, but the process appears to have been very informal for the 1998 review, and there is no documentation showing if or how double-reading cases improved the accuracy of reviews. We believe a more formalized double-reading process can help reduce the number of reader errors and also identify those questions that tend to be answered most inconsistently so they can be refined. Currently, BSR is developing a double-reading process that appears to be much improved because the data are being recorded and analyzed, and the information is reportedly being used to make system improvements.

Recommendations:

1. We recommend that BSR include an overall assessment of the quality of work done and decisions made on each case it reviews for compliance.
2. We recommend that BSR monitor the CPS intake process in future reviews and that the review include a judgement of the appropriateness of the decision to accept or reject the referral. The BSR review should also include an assessment of the priority assigned to accepted referrals.
3. We recommend that BSR continue the development and implementation of a more comprehensive review process that better measures caseworker performance and outcomes.
4. We recommend that BSR place more emphasis on the accuracy of reviews and less emphasis on the number of cases reviewed.
5. We recommend that BSR continue to reduce the number of items reviewed for

compliance to those deemed most critical.

6. We recommend that BSR use the “Not Applicable” scoring option only on those requirements that do not apply to the case and are not expected to be performed by the caseworker.
7. We recommend that BSR continue refining and formalizing the double-read process so that information is gathered, analyzed, and used to improve the review instrument and to identify ways to improve reader training.

We hope this letter gives you the information you need. A response letter from the Department of Human Services is attached. If you would like additional information or further clarification of any point, please feel free to contact our office.

Sincerely,

Wayne L. Welsh
Auditor General

WLW:MDE/lm

Members of the Human Services Interim Committee
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Appendix A

History of Child Welfare Case Review System

1994

- Findings of ULAG audit of the child welfare system lead to the Child Welfare Reform Act that calls for greater system oversight.
- The state of Utah and the National Center for Youth Law enter into a settlement agreement that details the steps that DCFS must follow in child welfare cases. The agreement is to last four years and contains over 300 requirements.
- Several oversight functions are created including: BSR, a court-appointed monitoring panel, and annual case

1995

- BSR conducts case reviews to monitor DCFS compliance with the settlement agreement, policy, and the Utah Code.
- ULAG audit of BSR's review shows BSR is effective at monitoring for compliance (9% disagreement rate), but notes the limitations of a strict compliance review.
- ULAG recommends BSR also assess cases to determine how well DCFS is accomplishing its mission.

1996

- BSR conducts compliance review and also implements ULAG's recommendation to assess how well DCFS is performing in achieving its mission.
- ULAG again finds BSR to be effective at monitoring for compliance with a 7% disagreement rate.
- ULAG finds BSR's performance review to be effective and recommends some fine tuning.

1997

- BSR eliminates the performance review process to focus exclusively on monitoring for compliance in hopes of satisfying the monitoring panel and the settlement agreement.
- ULAG is excused from conducting audit of BSR.

1998

- BSR again focuses exclusively on compliance measurements with no assessment of casework performance.
- A U.S. District Judge, calling the settlement agreement a "failed agreement," appoints an independent consultant to help DCFS and BSR develop a comprehensive plan that includes broader outcome measurements.

1999

- BSR reviews compliance with a significantly smaller monitoring instrument.
- BSR continues development of qualitative review process which is part of the DCFS milestone plan. The plan is submitted to the court for review and undergoes pilot testing.

AGENCY RESPONSE



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July 6, 1999

Wayne L. Welsh, Auditor General
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Dear Mr. Welsh:

We believe the Legislative Auditors Office (ULAG) has correctly recognized the most significant areas in the Office of Compliance's monitoring and evaluation program. We appreciate their insight and recommendations and we are formulating plans to address the issues raised. In this response we give more information which elaborates and clarifies some points made in the report and identifies what we are doing to respond to the points raised.

The first section of ULAG's report addresses the need for a more outcome-oriented review. Auditors believe BSR should go back to previous audit periods when reviewers not only reviewed for compliance with policy and statute, but also made a limited assessment of case outcomes. As noted in ULAG's report, the reason BSR did not evaluate case outcomes was because BSR focused its efforts on testing compliance with the court monitored Settlement Agreement. With the Settlement Agreement gone, we are in process of implementing what we believe will be a more effective approach than the one previously followed. So far we have reviewed the literature, determined how other states conduct qualitative reviews, conducted extensive discussions with the court-appointed consultant and have completed several pilot tests of the survey tool. When ULAG conducts their next review and evaluates our approach, auditor's insight will likely be very helpful.

However, auditors correctly point-out that our approach does not assess outcomes for the investigation portion of services called CPS. We plan to expand our outcome approach into CPS for the 2000 review. We have already discussed several approaches to study CPS such as random selection from all CPS cases selected for review or targeted review of several categories of high-risk cases. Also, auditors make a good suggestion that we

Formally notify regions of cases with potentially serious deficiencies. We already verbally notify the regions when potentially serious cases are reviewed; however, for the 2000 review we will set specific criteria and notification procedures for these situations.

Also, auditors point-out that intake is a very significant activity which was eliminated in our 1998 review. The reason for intake's exclusion is not explained in the report, however. As a result of a Federal Judge's ruling, the old Settlement Agreement expired. In its place, the Judge ordered the Division and a court-appointed consultant to prepare a plan (called the Milestone Plan) to improve the DCFS system. After this ruling, through a ranking system we reduced the unwieldy number of compliance items reviewed to just those deemed most significant. We asked specialists in child welfare to rank those case processes considered most important. Intake was not as highly ranked as other processes, so was not included in our annual case process review. Further, the court-appointed consultant selected a limited number of case process items that he considered most critical to report to the court; intake was not among the listed items. However, this does not mean we ignored intake. We plan to evaluate intake through an in-depth special study.

Auditors suggest BSR reduce the number of cases reviewed, which would allow reviewers more time to assess outcomes and they assert this reduction will improve accuracy. The Milestone Plan requires DCFS to achieve certain performance levels on selected case processes. To assert whether performance has been achieved on this plan, we believe requires BSR to report results based on a statistically significant number of cases reviewed. In addition, statute requires BSR to annually review a randomly selected, statistically significant sample of foster care and child protective service cases. For both of these reasons, we believe we need to review enough cases in order to be assured of statistical reliability when asserting achievement of a performance target level.

Also, we have taken steps to improve the accuracy of the BSR review, which do not cause the number of cases to fall below statistical tolerances. These steps were incorporated in our 1999 review and the auditors may review them at a later date. We are anxious for their opinion as to whether these steps have indeed improved the review's accuracy. Some of the steps are:

*A 40 percent reduction in the number of items reviewed

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- *A 15 percent reduction in the number of cases reviewed (still allowing the cases to be within statistical tolerances)

- *Increased oversight of the work done by the temporary readers through requiring an experienced reader review all the temporary reader's case reviews for the first week and training on problems found

- *Formalized process of tracking double reads

- *Recording answers to reader questions in a database to provide a consistent response

Finally, we have likewise incorporated a number of steps that we believe will improve the usefulness of the data within the regions. We would also appreciate the auditor's suggestions in these areas. Some of these steps are:

- *Follow-up by region and office on the results of the BSR review. We are analyzing the results of the 1999 review to target case processes with low performance by region and office. The process includes interviewing workers to determine the barriers to low performance and then training supervisors on policy requirements and the problems identified.

- *Regular tracking of caseworker performance. Supervisors review one case per month or quarterly depending on case type using the BSR guidelines and report the results to our office. We incorporate this information into a database and report performance trends to the supervisor.

Thank you for your assistance in these areas.

Sincerely,

Robin Arnold-Williams, D.S.W.
Executive Director
Department of Human Services