

April 28, 1997
ILR 97-B

Representative Beverly Ann Evans
HC65, Box 36
Altamont, UT 84001-9801

Subject: Youth Offenders in Rural Areas

Dear Representative Evans,

As you requested, we have looked into two issues involving the Division of Youth Corrections (DYC). The first issue we addressed was whether or not it is appropriate for DYC to place youth offenders from urban areas into homes in rural areas. Concern was expressed by representatives from school districts, law enforcement, and juvenile court personnel from the Uintah Basin that urban youth bring a negative influence to the rural areas and create problems for the local communities. In the absence of specific information as to what these youth have actually done, we cannot document or determine that any problems exist simply because some youth from the Wasatch Front are placed in Uintah Basin homes. In fact, there seems to be good reasoning for why these placements are made. In addition, our analysis shows there were more DYC youth from the basin that were placed in Wasatch Front homes than youth from the Wasatch Front that were placed in the basin. This is important because it shows the Uintah Basin is not just on the receiving end of youth in state custody.

The second issue we addressed was whether or not DYC properly monitors and enforces its regulations regarding proctor/group home licensing. Concern was expressed that many of these homes are not suitable placements for youth, and that one home in particular in the Uintah Basin was allegedly operated by a convicted felon. Again, we tried to get as much information from concerned parties as we could about which specific placements were inappropriate and why, but we were given little to pursue. From a more general approach, we could not identify a criminal record for any of the proctor/group home operators in the Uintah Basin that we looked at. However, some of the operators are not in compliance with certain contractual requirements, and we believe that DYC needs to monitor their contracts with private providers of youth services to ensure compliance with the requirements specified.

Placement of Youth From Urban to Rural Areas Appears to be a Reasonable Practice

The placement of DYC youth from the Wasatch Front to rural areas of the state seems to be a reasonable and appropriate practice. When we did our analysis, there were only two youth from the Wasatch Front that had been placed in the Uintah Basin, and in both cases we received a logical explanation from the case managers as to why the placements were made. Also, there is nothing in DYC policy preventing the placement of youth offenders from urban to rural areas, or visa versa. We attempted to get specific information from concerned parties in the Uintah Basin as to the names of the youth causing problems or some of the incidents they had been involved in, but ultimately we were given very little. In the absence of specific information, we cannot document or determine that a problem exists simply because some have been placed in the Uintah Basin from the Wasatch Front. We also looked at children under the care of the Division of Child and Family Services placed in the Uintah Basin from the Wasatch Front, and found reasonable explanations for why these placements were made.

A review of the DYC population at a specific point in time (1/20/97) found only two youth from the Wasatch Front (Weber, Davis, Salt Lake, and Utah counties) that were placed in the Uintah Basin (Duchesne and Uintah counties) in community alternative programs. We contacted the case managers of these two youth and asked why they had been placed in the basin. One was placed in a Duchesne proctor home from Weber county because it was felt he needed to be away from his negative family situation as well as peer influences for a period of time. This placement was only designed to be temporary, and ultimately he was brought back to the Ogden area after 3 months. The second youth was ordered by the court to be placed outside the Davis county region because he had substantial gang involvement and needed to be separated from that influence. He was placed in a proctor home in Vernal because the case manager had previously worked with the provider there and felt confident it would be a positive placement. We reviewed the case files for both of these youth, and neither one was in any trouble with the law or caused any problems in the community while in the Uintah Basin.

According to DYC policy and mission statement, youth are to be placed by their case manager in close proximity to their home—whenever appropriate and possible—to facilitate the standard goal of family reunification. However, other factors such as the type of placement and services needed and court orders also affect the placement decision, and many youth are placed outside of their home county. Our analysis of the DYC population statewide shows that nearly 50% of all youth in custody were placed outside of their home county.

It should also be noted that there were three youth from the Uintah Basin that were placed in the Wasatch Front in community alternative programs (DYC's least restrictive placement), and another five youth from the basin were placed in either observation and assessment centers (more

restrictive) or secure facilities (most restrictive) along the Wasatch Front. Consequently, there were more DYC youth from the Uintah Basin placed in the Wasatch Front than youth from the Wasatch Front placed in the basin.

The Division of Child and Family Services Also Places Children in the Uintah Basin

The Division of Child and Family Services (DCFS) also contracts with private providers for children who have suffered from abuse and neglect to be placed in foster and group homes throughout the state, including the Uintah Basin. As we spoke with parties from the basin, they were concerned about all children in state custody who are placed in the basin whether from DCFS or DYC. In looking at the DCFS population, we found that 11 children were placed in the Uintah Basin from the Wasatch Front as of 1/22/97. As with DYC, DCFS policy does not prevent the placement of a child outside his/her home area, even though placements in close proximity to home are encouraged whenever possible. Consequently, we cannot conclude that a problem exists with these children simply because they have been placed in the basin.

We spoke with some of the DCFS caseworkers of the 11 children to understand how their placements in the Uintah Basin came about. In nearly every case they explained that the child had several previous placements along the Wasatch Front which had not worked out for various reasons. It was felt the child needed to be taken out of his/her environment and placed in a more remote yet structured setting. Six of the 11 DCFS children were placed into a structured group home near Myton for troubled adolescent females, and two other children were placed in a foster home in Roosevelt where they were subsequently adopted.

In addition, while 11 DCFS children were placed from the Wasatch Front into homes in the basin, 16 children were placed from the basin into the Wasatch Front. Thus, there was actually a net outflow of children from the basin into the urban areas.

DYC and DCFS Need to Monitor Provider Compliance with Contract Requirements

Both DYC and DCFS need to make sure that private providers of youth services are in compliance with the requirements specified in their contracts. Although providers have no excuse for not knowing and understanding contract requirements, the divisions should have a system for monitoring compliance. At least one provider in the Uintah Basin is not meeting the training requirements stipulated by contract, and is not submitting criminal background screening (CBS) applications annually for its proctor/foster/group home operators as required by the Office of Licensing and **Utah Code**. We cannot conclude that these proctor homes are therefore unsuitable placements for these youth, but we do believe the DYC and the Office of Licensing

need to make sure these requirements are fully understood and met by providers.

The function of licensing private providers under contract with the Department of Human Services (DHS) is actually carried out by the Office of Licensing. Certain providers who contract with DYC and DCFS are licensed as child-placing agencies, and these providers are then responsible for recruiting and training their own proctor/foster/group home operators. (“Proctor home” is the term used for the placement of a single DYC youth into a home; “foster home” is the term used for the placement of a single DCFS child into a home; and “group home” is the term used for the placement of either multiple DYC or DCFS youth into a home.) The Office of Licensing has a basic set of standards and requirements which must be met by a provider in order for a license to be granted. These include things such as the training of all staff in first aid and CPR, preparing an evacuation plan in case of emergency, and adopting policy and procedures on how to manage inappropriate youth behaviors. In addition, DYC and DCFS have further requirements regarding pre-placement and ongoing training of proctor/foster/group home operators. For instance, DYC’s contracts with private providers stipulate that proctor home operators must receive 20 hours of training prior to a child being placed in their home, and 30 hours annually thereafter.

A representative from our office and a licensing specialist from the Office of Licensing together visited several proctor/foster/group homes in the Uintah Basin to address the issues in this audit. Generally, the homes appeared to be suitable placements for the youth and the proctor parents spoke positively of their relationship with the provider for whom they work. However, when we reviewed the files of individual proctor/foster parents at the local office of one particular provider (that had been mentioned specifically by concerned parties in the Uintah Basin), we found the training records were incomplete and the training requirements were only partially fulfilled. In addition, we found that the provider was not submitting an annual CBS application for each proctor/foster parent to the state for processing. It was clear from speaking with the provider that they were unaware of the actual number of training hours required to be given to their proctor parents, or that a CBS application must be submitted every year for every one of their proctor/foster/group home operators. This appeared to be the result of a lack of communication with the provider’s main office in the Wasatch Front rather than an intentional omission.

After we discovered this concern, the Office of Licensing requested that the provider submit CBS applications on all proctor/foster/group home operators in the Uintah Basin. Those applications have been submitted and many have cleared the CBS check while the others are still in process. So far, none of the CBS checks have shown any criminal record for any one of these proctor/foster/group home operators. We were told that if such a discovery is made, immediate action will be taken requiring the cessation of that person from providing child care services.

Recommendation:

Representative Beverly Ann Evans
April 28, 1997
Page 5

1. We recommend the Division of Youth Corrections and the Division of Child and Family Services ensure that contracts with private providers of youth services are understood and followed.

We hope this letter provides you with the information you need on this issue. If you have any questions or need additional information, please contact us.

Sincerely,

Wayne L. Welsh
Auditor General

WLW:MLE/lm