

**MINUTES OF THE
CHILD WELFARE LEGISLATIVE OVERSIGHT Panel**
July 14, 2000 -- 9:00 a.m. -- Room 416 State Capitol

Members Present:

Rep. Nora B. Stephens, House Chair
Sen. Gene Davis
Rep. Matt Throckmorton

Members Excused:

Rep. Trisha Beck

Staff Present:

Mr. Mark D. Andrews,
Research Analyst
Ms. Tracey Fredman
Legislative Secretary

Note: A list of others present and a copy of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

1. Call to Order and Approval of Minutes -- Chair Stephens called the meeting to order at 9:05 a.m.

2. DCFS Budget – Thor Nilsen, Legislative Fiscal Analyst, distributed an updated “Review of the DCFS Budget Situation.” Referring to the handout, he gave a brief introduction of the budget of the division since 1994 when the Child Welfare Reform Act (HB 265) was passed, and the David C. lawsuit settlement was signed. Mr. Nilsen explained that since that time, the budget for DCFS has increased by nearly 150%, state funds have grown by 190%, and staff has increased by 85%. Referring to a chart at the end of the handout, he said that major increases and expansion of the budget is over and that no significant budget increases have been made during the past two legislative sessions.

Mr. Nilsen explained that near the end of 1999 DCFS became aware that if things were not corrected the division would end fiscal year 2000 about \$9.9 million over budget. He said that during the 2000 legislative session the problem was discussed in the appropriations subcommittee and there were assurances made that corrective actions were being taken and planned that would prevent the otherwise expected deficit in the year 2000. Mr. Nilsen briefly identified some reasons for the budgetary problems, including inadequate fiscal controls, unexpected case growth, and some funding source reductions, specifically in some federal funding areas.

Mr. Nilsen outlined some of the steps taken by the division to control the FY 2000 budget, as listed in the handout. In particular, he discussed the installation of a department-level fiscal management team. Mr. Nilsen said that this team of top level managers is reviewing and supervising the budgeting and expenditure process in the regions and having good results. He said the preliminary numbers indicate that the division has been successful in balancing fiscal year 2000 that just ended. There are still expenditures coming in and adjustments to be made, but the division has brought the budget under control.

Mr. Nilsen said that the major impact on the FY 2001 budget will likely be the reorganization of the Salt Lake area regional offices from the current tri-region back to a single region, redeploying many administrative personnel into case management and client services. Mr. Nilsen concluded by commenting that this budget crisis has hopefully elevated the fiscal awareness of staff on all levels and significantly improved the fiscal management plans in the regions and the State Office.

Rep. Perry Buckner distributed "Public Hearing Adoption Subsidies Packet from Tuesday, June 13, 2000 meeting." Rep. Buckner explained that following the 2000 Legislative Session, he was contacted by some constituents concerned with the cuts being made to their special needs contracts with their adopted children. He said these cuts were causing severe financial burdens to some of the adoptive families he has met with. Rep. Buckner said that following the hearing he met with Governor Leavitt. He reported that the Governor clearly stated that he wanted the contracts restored and the level of service brought back to where it was to give the legislature time between now and the next session to study and find solutions to the problems which exist. Senator Davis requested to make a statement for the record but was ruled out of order at that time by the chair. Rep. Buckner said that he has asked that a legislative audit be conducted prior to the 2001 legislative session and requested the support of the Panel.

Ms. Becky Oakley, Chair of the Board of Child and Family Services, reported on the adoption subsidies hearing held June 22, 2000. Ms. Oakley said the board heard from 32 families. She said there were in attendance DCFS case workers, therapists, representatives from the Adoption Advisory Council, and others. Ms. Oakley said she hopes the restoration of subsidies goes back more than only a few months. She said the families requested more consistent disclosure up front about available funding for special needs adoption and consistent standards for funding from one region to the next.

Mr. Ken Patterson, Director, DCFS, responded to the fiscal report presented by Mr. Nilsen, saying that it was thorough and accurate. He said that Child Welfare budgets are particularly difficult because of the unpredictable variables that affect the numbers. Mr. Patterson said that about 40% of the Division's money comes from federal funding and is based on eligibility of children for particular programs, principally Title IV-E and Medicaid. He said that updated procedures, together with the data generated from SAFE on a weekly basis, currently provide more sophisticated forecasting than last year.

3. Performance of Child Protective Investigations – Chair Stephens explained that the following reports were being given on the concept of separating the child protection investigation function from other services provided by the Division of Child and Family Services. She said that a draft proposal from the Attorney General's Office was submitted to the Panel this past spring, requesting a task force be created to study this issue. Chair Stephens explained that the Panel has no authority or funding to create a task force. However, she said, there are other things that can

be done. She said the first thing is for the Panel to determine whether the issue deserves further study or not.

Mr. David Carlson, Attorney General's Office, presented a proposal by the Office of the Attorney General to create a committee to study separating from the Division of Child and Family Services the investigation of reports of child abuse and neglect and placing that function within a new division within the Department of Human Services. He said that under the proposal, DCFS would work to preserve and rehabilitate families, and the Division of Child Protective Services would identify and protect child victims of abuse.

Mr. Carlson said that one of the most difficult things in a child welfare case is to diffuse parents' mistrust and anger over the initial DCFS contact when a child is removed from the home and the parents are accused of abusive behavior. He said it is confusing to parents when the same agency later presents itself as advocate for the family. Mr. Carlson explained that separating Child Protective Services investigations from DCFS would help eliminate conflicting messages to parents and the internal confusion among workers as to the agency's mission, it would also increase the professionalism and quality of investigations, thereby minimizing the risk of wrong decisions.

Mr. Carlson recommended the organization of a committee to study the proposal. He said that included on this committee would be representatives from the Legislature, the Department of Human Services, DCFS, law enforcement from both metropolitan and rural areas, the DCFS Board, the Juvenile Court, school districts, social work academicians, the medical community, private child advocacy organizations, the Office of Guardian Ad Litem, parents' defense counsel, private citizens (in particular, former clients of DCFS), the Attorney General's Office, and others.

Mr. Abel Ortiz, Child Welfare Projects Director, DCFS, said that the division has identified many of the concerns raised by the Attorney General's Office. He said that over the past two years the division has made progress in addressing these areas by implementing the Performance Milestone Plan and the Practice Model.

He distributed a packet including a memo to the Panel, "Response to the Attorney General's Proposal for Child Protective Service Investigations," and several charts illustrating "CPS Priority Referral Types," "Percent of CPS Investigations Initiated Within Required Time Frame," "Recidivism Rate for Substantiated Child Victims with a Closed CPS Case," "Substantiated Victims Receiving Ongoing DCFS Services," "Unsubstantiated Children Receiving Ongoing DCFS Services," "Child Maltreatment Fatalities in Utah," and "National Child Abuse and Neglect-Related Fatalities, 1996." Mr. Ortiz briefly discussed the handouts.

Ms. Patty Western, DCFS, explained the goal of her neighborhood team which is to work with the community to provide child welfare services on the community level with children and

families. She said that CPS investigations are not merely about whether an allegation of abuse or neglect has occurred. Ms. Western explained that they also include a continuum of services and assessments, encompassing safety issues, protection of abused and neglected children, and prevention. She discussed the community network of agency professionals within the city of Murray and told of several families who have benefitted from direct involvement of DCFS from investigation through intervention.

Mr. Paul Vincent, Child Welfare Practice and Policy Group, distributed "Delegation of CPS to Law Enforcement." He explained that several years ago lawmakers in the state of Arkansas decided that in the case of very serious child abuse allegations the responsibility of investigation would be delegated to the state police or local law enforcement. Mr. Vincent said the reasons for this change included a backlog of uninvestigated reports, serious concerns about the quality of investigations and the fact that children weren't being kept safe, concerns about accessibility and responsiveness of the hotline for child abuse reporting, and a desire for increased criminal prosecutions. He said the legislature reassigned the hotline responsibility and some staff to the state police. Referring to the handout, Mr. Vincent summarized the results.

Mr. Vincent also talked briefly of the assessment innovation in Iowa which allows a variable response to families based on situation. He said that his group's review did not show significant differences in the quality of investigations or assessments. Mr. Vincent stated that improved training of case workers was a key issue.

Mr. Vincent said that unless attention is given to details, there is no magic in organization. He said those details involve 1) the resource of time required by workers to do what they need to do, 2) the training and skill of workers making critical judgments, and 3) the application of those judgments. Mr. Vincent stated that wherever the responsibility is placed, those decisions must be made by very skilled workers.

Mr. Scott Sorenson, Child Abuse and Neglect Advisory Council (CAN), said that the council has not yet had the opportunity to review the proposal being made by the Attorney General's Office. He agreed that there is a need for better training of case workers and monitoring of field work by management. Mr. Sorenson asked the committee to consider allowing HB 259 to be implemented. .

Ms. Oakley, Chair, said that the Board of Child and Family Services has not yet reviewed the proposal. She said that the issue of young CPS workers is one that needs to be looked at and resolved. Ms. Oakley addressed the subject of training, commenting that solutions to some problems identified in the proposal are already emerging within the division. She also encouraged partnership rather than division in the matter.

Mr. Patterson briefly described some difficulties created in Nevada where CPS investigations were conducted outside the jurisdiction of the central child welfare office. He said that serious coordination and handoff difficulties were created by this process. Mr. Patterson explained that the budgeting process was also affected. He stated that if the organization is continually altered, DCFS will not have the opportunity to become rooted in the Practice Model.

Ms. Robin Arnold-Williams, Executive Director, Department of Human Services, said that the department is not opposed to a review of the current literature and the models of organizational approaches to CPS investigations. She said the decision to study this further should be based on clear goals and expectations. Ms. Arnold-Williams said that all of the human services divisions within her department compete with each other for limited budgetary resources. She said that all reorganization efforts have a cost associated with them.

Ms. Arnold-Williams asked the committee to consider several related issues. These are:

- 1) What are the corresponding implications which would be raised simultaneously on the new Child Protection Division? Ms. Arnold-Williams said there already exist conflicts between attorneys that represent various divisions. Ms. Arnold-Williams agreed that there can be a conflict between the role of coming to the home and taking the child away and the role to reunite children with their families through positive behavior change. But she said there was a question as to whether creating a new division would reduce the problem.
- 2) What would be the implications to the DCFS Board? Ms. Arnold-Williams asked the committee to consider including whether the Board would have statutory authority over both divisions, a new board would be created for the new division, or the DCFS Board would be eliminated altogether.
- 3) If it is determined that creating a new division is in the best interest of CPS investigations, would it be prudent to also consider other regulatory and investigative functions of the department to increase the effectiveness and efficiency of creating a new organizational entity?

The committee asked questions of the presenters.

Chair Stephens said that because there was not a quorum present, no formal action could be taken. She said she can put the issue on a later agenda. Rep. Throckmorton requested a copy of the proposal made by the Attorney General's Office. Chair Stephens requested a written list from Ms. Arnold-Williams of suggested entities that should be involved in some of the issues that need to be talked about.

Ms. Roz McGee, Utah Children, asked the committee to continue to look at several topics, including the recent hiring freeze and employee turnover, concerns of adoptive parents related to post-adoptive support, kinship care and supports, and the impact of recent decisions to "step down" the level of care provided to 184 children in state custody.

5. **Other Business** – Chair Stephens explained that because of time requirements as the new President of the Senate, President Hillyard will no longer be serving on the Panel. Tentatively, the next meeting will be August 11, 2000 at 10:00 a.m.
6. **Adjourn** -- The meeting was adjourned at 12:00 p.m.