
Appendix B

State of Alabama
Department of Human Resources



ROBERT BENTLEY
Governor

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Nancy T. Buckner
Commissioner

May 29, 2015

Senator Orin Hatch, Chairman
Senator Ron Wyden, Ranking Member
United States Senate
Committee on Finance
Washington, DC 20510-6200

Dear Senator Hatch and Senator Wyden:

Governor Robert Bentley has forwarded your letter of 04/24/2015 to me for response. The Alabama Department of Human Resources is the state agency charged with the responsibility for providing services under the auspices of Title IV of the Social Security Act (SSA). In your letter you seek clarification on Alabama's policy and practices related to privatized foster care. I hope that the following information proves helpful to you.

To the degree applicable, describe your state's utilization of private entities to provide case management services (e.g., placement of children with particular foster care providers, ongoing casework and oversight of foster care placements).

From the point of initial investigation/assessment, agency staff of the Department of Human Resources (DHR) makes decisions on all children and youth removed from their families for abuse and/or neglect. Imminent safety of a child in his/her own home is of paramount concern in the decision to place a child in foster (out of home) care. To ascertain the specific needs of the individual child and family, DHR initiates an individualized service planning process that must be done for all children in out of home care. Departmental staff convenes a planning group known as the Child and Family Planning Team. This team consists of individuals involved in planning and/or delivery of services for a child and family. It will include the parents, the age-appropriate child, others requested by the family or child, the DHR worker, the foster care provider, and other service providers if any. The team's work product is known as the Individualized Service Plan (ISP). Alabama DHR staff maintains responsibility for all case planning and case decisions through the

utilization of Individualized Service Plans (ISPs) which bring all parties relevant to the case together to craft a plan for the child. These plans are facilitated by the Alabama DHR Social Worker and updated regularly. Throughout the entire service implementation process, departmental staff maintains case management responsibility. Decisions as to foster care placements are predicated on a variety of factors including proximity to family, schools if applicable, matching of children with foster parents/appropriate providers and placement with siblings if possible.

Exceptions exist for tribal investigation/placement process, but for all other placements, departmental staff exclusively provides case management and oversight of foster care placements.

What proportion of children in foster care in your state is placed by the public agency, not-for-profit providers, and for-profit providers?

100 % of the children in foster care to include residential, therapeutic foster care and transitional/independent living programs are placed by the public agency with the exception of tribal placements noted above. Neither not-for-profits nor for-profit providers make foster care placements.

Please provide the number and names of the private entities providing these core services, as well as information on whether each provider is a for-profit or not-for-profit entity.

All of these core services (placement and case management services) are provided exclusively by the public agency (DHR). Other services are provided externally by contract providers (See attachment A).

Does your state require that private foster care entities or organizations operating in your state be accredited? If so, by which organization and how often is this accreditation renewed?

Alabama approves most of its foster care providers and all of its child placing agencies or entities. These child placing agencies (private foster care entities) also approve foster homes. We have no requirements for accreditation. Many providers seek accreditation through the Council on Accreditation (COA) or Joint Commission.

Describe in detail the process you use to select and contract with these private entities, as well as to review and renew such contracts.

Alabama goes through a standardized and very thorough Request for Proposal (RFP) process when it comes to contracting with foster care providers. All RFPs are posted on the state DHR website with sufficient lead time to respond if interested. The document specifies timeline for submission, format requirements, project overview and instructions, eligible entities and any licensing requirements. It offers the opportunities to ask

specific questions about the RFP and review the department's responses. It details both mandatory and general requirements in order to respond; provides cost proposal information as well as submission deadlines. Providers interested in service provision and meeting licensing requirements submit their proposals by the stated deadline. These proposals are then reviewed and scored internally by departmental staff based on the quality of the proposal. Contracts are offered based on scores, service proximity to placement needs, and number of slots available for contract. Rates will be established based on the parameters of the RFP and contracts will be negotiated for the next contract cycle. This contract will have a two year cycle, with the state having the ability to extend the contract for any combination of two year or single year extensions up to three additional years. It is the responsibility of our Office of Resource Management to monitor contract compliance.

Describe in detail the process your state uses to inspect the safety of the foster care settings in which children are placed and the extent to which this process differs for public, not-for-profit, and for-profit providers operating in your state.

All foster care providers go through a rigorous licensing process that is specific for the type of foster care that they wish to provide (group homes, institutions, therapeutic foster care (TFC), shelters, etc.). For congregate care providers, this process begins with an application that incorporates state mandated compliance with minimum standards that are service appropriate. These minimum standards address issues such as staffing requirements, staff development, social services, admissions/discharges, program issues around physical care, child care practices including discipline and punishment, the physical facilities including compliance with code, living unit accommodations, medicines and drugs and safety plans. All employees must have Federal and State Criminal History Checks and Clearances by Alabama's Child Abuse Central Registry.

When the licensing application is received by the department, the application is reviewed for completeness, and onsite visits by licensing staff are made. If it is determined that the facility is in compliance with minimum standards for the service in question, a license/approval will be issued by the department. A follow up visit will be made in six (6) months to monitor compliance, and a two-year license/approval will be issued. The program will be re-visited in the last year of licensing and will be visited anytime there are complaints. These visits may be announced or unannounced to monitor compliance. Traditional foster care home providers may either be approved by DHR staff or licensed/approved by an approved Child Placing Agency (which is also licensed by DHR). The process is similar to that completed by congregate care providers. An application to foster is submitted to DHR which includes a completed physical examination for each adult member of the household as well as a statement from a licensed practicing medical doctor that all other

household members are free from infectious and contagious diseases. Financial information is obtained, an Alabama and Federal criminal history check is obtained, and the state child abuse registry is reviewed. References are contacted, and a home study is completed. Continuing education requirements are detailed as well as any other specific requirements. The DHR staff and/or the child placing agency will make supervisory visits to the foster home, either announced or unannounced as often as necessary to assure the well-being of the child or children. Approval of foster home status shall be for one year. This process is duplicated for Therapeutic Foster Care (TFC).

How many instances of abuse in a foster care placement have been substantiated in the last five years in your state? Of those substantiated, how many of those instances related to children placed by: not-for-profit providers, for-profit providers, and public providers?

The details by fiscal year are as follows:

FY 2010 - 3
 FY 2011 - 15
 FY 2012 - 14
 FY 2013 - 7
 FY 2014 - 13

For all of the substantiated cases of abuse in a foster care placement, the placement decision was made by this agency.

Describe in detail the actions taken when an abuse claim is substantiated while a child is in an out of home placement? Do these actions differ depending on whether the child was placed by the public agency, a not-for-profit provider, or a for-profit provider?

DHR staff investigates all Child Abuse/Neglect reports. The child is our main focus during all investigations, with that focus being exclusively on maintaining child safety. The protocol for initiating investigations of all reports may vary slightly based on the placement setting, (i.e., DHR approved foster homes; foster homes approved by private child-placing agencies, group homes, and child care institutions). During the investigation a child's placement may be changed to ensure child safety. Residential providers may suspend or terminate identified employees during the investigation. The department can also decide to suspend all referrals to the provider until the investigation is completed. At the point that an investigation determines that a complaint is indicated (substantiated), all individuals / parties are notified. The notification is considered a preliminary disposition and must include information on due process rights. These notifications may be hand-delivered or mailed (both first-class and certified). Upon completion of the due process protocol, child welfare staff shall enter the final disposition into the Central Registry for indicated dispositions.

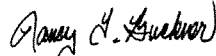
When foster parents have been identified as responsible for the abuse/neglect, the foster parent's right to due process does not preclude DHR's right to remove foster children from the foster home before the hearing. Decisions to remove any child from the foster home will be based on safety threats to the child.

The general process is the same for group homes or institutions. Once the complaint has been investigated and has an "indicated" finding, the due process protocols apply. If the indicated status is upheld after the due process hearing, staff in question are terminated from employment and entered into the Central Registry; and the foster home will likely be closed.

Please note that the actions do not differ across agency types as the public agency (DHR) is the only agency making placement decisions.

If you have any further questions regarding Alabama's foster care system, please contact me at 334-242-9500.

Respectfully submitted,



Nancy T. Buckner
Commissioner

NTB/PJB

Enclosure: Copy of Providers and Services

Providers and Services

Attachment A

Therapeutic Foster Care

1. Brewer-Porch Children's Center (Non-Profit)
2. SAFY (Non-Profit)
3. United Methodist Children's Home (Non-Profit)
4. Lee County Youth Development Center (Non-Profit)
5. Alabama Mentor (Profit)
6. Youth Villages (Non-Profit)
7. Seraaj Family Homes, Inc. (Profit)
8. Gateway (Non- Profit)
9. St. Mary's Home (Non-Profit)
10. Christian Services (Non-Profit)
11. Growing Homes (Non-Profit)
12. Alabama Clinical Schools (Non-Profit)
13. Camellia Therapeutic Foster Agency (Profit)

Basic Residential

1. United Methodist Children's Home (Non-Profit)
2. Presbyterian Home for Children (Non-Profit)
3. Thirteenth Place, Inc. (Non-Profit)
4. Brantwood Children's Home (Non-Profit)
5. Childhaven, Inc. (Non-Profit)
6. Children's Service, Inc. (Non-Profit)
7. Boys & Girls Ranches of Alabama (Non-Profit)
8. Grace House Ministries (Non-Profit)
9. Children's Village, Inc. (Non-Profit)
10. St. Mary's Home (Non-Profit)
11. Weldy Home (Non-Profit)
12. Eagle Rock Boys Ranch (Non-Profit)
13. King's Home, Inc. (Non-Profit)
14. Boyd School, Inc. (Profit)
15. North Alabama Christian Children's Home (Non-Profit)
16. Atonement, Inc. (Profit)
17. Tears, Inc. (Non-Profit)
18. King's Home, Inc. (Non-Profit)
19. Harris Home (Non-Profit)

Moderate Residential

1. Lee County Youth Development Center (Non-Profit)
2. Chrysalis A Home for Girls (Non-Profit)
3. St. Mary's Home (Non-Profit)
4. King's Home, Inc. (Chelsea) (Non-Profit)
5. Presbyterian Home for Children (Non-Profit)
6. Tri-Will, Inc. (Profit)
7. SafetyNet Youth Systems, LLC (Profit)
8. Concerned Citizens for Our Youth, Inc. (Non-Profit)
9. Boyd School (Profit)
10. Eagle Rock Boys Ranch (Non-Profit)
11. Pathway, Inc. (Profit)
12. New Life Center for Change-Teen University (Non-Profit)
13. UA Brewer-Porch Children's Center (Non-Profit)
14. Family Garden, Inc. (Profit)

Intensive Residential

1. Lee County Youth Development Center (Non-Profit)
2. Southeastern Psychiatric Management, Inc. dba Mountain View Hospital (Profit)
3. Glenwood Mental Health Services (Non-Profit)
4. UA Brewer-Porch Children's Center (Non-Profit)
5. Gateway (Non-Profit)
6. Sequel, TSI (Madison) (Profit)
7. Sequel, TSI (Owens Cross Roads) (Profit)
8. Laurel Oaks Behavioral Health Center (Profit)
9. Hill Crest Behavioral Health Services (Profit)
10. AltaPointe Health Systems- BayPointe (Non-Profit)
11. SafetyNet Youth Systems, LLC (Profit)
12. Pathway, Inc. (Profit)
13. St. Mary's Home (Non-Profit)
14. Sequel, TSI (Courtland)(Profit)
15. Sequel, TSI (Tuskegee) (Profit)
16. Hill Crest BHS (Bessemer) (Profit)
17. Hill Crest BHS (Higdon) (Profit)
18. AltaPointe (Adolescent Independency Program (Non-Profit)

Transitional Living Program

1. Lee County Youth Development Center (Non-Profit)
2. United Methodist Children's Home (Non-Profit)
3. Brantwood Children's Home (Non-Profit)
4. Harris Home for Children, Inc. (Non-Profit)
5. Childhaven, Inc. (Non-Profit)
6. Chrysalis A Home for Girls (Non-Profit)

7. SAFY (Non-Profit)
8. King's Home, Inc. (Chelsea) (Non-Profit)
9. Alabama Mentor (Profit)
10. Camellia Therapeutic Foster Agency (Profit)
11. AltaPointe Health Systems (Non-Profit)
12. Grace House Ministries (Non-Profit)
13. King's Home, Inc. (Wilsonville) (Non-Profit)

Independent Living Programs

1. Gateway (Birmingham) (Non-Profit)
2. AltaPointe Health Systems, Inc. (Non-Profit)
3. Lee County Youth Development Center (Non-Profit)
4. Brantwood Children's Home (Non-Profit)
5. SAFY (Non-Profit)
6. King's Home, Inc. (Non-Profit)
7. Harris Home for Children, Inc. (Non-Profit)
8. Childhaven, Inc. (Non-Profit)
9. Eagle Rock Boys Ranch (Non-Profit)
10. Gateway (Huntsville) (Non-Profit)

Moms and Babies

1. United Methodist Children's Home (Non-Profit)
2. Childhaven, Inc. (Non-Profit)
3. Seraaj Family Home, Inc. (Profit)
4. Alabama Mentor (Profit)
5. SAFY (Non-Profit)

Sexual Rehabilitation

1. Sequel (Profit)
2. Alabama Clinical School (Non-Profit)
3. Hill Crest Behavioral Health Services (Profit)



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of
Health and Social Services**

COMMISSIONER'S OFFICE

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May 29, 2015

Senator Orrin G. Hatch
Senator Ron Wyden
United States Senate
Committee on Finance
Washington, DC 20510-6200

Dear Senator Hatch and Senator Wyden:

Thank you for the opportunity to respond to your inquiry regarding children removed from the custody of their parents due to abuse and neglect, and how Alaska pursues placement of children into the out-of-home care settings. Below is Alaska's response to your specific questions:

- 1) *To the degree applicable, describe your state's utilization of private entities to provide case management services (e.g. placement of children with particular foster care providers, ongoing casework and oversight of foster care placements).*

In Alaska, not-for-profit and for-profit providers for foster care do not exist at this time.

The Office of Children's Services (OCS) does utilize in-state, non-profit agencies, called Child Placement Agencies (CPA), to provide therapeutic foster care and intensive supports (including case management) to children who require higher levels of support and therapeutic interventions. Child Placement Agencies are licensed through OCS, and foster homes that work for the CPA are also independently licensed directly through the OCS. Thus, OCS directly licenses both the foster home and the Child Placement Agency for which the foster home works. The CPA may recommend a foster home placement for a child in custody; however, the placement cannot be made without the approval of the child's OCS caseworker.

In addition, the Division of Behavioral Health reimburses for therapeutic services for intensive supports through Medicaid funding. All of these services receive strong oversight by the Division of Behavioral Health, through site visits and funding reviews.

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- 2) *What proportion of the children in foster care in your state is placed by the public agency, not-for-profit providers, and for-profit providers?*

There are two populations of children who require foster care in Alaska: 1) children and youth who are in the custody of the state through either OCS or the Division of Juvenile Justice (DJJ); and 2) children who are in the custody of their parents, in which the parents are requesting therapeutic foster care services and supports for their children.

The majority of children placed in foster care are placed by the OCS or DJJ. The total number of children currently in the care for state custody children is approximately 2,600. There is a small proportion of children (200) who are placed in foster care at Child Placement Agencies by their parents, who are not in the custody of the Department of Health and Social Services (DHSS or the Department). In these cases, the CPAs are required to keep the parents actively involved in the treatment needs of the children in private placements. Placement changes cannot be made without the approval or consent of the parents.

- 3) *Please provide the number and names of private entities providing these core services, as well as information on whether each provider is a for-profit or not-for-profit entity.*

None. Private entities (for-profit or not-for-profit) do not provide core services to children in out-of-home care in Alaska.

- 4) *Does your state require that private foster care entities or organizations operating in your state be accredited? If so, by which organization and how often is the accreditation renewed?*

The Division of Behavioral Health approves provider agencies to operate behavioral health services and to bill Medicaid services in our state. Those providers need to be accredited by the Joint Commission, Commission on Accreditation of Rehabilitation Facilities (CARF) or Council on Accreditation (COA). The frequency of renewal is based on the criteria for each accrediting agent.

- 5) *Describe in detail the process you use to select and contract with these private entities, as well as to review and renew such contracts.*

The Office of Children's Services and the DHSS does not contract directly with these private entities for purposes of child placement. The DHSS utilizes Medicaid funding and grant services to support the

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more intensive level of care for children; however, the placement decisions are made either by the Department placement worker or the parents (if the child remains in the parents' legal custody).

The Alaska DHSS has an extensive grants and contracts process in which performance-based measures and outcomes are encouraged for all service contracts.

- 6) *Describe in detail the process your states uses to inspect the safety of the foster care settings in which children are placed and the extent to which this process differs for public, not-for-profit and for-profit providers operating in your state.*

Under state statutes AS 47.32 and AS 47.05 and state regulations 7 AAC 50 and 7 AAC 10, the Department has a statutory responsibility to inspect all licensed facilities, inclusive of licensed foster homes, at least once a year for the first two years of licensure, and then once every other year under a biennial licensing process. All agencies that provide services to children and youth are licensed through a DHSS licensing entity.

- 7) *How many instances of abuse in foster care placement have been substantiated in the last five years in your state? Of those substantiated, how many instances related to children placed by: not-for-profit, for-profit providers and public providers.*

Between January 1, 2010, and December 31, 2014, 269 allegations of maltreatment in foster care placements have been substantiated in CPS Provider Investigation CPS Reports. Since OCS staff members are the only people 'placing' children, there are no numbers for any children placed by contracted providers (for profit or not-for-profit).

- 8) *Describe in detail the actions taken when abuse claim is substantiated while a child is in an out of home placement? Do these actions differ depending on whether the child was placed by the public agency, a not-for-profit provider, or a for-profit provider?*

When an abuse claim is substantiated while a child is in an out-of-home placement, the case would go through two tracks: 1) a CPS investigation is conducted to determine if the report is substantiated; and 2) a licensing investigation is conducted to determine if there are violations to licensing standards. If the abuse is substantiated, the child's placement worker is notified and a decision will be made to either leave the child in the foster home or remove the child from the home to another foster home setting. Each case is looked at individually and considers the unique needs of the child when making a decision to move the child. Whether or not a child would be removed or remain in the placement would be

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determined by the child's caseworker (for children in custody) or by the parents (for children that are privately placed). For children in the custody of DHSS, the courts may be notified of the placement change.

Should a licensing violation be confirmed in the scope of the investigation, the Office of Children's Services may impose licensing sanctions, called enforcement actions, up to and including a suspension or revocation of the foster care license. Enforcement actions require due process standards for the licensee, and as such, the foster parent is able to appeal the decision through the administrative hearing processes.

Thank you for the opportunity to respond to this inquiry.

Respectfully,



Valerie Davidson
Commissioner

Cc: Christy Lawton, Director, Alaska Office of Children's Services
Amy Dobson, Office of Alaska Governor Bill Walker



STATE OF ARKANSAS
ASA HUTCHINSON
GOVERNOR

June 6, 2015

The Honorable Orrin G. Hatch
Chairman
Committee on Finance
United States Senate
219 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Ron Wyden
United States Senate
219 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Hatch and Senator Wyden,

Thank you for your continued leadership in the area of child welfare. I agree, as do the professionals working in Arkansas's Division of Children and Family Services (DCFS), that when children are removed from the custody of their parents due to abuse and/or neglect, we have an obligation, regardless of a specific role, to ensure their safety and well-being. I am pleased to respond to your letter of April 24, 2015 requesting information about Arkansas's policy and practices relative to privatized foster care. To address your specific questions, I offer the below:

- 1. To the degree applicable, describe your state's utilization of private entities to provide case management services (e.g., placement of children with particular foster care providers, ongoing casework and oversight of foster care placements).**

In Arkansas, DCFS is the child welfare agency for the state. All in-home and out-of-home casework practice is performed by staff employed by DCFS. Foster homes are licensed and maintained by the State. Placement services are contracted through specialized private providers for placement services when need for therapeutic foster care, residential group homes, comprehensive residential treatment, emergency shelter, developmental disability services and/or respite services are required.

2. What proportion of the children in foster care in your state is placed by the public agency, not-for-profit providers, and for-profit providers?

All placements for the children in the foster care systems are made by DCFS.

3. Please provide the number and names of private entities providing these core services, as well as information on whether each provider is a for-profit or not-for-profit entity.

Arkansas will be happy to provide this information however we question if you want the listing of all providers in which a contract for placement has been granted. The state contracts with 14 providers for therapeutic foster homes (which, in turn, contract with individual families); 20 providers for residential treatment; 15 providers for comprehensive residential treatment; 17 providers for emergency shelter; and 3 for developmental disability services (which, in turn, contract with individual families). None of these providers are for-profit organizations.

If you need the detailed information for all contracts, please let us know and we will forward this information to you immediately.

4. Does your state require that private foster care entities or organizations operating in your state be accredited? If so, by which organization and how often is this accreditation renewed?

In Arkansas, a child placement agency must be licensed with the state. Arkansas Code Annotated **9-28-401 et. seq.**, "The Child Welfare Licensing Act" (the Act), is the legal authority under which Arkansas's Child Welfare Agency Review Board prescribes minimum licensing standards for child welfare agencies, as defined under the statute. Further information regarding the agencies requiring a license and the type of license required by each facility can be found in Appendix A.

5. Describe in detail the process you use to select and contract with these private entities, as well as to review and renew such contracts.

DCFS's process for contracting with a child welfare agency is as follows:

1. Notices¹ are posted on the state's website and Request for Proposals (RFP) are let for the various services needed;
2. Providers respond to the RFPs and submit proposals to the agency;
3. Contracting agency selects a group to review RFPs;
4. RFP's are scored in accordance to Procurement rules;
5. Respondents are notified of the state's Intent to Award; and

¹ Notices include the scope of work and performance indicators requested by the agency, location of need for services (either specific county, area or statewide), some will include a price per unit that will be paid and some are budget based and then rates are negotiated when contracts are awarded.

6. If no opposition, contracts are written and awarded.

Arkansas's child welfare agency has a strong partnership with its contract provider community. Contract language gives the agency the ability to address any areas of non-compliance and allows the agency to terminate a contract due to issues related to non-performance and professional and ethical issues.

6. Describe in detail the process your state uses to inspect the safety of foster care settings in which children are placed and the extent to which this process differs for public, not-for-profit, and for-profit providers operating in your state.

Please refer to Minimum Child Welfare Licensing Standards as noted in Pub-04 as there are specific requirements for each license type including child welfare foster home. These inspections are performed by licensing staff employed by the Division of Child Care and Early Childhood Education, which is a separate entity than that of the child welfare agency.

The requirements for agency foster homes can be found in Pub-22. Per DCFS policy, child welfare staff is required to visit the foster home on a quarterly basis.

7. How many instances of abuse in a foster care placement have been substantiated in the last five years in your state? Of those substantiated, how many of these instances related to children placed by: not-for-profit, for-profit providers and public providers?

With reference to state agency approved and licensed foster homes, over the last five years there have been 734 reports in which foster parents were identified as the alleged offenders. Note that this figure also includes therapeutic foster homes. Of those reports, 101 were found to be true, and all homes were subsequently closed as a result.

In Arkansas, when an allegation is made on an employee/staff in a treatment facility, those allegations are called into the state Child Abuse Hotline and are investigated by the Crimes Against Children's Division. There is not a number available for these instances as calls are stored by alleged victim versus the type of incident.

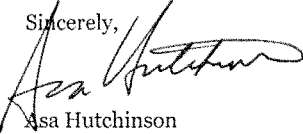
8. Describe in detail the actions taken when an abuse claim is substantiated while a child is in an out of home placement? Do these actions differ depending on whether the child was placed by the public agency, a not-for-profit provider, or a for-profit provider?

As stated above, if there is a substantiated finding of abuse in a foster home, the home is closed. The agency takes a very strong stance on this. There are also instances in which, even though the allegations are not substantiated, homes are closed due to concerning information disclosed in the investigation and/or DCFS has had other issues related to this home in the past. Those are handled on a case by case

basis and are staffed at an executive level before final decisions are made regarding closure.

Regarding allegations and substantiated findings on placement facility staff, DCFS works with those providers on corrective action plans that are put in place during the investigative process. There have been instances in which all foster children have been removed from the placement facility due to the allegations pending the outcome of the investigation.

I hope the above information is useful to you and your efforts. If you have questions or require further information, please contact Betty Guhman, Senior Advisor on my staff at 501-683-6407 or betty.guhman@governor.arkansas.gov.

Sincerely,

Asa Hutchinson



STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
 744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



August 11, 2015

The Honorable Orrin G. Hatch
 Chairman
 Committee on Finance
 United States Senate
 219 Dirksen Senate Office Building
 Washington, DC 20510-6200

The Honorable Ron Wyden
 Ranking Member
 Committee on Finance
 United States Senate
 219 Dirksen Senate Office Building
 Washington, DC 20510-6200

Dear Chairman Hatch and Ranking Member Wyden:

Thank you for the opportunity to share information on California's child welfare services system for vulnerable children, youth, and families. The focus of your questions is on privatized foster care. We do not utilize private for-profit providers; however, as part of our network of providers and others engaged in child welfare, we do work with private non-profit providers and organizations as explained in our responses to your questions, which follow the background below.

BACKGROUND

California has a complex child welfare services system, serving the most populous state in the country with nearly 9.5 million children, and one of the most linguistically diverse regions in the world with the largest minority population in the country, including 109 federally recognized Indian tribes and an estimated 79 tribes that are seeking federal recognition. California's state-supervised child welfare system is administered at the local level by 58 counties, each governed by a county elected board of supervisors. The range of diversity among the counties is immense and there are many challenges inherent in the complexity of this system. However, its major strength is the flexibility afforded to each county in determining how best to meet the needs of its own children and families. The counties, which differ significantly by population and economic base, are a wide mixture of urban, rural and suburban settings, thus driving the need to make their own decisions on how to coordinate local service delivery to children and families.

The California Department of Social Services (CDSS) is authorized by statute to promulgate regulations, policies, and procedures necessary to implement the state's child welfare system and to ensure the safety, permanency, and well-being for California's children. The CDSS is responsible for the supervision and coordination of programs in California funded under federal Titles IV-B, IV-E, and XX of the Social Security Act. Furthermore, CDSS is responsible for developing the state's Child and Family Services Plan. These efforts are achieved within a framework of collaboration with child welfare stakeholders. Due to its complexity and this high degree of

The Honorable Orrin G. Hatch
 The Honorable Ron Wyden
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collaboration, California's child welfare services system is ever-changing as we seek to improve our ability to improve outcomes for the state's children and families.

The CDSS has oversight of the state's child welfare services system and plays a vital role in the development of policies and programs that implement the goals of CDSS' mission. In developing policies and programs, the CDSS collaborates with other state and local agencies, tribal representatives, foster/kinship caregivers, foster youth, foster care service providers, community-based organizations, the courts, researchers, child advocates, the Legislature, and private foundations to maximize families' opportunities for success.

RESPONSES TO QUESTIONS

1. To the degree applicable, describe your state's utilization of private entities to provide case management services (e.g., placement of children with particular foster care providers, ongoing casework and oversight of foster care placements).

In California, we do not contract with private entities to provide case management services. Case management is conducted by the child placement agency at the county level, either by child welfare or probation, and is carried out by the social worker. In our state, we do work with public and private non-profit providers to provide support and services to the foster parent and the child. Social workers support the case planning process in public and private non-profit agencies called Foster Family Agencies (FFAs). Please use the link below to access regulations pertaining to social work provided by FFAs.

Community Care Licensing Regulations for Social Work FFAs

Title 22, Div 6, Chap 1, Art 5-6 - General Licensing Requirements

<http://www.dss.ca.gov/ord/entres/getinfo/pdf/Ffaman.pdf>

(Sections 88001, 88065.3, 88065.4, 88065.5, 88070.1)

2. What proportion of the children in foster care in your state is placed by the public agency, not-for-profit providers, and for-profit providers?

Please see enclosed "placement types" chart for relative, foster care, FFA, and group home placements.

3. Please provide the number and names of private entities providing these core services, as well as information on whether each provider is a for-profit or not-for-profit entity.

The federal government has provided the state with the option to include in its state plan the placement of children in a private facility operated on a for-profit basis, and our state statute authorizes for-profit placement as articulated in

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California Welfare and Institutions Code (WIC) section 11402.6. However, it is CDSS's preference to place foster care children in a non-profit group home setting. Currently, counties do not place foster children with for-profit providers. Counties may place children with for-profit group home facilities after all other placement options have been exhausted. Placement into a for-profit group home facility may occur only subject to specified conditions. Please use the links below to access lists of foster family agencies and group homes in which children and youth are placed in California.

Foster Family Agencies: County placement agencies use licensed private FFAs for the placement of children who require more intensive care as an alternative to group homes. By statute, FFAs are organized and operated on a non-profit basis and are engaged in the following activities: recruiting, certifying, and training foster parents, providing professional support to foster parents, and finding homes or other temporary or permanent placements for children who require more intensive care.

The CDSS has statutory responsibility for developing, implementing, and maintaining a rate setting system for FFAs receiving Aid to Families with Dependent Children-Foster Care (AFDC-FC) funds. The AFDC-FC rates vary by age group. For the purpose of determining FFA rates, CDSS regulations specify the purposes, types and services of FFAs. Currently, CDSS sets AFDC-FC rates for approximately 220 FFAs as of January 2015. The rates are organized into five age groupings.

Group Homes (GHs): Group homes provide the most restrictive out-of-home placement option for children in foster care. They provide a placement option for children with significant emotional or behavioral problems who require more restrictive environments. A licensed group home is defined as a facility of any capacity which provides 24-hour nonmedical care and supervision to children in a structured environment, with such services provided at least in part by staff employed by the licensee. Group homes run the gamut from large institutional type environments which provide an intense therapeutic setting, often called "residential treatment centers," to small home environments which incorporate a "house parent" model. As a result, group home placements provide various levels of structure, supervision, and services.

Group homes may offer specific services targeted to a specific population of children or a range of services depending on the design of their program. These services include substance abuse, minor-parent (mothers and babies), infant programs, mental health treatment, vocational training, mental health day treatment, sex offenders, wards only, emancipation and reunification. Many programs provide more than one service and list their primary service function as reunification of children with the biological family.

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FFA Provider Lists

FFAs: <http://www.childsworld.ca.gov/res/pdf/FFAList.pdf>

FFA Regional Centers: <http://www.childsworld.ca.gov/res/pdf/FFARC.pdf>

ITFC: <http://www.childsworld.ca.gov/res/pdf/ITFCP.pdf>

GH Provider Lists

GHs & Regional Centers: <http://www.childsworld.ca.gov/res/pdf/GHList.pdf>

GHs RCL 13 & 14: <http://www.childsworld.ca.gov/res/pdf/GH1314.pdf>

4. Does your state require that private foster care entities or organizations operating in your state be accredited? If so, by which organization and how often is the accreditation renewed?

Currently we are engaged in foster care reform through our Continuum of Care Reform initiative. Among many other important changes to California statutes governing foster care, Assembly Bill 403 (authored by California Assembly Member Mark Stone) will require all group homes and FFAs to be accredited by a national accrediting body, identified by the CDSS, as a condition of receiving a foster care rate. We believe that national accreditation brings benefits to an organization, such as professionalizing staff, establishing administrative best practices, improving service delivery, and promoting a culture of continuous quality improvement.

The Continuum of Care Reform report to the California Legislature, upon which this reform proposal is based, can be found here at the following web address: www.cdss.ca.gov/cdssweb/entres/pdf/CCR_LegislativeReport.pdf

5. Describe in detail the process you use to select and contract with these private entities, as well as to review and renew such contracts.

The state does not contract with private entities to provide foster care services. Contracts occur between local government and individual providers. The state's role is to license providers and set rates for their services. Please use the links below to access requirements related to licensing and rates.

Manual of Policies and Procedures, Community Care Licensing Division

General Licensing Requirements:

<http://www.dss.cahwnet.gov/ord/entres/getinfo/pdf/genman1.PDF>

Manual of Policies and Procedures, Foster Care Rate Regulations

<http://www.childsworld.ca.gov/PG1343.htm#>

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6. Describe in detail the process your state uses to inspect the safety of the foster care settings in which children are placed and the extent to which this process differs for public, not-for-profit, and for-profit providers operating in your state.

California assesses and approves relatives (defined in WIC 361.3(f)) and nonrelative extended family members (defined in WIC 362.7) using the same standards as those used to license foster family homes. This includes: 1) a criminal background check of the caregiver and all adults residing in the home; 2) an assessment of the caregiver's ability and suitability to provide care and supervision; 3) a caregiver orientation/training regarding the standards; and 4) an inspection of the home and grounds.

The criminal background check is accomplished through LiveScan submission of fingerprints to the California Department of Justice (DOJ), which returns California criminal history and other state convictions held by the Federal Bureau of Investigation. Additionally, a check is made of California's Child Abuse Central Index to learn whether the caregiver or any adults residing in the home have a child abuse history. The criminal background check process also includes a check of other states' child abuse indexes (where they exist) when the caregiver or any of the resident adults declare they have lived in another state within the past five years. If there is no criminal history, the DOJ "clears" the individual.

For persons with criminal convictions, the DOJ provides the county child welfare agency with the individual's criminal offender record information report (also known as a "rap sheet"). The county reviews the rap sheet to determine whether the crimes are those for which an exemption may be granted through an exemption process. Pursuant to state and federal law there are a number of crimes which cannot be exempted. Individuals who have non-exemptible criminal history are denied a clearance and cannot get an exemption. If a caregiver or any adult living in the home cannot obtain an exemption, then no child can be placed in that home so long as that individual resides in the home.

For a caregiver or other adult in the home who has criminal history which is not prohibited from exemption, a process is applied which includes gathering documentation regarding the crimes and convictions, evidence of good character and rehabilitation, and the individual's statement about the crime/conviction. This information is evaluated and a determination is made as to whether to provide an exemption. To ensure continued safety, at the initial submission of fingerprints, a subsequent arrest notification process is established for each fingerprinted individual. If an individual is arrested subsequent to the initial fingerprinting, the DOJ notifies the county having jurisdiction of the case and the county is required to investigate the circumstances of the arrest and crime and take appropriate action consistent with statute and regulations.

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Separately, the county child welfare agency assesses the caregiver's ability to provide care and supervision by evaluating if the caregiver can: 1) provide a safe, secure and stable environment for the child; 2) exercise proper and effective care and control of the child; 3) provide a home and the necessities of life for the child; 4) protect the child from his or her parents as appropriate; 5) facilitate court-ordered reunification efforts with the parents; 6) facilitate visitation with the child's other relatives; 7) facilitate implementation of all elements of the case plan; 8) provide legal permanence for the child if reunification fails; and 9) arrange for appropriate and safe child care, as necessary. Additionally, the county utilizes a state-required assessment document to further evaluate the caregiver's suitability consistent with statutes and regulations for the proper care and supervision of the foster child.

The safety of the home is assessed by using a state-required form to evaluate the home's compliance with safety standards. Items assessed in the home include verifying that there is: telephone service in the home; a safe vehicle for transporting children and that only a licensed driver will transport the child; an individual bed (or crib) with a clean, comfortable mattress, clean linens, blankets and pillows for each child in the home; consideration of bedroom occupancy standards, which takes in to account shared rooms with adults, those of the opposite gender, and those of different ages; adequate closet and drawer space for the child's clothing and personal belongings; protection from bodies of water so that they are safe/inaccessible; a safe yard or outdoor activity space that is free from hazards that endanger the child's health and safety; and at least one toilet, sink and tub or shower in safe, clean operating condition and hot water is delivered at a safe temperature. In addition, the home must be in otherwise good repair, clean, safe and sanitary; well-lit and maintained at a comfortable temperature; and store and dispose of waste in a way that will not permit the spread of disease/odor, or attract insects and rodents. The home is also assessed to ensure the safe storage of medications, poisons, firearms and other dangerous weapons.

The county child welfare agency also provides an orientation and/or training to the caregiver. This includes a copy of the approval standards and regulations. Caregivers also are informed about the child's personal rights, the prudent parent standard, and a child's participation in age and developmentally appropriate extracurricular/enrichment activities.

7. How many instances of abuse in a foster care placement have been substantiated in the last five years in your state? Of those substantiated, how many of these instances related to children placed by not-for-profit providers, for-profit providers, and public providers?

YOUTH IN FOSTER CARE BY PLACEMENT TYPE (CHILD WELFARE AND PROBATION AGENCIES)														
YEAR	RELATIVE PLACEMENT (KIN)		FOSTER CARE (FOSTER)		FOSTER FAMILY AGENCY (FFA)		GROUP HOME (GH)		Guardian (Dep/Non-Dep)		Other		TOTAL (n)	TOTAL (%)
	n	%	n	%	n	%	n	%	n	%	n	%		
JAN. 1, 2011	18,866	33.4%	5,546	9.8%	16,382	29.0%	3,795	6.7%	7,575	13.4%	4,364	7.7%	56,528	100.0%
JAN. 1, 2012	19,130	35.2%	5,253	9.7%	14,783	27.2%	3,681	6.8%	7,110	13.1%	4,461	8.2%	54,418	100.0%
JAN. 1, 2013	20,200	35.9%	5,180	9.2%	14,460	25.7%	3,696	6.6%	7,133	12.7%	5,543	9.9%	56,212	100.0%
JAN. 1, 2014	21,708	35.9%	5,412	8.9%	15,244	25.2%	3,714	6.1%	7,006	11.6%	7,454	12.3%	60,538	100.0%
JAN. 1, 2015	22,053	35.3%	5,582	8.9%	15,604	25.0%	3,744	6.0%	6,740	10.8%	8,784	14.1%	62,507	100.0%

Data Source: CWS/CMS 2015 Quarter 1 Extract

Note: Other category includes shelter, SILP, Runaway, and other non-foster care placements.

STATE OF COLORADO

OFFICE OF THE GOVERNOR
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John W. Hickenlooper
Governor

May 28th, 2015

Orrin G. Hatch, Chairman
United States Senate
Committee on Finance

Dear Senator Hatch,

This is a response to the letter dated April 24, 2015 regarding Colorado's practices and policies relative to privatized foster care. Colorado is a state supervised and county administered system. Child welfare programs, including foster care, are administered by the 64 counties in the state.

Question 1: To the degree applicable, describe your state's utilization of private entities to provide case management services (e.g., placement of children with particular foster care providers, ongoing casework and oversight of foster care placements).

Response: Placement and case management of children and youth in out-of-home care is the responsibility of the 64 county departments of human or social services in Colorado. El Paso County Department of Human Services is the only county department that contracts with a private not-for-profit agency for case management services for children and youth placed in foster homes.

On January 1, 2014, as the result of being selected through a Request for Proposal (RFP) process, Savio, a not-for-profit that is accredited by the Council on Accreditation (COA), contracted with the county department to provide case management services primarily for children and youth placed in foster care homes certified and supervised by child placement agencies (CPAs). The CPAs contract with the county department for foster care services (see history below). For consistency, Savio continues to provide case management services when children or youth on their caseload transition to residential or group settings, back to foster homes, or return home.

Savio functions like a division in the county department of human services and staff are certified case workers and supervisors. The county attorney represents Savio staff as it does county staff. Savio is responsible for all aspects of case management, including oversight of the children and youth placed in foster homes and facilities, documentation, court reports, visitation, family service planning, and data entry into the Statewide Automated Child Welfare System (SACWIS).

The El Paso County Department of Human Services determines the foster care placements for children and youth. Recommendations are made by a placement team in the county department for placements into specific foster homes and the staff work with Savio to complete the process. The

county department generally provides case management for in-home, kinship, and kinship foster care cases, though for consistency, caseworkers provide case management if a child or youth on their caseload enters foster care or a higher level of care.

In addition, the county department contracts with Lutheran Family Services-Rocky Mountains (LFSRM), a not-for-profit, to provide case management and foster care services for children and youth in the Unaccompanied Refugee Minor Program (URMP). This population was carved out of the general foster care a number of years ago because of the expertise of LFSRM to meet the needs of these children and youth.

The El Paso County Department of Human Services has a team that oversees and measures compliance and performance for Savio (case management only) and for the CPAs that provide foster care services. Savio is monitored regularly for the number served, the outcomes of the children and youth, and is paid at 1/12 of the contract each month.

Historically, from approximately 1999-2014, the county department entered into contracts with nine CPAs to provide both foster care and case management services as a way to manage resources. This was done initially because staffing capacity was capped and there was insufficient staff to manage all of the work. Foster care positions in the county department were converted to caseworker positions.

Some of the disadvantages of the process were: inconsistency in case management practice among the CPAs and difficulty for the county department to provide oversight, monitoring, and to manage quality and performance measures with nine CPAs of differing sizes (capacity) for both case management and foster care. At times the agencies didn't collaborate among themselves when a child or youth needed a different foster home and the agencies did not consistently involve the county department placement team in making placement changes. Placements were sometimes made within the same agency rather than looking at other possible appropriate foster homes among the nine agencies.

Moving to a system with one agency solely responsible for case management also helps to prevent an appearance of conflict of interest because there is not an investment to use a specific CPA for placement of a child or youth. Or, if a foster parent wants to adopt a child or youth in care versus permanency with a relative or kin, a conflict of interest is prevented when the CPA is not responsible for case management and advocacy for their foster parent.

Question 2: What proportion of children in foster care is placed by the public agency, not-for-profit providers, and for-profit providers?

Response: One hundred percent of children and youth in foster care are placed by the county department with custody and placement responsibility. Placement and/or casework staff in the county departments work with county foster homes and CPAs to place children and youth, based upon the appropriateness of the foster parent to meet the needs of each child or youth.

Question 3: Please provide the number and names of private entities providing these core services, as well as information on whether each provider is a for-profit or not-for-profit entity.

Response: Two private agencies, Savio, a not-for-profit, and Lutheran Family Services-Rocky Mountain, a not-for-profit, provide case management for the El Paso County Department of Human Services discussed in Question 1. The county department has custody and placement responsibility.

Question 4: Does your state require private foster care agencies or organizations operating in your state be accredited? If so, by which organization and how often is this accreditation renewed?

Response: Accreditation is not required, although approximately 15 CPAs in the state are accredited by the Council on Accreditation (COA). The accredited agencies generally provide more than one type of out-of-home care and provide an array of services, including residential care, foster care, and in-home programs. The number of accredited agencies fluctuates.

Question 5: Describe in detail, the process you use to select and contract with these private entities, as well as review and renew the contracts

Response: In addition to the contractual arrangements discussed in Question 1, the remaining 63 county departments have the option to contract with private CPAs, regardless of profit status. The purpose is to supplement existing county foster home resources so there are a sufficient number of foster homes to meet the placement needs of the county. County departments are required by rule to monitor and review all contracts.

Question 6: Describe in detail, the process your state uses to inspect the safety of the foster care settings in which children are placed and extent to which this process differs for public, not-for-profit, and for-profit providers operating in your state.

Response: The Colorado Department of Human Services (CDHS) licenses all CPAs, regardless of profit status, in compliance with requirements in the Colorado Code of Regulations (12 CCR-2509-8). County departments are agents of the state (state supervised and county administered system). Both CPAs and county departments certify foster homes using the same standards. CDHS provides oversight of county department certification of foster homes, licensure of CPAs, and of CPA certified foster homes.

Question 7: How many instances of abuse in a foster home placement have been substantiated in last five years in your state? Of those substantiated, how many of these instances related to children placed by not-for-profit providers, for-profit providers, and public providers?

Response: All children and youth were placed by the custodial county department of human services responsible for placement. Foster homes were certified by either public providers or CPAs. Of 29,606 placements into foster homes, there were 229 instances of substantiated abuse and neglect in the past five years. Of these, 193 occurred in public provider foster homes and 36 occurred in CPAs without regard to profit status.

Question 8: Describe in detail, the actions taken when an abuse claim is substantiated while a child is in an out of home placement? Do these actions differ depending on whether child is placed by the public agency, not-for-profit, or a for-profit provider?

Response: Colorado is a state supervised and county administered system and all child welfare activities are the responsibility of the county departments. The public agencies have custody and placement responsibility for the children and youth in out-of-home care.

An assessment for child abuse and/or neglect is conducted by the county department where the foster home is located, not the certifying agency. Large and most mid-sized county departments have designated staff that conducts an assessment when there is an allegation of abuse and/or neglect in out-of-home placement. Small county departments request a courtesy assessment by another county to prevent an appearance of a conflict of interest. The assessment is conducted in accordance with rules promulgated by the State Board of Human Services.

The assessment begins with face-to-face contact with the alleged victim child or youth, and includes but is not limited to face-to-face contact with the primary caregiver, assessing for safety, and taking action to secure safety, if indicated, assessing risk, needs, and strengths of children, youth, and foster parents. The assessment includes a determination whether there are other victim children or youth not named in the referral and immediately assesses the safety of those individuals. In addition, any other alleged victim children or youth who no longer reside in the foster home are interviewed, when appropriate. The assessment includes interviews with witnesses, including children, youth, or others who may have additional information. Child and youth vulnerabilities and strengths, and the foster parent's strengths and protective capacities are assessed, along with the living situation and any immediate hazard or threat to the health or safety based upon the age or development of the child or youth.

The caseworker determines whether removal is justified, contacts the custodial county, as well as the certifying entity (public or CPA). The custodial county decides whether the child or youth for whom they are responsible, is removed. The certifying agency determines whether to close the foster home, depending on the severity and circumstances of the substantiation in accordance with rules promulgated by the State Board of Human Services. A follow-up review is conducted by the state Institutional Abuse Review Team (IART) to review fidelity to the assessment process, and to make any additional recommendations for follow-up for the certifying agency.

If there are additional questions, please contact Dennis Desparrois, Placement Services Manager for the Colorado Department of Human Services, at 303-866-7925 or by email to Dennis.Desparrois@state.co.us.

Sincerely,



John W. Hickenlooper
Governor



Joette Katz
Commissioner

DEPARTMENT of CHILDREN and FAMILIES
Making a Difference for Children, Families and Communities



Dannel P. Malloy
Governor

May 22, 2015

The Honorable Orrin Hatch
Chairman
Committee on Finance
United States Senate
Washington, DC 20510

The Honorable Ron Wyden
Ranking Member
Committee on Finance
United States Senate
Washington, DC 20510

Dear Chairman Hatch and Senator Wyden:

On behalf of Governor Malloy, I write in response to your letter of April 24, 2015, requesting information on Connecticut's policies concerning privatized foster care.

Working together with families and communities to improve child safety, ensure that more children have permanent families, and advance the overall well-being of children is the central focus of the Department of Children and Families (DCF). DCF protects children who are being abused or neglected, strengthens families through support and advocacy, and builds on existing family and community strengths to help children who are facing emotional and behavioral challenges, including those committed to the Department by the juvenile justice system.

The following respond to the specific questions included in your letter.

- Connecticut contracts with 16 Child Placing Agencies (CPAs) statewide to provide Therapeutic Foster Care (TFC) to children who meet the criteria for this level of care. This is determined by a Therapeutic Eligibility Instrument (TEI). Therapeutic Foster Care provides case-management services including but not limited to: development and implementation of care plan; active participation on child's permanency team; family search and engagement; referral and linkage to community-based services; provision of life skills; foster family guidance and supervision; respite and emergency care planning and placement; ensure health and educational needs are met; home safety assessments and monitoring; behavioral and crisis planning and management; and discharge planning/after care support.
- Therapeutic Foster Care makes up 21% (690 placements out of 3232 placements) of the children in foster care in Connecticut.
- The following agencies provide Therapeutic Foster Care: All 16 agencies are not for profit organizations:



Joette Katz
Commissioner

DEPARTMENT of CHILDREN and FAMILIES
Making a Difference for Children, Families and Communities



Dannel P. Malloy
Governor

1. Boys and Girls Village	9. Children's Community Programs of CT
2. Community Health Resources	10. Community Residences Inc.
3. The Connection Inc.	11. Dare Family Services
4. Family and Children's Agency	12. Family and Children's Aid
5. Institute of Professional Practice	13. Jewish Family Service
6. Klingberg Family Center	14. North American Family Institute Inc.
7. New Opportunities Inc.	15. The Village for Families and Children
8. Waterford Country School	16. Wheeler Clinic

- Connecticut does not require private foster care entities or organizations to be accredited.
- The Department of Children and Families has a well-established process for procuring and contracting with private entities that is regulated by State Statute and the Office of Policy and Management. (C.G.S. 4-70b and 4-212.) When a new program is being created or a substantial redesign of an existing service is proposed, the Department typically engages in a competitive procurement process. A solicitation document, Request for Proposals, is generated articulating in detail the desired service, including target population, scope of work, funding sources, and term of award. (Please see attached template for State of Connecticut Department of Children and Families Request for Proposals.) When a "Sole Source" of the service is proposed rather than purchasing through a competitive procurement process, the Department submits "Sole Source Justification" materials to the Office of Policy and Management to approve of such request. The RFP is posted on the State of Connecticut's Department of Administrative Services website and in appropriate newspapers. Interested parties attend a Bidder's Conference (technical assistance), submit of Letter of Intent and then submit their Proposal by the established deadline. The Department's Contracts and Fiscal Division reviews submissions to ensure that the bids meet stated requirements. The Department convenes a review team that reviews all bids and scores them according to a pre-established scoring system. The recommendations generated by the review team are submitted to the Commissioner for final determination. The selected providers are notified and negotiations with awardees are held to finalize budgets and service delivery. Upon agreement, contracts are executed. Currently, contracts are typically awarded for a 3-year period. Changes to the terms of a contract, including funding levels, capacity and modifications to the language in the Scope of Service occur through a formal contract amendment. Contract renewals are routinely carried out and include feedback from consumers, reviews of appropriate expenditures, non-compliance with contract elements, and regulatory corrective actions. Connecticut has a plan in place for re-procurement of existing contracted services to ensure that these service providers are still able to meet the Department's needs. This is, in essence, an additional measure to ensure that ineffective programs do not continue to hold contracts and receive funding. The Department of Children and Families assigns to each contracted service a Program Development and Oversight Coordinator (PDOC). The PDOC supports the delivery of high quality, accountable services to children and families who are DCF involved or part of the Department's legislative mandate, through collaboration and partnerships with contracted providers. The PDOC, in partnership with other DCF staff, carries responsibility to ensure that services under their oversight and influence operate effectively and efficiently; and are producing positive outcomes for Connecticut children and their families. The PDOC's overarching role



Joette Katz
Commissioner

DEPARTMENT of CHILDREN and FAMILIES
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Dannel P. Malloy
Governor

includes serving as subject matter experts and monitoring their programs through use of quality assurance strategies.

- Connecticut uses the same safety inspection process for non-profit agencies and for-profit agencies. On-site visits to the facility/program are conducted on a biennial basis. The physical plant is reviewed during the on-site visit. The building should be completely furnished and ready to open before an initial provisional license can be issued. The behavioral, developmental, and medical characteristics of the children to be served must be taken into account when determining the adequacy and safety of the physical plant. The personnel files of all staff listed on the DCF Staff Schedule A must be reviewed. Each facility/program must prepare a sample case record that includes the required format as called for in the applicable set of regulations.
- There were 45 foster care substantiations of abuse in the last five years. Thirty three (73%) of the abuse substantiations were related to DCF licensed foster homes and 12 (27%) were related to private foster care homes (CPAs).
- If an abuse claim is substantiated while a child is in a foster home, an assessment is conducted to determine whether the child's removal from the foster home is in the child's best interest. This assessment may consider whether the alleged victim is the foster child or whether the alleged perpetrator is a household member. If it is determined that the child's best interest is to remain in the foster home, a waiver must be generated and approved by the Department's Commissioner. This process does not differ for DCF licensed foster homes and CPA licensed foster homes.

If you have additional questions, your staff should contact the following of my staff; Linda Dixon at (860) 550-6383 or linda.dixon@ct.gov or Sarah Gibson (860) 550-6536 or sarah.gibson@ct.gov.

Sincerely,

Joette Katz
Commissioner, Connecticut Department of Children and Families
505 Hudson Street
Hartford CT 06106

State of Delaware



**The Department of Services
for Children, Youth and
Their Families**

Office of the Secretary

633 - 2500

May 28, 2015

Via Email

Ms. Laura Berntsen
Senior Human Services Advisor
Senate Finance Committee
U.S. Congress

Dear Ms. Berntsen:

This letter is to provide Delaware's response to the letter from Senators Hatch and Wyden of April 24th regarding states' use of private entities to administer some or all of their foster care programs.

Utilization of Private Entities to Provide Foster Care

The DE foster care program has long been a public-private partnership. In DE, foster homes are provided by the Division of Family Services (DFS), which is the public child welfare agency and several private, not-for-profit providers. Private providers are contract agencies through contracts with DFS for Purchase of Care (POC). At any one time, approximately 60% of the foster homes in DE are under the direct auspices of DFS and 40% under five contracted providers—all of whom are private, not-for-profit agencies.

DFS retains legal and case management responsibilities for meeting the needs of all children in foster care, whether they are placed in a DFS foster home or private provider home under a Purchase of Care (POC) contract with a licensed agency. This means that each child placed in a foster home managed by a private provider remains on the caseload of a DFS caseworker. This DFS caseworker is then responsible for providing direct oversight of the case management provided by the POC agency. This oversight is accomplished in several ways:

- 1) DFS caseworker receives monthly progress notes from the POC agency and enters these into the DFS client information (SACWIS) system;
- 2) DFS caseworker typically continues to work directly with the birthparent(s) on their case plans, in collaboration with the caseworker from POC agency;
- 3) DFS retains the right to give consents as needed (e.g., medical, school trips);
- 4) DFS caseworker is responsible for personally meeting with and assessing the child separately from the POC agency caseworker, at least once every six months; and
- 5) DFS provides the primary testimony to the Family Court during all court reviews. The caseworker from the POC agency is present and may provide additional testimony as required.

*Delaware Youth and Family Center
1825 Faulkland Road • Wilmington, Delaware 19805*

Delaware's Response
May 28, 2015
Page 2

The caseworker for the POC agency provides most of the direct casework with the child and is responsible for meeting the federally required minimum monthly contact. Visitation between the child(ren) in foster care and their birth parent(s) may be monitored by either DFS or the POC agency caseworker depending on the factors specific to the case.

Proportion of Placements by Type

As of May 18, 2015, there were 689 children in foster care in DE. Of those, 256 were in homes administered by private, not-for-profit agencies. The remaining 433 are in homes directly administered by DFS, the public child welfare agency, or in residential treatment or juvenile justice facilities. DE does not have any for profit foster care providers licensed in the state.

Non-public Foster Care Entities

The current POC provider agencies are all private, not-for-profit agencies:

- A Better Chance for Our Children
- Child, Inc.
- Children & Families First
- Children's Choice
- Pressley Ridge
- Progressive Life Center

Accreditation and Licensure

DE does not currently require that private foster care entities be accredited. However, these providers are required to be licensed by DFS under *Delaware Regulations for Child Placing Agencies*. Licenses are issued for a period of one year. Each agency is inspected annually for license review and more frequently if complaints are received.

Selection and Contracting Process

The contracting process for private entities to become foster care provider agencies follows the State's procurement procedures. DFS develops and publishes a Request for Proposals (RFP), outlining the services needed, contractual expectations and bidding procedure. Each entity must complete a proposal and submit according to the requirements. Proposals are reviewed and scored by a multi-disciplinary team from across the Department of Services for Children, Youth and Families. That RFP

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review committee then forwards their evaluation of the proposals to the Director of DFS for final approval of selected bidders. Once approval is obtained, the DFS Program Manager for Foster Care Services and related staff meet with successful bidders to begin contract negotiations. Contracts include a number of specifications including that the provider agency be licensed, agree to reporting on federally and locally required performance indicators, participate in bi-monthly provider meetings, and participate in ongoing program monitoring.

Process for Inspection of Safety of Foster Care Settings

DFS Managed Foster Homes

The first safety precaution is that all agency staff and foster parents must have a criminal background check and a check to see if they are on the Child Protection Registry. The Criminal History Unit of the Office of Child Care Licensing then tracks all staff and foster parents for any subsequent arrests and reports those to DFS administration. Subsequent arrests of any staff or foster parent are immediately reviewed. The Department of Services for Children, Youth and Families has a policy that stipulates criteria according to specific criminal backgrounds for employees and foster parents to be deemed as prohibited from working with or caring for minor children, whether as the initial approval or ongoing monitoring of their approval.

Prospective foster parents must also undergo a structured home study process prior to being approved. The home study process includes interviews, reference checks, and a specified inspection of the family's home to assess the adequacy of accommodations and the absence of health and safety concerns. The foster family is then reassessed at least annually, which includes additional home inspection, coupled with updated health information.

The federal requirement is that children in foster care receive an in person contact by a caseworker at least monthly. DFS has for several years also required that an average of 95% of such contacts occur in the child's foster home, so that the child's safety and well-being in the home can be continually reassessed. In DE, all children in foster care are represented by either a Court Appointed Special Advocate (CASA) or Guardian ad Litem (GAL). These representatives also see the children they represent both in their foster homes, as well as in school or other community settings. This provides an additional individual to help monitor the safety and well-being of children in care. Foster homes are also regularly monitored by Foster Home Coordinators, who first approved the foster home and are involved in ongoing placements.

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Private Not-For-Profit Homes

As stated above, DFS contracts with private foster care agencies through the Request for Proposal process. Contracts are awarded for a period of one year. The foster care agencies recruit, train, approve and monitor their group of foster parents according to both the contract specifications by DFS and the license requirements of the Office of Child Care Licensing. During the year of operation, DFS conducts at least one contract monitoring review onsite in the agency. More frequent reviews can occur if there are complaints. These reviews are conducted by a multi-disciplinary team from the Department of Service for Children, Youth and Families and led by contract staff from DFS. The reviews include inspection of the license, personnel files of staff, required files for foster parents, training files, and case files for all children and youth in care, coupled with interviews of program staff, foster parents, and children/youth.

Additionally, the Office of Child Care Licensing also conducts an annual license review of all of these agencies according to the *Delaware Regulations for Child Placing Agencies*.

In all other ways, private foster homes are inspected in the same manner as the public ones. Foster parents under the auspices of private agencies must undergo the same background and criminal background checks. Any subsequent arrests are reported to DFS administration and handled the same as for public foster homes. Federally required contacts by caseworkers are conducted by private agency staff at least monthly and 95% of these must occur in the home. The DFS caseworker who retains primary responsibility also visits the child separately from the private agency caseworker at least semi-annually to do an independent assessment of the child's safety and well-being. Similarly, all children in private foster homes are also represented by either a CASA or GAL, who visits the child in his/her foster home regularly.

Instances of Substantiated Abuse in Foster Care

Period	Total	# of kids in Foster Care during the Year Period	Public Foster Homes	Private Foster Homes
FFY 2010	2	1210	1	1
FFY 2011	1	1267	1	0
FFY 2012	3	1306	0	3
FFY 2013	2	1162	2	0
FFY 2014	0	991	0	0

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Actions Taken on Abuse Reports and Substantiations

All reports of child abuse or neglect, including those involving children in foster care, are required to be reported to the statewide Child Abuse and Neglect Report Line. Upon that screening, reports involving children in foster care (public or private) or other licensed facilities are then investigated by the Institutional Abuse Unit of DFS. The Institutional Abuse Unit is administered through the DFS central office. This is a specialized child protection investigation unit that follows standardized investigation procedures and makes recommendations about case dispositions, including substantiations. The investigations of abuse or neglect within foster care are handled the same for public and private foster homes. Typically, the foster children in the home (including the alleged victim and other foster children) are removed from the home during the investigation to ensure their safety. Reports of abuse and neglect in foster homes are also immediately reported to the child's CASA or GAL. If the foster parent is subsequently substantiated for abuse or neglect, the home is closed.

If in the course of the investigation concerns are discovered about the oversight of the foster home, then additional reviews may follow the Institutional Abuse Unit investigation. For public foster homes, the assigned Foster Home Coordinator and Supervisor from the regional office involved will conduct a follow up review of the foster home. For private foster homes, the Office of Child Care Licensing will conduct a separate review. Either of these reviews may result in closing the foster home if concerns are found that do not rise to the level of substantiation. Additionally, the Department of Services for Children, Youth and Families will conduct a multi-disciplinary Root Cause Analysis in cases in which a foster child is seriously injured or dies. These reviews focus on systemic factors and are followed by corrective action plans as indicated.

Delaware hopes that this information will be helpful to Senate Finance Committee in its deliberations. If there are questions or additional information is requested, please feel free to contact Dr. Vicky Kelly, The Director of the Division of Family Services directly at Victoria.Kelly@state.de.us.

Respectfully submitted,



Jennifer B. Ranji
Cabinet Secretary
Department of Services for Children,
Youth and Their Families

JBR/ccs

cc: Dr. Victoria Kelly
Director of Division of Family Services



EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

GOVERNMENT OF GUAM
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMTON SALUT PUPBLEKO YAN SETBISION SUSIAT



JAMES W. GILLAN
DIRECTOR

LEO G. CASIL
DEPUTY DIRECTOR

MAY 22 2015

Ms. Laura Bernsten
Senior Human Services Advisor
Committee on Finance
United States Senate
219 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Ms. Bernsten:

We are in receipt of a request by the Senate Finance Committee to provide information on Guam's foster care program. Guam's foster care program is funded through the federal Title XX, Consolidated Block Grants Program and the local Foster Care Program funds. The Governor has asked me to respond.

Question 1:

- To the degree applicable, describe your state's utilization of private entities to provide case management services (e.g., placement of children with particular foster care providers, ongoing casework and oversight of foster care placements).

Answer:

The Department of Public Health and Social Services (DPHSS) of the Government of Guam is the state agency that is responsible for placement of all foster children. All foster children on Guam are placed at any of the following: licensed family foster home, therapeutic foster home, relative placement, 24-hour emergency shelter, or group home.

The role of private, non-profit entities, such as the emergency shelter and some of the group homes, are limited to just providing temporary foster care placements. The duration for these placements range from 1 hour to several years depending on the severity or complexity of the case. These temporary homes are reimbursed with monthly or daily maintenance payments, an annual clothing allowance, or a set contract amount in the case of therapeutic foster care, emergency shelter, and some group homes. The DPHSS may provide other emergency essentials for the children. Children's health care are covered through Medicaid or the Medically Indigent Program (MIP), which is 100% funded through the local government.

Some government agencies provide temporary care for those children who exhibit truancy or behavioral problems, such as the Department of Youth Affairs. The Guam Behavioral Health and Wellness Center provides temporary care for those children who have emotional or severe behavioral problems, or have other disabilities.

Regardless of the child's placement in any of the above settings, case management services for foster children are provided through Social Workers employed by the state agency, the DPHSS. Case management services for foster children are not provided by the above entities. The DPHSS Social Workers maintain oversight of these cases up until children are reunified with their parents or other caregiver, adopted, provided with other permanency plans, or reach the age of majority. The Guam family court provides leverage for the cases. The court may also extend jurisdiction to the DPHSS up to age 21.

Question 2:

- **What proportion of the children in foster care in your state is placed by the public agency, not-for-profit providers, and for-profit providers?**

Answer:

All children in foster care are placed by the public agency, the DPHSS.

Question 3:

- **Please provide the number and names of private entities providing these core services, as well as information on whether each provider is a for-profit or not-for-profit entity.**

Answer:

Not applicable.

Question 4:

- **Does your state require that private foster care entities or organizations operating in your state be accredited? If so, by which organization and how often is this accreditation renewed?**

Answer:

Not applicable.

Question 5:

- **Describe in detail the process you use to select and contract with these private entities, as well as to review and renew such contracts.**

Answer:

Not applicable.

Question 6:

- **Describe in detail the process your state uses to inspect the safety of the foster care settings in which children are placed and the extent to which this process differs for public, not-for-profit, and for-profit providers operating in your state.**

Answer:

The DPHSS administers and licenses family foster homes, group homes, and therapeutic foster homes in conjunction with the Guam Behavioral Health and Wellness Center. The DPHSS also administers and licenses the 24-emergency shelter in accordance with Guam Public Law 31-73, *an Act to Establish the Administrative Rules and Regulations of the Department of Public Health and Social Services relative to Child Care Facilities and Group Care Homes*.

The DPHSS process used to inspect the safety of the 24-hour emergency shelter for foster children is through quarterly site visits to the shelter by the DPHSS licensing Social Worker and Program Coordinators. Staff utilize a monitoring checklist that is based on the Scope of Work for services, and another monitoring checklist that is based on the standards for child care facilities, or Public Law 31-73. The discrepancies discovered during the site visit are addressed immediately to the shelter. If the shelter does not address the safety issues within the timelines outlined in the standards, the DPHSS will either revoke, suspend or not issue a license. Once the discrepancies are addressed, the license is provided. In a recent site visit on January 27, 2015 and where issues of safety were questioned, the emergency shelter took action and removed the safety violations within two to three weeks upon notice by DPHSS.

The DPHSS process used to ensure the safety of children in licensed foster homes is through the application packet checklist for family foster home license. The licensing Social Worker ensures that all applicants meet the criteria contained in the checklist. This checklist includes the application for license, autobiography of foster parent, report of medical history, financial report sheet, employment verification, 3 character references, consent for disclosure to conduct a background check with Child Protective Services, Guam Police Department clearance, Superior Court of Guam clearance, clearance(s) from investigative agency if active military personnel (i.e. Navy Criminal Investigative Services, Office of Special Investigation), copy of recent check stub, marriage certificate or license, and a home inspection and interview conducted by the licensing Social Worker.

The autobiography of the foster parent shall include information on the following:

- Reasons for wanting to become a foster parent.
- Describe your upbringing, relationship with parents, etc...
- Describe your contact with your family now.
- Describe how decisions are made as a couple.
- Describe strengths and weaknesses as a couple.
- Describe how you deal with difficult issues.
- Describe your method of discipline.
- What behaviors do you expect from children, during meals and playtime?

- What behaviors or expectations do you have with regards to teenagers?
- What are your feelings on religion or morals? How does it relate to child rearing?

The family foster home license is granted upon satisfactorily meeting the above requirements. Once license is granted, the licensing Social Worker conducts regular inspections of the home through a checklist that is based on Public Law 23-143, the *Standards for Family Foster Homes*.

The DPHSS process used to ensure the safety of children in relative placements includes a preliminary home assessment conducted by the Social Worker. The assessment report is provided to the child's Guardian ad Litem, and to the Guam family court for approval. The child is not placed in a relative placement until all parties grant approval. However, for those cases that warrant immediate removal of the child from the natural home or alleged perpetrator, the home assessment becomes secondary if the child needs to be placed immediately in the relative home placement in order to ensure the most familial environment and to minimize trauma. The routine home assessment is then conducted immediately thereafter. Upon entering the placement, the Social Worker will continue to monitor the case, to include an inspection of the home on a regular basis until case closure.

Question 7:

- **How many instances of abuse in a foster care placement have been substantiated in the last five years in your state? Of those substantiated, how many of these instances related to children placed by: not-for-profit providers, for-profit providers, and public providers?**

Answer:

In the last five years, there were about five cases of substantiated abuse or neglect within the foster care setting. All five cases were placed by the public provider, or DPHSS.

Question 8:

- **Describe in detail the actions taken when an abuse claim is substantiated while a child is in an out of home placement. Do these actions differ depending on whether the child was placed by the public agency, a not-for-profit provider, or a for-profit provider?**

Answer:

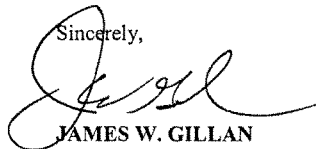
The actions taken when an abuse claim is substantiated while a child is in an out of home placement does not differ for any of the types of placements mentioned above as all foster children on Guam are placed by the public agency, or DPHSS.

All reports of abuse or neglect within a foster care setting are reported to the state agency, or DPHSS, that also has oversight on the investigation of all allegations of child abuse and neglect on Guam. This is outlined in Public Law 20-209, the *Guam Child Protective Act*. Once the case is deemed substantiated by the DPHSS, the agency shall take the following actions:

- If the child was placed in a licensed foster family home, therapeutic foster home, or relative placement, the child shall be immediately removed from the home and placed in another family foster home, therapeutic foster home, relative placement, or group home.
- The license of the home shall be revoked if the perpetrator is a foster parent. If the perpetrator is an employee of a group home or the 24-hour emergency shelter, the DPHSS shall coordinate with the home for the removal or termination of the employee.
- The severity of the injury or crime, as defined in Guam's Criminal Code, shall warrant further action and intervention, and other government agencies such as the Guam Police Department, Office of the Attorney General, and the Superior Court of Guam shall enforce criminal proceedings.

Should you need further clarification or have any other questions on Guam's foster care program, please do not hesitate to contact Ms. Linda B. Rodriguez, Human Services Program Administrator for the Bureau of Social Services Administration at (671) 475-2653/2672.

Sincerely,



JAMES W. GILLAN



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

May 26, 2015

Ms. Becky Shipp, Health and Human Resources Policy Advisor and
Ms. Laura Berntsen, Senior Human Services Advisor
Committee on Finance
United States Senate
Washington, D.C. 20510-6200

Dear Ms. Shipp and Ms. Berntsen:

The following is Hawaii's response to the information requested in the April 24, 2015 letter from Senators Hatch and Wyden.

1. Private Case Management

In the State of Hawaii (SOH), all case management services for children in foster care are provided by the SOH, Department of Human Services, Child Welfare Services (CWS). No private agencies provide case management for children in foster care in Hawaii.

2. Who Places Foster Children

All children who come into foster care in Hawaii due to maltreatment are placed in foster care by the State CWS.

3. Private Entities Providing Core Services

All core services are provided by the State CWS.

4. Accreditation of Private Entities

Not applicable.

5. Selection Process for Private Entities

Not applicable.

6. Inspecting the Safety of Foster Care Settings

The licensing processes for Emergency Shelter Homes, Foster Family Homes for Children, and Child Caring Institutions are set forth in the Hawaii Administrative Rules (HAR). The HAR are available at <http://humanservices.hawaii.gov/admin-rules-2/admin-rules-for-programs/>. In summary, prior to licensing a foster care setting, a State CWS worker completes a safety inspection of both the foster home or facility and the perspective caregivers. To ensure the safety of the physical space, the worker evaluates: reports or evidence of illegal activity, reports or evidence of substance abuse, TB and other communicable diseases status, sanitation, storage of medication and cleaning supplies, location and storage of any potentially dangerous objects, and adequate sleeping space. To ensure that the potential caregivers can safely care for the child, the worker analyzes information from a wide array of sources, including: Hawaii's Child Abuse/Neglect Database, Hawaii's Criminal Justice Information System, Hawaii's Sex Offender Registry, National Sex Offender Registry, Hawaii CWS' Foster Home Licensing Files, reports or evidence of illegal activity, reports or evidence of substance abuse, physical and mental health reports and evidence, access to reliable child care, and the worker executes an agreement to never use physical discipline with the child.

Additionally, information is gathered from Child Abuse/Neglect databases for all states where the caregivers have lived. Potential caregivers are also fingerprinted and undergo FBI clearance.

As to ongoing assessment of the foster home, the State CWS caseworker visits with the child on a monthly basis; at least six of those visits must take place in the foster care setting. Additionally, the State CWS licensing worker visits the child in the foster care placement once every six months and completes a safety inspection.

7. Abuse in Foster Care Placement

In Hawaii, from State Fiscal Year 2010 – State Fiscal Year 2014 (July 1, 2009 - June 30, 2014), a total of 47 children were the subjects of confirmed maltreatment in foster care placements. All of these children were placed by the Hawaii CWS. For each of these five years, the percentage ranged from a low of 0.23% to a high of 0.88% out of all children in foster care for that year.

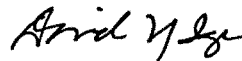
8. Substantiated Abuse Actions

When there is an allegation of abuse in a foster care setting, during the investigation, the child is removed from the setting. CWS staff makes an assessment about the safety of and risk to any other children in the home and decides whether or not to remove them.

If the allegations are substantiated, the CWS Licensing worker completes an assessment, and depending upon the severity of the harm and the placement situation for the child (length of stay, permanency plans), all children may be removed from the home and the foster care license terminated, or rehabilitative efforts may take place. There is only one process, as the State CWS places all children in foster care.

Should you have questions, concerns, or would like more information, please contact Kayle Perez, Child Welfare Services Branch Administrator, at (808) 586-5667 or by email at kperez@dhs.hawaii.gov.

Sincerely,



DAVID IGE
Governor, State of Hawai'i

Illinois Department of
DCFS
Children & Family Services

Bruce Rauner
Governor

George H. Sheldon
Acting Director

December 15, 2015

The Honorable Orrin Hatch
Chairman
US Senate Committee on Finance
Washington, DC 20510

The Honorable Ron Wyden
Ranking Member
US Senate Committee on Finance
Washington, DC 20510

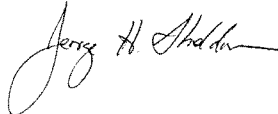
Dear Chairman Hatch and Ranking Member Wyden:

Thank you for your letter dated April 24, 2015 requesting information on the State of Illinois' foster care system. On behalf of the State of Illinois' Department of Children and Family Services, I am grateful for the opportunity to share with you our answers to your questions.

Governor Bruce Rauner and I agree that it is of the utmost importance to ensure that youth in out-of-home placements are kept safe, healthy, and cared for during their temporary stay. We look forward to working with you and your colleagues in the Senate to ensure that federal dollars are spent wisely in the shared goal of both providing a safe place to stay when necessary, while preventing the need for out-of-home placements to the greatest extent possible.

The following pages and accompanying attachments constitute our answers. Please do not hesitate to contact Andrew Flach, my Chief of Staff, at 312-814-6847 should you have additional questions.

Sincerely,



George Sheldon
Acting Director
Illinois Department of Children and Family Services

Office of the Director
100 W. Randolph St., Suite 6-100 • Chicago, Illinois 60601-3249
312-814-2074 • 312-814-1888 Fax
www.DCFS.illinois.gov

1. To degree applicable, describe your state's utilization of private entities to provide case management services.
 - a. Public child welfare agencies have historically relied upon private, nonprofit agencies to deliver services to particular client population, Illinois is no different, in this regard.
 - i. The Illinois Department of Children and Family Services (DCFS) currently contracts with 48 private agencies providing foster care services statewide.
 - ii. Caseload tracking data as of March 31, 2015 shows there were 16,330 children in paid foster care living arrangements. Private providers are caring for 12,869 of those children, or 78%, while DCFS is caring for 3,461 children or 21%.
2. What proportion of the children in foster care in your state is placed by the public agency, not-for-profit providers, and for-profit providers?
 - a. Not-for-profit providers care for 12,059 children, or 74%; for-profit providers care for 810 children, or 5%; and, the public agency cares for 3,461 children, or 21%.
3. Please provide the number and names of private entities providing these core services, as well as information on whether each provider is a for-profit or not-for-profit entity.
 - a. Document is attached.
4. Does your state require that private foster care entities or organizations operating in your state be accredited? If so, by which organization and how often is this accreditation renewed?
 - a. Yes, state law requires private agencies and their staff to maintain accreditation from a nationally recognized organization. Further, state licensing law allows organizations who have obtained full accreditation status from the Council on Accreditation for Children and Family Services to benefit from a streamlined licensing renewal procedure as long as there are not substantiated licensing violations within the previous 4 years.
5. Describe in detail the process you use to select and contract with these private entities, as well as to review and renew such contracts.
 - a. Illinois has been a national leader in performance based contracting with private agencies for child welfare services. Since 1998, private foster care agencies in Illinois have been subject to performance benchmarks for permanency achievement, placement stability, and other key child welfare outcomes.
 - i. Private agencies and their caseworkers must be accredited and licensed. All private agencies must maintain accreditation from a nationally recognized organization (such as the Council on Accreditation). In addition, agencies must be licensed Illinois Child Welfare Agencies, and all Illinois caseworkers must obtain an individual child welfare license by meeting standards for education, experience, child welfare training, and a clean criminal background.
 - ii. Both public and private providers are currently expected to achieve annual permanency rates of 40%, while keeping all children safe from harm while in care. Benchmarks are also established for: placement stability; in-person casework contacts; parent-child and sibling visitation; home-of-relative licensure; and timely case planning. Top-performing agencies are rewarded with

- a greater share of new, incoming foster cases. Low-performing agencies have diminished intake goals, and are at risk of intake closure.
6. Describe in detail the process your state uses to inspect the safety of the foster care settings in which children are placed and the extent to which this process differs for public, not-for-profit, and for-public providers operating in your state.
 - a. All licensed foster homes (public, not-for-profit, and for-profit) are physically inspected at least twice a year. During the monitoring visits, standards related to safety are reviewed and the findings documented on the CFS 597-FFH form. A foster family home license is valid for four (4) years. When a license is issued (initial or renewal licenses) the CFS 590 form is completed, which documents compliance with every licensing standard for foster family homes. Copies of the CFS 590 and CFS 597-FFH forms are included as separate attachments.
 - b. Violations of licensing standards, including safety violations, are cited and a corrective action plan implemented. Serious violations result in a foster home being placed on "Involuntary Hold" meaning no additional placements may be made. Children may be moved to another placement if they are assessed to be at risk of harm. When a corrective action plan is implemented, it will be monitored until all violations have been corrected.
 7. How many instances of abuse in a foster care placement have been substantiated in the last five years in your state? Of those substantiated, how many of these instances related to children by: not-for-profit providers, for-profit providers, and public providers?
 - a. There have been 659 indicated counts of abuse of children in a foster care placement. Of those indicated counts, 123 (18.7%) were related to a public provider; 46 (7%) to a for-profit provider; and, 490 (74.4%) to a not-for-profit provider.
 8. Describe in detail the actions taken when an abuse claim is substantiated while a child is in an out of home placement? Do these actions differ depending on whether the child was placed by the public agency, a not-for-profit provider, or a for-profit provider?
 - a. DCFS has established rules and procedures for concurrent investigations when a child in an out of home setting is the victim of abuse/neglect. The same procedures are applicable to all homes, regardless of whether the child was placed in a public agency or private agency foster home.
 - b. The Illinois State Central Register screens (SCR) all calls to the statewide hotline to determine if an incident meets the criteria for an abuse/neglect investigation. If the child victim is identified as residing in an out of home setting, SCR also notifies the DCFS Licensing Division and the licensing agency for that privately run foster home and a concurrent licensing investigation is initiated. Child protection staff and licensing staff work concurrently to develop a protective plan to ensure the safety of the child until both investigations are complete. Protective plans require removal of the child from the foster home, or removal of the offending foster parent, or the addition of another caregiving adult into the foster home. Weekly communication between child protection and licensing is required and licensing staff are responsible for weekly monitoring of the

protective plan until a final determination is made. Children typically are not returned to the home if the child abuse/neglect allegation is substantiated.

- c. Upon conclusion of a substantiated child abuse/neglect investigation, the licensing agency must update background checks for the foster parents and re-examine the foster home to determine whether licensing standards are being met. Licensing must then determine whether to move to revoke the foster home's license or ask for a waiver of unsuitability to allow the home to maintain their license. This evaluation and actions are completed by purchase of service licensing staff if the home is licensed by purchase of service agency and by DCFS licensing staff if the home is licensed by DCFS. Purchase of service licensing agencies must report to DCFS Agency and Institution licensing staff on status of licensing complaints and corrective/revocation actions completed by their agencies.

DCFS Children in Out-of-Home Care†
by Profit-Status of Case Managing
Agency as of 3/31/15

FOR-PROFIT-STATUS	CASES	ALLIANCE HUMAN SERVICES, INC ‡	CAMELOT CARE CENTERS INC.	ADAPT COMMUNITY ALTERNATIVES
PRIVATE NOT-FOR-PROFIT	12,059	372473	481809	439604
PUBLIC AGENCY	3,461			
PRIVATE FOR-PROFIT	810	459	329	22
TOTAL	16,330	459	329	22

† Out-of-Home Care = Open child cases, excluding those placed at home or in Adoptive/Guardianship settings.

‡ Alliance Human Services, Inc is a not-for-profit agency, but all case management services are provided by its subcontractor, Illinois Mentor, which is a for-profit agency. IL DCFS will no longer contract with either Alliance Human Services or Illinois Mentor as of 7/1/2015.

CYCIS Data as of 3/31/15.

CASE MANAGING AGENCY	CASES 3/31/15	CASE MANAGING AGENCY	CASES 3/31/15
PRIVATE NOT-FOR-PROFIT (65 Agencies)	12,059	PRIVATE NOT-FOR-PROFIT (continued)	12,059
ADA S MCKINLEY COMM SERV INC	158	LUTHERAN CHILD & FAMILY SVC	1,267
ALLENDALE ASSOCIATION	53	LUTHERAN SOCIAL SERVICES OF IL	1,570
ARDEN SHORE CHILD AND FAMILY SERVICES	110	LYDIA HOME ASSOCIATION	84
ASSOCIATION HOUSE OF CHICAGO	90	MYSI CORPORATION	56
AUNT MARTHAS YOUTH SVC CTR INC	198	NATIONAL YOUTH ADVOCATE PROGRAM INC	93
BABY FOLD	118	NEXUS-ONARGA ACADEMY	11
BETHANY FOR CHILDREN AND FAMILIES	49	OMNI YOUTH SERVICES INCORPORATED	60
CARITAS FAMILY SOLUTIONS	679	ONE HOPE UNITED NORTHERN REGN	437
CATHOLIC CHARITIES/ARCH OF CHICAGO, THE	44	ONE HOPE UNITED-HUDELSON REG	65
CATHOLIC CHILDRENS HOME	15	OUR CHILDREN'S HOMESTEAD	145
CENTER FOR YOUTH & FAMILY SOLUTIONS, THE	944	OUTREACH ACADEMY	9
CENTERSTONE OF ILLINOIS INC	13	PROLOGUE INC.	8
CHADDOCK	121	RUTLEDGE YOUTH FOUNDATION INC	21
CHILDLINK	220	RUTLEDGE YOUTH FOUNDATION, INC.	35
CHILDRENS HOME & AID SOC OF IL	1,227	SHELTER, INC.	88
CHILDRENS HOME ASSOC OF IL	192	SOS CHILDRENS VILLAGES IL	183
CHILDRENS PLACE ASSOCIATION, THE	48	THRESHOLDS	17
CHILDSERV	298	THRESHOLDS, THE	24
CUNNINGHAM CHILDRENS HOME INC	80	UHLICH CHILDREN'S ADVANTAGE NETWORK	369
EASTER SEALS JOLIET REGION INC	73	UNITED CEREBRAL PALSY SEGUIN	159
ENVISION UNLIMITED - C.A.R.C.	58	UNITED METHODIST CHILDRENS HOM	35
EVANGELICAL CHILD & FAMILY AGENCY	1	UNITY PARENTING AND COUNSELING	144
FAMILY SERVICE CENTER OF SANGAMON COUNTY	98	UNIVERSAL FAMILY CONNECTION IN	140
FAMILYCORE	235	VOLUNTEERS OF AMERICA	165
GENEVA FOUNDATION	15	WEBSTER CANTRELL HALL	109
GUARDIAN ANGEL COMMUNITY SERVICES	98	YOUTH NETWORK COUNCIL	59
HARBOUR INC, THE	21	YOUTH OUTREACH SERVICES	32
HEPHZIBAH CHILDREN'S ASSOCIATION	64	YOUTH SERVICE BUREAU OF ILLINOIS VALLEY	401
HOYLETON YOUTH AND FAMILY SERVICES	226	YOUTH SERVICE PROJECT INC	6
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KALEIDOSCOPE, INC.	133	ADAPT COMMUNITY ALTERNATIVES	22
KEMMERER VILLAGE	43	ALLIANCE HUMAN SERVICES, INC	459
LAKESIDE COMMUNITY COMM	151	CAMELOT CARE CENTERS INC.	329
LAWRENCE HALL YOUTH SERVICES	255	OUT-OF-HOME CARE CASES 3/31/15	16,330
LITTLE CITY FOUNDATION	47		



Michael R. Pence, Governor
 Mary Beth Bonaventura, Director
Indiana Department of Child Services
 Room E306 – M547
 302 W. Washington Street
 Indianapolis, Indiana 46204-2738

317-234-KIDS
 FAX: 317-234-4497
www.in.gov/dcs

Child Support Hotline: 800-840-8757
Child Abuse and Neglect Hotline: 800-800-5556

June 2, 2015

Becky Shipp, Health and Human Resources Policy Advisor
 Laura Berntsen, Senior Human Services Advisor
 U.S. Senate Finance Committee

Dear Ms. Shipp and Ms. Berntsen,

In response to the letter dated April 24, 2015, from the U.S. Senate Finance Committee, please see information below relating to the delivery of child welfare services in Indiana:

- 1. To the degree applicable, describe your state's utilization of private entities to provide case management services (e.g. placement of children with particular foster care providers, ongoing casework and oversight of foster care placements).**

Core case management in Indiana is the responsibility of the Indiana Department of Child Services (DCS), and the delivery of child welfare services, including placement of children with particular foster care providers, ongoing casework, and oversight of foster care placements is provided by DCS staff in local offices throughout the state.

DCS is responsible for approving all placements for children who are adjudicated to be a Child in Need of Services (CHINS) or delinquent children. Foster eligible placements include foster family homes, group homes, and residential treatment facilities, all of which are state-licensed placement options.

All foster family homes receive a state-issued license based upon consistent state requirements, whether licensed directly by DCS or by DCS approval of a recommendation for licensure made by a Licensed Child Placing Agency (LCPA). DCS enters into contractual agreements with LCPAs to recommend licensure of additional foster family homes. LCPAs provide enhanced supervision of the foster family homes licensed by DCS through their agency and provide placement support for children placed in homes managed by LCPAs.

Each child in a foster family home placement is monitored by an assigned DCS family case manager throughout the duration of the placement. DCS's Foster Care Licensing Unit has licensing oversight



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over all foster family homes and may recommend probation, placement hold, and/or revocation as needed.

Additionally, DCS enters into contracts with cross-system care coordination providers to supplement case management and coordination of care for children with high levels of need. This cross-system supervision is in addition to the supervision by DCS and, where appropriate, LCPAs.

A foster family home can apply for licensure either through DCS directly or through an LCPA, and all foster family homes follow the same licensing procedures and documentation requirements. DCS is solely responsible for licensing all child placing agencies in Indiana. LCPAs are private entities that license and monitor foster family homes. LCPAs can recommend foster family homes for licensure, but DCS is responsible for making the final licensure decision.

2. What proportion of the children in foster care in your state is placed by the public agency, not-for-profit providers, and for-profit providers?

DCS is the agency solely responsible for making placement decisions, which must be approved by a court with appropriate jurisdiction, for children under the care and control of DCS. Therefore, all placement decisions are made by DCS and are based upon the child's needs and the skill set, resources, and location of the foster family.

3. Please provide the number and names of private entities providing these core services, as well as information on whether each provider is a for-profit or not-for-profit entity.

Core case management in Indiana is the sole responsibility of DCS. However, DCS may supplement state case management with enhanced supervision and placement support provided by the 33 currently licensed child placing agencies in Indiana. A list detailing their for-profit or not-for-profit status is attached.

4. Does your state require that private foster care entities or organizations operating in your state be accredited? If so, by which organization and how often is this accreditation renewed?

Child placing agencies are required to be licensed by the state pursuant to Indiana Code § 31-27-6. Accreditation is not required. Prior to the submission of an application to become licensed as a foster care LCPA, the applicant must attend a five-hour training session offered by DCS, Residential Licensing and Contract Compliance. The focus of the training is to give the applicant an overview of the foster care system in Indiana and to acquaint the potential applicant with the requirements to be licensed as an LCPA in the state of Indiana.

As a part of the application, the LCPA must provide detailed information, including policies and procedures, that clearly and concisely demonstrates the applicant's knowledge of child welfare, foster care in general, and requirements of Indiana's system, including the Indiana administrative code and the LCPA contract. The application is carefully reviewed as to compliance with



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requirements. Often, additional information is required prior to the applicant being granted a license.

5. Describe in detail the process you use to select and contract with these private entities, as well as to review and renew such contracts.

Once a child placing agency is licensed, the agency is eligible to contract with DCS to provide the services requested by the agency. The DCS Residential Licensing and Contract Compliance Unit (RLCCU) licenses these LCPAs, and then DCS contracts with these agencies to provide foster care services, including recruitment, licensing, and support/retention. When the DCS RLCCU licenses an LCPA, DCS ensures that the LCPA and the foster homes managed by the LCPA meet Indiana statutes, rules, and policies. While LCPA licenses are valid for 4 years, DCS RLCCU conducts annual licensing and contract reviews of LCPAs to ensure that Indiana statutes, rules, requirements of the contract, and policies continue to be met. DCS plans to make revisions to the Indiana Administrative Code within the next five years related to LCPA regulations.

When an LCPA is not meeting licensing and/or contract standards, DCS RLCCU requires the LCPA to submit a Plan of Correction, which specifies how the LCPA will come into compliance. Depending on the nature of the non-compliance, DCS RLCCU may also institute a placement hold and/or a probationary status on the license. Additionally, if an individual foster home is not meeting standards, the same actions can be taken.

6. Describe in detail the process your state uses to inspect the safety of the foster care settings in which children are placed and the extent to which this process differs for public, not-for-profit, and for-profit providers operating in your state.

All foster family homes, whether the application is first submitted through DCS directly or through an LCPA, are required to obtain a license from DCS per state statute (Indiana Code § 31-27-4). Licenses are issued for a period of four years. Annual reviews are conducted by the licensing worker in order to update the foster family's personal information and determine whether the family continues to meet the requirements for licensure. The requirements for licensure include:

- Must be at least 21 years of age
- Passing a criminal history and fingerprint-based national background check
- Demonstrating financial stability
- Owning or renting a home that meets physical safety standards (e.g., fire extinguishers, adequate bedroom space, reliable transportation)
- Medical statements from a physician for all household members
- Successful completion of pre-service training requirements, including First Aid, CPR, and Universal Precautions training
- Positive personal reference statements
- Home visits and a completed home study assessment from the licensing worker
- Completing all required forms within the licensing packet



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A Standard License is issued to foster parents who care for children without special medical, developmental, mental, or emotional needs. A Therapeutic Certificate includes additional training requirements and allows licensed foster parents to serve as a placement for a child who has either a moderate to severe medical, developmental, or behavioral/emotional need, or a high-risk behavior.

If a family applies for licensure through DCS directly, then DCS is responsible for conducting a home study of the prospective foster family home. If the family applies for licensure through an LCPA, then the LCPA is responsible for conducting the home study and will make a recommendation to the DCS Central Office Foster Care Licensing Unit regarding the licensure decision for the family.

DCS or its designee (an LCPA, if the family is applying through the LCPA) will conduct a minimum of two visits to the home of the prospective foster family for the purpose of assessing the physical environment of the home and engaging in a thoughtful dialogue with all members of the household about foster parenting or adoption. DCS or the licensing worker will ensure that the home meets all applicable safety requirements, such as ensuring that the interior is free of all safety hazards (e.g. exposed wiring or chipping paint), the family has access to a working telephone, the home has a functioning bathroom, every sleeping room has two exits, etc. Any safety requirement that is not met necessitates either a Plan of Correction or a documented waiver or variance, as appropriate. This information is retained in the family's licensing file.

7. How many instances of abuse in a foster care placement have been substantiated in the last five years in your state? Of those substantiated, how many of these instances related to children placed by: not-for-profit providers, for-profit providers, and public providers?

The children in the following chart were identified as having at least one substantiated allegation of abuse or neglect on an assessment during the time period where the perpetrator is a foster parent or institutional (group home or residential placement facility) staff.

The total number of children includes all CHINS children with an open removal episode at any time during the 12 months prior to the month of the report. Also included are probation children (who are IV-E eligible) with an open removal episode at any time during the 12 months prior to the month of the report. The rate of maltreatment equals the number of substantiated victims divided by the number of children in foster care. This data is publicly available on the DCS website (www.in.gov/dcs > Reports & Statistics > Practice Indicator Reports).



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	Children in Foster Care	Substantiated Victims In Foster Care	Rate of Malreatment in Foster Care
March 2014 to March 2015	27,610	100	0.36%
March 2013 to March 2014	22,252	60	0.27%
March 2012 to March 2013	20,256	40	0.20%
March 2011 to March 2012	19,493	22	0.11%
March 2010 to March 2011	21,328	63	0.30%

DCS is the agency solely responsible for making placement decisions, so this data all relates to children placed by DCS.

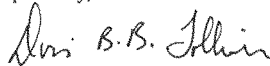
8. Describe in detail the actions taken when an abuse claim is substantiated while a child is in an out-of-home placement. Do these actions differ depending on whether the child was placed by the public agency, a not-for-profit provider, or a for-profit provider?

All children are placed by DCS, and there are not differing actions to a substantiated abuse claim based upon whether the home is licensed directly through DCS or if the home applied for licensure through an LCPA. The DCS Institutional Child Protection Service (ICPS) Unit will conduct an assessment of a report of child abuse and/or neglect if the allegations state the incident occurred while the child was placed out-of-home in a residential facility, group home, or juvenile correctional facility. If the child is placed outside the home in foster care, the DCS local office will conduct the assessment. The child may be removed from the foster care placement while the investigation takes place, depending on the circumstances.

Additionally, a substantiated abuse allegation would lead to a revocation action and ineligibility for licensure of the foster parent(s) involved in the substantiation. When abuse or neglect is unsubstantiated, the DCS Central Office Foster Care Licensing Unit reviews the assessment for unresolved licensing regulation violations and follows up with the licensing agency (DCS or LCPA) to ensure appropriate action is taken to correct or resolve those issues.

Please let us know if any additional information is required to satisfy this request.

Respectfully,



Doris B. B. Tolliver, Esq., M.A.
Chief of Staff, Indiana Department of Child Services



Protecting our children, families and future



Iowa Department of Human Services

Terry E. Branstad
Governor

Kim Reynolds
Lt. Governor

Charles M. Palmer
Director

The Honorable Orin Hatch
The Honorable Ron Wyden
United States Senators
Committee on Finance

ATTN: Becky Shipp and Laura Berntsen

Dear Senators Hatch and Wyden:

I am writing in response to the letter you sent dated April 24, 2015, asking states for information about the privatization of foster care services. The responses to your inquiries are as follows:

Question: To the degree applicable, describe your state's utilization of private entities to provide case management services (e.g., placement of children with particular foster care providers, ongoing casework, and oversight of foster care placements).

Response: Iowa does not utilize private entities to provide case management services to children in foster care. Iowa Department of Human Services (DHS) staff are responsible for issuing all foster family home licenses, residential treatment facility licenses and shelter facility licenses. DHS staff are responsible for selecting the placement, providing required information and documents to the selected foster care home or facility, and providing case management and oversight of the child while in out-of-home care.

Iowa does use privately contracted agencies to provide in-home family centered services to children in foster care. These services are to promote reunification by providing assistance with transportation and supervision of parent/child interactions, providing services to the family to alleviate the safety concerns that lead to out-of-home placement, and facilitate and monitor community-based services for children and families.

Iowa also has a statewide contractor for the recruitment and retention of foster and adoptive homes. Iowa KidsNet is comprised of six agencies with one acting as the lead agency. All six agencies are not-for-profit. Iowa KidsNet performs licensing activities that include pre-service training, completion of record checks, completion of the home study, and all other documentation required by rules and statute. Iowa KidsNet makes a recommendation to DHS to approve or not approve a family to be a licensed foster home. DHS makes the final licensing decision. Iowa KidsNet provides assistance with matching children with foster family homes by providing the names of available homes to DHS staff when a child is in need of a foster home placement, but DHS staff are responsible for selecting the placement and placing the child. Iowa KidsNet also provides supportive services to all licensed foster families.

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DHS also contracts with residential treatment providers and emergency shelters to provide congregate care services to children with behavioral needs. DHS is responsible for the selection of the facility, placement of the child, and ongoing case management.

Question: What proportion of the children in foster care in your state is placed by the public agency, not-for-profit providers, and for-profit providers?

Response: All children in foster care are placed by the state agency as ordered by the Court.

Question: Please provide the number and names of private entities providing these core services as well as information on whether each provider is a for-profit or not-for-profit entity.

Response: As stated, DHS provides case management services to children in foster care.

Question: Does your state require that private foster care entities or organizations operating in your state be accredited? If so, by which organization and how often is this accreditation renewed?

Response: Iowa does not have private foster care entities or organizations so accreditation is not required.

Question: Describe in detail the process you use to select and contract with these private entities as well as to review and renew such contracts.

Response: DHS is required to follow all state procurement policies. A request for proposal is issued which outlines the purpose of the contract, the scope of work, performance measures and payment. Bidders submit proposals which are reviewed by a committee. The committee scores each proposal and recommends a bidder. The final selection of a bidder is made by designated DHS leadership staff. The bidder is announced and a contract is negotiated.

Contract compliance is monitored by DHS staff. Contracts are renewed annually and may be amended as needed. The maximum length of a contract is six years, but can be terminated prior to the last allowable renewal for reasons specified in the contract. The contract is re-procured prior to the expiration of the last renewal year and a new contract is executed.

Question: Describe in detail the process your state uses to inspect the safety of the foster care setting in which children are placed, and the extent to which this process differs for public, not-for-profit and for-public providers operating in your state.

Response: Licensed residential foster care facilities are required to meet all safety and non-safety regulations as described in administrative code. Facilities must perform criminal and child abuse checks on any prospective employees. The Department of Inspections and Appeals (DIA), a state agency, completes a minimum of one visit each year to each facility to monitor compliance with licensing regulations. DIA reports all deficiencies to the facility and to DHS. A plan of correction is developed to correct the deficiencies. If a facility has serious

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deficiencies or repeated deficiencies the license may be moved to a time-limited suspended license or provisional license. When there are serious safety deficiencies the license may be revoked and the facility closed.

Foster family homes are also required to meet all safety and non-safety regulations as described in administrative code. Iowa KidsNet staff are required to visit each foster family three times during the licensing year – one unannounced visit, one relicensing visit, and one additional visit. During each visit the safety of the home is assessed as well as compliance with licensing regulations. Iowa KidsNet staff discuss any deficiencies that are found with the foster parents, and a plan is developed to correct the deficiencies. If at any point a foster family home is determined to be unsafe the foster children are removed and action is taken on the license. This may be a formal written plan of correction or revocation of the foster home license.

DHS staff are required to regularly visit children on their caseload who are in out-of-home placement. Staff make every effort to see children monthly. During the visit staff are required to see the child alone to provide the child an opportunity to express any problems or concerns the child is having with the placement. If the child expresses feeling unsafe, staff assess the concerns, and if warranted, will remove the child and place the child in another foster family home or residential facility. If the child is determined to be safe, the child's concerns are discussed with the foster family or the facility staff to address the child's concerns.

If there is an allegation of abuse or neglect by a licensed foster parent or household member, or an employee of a residential facility, it is called into the DHS child abuse hotline 1-800-362-2178. Intake information is gathered including the alleged perpetrator and where the incident occurred.

A DHS child protection worker is assigned to assess the child's safety and the validity of the allegation. The child protection worker has 20 days in which to determine if the allegation will be substantiated or not. Child safety is continuously assessed from the time the allegation is received through the course of the 20 day assessment. Regulatory staff are included in the assessment to determine if the foster home or facility is in violation of licensing requirements.

The process is the same for public, not-for-profit and for-profit residential facilities and all foster family homes.

Question: How many instances of abuse in a foster care placement have been substantiated in the past five years in your state? Of those substantiated, how many of these instances related to children placed by not-for-profit providers, for-profit providers, and public providers?

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Response: The chart below shows the number of children who had substantiated reports of abuse in all foster care settings. All of the children were placed by DHS.

Number of children abused by foster care providers by federal fiscal year	
Federal Fiscal Year	#
2010	41
2011	42
2012	35
2013	27
2014	31

Question: Describe in detail the actions taken when an abuse claim is substantiated while a child is in an out of home placement? Do these actions differ depending on whether the child was placed by the public agency, a not-for-profit provider, or a for-profit provider?

Response: The child is removed from the placement immediately when a determination is made that the child is not safe. The child may also be removed if it is determined that it is in the best interest of the child not to reside in the foster home or facility during the course of the assessment.

If the abuse allegation is substantiated against a foster family member the abuse report will be evaluated by DHS to determine whether the foster home license should be revoked or if a formal plan of correction is needed. All foster families are licensed by DHS so the process is the same for all substantiated abuse allegations.

If the allegation is substantiated against an employee of the facility, the report will be evaluated by designated DHS staff to determine if the subject is able to continue to work or is prohibited from working in the facility. The process is the same regardless of whether the facility is a for-profit or not-for-profit agency.

If you have further questions, please feel free to contact me.

Sincerely,



Charles M. Palmer
 Director

CMP/tp



**Response to Senate Finance Committee Questions
on Public-Private Partnerships
May 15, 2015**

To the degree applicable, describe your state's utilization of private entities to provide case management services (e.g. placement of children with particular foster care providers, ongoing casework and oversight of foster care placements).

The entire case management responsibilities for the Kansas Department for Children and Families (DCF) Family Preservation, and Reintegration/Foster Care/Adoption Services are performed under competitive bid contracts. There are two providers for the Reintegration/Foster Care/Adoption Services contracts, and they are responsible for the placement of children who are removed from their homes. Per the contract with DCF, the two providers are required to sub-contract with child placing agencies (CPAs) that sponsor foster homes. The two providers are CPAs and sponsor foster homes as well. The oversight of foster homes is currently regulated by the Kansas Department Health and Environment (KDHE). All foster homes are required to be licensed. The CPAs provide oversight of the foster homes and are also regulated by KDHE. The oversight of the placement of children is monitored by the case management provider and the DCF Foster Care Liaison. Oversight of the contracts is done through performance measures, DCF case reads and administrative reviews.

What proportion of the children in foster care in your state is placed by the public agency, not-for-profit providers, and for-profit providers?

All of the children in foster care are placed by the two case management providers. They both are not-for-profit agencies.

Please provide the number and names of private entities providing these core services, as well as information on whether each provider is a for-profit or not-for-profit entity.

Kansas has two providers of these core services: KVC Health Systems, Inc. and St. Francis Community Services. Both are not-for-profit.

Does your state require that private foster care entities or organizations operating in your state be accredited? If so, by which organization and how often is this accreditation renewed?

Yes, DCF requires case management providers to be accredited with a child welfare organization. Currently, both providers are accredited by the Joint Commission on Accreditation. The certificate and accreditation cycle is valid for up to 39 months.

Describe in detail the process you use to select and contract with these private entities, as well as to review and renew such contracts.

Procurement Process:

- The agency submits a letter from the Secretary to the Director of Purchases with a request to establish a Procurement Negotiating Committee (PNC); per K.S.A. 75-37,102 (Attached), the PNC consists of:
 - Director of Purchases, or designee
 - The Director of Purchases' representative will shepherd the project through the process.
 - Secretary of Administration, or designee
 - Agency Head, or designee
 - Others may be involved in bid evaluation, negotiations, program planning, but the three designated members are ultimately responsible for the final decision.
- A Request for Proposal (RFP) is prepared by agency staff (sections IV and V of the RFP template) and posted for advertisement by a Division of Purchases Procurement Officer.
- The RFP information is advertised in the Kansas Register, per statutory requirement.
- The RFP is posted to the internet; notice of RFP is mailed to interested/interesting vendors.
 - The RFP document reminds bidders to monitor the Purchases website for periodic posting of new information related to the bid document.
 - The RFP will typically involve a pre-bid conference or a pre-bid question and answer period that allows potential vendors to request clarification of RFP information.
 - The questions and answers are released to all known interested vendors via addendum, posted to the internet.
- Bid closing date (proposal submission deadline)
 - Vendors are instructed to submit their technical proposals in separate sealed envelopes (separate from the cost proposals).
 - At bid opening, only names of bidders are announced.
- Review of proposals begins when technical proposals *only*. They are forwarded to PNC members and other agency participants/evaluators.
 - Cost proposals are retained by the Division of Purchases (the reasoning behind this is that technical evaluation should be conducted without the prejudice of price).
 - The agency must provide a complete technical evaluation of each proposal submitted, with an attempt to list items including (but not limited to):
 - Response format as required by the RFP;
 - Adequacy and completeness of proposal;

- Vendors' understanding of the project;
- Compliance with the terms and conditions of the RFP;
- Experience in providing like services;
- Qualified staff;
- Methodology to accomplish tasks;
- Pros/cons;
- Strengths/weaknesses
- Once the technical evaluation has been completed, the evaluation team submits a Technical Evaluation Summary to the Division of Purchases.
- Upon receipt of a complete (quality and substance) Technical Evaluation Summary, the cost proposals are released to the PNC/evaluation team for review.
- The PNC/evaluation team reviews the cost proposals in concert with the technical evaluations, and selects one or more vendors to invite to negotiations.
- The List of Vendors to Invite to Negotiations is developed.
- Negotiation session(s) are scheduled.
 - Preparations for negotiations may include the development of questions and answers/discussion points for negotiations, to allow the vendor to be better prepared for the meeting.
 - At the end of negotiations, the PNC will request a counter offer/best and final offer. Especially important is clarification of the vendor's expectations/understanding of the project results in a change of cost.
- Once counter offers/best and final offers have been submitted, the PNC again reviews cost and technical proposals, and works to determine a winner and provide documentation of the decision.
- The PNC/evaluation team prepares a formal recommendation for award.
 - Deadline for documentation of reasons for not awarding to vendors lower in cost
 - Contract documents are prepared, and are routed for signatures.
- Once all required signatures have been acquired, work on the project may begin.

Describe in detail the process your state uses to inspect the safety of the foster care settings in which children are placed and the extent to which this process differs for public, not-for-profit, and for-profit providers operating in your state.

- K.A.R. 28-4-802. License requirements. Each individual shall meet all of the following requirements to obtain a license and to maintain a license:
 - (a) Submit a complete application for a license on forms provided by the department, including requests for the background checks specified in K.A.R. 28-4-805;
 - (b) be at least 21 years of age;
 - (c) have sufficient income or resources to provide for the basic needs and financial obligations of the foster family and to maintain compliance with all regulations governing family foster homes;
 - (d) participate in an initial family assessment, a family assessment for each renewal, and any additional family assessments conducted by the sponsoring

child-placing agency. Each family assessment shall include at least one individual interview with each household member at least seven years of age and at least one visit in the family foster home;

- (e) meet the training requirements in K.A.R. 28-4-806; and
 - (f) obtain and maintain ongoing sponsorship by a public or private child-placing agency, including a recommendation by the sponsoring child-placing agency that the home be used for placement of children in foster care.
- (Authorized by K.S.A. 65-508; implementing K.S.A. 65-504 and 65-508; effective March 28, 2008.)

How many instances of abuse in a foster care placement have been substantiated in your state? Of those substantiated, how many of these instances related to children placed by: not-for-profit providers, for-profit providers, and public providers?

- The numbers of children in out-of-home placement who had a substantiated abuse neglect, where the perpetrator was a foster parent or placement facility employee:
 - SFY 2010 = 12
 - SFY 2011 = 12
 - SFY 2012 = 14
 - SFY 2013 = 16
 - SFY 2014 = 23

The total is 77 over the five year period.

Describe in detail the actions taken when an abuse claim is substantiated while a child is in an out of home placement? Do these actions differ depending on whether the child was placed by the public agency, a not-for-profit provider, or a for-profit provider?

- If the foster parent is substantiated for abuse or neglect, his/her name is placed on the Child Abuse and Neglect Registry, and the foster home license is revoked.



**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF THE SECRETARY**

Steven L. Beshear
Governor

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Audrey Tayse Haynes
Secretary

May 22, 2015

The Honorable Orin Hatch, Chairman
The Honorable Ron Wyden, Ranking Member
United States Senate
Committee on Finance
Washington, DC 20510-6200

Dear Senators Hatch and Wyden:

On behalf of Kentucky Governor Steven L. Beshear, I'm pleased to provide background information per your request on Kentucky's implementation of the federal foster care and adoption programs, specifically relating to private contractors that assist in our efforts.

Should you or your committee staff require additional information, do not hesitate to contact us.

To the degree applicable, describe your state's utilization of private entities to provide case management services (e.g., placement of children with particular foster care providers, ongoing casework and oversight of foster care placements).

The Kentucky Cabinet for Health and Family Services (CHFS), Department for Community Based Services has under its care certain children for whom specialized foster care services are needed. If a child cannot be placed with the public agency, CHFS utilizes private providers to provide needed services for children in out of home care. Those services are governed under the "Private Child Care Agreement" and are conceptualized as:

- Family centered;
- Youth guided;
- Time limited;
- Intensive; and
- Evidence informed.

These practices are designed to promote the child welfare goals of safety, permanency, well-being and stability.

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By accepting children for placement from the Cabinet for Health and Family Services (CHFS), the private agencies agree to provide the following services based on the parameters of the individual agency's contract:

- Adoption;
- Therapeutic and Medically Fragile Foster care;
- Independent living;
- Group homes that include:
 - Treatment; and
 - Crisis intervention;
- Institutions that include:
 - Treatment; and
 - Crisis intervention;
- Emergency shelter and/or emergency shelter with treatment services.

As part of the private agency's agreement with CHFS, the agency agrees to provide the child with following ongoing case management services:

- Therapy as needed;
- Placement stability;
- Working with family to return child home, if applicable;
- Participation in case planning;
- Appropriate training for foster parents in working with each child's individual needs;
- Family type environment for a child;
- Basic needs (food, shelter, clothing, etc.); and
- Cultural and religious opportunities.

What proportion of the children in foster care in your state is placed by the public agency, not-for-profit providers, and for-profit providers?

All children that are placed in foster care in the state of Kentucky are placed by the public agency. Private agencies are not responsible for placing children in the state of Kentucky.

Please provide the number and names of private entities providing these core services, as well as information on whether each provider is a for-profit or not-for-profit entity.

There are forty-three (43) private agencies that provide the core services listed in question #1 to children placed in out of home care in the state of Kentucky. Below is a breakdown of the profit/non-profit status of each private agency.

For Profit Agencies:

- Community Youth Services;
- Kinder Haven, Inc.;
- Omni Vision, Inc.;
- Alternative Youth Services;
- Combs Residential Services;
- Key Assets of Kentucky, LLC;
- New Beginnings Family Services, Inc.;
- New Hope Foster Homes, Inc.; and
- The Bair Foundation.

Not For Profit Agencies:

- All God's Children, Inc.;
- Appalachian Children's Home, Inc.;
- Arbor Youth Services;
- Barnabas Home;
- Benchmark Family Services, Inc.;
- Brighton Center, Inc.;
- Buckhorn Children and Family Services;
- Children's Home of Northern Kentucky;
- Comprehend, Inc.;
- Diocesan Catholic Children's Home, Inc.;
- ENA, Inc. (dba Necco);
- Family Connection, Inc. (dba Hope Hill Youth Services);
- Father Maloney's Boy's Haven;
- Foothills Academy, Inc.;
- Gateway Juvenile Diversion Project, Inc.;
- Green River Regional MH/MR Board, Inc.;
- Holly Hill Children's Services;
- Kentucky Intensive Family Services, Inc.;
- Kentucky United Methodist Homes for Children and Youth;
- KVC Behavioral Health Care KY;
- Life Connection, Inc.;
- LifeSkills, Inc.;
- Maryhurst, Inc.;
- Mountain Comprehensive Care Foster Care;
- Pennyroyal Regional MH/MR Board, Inc.;
- Ramey Estep Homes, Inc.;
- REACH of Louisville, Inc.;
- Specialized Alternatives for Families and Youth of Kentucky, Inc.;
- St. Joseph Children's Home;
- St. Joseph's Peace Mission for Children;
- Sunrise Children's Services;
- Uspiritus;
- YMCA Safe Place Services.

Does your state require that private foster care entities or organizations operating in your state be accredited? If so, by which organization and how often is this accreditation renewed?

Yes, Kentucky requires that all private foster care entities or organizations operating within the state obtain accreditation by a nationally recognized accreditation organization either:

- Within two (2) years of initial licensure (922 KAR 1:300); or
- Within two (2) years of initial licensure or within two (2) years of acquiring an agreement with the cabinet [(public agency)] to provide private child care services, whichever is later (922 KAR 1:310).

Accreditation must be maintained utilizing the renewal procedures based on the individual accrediting body chosen by the private agency.

Describe in detail the process you use to select and contract with these private entities, as well as to review and renew such contracts.

According to Kentucky Revised Statutes (KRS) 45A.690, Definitions for KRS 45A.690 to KRS 45A.725, CHFS does not contract with private providers.

Private entities provide foster care to children committed to the public agency through the "Private Child Care Agreement," which governs private entities and is similar to a Memorandum of Understanding. Language in the agreement specifies services that could be reasonably expected by both parties if a child were to be placed with one of the agencies and the expectations or standard of care that would be provided for said child.

Before a private agency may apply to provide services for the public agency, the entity must be licensed by the public agency's Office of Inspector General. After this occurs, an application may be made with the public agency for the provisions of foster care/out of home care services. Once the application has been approved, the private agency enters into an agreement with the public agency.

The following Kentucky Administrative Regulations (KAR) have been promulgated to govern rate methodology, standards of care, and licensing and accreditation requirement for private child caring and child placing agencies:

- 922 KAR 1:300, Standards for child-caring facilities;
- 922 KAR 1:305, Licensure of child-caring facilities and child-placing agencies;
- 922 KAR 1:310, Standards for child-placing agencies;
- 922 KAR 1:360, Private child care placement, levels of care, and payment;
- 922 KAR 1:380, Standards for emergency shelter child-caring facilities; and
- 922 KAR 1:390, Standards for residential child-caring facilities.

These regulations ensure that private providers meet all state and federal mandates surrounding these matters.

The private agency undergoes a renewal process every two (2) years for continued approval as a placement resource for CHFS. The private agency must submit a new application packet to public agency for review. The public agency ensures that all necessary information is contained within this application packet, reviews it, and then makes a determination of whether or not to renew the private agency's agreement for another two (2) years.

Describe in detail the process your state uses to inspect the safety of the foster care settings in which children are placed and the extent to which this process differs for public, not-for-profit, and for-public providers operating in your state.

For Private Agencies:

The CHFS Office of the Inspector General (OIG) utilizes a survey called the "Child Placing Survey Tool" to inspect the safety of private agency foster care settings. This tool contains items that assist OIG in ensuring that private agencies meet all required state and federal guidelines associated with their approval, as well as provide all necessary safety precautions. This process is the same for both for-profit and not-for-profit agencies. 922 KAR 1:310, Standards for child-placing agencies, provides requirements for annual re-evaluations of private agency foster homes. These requirements ensure that the foster homes continue to meet standards to remain viable placement options for children in foster care.

For Public Agencies:

Foster homes that are approved to receive placements through the public agency are re-evaluated annually. The document utilized for these types of placements is the "DPP-1289 Annual Strengths/Needs Assessment for Resource Families." This document assesses for continued safety and ongoing training of the placement resource. 922 KAR 1:350, Family preparation, provides requirements for annual re-evaluations of public agency foster homes. These requirements ensure that the foster homes continue to meet standards to remain viable placement options for children in foster care.

In addition to the completion of the "Child Placing Survey Tool" for private agencies and the "DPP-1289 Annual Strengths/Needs Assessment for Resource Families" for public agencies, both private and public agency foster homes agree to allow social workers a face to face visit for purposes of completing the annual re-evaluation. The foster parents also agree to submit to annual criminal background checks, child abuse/neglect checks, and continue to meet all requirements of the Adam Walsh Child Protection and Safety Act of 2006. In addition to the specific requirements of the annual re-evaluations, both private and public agency foster homes agree to allow social workers to visit their home each month to monitor the continued safety of all children placed in out of home care.

How many instances of abuse in a foster care placement have been substantiated in the last five years in your state? Of those substantiated, how many of these instances related to children placed by: not-for profit providers, for-profit providers, and public providers?

The state of Kentucky does not collect information regarding substantiated claims of abuse in terms of public, private, for-profit and not-for-profit statistics. As stated in the answer to question #2, all children in Kentucky who are placed in an out of home care situation, are placed by the public agency. All claims of abuse of children are grouped into the category of abuse that occurred while a child was in foster care. The most recent numbers of this occurrence that could be obtained are documented in the tables below:

ACF Data Statistics: Maltreatment in Foster Care - Kentucky	2012	2013
Children Maltreated While in Foster Care	0.5%	0.54%
Children Not Maltreated While in Foster Care	99.5%	99.46%
Total Number in Foster Care	12,085	12,270
Number Maltreated While in Foster Care	60	66

Describe in detail the actions taken when an abuse claim is substantiated while a child is in an out of home placement. Do these actions differ depending on whether the child was placed by the public agency, a not-for-profit provider, or a for-profit provider?

All claims of abuse received by the Cabinet for Health and Family Services on out of home care providers, whether public, private, for-profit or not-for-profit, are treated as specialized investigations.

Reports on both public foster homes and private providers (for-profit or not-for-profit are treated the same) are tracked by the Kentucky CHFS. The private agency is notified by the public agency regulatory body so that no other children are placed in the home. If the referral is physical abuse, sexual abuse, or otherwise serious in nature, the child is removed from the home during the investigation.

For private agencies:

- Information is shared with the licensing agency, Children's Review Program, and OIG. The public agency regulatory body informs the private agency that no children will be placed in their home; and
- A review of the foster home occurs.

922 KAR 1:310, Standards for child-placing agencies, provides requirements for closure when a claim of abuse is substantiated on a private agency foster home.

For public agencies:

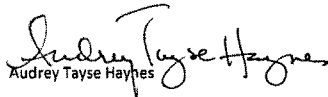
- A review of the foster home is completed, unless the home is being closed.

922 KAR 1:350, Family preparation, provides requirements for closure when a claim of abuse is substantiated on a public agency foster home.

All cases are managed on an individual basis. The safety and well-being of the child is of paramount concern in all situations and dictates the actions taken as a result of a substantiated claim of abuse.

As stated in the answer to question #2, all children in Kentucky who are placed in an out of home care situation, are placed by the public agency.

Respectfully,


Audrey Tayse Haynes

Cc: Governor Steven L. Beshear
Commissioner Teresa James, Department for Community Based Services



Maryland's Human Services Agency

Department of Human Resources | Larry Hogan, Governor | Boyd K. Rutherford, Lt. Governor | Sam Malhotra, Secretary

July 20, 2015


The Honorable Orrin G. Hatch
Chairman
Senate Committee on Finance
219 Dirksen Senate Building
Washington, DC 20510

The Honorable Ron Wyden
Ranking Member
Senate Committee on Finance
219 Dirksen Senate Building
Washington, DC 20510

Dear Chairman Hatch and Ranking Member Wyden:

Thank you so much for your inquiry regarding foster care providers licensed and monitored within Maryland. The Department of Human Resources (Department) is committed to the health, safety, and welfare of foster youth in the State's care. We take this responsibility seriously and work hard to ensure that we, and our partners, strive for excellence.

Please find enclosed the Department's response to this Committee's inquiry. Should you have any further questions, please do not hesitate to contact our Office of Government Affairs at (410) 767-6586.

Sincerely,

Sam Malhotra
Secretary

Equal Opportunity Employer

To the degree applicable, describe your state's utilization of private entities to provide case management services (e.g., placement of children with particular foster care providers, ongoing caseworker and oversight of foster care placements).

Maryland does not contract with private entities for case management services; we contract with private providers for placement services only. Case management services are provided by the local department of social services staff.

What proportion of the children in foster care in your state is placed by the public agency, not-for-profit providers, and for-profit providers?

100% of Maryland's foster care children are placed by the public agency.

Please provide the number and names of private entities providing these core services, as well as information on whether each provider is a for-profit or not-for-profit entity.

Maryland does not have private entities for which we contract to provide case management services. Attached is a list of private providers with whom we contract for placement services. Currently Maryland contracts with 80 (37- Child Placement Agency (CPA) and 43- Residential Child Care (RCC)) private providers for placement services.

Does your state require that private foster care entities or organizations operating in your state be accredited? If so, by which organization and how often is this accreditation renewed?

No, accreditation is a voluntary process for Maryland's private residential child care programs and child placement agencies. Maryland residential child care providers and child placement agencies are required to adhere to the standards of the Code of Maryland Annotated Regulations (COMAR) to maintain licensure. The licensure and monitoring processes are designed to protect the health, safety, and well-being of children placed in residential child care programs and with child placement agencies.

Describe in detail the process you use to select and contract with these private entities, as well as to review and renew such contracts.

Maryland does not contract with private entities for case management services. Maryland does contract with Residential Child Care (RCC) programs and Child Placement Agencies (CPAs) that provide Treatment Foster Care (TFC) services. In order to be considered for a contract with the Department of Human Resources' Social Services Administration (SSA), a RCC or CPA provider must first receive a license. RCC licenses are issued by three State agencies including the Department of Human Resources' Office of Licensing and Monitoring (OLM), while CPA licenses are issued only by OLM. OLM is a separate entity from SSA within the Department of Human Resources to eliminate possible conflict of interest between the licensing and contracting

units. After receiving a license, the provider must then obtain a rate for its RCC or CPA placement services from the Interagency Rates Committee, which is led by the Maryland State Department of Education. Once a rate is obtained, the RCC or CPA may enter into a contracting process with SSA, based on SSA's estimate of bed need across the State. In the past the RCC contracting process has been a competitive process (Request for Proposal), and the CPA contracting process has been a non-competitive process. It should be noted that Maryland only pays a provider for services when a child is actually placed at an RCC or CPA home.

Per current contract language, the following performance measures outlined below are being used to monitor Contract performance. Preference for the continuation and renewal of a Contract is given to those Contractors who meet the minimum performance score for CPA and RCC programs. The performance measures are compiled, monitored and rated four times during each Contract year. The performance measures are related to the following:

1. *Child Safety*
 - *Staff Security-100% Compliance with Child Protective Services Clearances (CPS) and Criminal Background (CB) checks for all employees and prospective employees;*
 - *Foster Parent Certification/Recertification-100% of foster parents have an initial certification and re-certification;*
 - *Maltreatment while in Foster Care- Review of Contractors serving foster children shall have no indicated findings of child maltreatment where a Contractor's staff member or foster parent is identified as the maltreater.*
2. *Licensing and Monitoring*
 - *Licensing Sanctions- Contractors shall not have any licensing sanctions during each quarterly rating period.*
 - *SSA Hotlist-Contractors shall not be placed on the SSA Hotlist anytime during each quarterly rating period.*
 - *Annual Fiscal Audits-Contractors are required to submit an annual financial audit timely on or before December 2nd of each Contract year.*
3. *Child Well-Being*
 - *Child and Adolescent Needs and Strengths Assessment (CANS) Compliance- CANS Assessments are completed to measure child well-being. Contractors are to ensure successful provision of required services leading to each child's achievement of case plan goals and objectives.*

Describe in detail the process your state uses to inspect the safety of the foster care settings in which children are placed and the extent to which this process differs for public, not-for-profit, and for-public providers operating in your state.

In Maryland, the process of inspecting safety and compliance of foster care settings is different for public and private providers. For public homes, local caseworkers conduct monthly visits to

ensure safety, permanency, and well-being of all children in foster care. Annual redeterminations are conducted with public foster home providers to ensure they are adhering to the regulations set forth by Maryland's COMAR. These requirements include CPS clearances, Federal and State criminal background checks for household members over the age of 18, health inspection of the home, and medical assessments for all members of the family.

OLM is responsible for ensuring that private providers adhere to Maryland State law as outlined and promulgated in Code of Maryland Annotated Regulations (COMAR) 14.31.05-14.31.07 for RCCs and .07.05.01-.07.02.21 for CPAs. The Department of Human Resources, Office of Licensing and Monitoring (OLM) licenses and monitors private residential child care facilities (RCC group homes) and Child Placement Agencies (CPA) which consist of Treatment Foster Care (TFC), Independent Living Programs and Adoptions. Through the regulatory process OLM strives to ensure that each RCC and CPA program complies with applicable laws and regulations designed to ensure the safety and wellbeing of children in care.

The site visit is the primary activity for monitoring RCC and CPA providers. All private residential child care programs are re-licensed bi-annually. Mid-licensure (one-year) review and quarterly visits are conducted to ensure they are administratively and programmatically in compliance with COMAR. The OLM's Licensing Coordinator is required to make quarterly unannounced visits to the organization and all licensed sites. Announced visits usually occur at least annually.

The OLM Licensing Coordinator may also make an emergency visit to complete a complaint and incident report investigation. Emergency visits are issues that are related to life, health and safety of residents. Complaints or emergency visits are unannounced visits.

The monitoring visit consists (but is not limited to) the following areas:

- *Entrance Conference – are held with the Program Administrator and/or Designee and consists of a discussion regarding the overview of any programmatic changes, incident reports, community complaints, updates on the youth census and staff census, as well as financial incident reports.*
- *Physical Plant inspection of each licensed residential child care site(s) and child placement agency office(s).*
- *Record reviews (client and personnel)*
- *Log and contact notes*
- *Interviews (client/staff on site, foster parent) with children include verbal and non-verbal. The non-verbal child interview is completed by physical observation of the child in their placement.*
- *Exit Conference – are held with the Program Administrator and/or designee to address the findings from the site visit. OLM will offer technical assistance, as necessary. Corrective Action Plan (CAP) is requested if there are COMAR deficiencies observed during the visit.*

- OLM notifies the private provider of the deficiencies observed during the site visit and sends a written summary of the regulatory compliance following the visit.

How many instances of abuse in a foster care placement have been substantiated in the last five years in your state? Of those substantiated, how many of these instances related to children being placed by: not-for-profit providers, for-profit providers, and public providers?

For calendar years 2010 through 2014, there were 39 instances of abuse in foster care placement that were substantiated. Of those substantiated, 44% were placed with not-for-profit providers, 6% were placed with for-profit providers, and 50% were placed with public agency providers.

Describe in detail the actions taken when an abuse claim is substantiated while a child is in an out of home placement? Do these actions differ depending on whether the child was placed by the public agency, a not-for-profit provider, or a for-profit provider?

In Maryland, the local department of social services in the jurisdiction where the facility is located is responsible for the investigation of all reports of maltreatment and determining where a child is placed. The process is the same regardless of the type of foster care home reported. Upon receipt of a report of maltreatment, the local department will immediately assess the safety of all children placed in the foster group home and determine whether or not removal is warranted.

If the children is determined to be safe and able to remain in the home, the foster home (both public and private) is placed on hold and no new placements are allowed while the investigation is pending. If the investigation results in a "substantiated" finding for a private Treatment Foster Care (TFC) home (certified foster parent), the TFC home must be closed, and the child must be transitioned to a new placement. In a public home, if the finding is "substantiated," the local department will assess whether or not the home can remain open and continue as a resource home with the local department.

Regarding a RCC, "the licensee shall immediately place the employee on administrative leave and remove the employee from access to the children. This regulation does not prohibit a licensee from suspending without pay or discharging an employee alleged to have subjected a child to abuse or neglect." If the investigation results in a "substantiated" finding for an employee of a RCC, then the employee is terminated.

The Department is dedicated to ensuring that appropriate placement services are provided to the children who come into the care and custody of the state of Maryland but we do not contract for case management services. Please do not hesitate to contact me in the future regarding any programs or services administered by the Department of Human Resources.

Private Organization Name	For-Profit Status	DHR	DHMH	Residential Care	Treatment	Independent	Regular	DHR
Adventist Healthcare, Inc.	No	X						X
ARC Northern Chesapeake Region, Incorporated, The	No	X		X	X			X
ARC of Baltimore, Inc., The	No	X			X			X
ARC of Washington County, Inc.	No	X		X				X
Arrow Child and Family Ministries of Maryland, Inc.	No	X		X	X			X
Associated Catholic Charities Inc.	No	X		X	X			X
Aunt Hattie's Place, Inc.	No	X		X				X
Baltimore Adolescent Treatment/Guidance Organization, Inc.	No	X		X	X			X
Benedictine School for Exceptional Children, Incorporated	No	X		X				X
Board of Child Care of the United Methodist Church, Incorporated	No	X		X	X			X
Boys Town of Washington DC, Inc (formerly Father Flanagan's)	No	X		X	X			X
Brook Lane Health Services, Inc.	No	X		X				X
Brotherhood and Sisterhood (BSI) International	No	X		X				X
Building Families for Children (formerly Baptist Family & Children)	No	X		X	X			X
CareRite T.F.C., Inc.	No	X		X	X			X
Care With Class, Inc.	Yes	X		X				X
Cedar Ridge Children's Home and School, Inc.	No	X		X				X
Center For Progressive Learning, Inc.	No	X		X				X
Center for Social Change, Inc.	No	X		X				X
Challengers Independent Living, Inc.	No	X		X		X		X
Changing Lives at Home, Inc.	No	X		X				X
Children's Choice of Maryland, Inc., The	No	X		X	X			X
Children's Guild, Inc., The	No	X		X	X			X
Children's Home, Inc., The	No	X		X	X			X
Children's Resources, Inc.	No	X		X				X
C/S & H Inc.	Yes	X		X				X
Community Services for Autistic Adults and Children, Inc.	No	X		X				X
Community Solutions, Inc	No	X		X				X
CONCERN - Professional Services for Children and Youth, Inc	No	X		X	X			X
Day By Day Residential Services, Inc.	Yes	X		X				X
Dove Pointe	No	X		X				X
Family Matters of Greater Washington Inc.	No	X		X	X			X
Foundations for Home and Community, Inc.	No	X		X	X			X
Good Children In The Making, Inc.	Yes	X		X	X			X
Hears and Homes For Youth, Inc.	No	X		X	X			X
Hebron Association for Community Services Inc.	No	X		X	X			X
Helping Children Grow, Inc.	No	X		X				X
Inner-County Outreach Incorporated	No	X		X	X			X
Inspiring Minds Inc.	Yes	X		X				X
JS Social Services, Inc (Youalthtown USA)	No	X		X				X
Jumoke, Inc.	Yes	X		X				X
Kennedy-Kraeger Education and Community Services, Inc.	No	X		X	X			X



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CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

June 10, 2015

Orrin G. Hatch, Chairman
Committee on Finance
United States Senate
Washington, D.C. 20510
c/o Becky Shipp, Health and Human Resources Policy Advisor

Ron Wyden, Ranking Member
Committee on Finance
United States Senate
Washington, D.C. 20510
c/o Laura Berntsen, Senior Human Services Advisor

Dear Chairman Hatch and Ranking Member Wyden:

In response to your April 24, 2015 letter regarding the Commonwealth's use of privately provided foster care related case management for children receiving child welfare services in Massachusetts, enclosed please find a detailed set of answers prepared by the Massachusetts Department of Children and Families (DCF), the Commonwealth's Child Welfare Agency.

I hope that this information will be helpful to the Senate Finance Committee. DCF is available to respond directly to any further questions from the Committee concerning the Massachusetts foster care system.

Sincerely,

A handwritten signature in black ink that reads "Charles D. Baker".

Charles D. Baker
Governor



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Children and Families
600 Washington Street, 6th Floor
Boston, MA 02111

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MARYLOU SUDDERS
Secretary

LINDA S. SPEARS
Commissioner

June 10, 2015

Commonwealth of Massachusetts Response to April 24, 2015 Senate Finance Request
Relative to Privatized Foster Care

To the degree applicable, describe your state's utilization of private entities to provide case management services (e.g., placement of children with particular foster care providers, ongoing casework and oversight of foster care placements).

The Massachusetts Department of Children and Families (DCF) directly provides case management services for nearly all of the DCF total caseload, which as of 3/31/2015, totaled 25,388 cases¹. DCF staff are responsible for full case management services for 25,182 (99.19%) of these cases. DCF utilizes private entities to provide case management services for a small percentage (0.81%) of its caseload (206 cases) for three specific purposes: conflict of interest, adoption management, and Unaccompanied Refugee Minor Program (URMP) cases:

1. **Conflict of Interest:** Consistent with national best practices, DCF contracts with private entities to provide case management services for children and families where a conflict of interest with DCF is indicated.
2. **Adoption Management Services:** DCF contracts with a number of private licensed adoption agencies to provide case management for children with a goal of adoption. These agencies provide all case management required services.
3. **Unaccompanied Refugee Minor Program (URMP):** This program provides case management to children referred by the Office of Refugee Resettlement.

It should be noted that even when DCF utilizes private entities to provide case management services, children requiring placement services remain in the care/custody of DCF and receive access to the same services as children whose cases are managed by DCF. Furthermore, DCF provides contract oversight to these case management contract entities. In the case of Adoption Management Services, the case management services provided by the contractor are limited to managing decisions related to the adopted child – all decisions related to the birth family remain the purview of DCF.

What proportion of children in foster care in your state is placed by the public agency, not-for-profit providers, and for-profit providers?

Among the 10,714 children in care, 95.58% percent of children are placed by the Department of Children and Families into a range of placement services provided directly by DCF or under contract with 106 agencies—of which 103 are non-profit agencies, and 3 are for-profit agencies. Among the

¹ Case Management services is defined as having responsibility for on-going casework, regardless of the custody status of the child and where applicable, determining the type and length of placement as well as oversight of a child.

10,714 children in care, 4.42% percent are placed by agencies responsible for administering services in conflict of interest, adoption, and URMP cases. These include 13 not-for-profit, and no for-profit agencies.

Massachusetts DCF Children in Placement as of 3/31/2015				
Agency with Case Management Responsibility	Organization Type where Child is Placed			
	For-Profit	Non-Profit	Public	Total
Non-Profit Agency	21	137	316	474
	0.20%	1.28%	2.95%	4.42%
Public Agency	453	3,136	6,651	10,240
	4.23%	29.27%	62.08%	95.58%
Grand Total	474	3,273	6,967	10,714
	4.42%	30.55%	65.03%	100.00%

These counts exclude 1,446 children on a Trial Home Visit

Please provide the number and names of private entities providing these core services, as well as information on whether each provider is a for-profit or not-for-profit entity?

DCF currently contracts with thirteen not-for profit entities for Case Management Services:

1. Conflict of Interest Contracts:
 - Center for Human Development (CHD)
 - Solutions for Living
2. Adoption Management Support Services:
 - Berkshire Children & Family
 - Cambridge Family Children Services
 - Child & Family Services of Fall River
 - Child & Family Services of Merrimack Valley
 - Children's Friend
 - Children Services of Roxbury
 - Justice Resource Institute
 - Ascentria Care Alliance*
 - Massachusetts Society for the Prevention of Cruelty to Children (MSPCC)
 - RFK Children's Action Corps
 - The Home for Little Wanderers
3. The Unaccompanied Refugee Minor Program (URMP)
 - Ascentria Care Alliance*

* Ascentria Care Alliance, which provides both Adoption Management Services and Unaccompanied Refugee Minor Services, was formally known as Lutheran Social Services of New England.

Does your state require that private foster care entities or organizations operating in your state be accredited? If so by which organization and how often is this accreditation renewed?

Massachusetts requires that all residential and foster care programs serving children be licensed.

The Commonwealth's Department of Early Education and Care (EEC) is the primary entity responsible for this activity pursuant to M.G.L. ch. 15D, §§ 2(c), 4A², 6³ and 8⁴.

- Residential and Teen Parent Programs under 102 CMR 3.00⁵;
- Standards For The Licensure Or Approval Of Residential Programs Serving Children And Teen Parents; and Foster Care and Adoption Services under 102 CMR 5.00⁶;

EEC conducts multi-level re-approvals of licenses on a 2 year cycle.

In addition, Residential Schools must be approved by the Department of Elementary and Secondary Education (DESE) pursuant to M.G.L. c. 71B and 603 CMR §§ 18⁷ and 28⁸. The DESE approval and re-evaluation is done on a 6 year cycle with a mid-year cycle at 3 years. Massachusetts does not require that residential or foster care programs be accredited.

Describe in detail the process you use to select and contract with these private entities, as well as to review and renew such contracts.

The Massachusetts Department of Children and Families utilizes an open and competitive bid process as required by 801 CMR §21⁹ and 808 CMR §1.00¹⁰ in order to contract with, review, and renew residential and foster care providers.

Process elements include information gathering including internal and external stakeholders through a variety of methods which could include focus groups, Requests for Information (RFI), and surveys; the establishment of a Procurement Management Team; the development of models and standards (including the specification of staffing requirements); collaboration with the state entity responsible for rate setting - the Center for Health Information and Analysis (CHIA); development and release of the Request for Response (RFR); submission of proposal responses from bidders; establishment and training of proposal review teams; review of proposals; selection and notification of bidders; debriefing upon request for unsuccessful bidders; negotiation with successful bidders; establishment of contracts; and renewal of contracts at intervals specified in the RFR.

Describe in detail the process your state uses to inspect the safety of the foster care settings in which children are placed and the extent to which this process differs for public, not-for-profit, and for-public providers operating in your state.

Safety is addressed within the EEC licensure and enforcement process as detailed in 102 CMR 3.00¹¹: Standards For The Licensure Or Approval Of Residential Programs Serving Children And Teen

² <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter15D/Section8>

³ <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter15D/Section2>

⁴ <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter15D/Section6>

⁵ <http://www.mass.gov/edu/docs/eec/licensing/regulations/residential-care-regulations.pdf>

⁶ <http://www.mass.gov/edu/docs/eec/licensing/regulations/adoption-placement-regulations.pdf>

⁷ <http://www.doe.mass.edu/lawsregs/603cmr18.html?section=all>

⁸ <http://www.doe.mass.edu/lawsregs/603cmr28.html?section=all>

⁹ <http://www.mass.gov/bb/regs/801021.html>

¹⁰ <http://www.mass.gov/anf/docs/osd/policy/808cmr1.doc>

¹¹ <http://www.mass.gov/edu/docs/eec/licensing/regulations/residential-care-regulations.pdf>

Parents; 102 CMR 5.00¹²: Standards For The Licensure Or Approval Of Agencies Offering Child Placement And Adoption Services; and 102 CMR 1.00¹³: Enforcement Standards and Definitions for Licensure or Approval.

Safety is an essential component of the licensing process (described above), which does not differ based on whether the entity is public, not-for-profit or for-profit. EEC licensure requirements include provisions addressing safety relative to:

- behavioral supports, including use of restraint procedures and time-out rooms;
- documentation of required permits and inspections;
- physical environment, including the building / grounds / recreation space, recreation and exercise equipment, storage and use of power tools, and storage of toxic substances;
- kitchen area including equipment and food storage;
- vehicles and their use;
- use of well water;
- staffing, including ensuring sufficient staffing as well as ensuring that the background of staff is free from conduct bearing adversely on safety;
- staff training;
- policies and protocols addressing safety in the environment, treatment and other programming, including a safety plan for emergencies, visitation protocols, and internal investigation of incidents;
- administration of medications; and
- background record checks.

For foster homes, background record checks (Criminal History, Child Welfare History, and Sexual Offender Registry) are conducted for all household members and frequent visitors age 15 and older. This process includes Fingerprint Checks for primary and secondary caregivers; firearms checks and adherence to requirements for securing firearms if present in the home; and evaluation of safety of pets on the premise.

How many instances of abuse in a foster care placement have been substantiated in the last five years in your state? Of those substantiated, how many of these instances related to children placed by: not-for-profit providers, for-profit providers, and public providers?

In the last five years (FFY 2010-2014), 44,240 children were in DCF substitute care. During this time period, there were 739 instances of substantiated child maltreatment in a foster care placement setting: 1.67% of the total number of children in placement.

During this five year period, of the 739 instances there were:

- 44 (1.64% of 2,676 children) instances of maltreatment in for-profit settings,
- 306 (1.98% of 15,452 children) instances of maltreatment in non-profit settings, and
- 389 (1.49% of 26,112 children) instances of maltreatment in public placement settings.

*Substantiated Child Maltreatment in Foster Care as a % of Children in Placement	
Federal Fiscal Years 2010-2014	
Organization Type where Child was Placed	

¹² <http://www.mass.gov/edu/docs/eec/licensing/regulations/adoption-placement-regulations.pdf>

¹³ <http://www.mass.gov/edu/docs/eec/licensing/regulations/enforcement-standards-definitions-licensure-approval.pdf>

Agency with Case Management Responsibility	For-Profit	Non-Profit	Public	Total
Non-Profit Agency	5 of 82 6.10%	4 of 344 1.16%	20 of 850 2.35%	29 of 1,276 2.27%
Public Agency	39 of 2,594 1.50%	302 of 15,108 2.00%	369 of 25,262 1.46%	710 of 42,964 1.65%
Grand Total	44 of 2,676 1.64%	306 of 15,452 1.98%	389 of 26,112 1.49%	739 of 44,240 1.67%

** Maltreatment counts represent instances of substantiated maltreatment in foster care settings. Children may have experienced one or more instances of supported maltreatment.*

Describe in detail the actions taken when an abuse claim is substantiated while a child is in an out of home placement. Do these actions differ depending on whether the child was placed by the public agency, a not-for-profit provider, or a for-profit provider?

In response to concerns regarding abuse and neglect, there are three mechanisms in place designed to ensure the protection of the child, provide appropriate oversight of the contracted program, and examine any potential licensing violation. Specifically, the response includes:

- An investigation into the specific allegations of abuse and neglect by the DCF Special Investigations Unit (SIU). Based on the findings of this review decisions are made to address any immediate safety concerns, including but not limited to removal of the child from the foster home, if necessary.
- The SIU is also responsible to notify DCF contract managers who will review the screening and the final decision of the agency in order to determine whether any action is warranted to ensure the current and future safety of children placed through the program.
- The SIU is also responsible to notify EEC who reviews the screening and final decision of the agency in order to determine what action, if any is warranted.

These reviews are governed by the following policies and regulations.

- **Foster Care:** When an abuse claim is supported while a child is in a foster home placement, DCF and EEC respond in accordance with their respective regulations.
- **Residential Programs:** When an abuse claim is supported while a child is residing in a residential program, DCF responds in accordance with the "DCF Residential Response Guidelines" (copy attached.) As with Foster Care, EEC responds in accordance with its regulations.

These actions are consistent whether the child was placed by the public agency (DCF) or by a private entity (not-for-profit or for-profit).



Minnesota Department of **Human Services**

The Honorable Orrin G. Hatch
 United States Senate
 104 Hart Senate Office Building
 Washington, D.C. 20510-4402

May 29, 2015

The Honorable Ron Wyden
 United States Senate
 221 Dirksen Senate Office Building
 Washington, D.C. 20510-3703

Dear Senators Hatch and Wyden,

On behalf of Governor Mark Dayton, The Minnesota Department of Human Services welcomes the opportunity to respond to your letter of April 24, 2015 and your request for information regarding Minnesota's policies and practices relative to privatized foster care. Governor Dayton shares your concerns about ensuring the safety and well-being of children who are removed from the family home due to abuse or neglect.

Background on Minnesota's Child Foster Care Placement System

Unlike most states, Minnesota is a state-supervised and county-administered child welfare system. Therefore, all child placement activities and case management services rest with local county and tribal child welfare agencies, in accordance with Minnesota's approved Title IV-E State Plan. The county or tribal social service agencies (with a Title IV-E Agreement), are responsible for administering child welfare services, including child placement and services activities. (Minn. Stat. 260C.007. 27a)

Responsibility for performing specific child foster care licensing oversight functions is statutorily delegated to county agencies, while issuing licenses and licensing sanctions is the responsibility of the Minnesota Department of Human Services (the Department) through its Licensing Division.

All of Minnesota's county social service agencies conduct child foster care licensing and child placement. *All children in Minnesota's foster care system are placed by the responsible county or tribal social service agency, not by privatized, for-profit or not-for-profit entities.* However, private child placing agencies ("private agencies") may be licensed by the Department and authorized to perform certain licensing functions.

There are currently 3,428 licensed child foster care programs in Minnesota. Of these, 2,594 are monitored by 87 county licensing agencies, and 834 are monitored by 33 private agencies.

Counties are responsible for investigating alleged or suspected maltreatment of a minor in all child foster care settings regardless of whether the licensing/monitoring activity is performed by the county or a licensed private agency.

Additional functions performed by counties and private agencies include:

- Accepting and processing child foster care license applications
- Conducting inspections, studies, and evaluations of child foster care programs
- Recommending approval or denial of license applications to the Minnesota Department of Human Services
- Monitoring child foster care program compliance with licensing rules
- Investigating allegations of licensing violations
- Issuing correction orders for substantiated licensing violations
- Recommending child foster care licensing sanctions to the Department when warranted by the nature, severity, or chronicity of licensing violations.

The Department:

- Issues child foster care licenses and licensing sanctions based on a review of recommendations from counties and licensed private agencies
- Provides training and technical assistance to counties and licensed private agencies
- Conducts background studies on required individuals for child foster care and adoption
- Oversees county and private agency performance of licensing responsibilities through on-site reviews of their licensing work. (See Minn. Stat., section 245A.16, Standards for County Agencies and Private Agencies)

Minnesota Responses to Questions in Letter Dated April 24, 2015

To the degree applicable, describe your state's utilization of private entities to provide case management services (e.g., placement of children with particular foster care providers, ongoing casework and oversight of foster care placements).

According to Minnesota statutes and rules, county and tribal agencies, as ordered by the court, have sole responsibility for the placement, care, custody and control of the foster child. However, the Department may license and certify private agencies to recruit and provide licensing oversight to individuals to provide foster care.

Counties and tribal agencies have the authority to contract with licensed and certified private agencies to assist with recruitment and placement options. These private agencies are responsible for licensing activities and ensuring compliance with licensing requirements. County and tribal agencies maintain responsibility for supervising, monitoring and managing children's out-of-home placement plan and corresponding services. (Minn. Stat. 260C.212. subd.1) County and tribal agencies work in tandem with the private agencies by identifying potential foster care providers and ensuring the safety, well-being and permanency of children. The responsible county or tribal social service agencies assume all case management service responsibilities.

What proportion of the children in foster care in your state is placed by the public agency, not-for-profit providers, and for-profit providers?

In Minnesota, 100 percent of children in foster care are placed by the responsible county or tribal social service agency. *Minnesota children in the foster care system are not placed by private for-profit or not-for-profit entities.*

Please provide the number and names of private entities providing these core services, as well as information on whether each provider is a for-profit or not-for-profit entity.

Minnesota has 33 licensed private child-placing agencies authorized to perform child foster care licensing oversight (see attached list). *Minnesota children in the foster care system are not placed by private for-profit or not-for-profit entities.*

Does your state require that private foster care entities or organizations operating in your state be accredited? If so, by which organization and how often is this accreditation renewed?

No, accreditation by another entity is not required.

Describe in detail the process you use to select and contract with these private entities, as well as to review and renew such contracts.

The Department uses a Request for Proposal (RFP) process to identify and recruit licensed private agencies to work with county and tribal social services agencies regarding placement of foster children. The Department contracts with licensed private agencies and regularly monitors contract compliance through annual site visits and file reviews. Additionally, contracts expire after two years, at which time a new RFP process is initiated.

The Department licenses private agencies under Minn. Stat., Chapters 245A and 245C, and Minn. Rules, parts 9545.0755 to 9545.0845 (also known as Rule 4). The Rule 4 license allows an agency to receive children for care, supervision, or placement in foster care or adoption, and to help plan the placement of children in foster care or adoption. In addition, the Department authorizes private agencies to provide child foster care licensing oversight according to Minn. Rules, parts 9543.0010 to 9543.0150, (also known as Rule 13). The Rule 13 authorization allows a licensed agency to perform specific child foster care licensing functions, as described above on page one.

To obtain a license, the agency must submit a license application, pay an application fee, and provide additional materials, including:

- Policies, procedures and program records
- Information about their legal organization
- Additional information required if they intend to provide adoption services

Department staff review the application and inform the agency of missing or incomplete information. Upon completing all application requirements, the agency submits the information necessary for the Department to complete the required background studies of agency staff.

Once the Department determines that the agency has met all licensing requirements, Department staff meet in-person with agency staff to provide:

- An overview of rules and statutes applicable to child foster care programs
- Tools for conducting licensing inspections and monitoring compliance
- A review of the respective roles and responsibilities of the agency and the Department
- Answers to questions about licensing responsibilities or about contracting for services with the Department.

Following a successful meeting, the Department issues a license. One year after the license is issued, the Department conducts an on-site licensing review of the agency's compliance with both Rule 4 and Rule 13 requirements. The Department conducts subsequent reviews of the agency's Rule 4 licensing compliance every two years, and the agency's performance of delegated child foster care licensing functions under Rule 13 every four years.

Describe in detail the process your state uses to inspect the safety of the foster care settings in which children are placed and the extent to which this process differs for public, not-for-profit, and for-public providers operating in your state.

Child foster care programs are licensed under Minn. Stat., Chapters 245A and 245C, and Minn. Rules, parts 2960.3000 to 2960.3340. As described above, counties and private agencies are primarily responsible for performing child foster care licensing oversight. The licensing process includes submitting a license application to the county of residence or private agency of the applicant's choosing. The licensing process is the same for all licensed child foster care programs, as are requirements; however, the methods used to complete the process may vary, depending on the size of the county or private agency.

Some county and private agencies have regularly scheduled informational meetings to discuss the general licensing process for child foster care, while others may provide this information on a one-to-one basis when they receive a request for information. In addition, some agencies have websites where interested parties may access application materials, while others mail information or have it available at the agency.

Once an application for foster care licensure is received, agencies:

- Submit the information, including the subject's fingerprints, necessary for the Department to complete the Adam Walsh background study on license applicants, and all required household members
- Contact applicants to schedule home visits to complete the home safety checklist
- Ensure safe sleep requirements for infants and sleeping space requirements for foster children are understood

- Determine whether a fire safety inspection is required, based on criteria in the child foster care rule. If a fire safety inspection is required, county or private agencies make this request to the Minnesota Department of Public Safety. The fire safety inspection must be completed and all items corrected prior to recommending licensure.

Applicants must complete:

- Foster care orientation training, including emergency procedures and a review of state statute and rules
- Sudden Unexpected Infant Death and Abusive Head Trauma training if caring for foster children through age five
- Child Passenger Safety training if transportation will be provided for foster children under age nine
- Two hours of children's mental health training

The home study assessment process includes visits to the home to complete these forms:

- Application
- Home study assessment
- Family disaster plan
- Individual fact sheets for all adults living in the household
- Home study agency process checklist that documents background study results, completed training, variances granted, and other information

All forms must be completed and all required background studies must be cleared, or there must be a set-aside or variance granted if there is a disqualification prior to recommending licensure.

If applicants meet all requirements, agencies make a recommendation to the Department for a one-year license. If an applicant previously held a child foster care license, an agency has the discretion to recommend an initial license for up to a two-year period. Prior to the license expiring, the county completes the relicensing process which is similar to initial licensing and includes completing the five forms of the home study, completing the home safety checklist, and reviewing training and placements made, as well as other required documentation. Subsequent licenses are issued for up to a two-year period.

How many instances of abuse in a foster care placement have been substantiated in the last five years in your state? Of those substantiated, how many of these instances related to children placed by: not-for-profit providers, for-profit providers, and public providers?

Using data from the Department's Social Service Information System (SSIS), there were 150 determined maltreatment reports in child foster care programs that were completed from 2010 to 2014. *As described earlier, private agencies in Minnesota do not have responsibility for placement of children.*

Describe in detail the actions taken when an abuse claim is substantiated while a child is in an out of home placement? Do these actions differ depending on whether the child was placed by the public agency, a not-for-profit provider, or a for-profit provider?

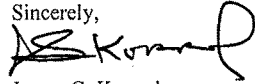
County and tribal child welfare agencies are responsible for investigating reports of suspected maltreatment of foster children, regardless of whether a county, tribal or private agency performs the licensing oversight.

The Department issues a licensing sanction any time a licensed child foster care provider is found responsible for maltreatment. These sanctions are issued by the Department regardless of whether a county or a private agency oversees the license.

The Department notifies county or private agencies of licensing sanctions. The licensing agency is required to notify the parents or guardians (i.e., the county or tribal placing agency) of each child placed in the sanctioned foster homes about the licensing sanctions. County and tribal agencies have the authority to make placement decisions regarding children, and determine the significance of a county's determination of maltreatment or Department's issuance of a licensing sanction. These decisions include planning for the safety and well-being of children, and sometimes the need to remove children from foster homes.

I hope this was helpful. If you have questions regarding this, do not hesitate to contact me for additional information at 651.431.3835 or via email at jim.koppel@state.mn.us.

Sincerely,



James G. Koppel
Assistant Commissioner
Children and Family Services



Pete Ricketts
Governor

STATE OF NEBRASKA

OFFICE OF THE GOVERNOR
P.O. Box 94848 • Lincoln, Nebraska 68509-4848
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May 18, 2015

Senator Orrin Hatch, Chairman
Senator Ron Wyden, Ranking Member
United States Senate
Committee on Finance
Washington, DC 20510-6200

Dear Senators:

Thank you for your letter dated April 24, 2015, requesting information about Nebraska's policies and practices as they relate to privatized foster care. I am happy to share the following information in response to your inquiries below:

- 1) **To the degree applicable, describe your state's utilization of private entities to provide case management services (e.g., placement of children with particular foster care providers, ongoing casework, and oversight of foster care placements).** *The Nebraska Department of Health and Human Services Division of Children and Family Services (DHHS-CFS) entered into a subaward with a private, non-profit agency that provides case management duties and responsibilities over the ongoing child welfare cases involving child abuse and neglect in Douglas and Sarpy counties. These two counties account for approximately 40% of the the state's population.*

This private, non-profit agency, called Nebraska Families Collaborative (NFC), is licensed with the state of Nebraska as a Child Placing Agency and is accredited through the Council on Accreditation. With regards to foster care, NFC identifies and prepares relative and kinship foster parents for placement of foster children. DHHS-CFS reviews and approves all relative and kinship foster parents prior to the placement of children in their homes. NFC also subcontracts with other non-profit and for-profit licenced Child Placing Agencies who recruit, train, and support licensed foster parents. DHHS-CFS also reviews, approves, and issues the foster care license to these foster homes, and approves all placement of foster children in these homes.

In the other areas of the state, DHHS-CFS contracts with private non-profit and for-profit agencies to recruit, train, prepare for licensure, and support foster parents. DHHS-CFS reviews licensing packets submitted by these agencies and approves each foster home for licensure. DHHS-CFS also recruits foster parents directly, prepares them for licensure, and provides supports to the foster homes to help stabilize and maintain child placements.

- 2) **What proportion of the children in foster care in your state is placed by the public agency, not-for-profit providers, and for-profit providers?** *As of May 11, 2015, 86.3% of children in foster care are placed by private agencies; of the 86.3% of children placed by*

private agencies, 5% are placed by for-profit agencies and 95% are placed by not-for-profit agencies.

13.7% of children in foster care are placed by a public agency, either DHHS-CFS or the Tribes. Of the 13.7% children placed by a public agency, 93.1% are placed by DHHS-CFS and 6.9% are placed by the Tribes.

- 3) **Please provide the number and names of private entities providing these core services, as well as information on whether each provider is a for-profit or not-for-profit entity. Please see Attachment-A.**
- 4) **Does your state require that private foster care entities or organizations operating in your state be accredited? If so, by which organization and how often is this accreditation renewed? No, Nebraska does not require that private foster care entities be accredited. Please see Attachment-A for a list of those private foster care entities who have chosen to be accredited, and by which accrediting organization.**
- 5) **Describe in detail the process you use to select and contract with these private entities, as well as to review and renew such contracts. Nebraska state statute, LB269, requires DHHS-CFS to conduct a financial review of private agencies before entering into a child welfare contract. Specifically, the statute states that any entity seeking to enter into a contract with the Department of Health and Human Services to provide child welfare services shall provide evidence of financial stability and liquidity prior to executing such a contract. In order to meet this requirement, DHHS-CFS requests the most recently audited financial statements from all private foster care agencies, but will accept reviewed financial statements, compilation financial statements, internally prepared financial statements, or minimally a balance sheet and income statement for the same time periods. This financial review is conducted on an annual basis prior to contract renewal.**

All private foster care agencies are required to obtain a Child Placing Agency License through Regulation and Licensure with the state of Nebraska before entering into a foster care contract with DHHS-CFS. Licensing standards require the agency to develop a written statement of its functions, policies, and programs and submit them for approval by the licensing unit. Licensed Child Placing Agencies must conduct background on all employees, volunteers, and caregivers age 13 or older who have contact with children prior to having unsupervised contact with children. Child Placing Agencies are prohibited from employing any individual who has been convicted of, admitted to, or has substantial evidence of crimes involving intentional bodily harm, crimes against children, or crimes involving moral turpitude. The background checks must include: Nebraska Sex Offender Registry maintained by the Nebraska State Patrol; Nebraska Child Abuse and Neglect Central Registry; Nebraska Adult Abuse and Neglect Central Registry, Nebraska State Patrol Criminal Background Check, and Nebraska Department of Motor Vehicles Check for License Points Status. The foster care agency must conduct similar background checks in the state(s) of previous residence if the employee has resided in Nebraska for less than two years. If the background checks result in a record of convictions being identified, the foster care agency must notify DHHS-CFS of the convictions if they still decide to hire the individual. DHHS-CFS reserves the right to prohibit foster care agency staff from having contact with children

upon receipt of this notification of criminal history. DHHS-CFS conducts quarterly Personnel File Reviews during the contract period to check for compliance with the background check requirements.

- 6) **Describe in detail the process your state uses to inspect the safety of the foster care settings in which children are placed and the extent to which this process differs for public, not-for-profit, and for-profit providers operating in your state. DHHS-CFS case managers are required to see each child on their caseload at a minimum of once every 30 days. One of these face to face visits must occur in the foster care home and there must be a conversation with the foster youth about their safety in the home. This information is documented each month and if there are any licensing issues, those issues are forwarded to resource development workers, who are responsible for working with the foster homes and the private agencies who support the foster homes. If there is a safety concern, those are called into the Nebraska Child Abuse and Neglect hotline for investigation. The process does not differ depending on whether the child was placed by the public agency, a not-for-profit provider, or a for-profit provider.**
- 7) **How many instances of abuse in a foster care placement have been substantiated in the last five years in your state? Of those substantiated, how many of these instances related to children by: not-for-profit providers, for-profit providers, and public provider?**
There have been 140 instances of substantiated abuse in a foster care placement in the last five years. Of these 140 instances, 0 instances are related to For-Profit providers; 85 instances are related to Not-For-Profit providers; and 55 instances are related to the public provider (Nebraska). It should be noted that one private for-profit agency, Better Living Counseling Services, did not begin providing foster care until April 1, 2013.
- 8) **Describe in detail the actions taken when an abuse claim is substantiated while a child is in an out of home placement? Do these actions differ depending on whether the child was placed by the public agency, a not-for-profit provider, or a for-profit provider? When an abuse claim is substantiated while a child is in an out of home placement, the child's placement in the foster home is terminated and the child is placed into another living arrangement. The foster home is placed on hold from taking any additional placements and action is taken to revoke the foster home's license. The actions do not differ depending on whether the child was placed by the public agency, a not-for-profit provider, or a for-profit provider.**

Thank you again for this opportunity to provide information regarding this important foster care issue.

Sincerely,



Pete Ricketts
Governor

Enclosure

Attachment-A
Nebraska's Response to the US Senate Committee on Finance Regarding Privatized Foster Care -- May 14, 2015

	Name of Private Foster Care Agency	Home Office Location	For Profit	Not For Profit	Accredited	Name of Accrediting Organization	Accreditation Renewal Cycle
1	Apex Foster Care, Inc.	Omaha, NE	Yes		No		
2	Behavioral Health Specialists, Inc.	Norfolk, NE		Yes	Yes	The Joint Commission	Annually
3	Better Living Counseling Services, Inc.	South Sioux City, NE	Yes		No		
4	Building Blocks for Community Enrichment	O'Neill, NE		Yes	No		
5	Cedars Youth Services	Lincoln, NE		Yes	Yes	Council on Accreditation	Four Years
6	Child Saving Institute, Inc.	Omaha, NE		Yes	Yes	Council on Accreditation	Four Years
7	Christian Heritage Children's Home	Walton, NE		Yes	Yes	Council on Accreditation	Four Years
8	Christian Home Association Children's Square USA	Omaha, NE		Yes	Yes	No	Four Years
9	Compass	Kearney, NE		Yes	No		
10	Epworth Village, Inc.	York, NE		Yes	In-Process	Council on Accreditation	Four Years
11	Father Flanagan's Boys Home	Boys Town, NE		Yes	Yes	Council on Accreditation	Four Years
12	Grace Children's Home Company	Henderson, NE		Yes	No		
13	KVC Behavioral Healthcare Nebraska, Inc.	Omaha, NE		Yes	Yes	The Joint Commission	Three Years
14	Lutheran Family Services of Nebraska	Omaha, NE		Yes	Yes	Council on Accreditation	Four Years
15	Mid-Plains Center for Behavioral Healthcare Services, Inc.	Grand Island, NE		Yes	Yes	Council on Accreditation	Three Years
16	Nebraska Children's Home Society	Omaha, NE		Yes	Yes	Council on Accreditation	Four Years
17	Nebraska Families Collaborative	Omaha, NE		Yes	Yes	Council on Accreditation	Four Years
18	Nova Treatment Community	Omaha, NE		Yes	Yes	Commission on Accreditation of Rehabilitation Facilities	Three Years
19	Omni Behavioral Health	Omaha, NE		Yes	Yes	The Joint Commission	Three Years
20	South Central Behavioral Services	Kearney, NE		Yes	Yes	Commission on Accreditation of Rehabilitation Facilities	Three Years
21	St. Francis Community Services of Nebraska, Inc.	Salina, KS		Yes	Yes	The Joint Commission	Three Years
22	TFI Family Service, Inc.	Emporia, KS		Yes	Yes	Council on Accreditation	Four Years



Nicholas A. Toumpas
Commissioner

Lorraine Bartlett
Director

STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF HUMAN SERVICES
DIVISION FOR CHILDREN, YOUTH & FAMILIES

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The following is our response to your questions from the Senate Finance Committee. It is important to understand in the context of the questions below The Department of Health and Human Services, Division for Children Youth and Families directly manages the Foster Care Program in New Hampshire. DCYF is the statutorily mandated public agency for Child Protection and Juvenile Justice Services per RSA 169-C, D and B. Services and Programs under the auspice of the agencies are ordered through the New Hampshire Judicial System.

Describe your state's utilization of private entities to provide case management services.

As the Child Protection agency for New Hampshire, DCYF establishes fee for service arrangements with private Child Placing Agencies (private entities) that are licensed per RSA 170-E to provide foster care and certified per RSA 170-G to provide a specific level of foster care programming as referenced in chart below.

Child Placing Agencies are defined in RSA 170-E:25 IV as: any firm, corporation or association which:

- (a) Receives any child for the purpose of providing services related to arranging for the placement of children in a foster family home, group home, or child care institution; or
- (b) Receives any child for the purpose of providing services related to arranging for the placement of children in adoption.

Child Placing Agencies recruit and maintain a foster home but ultimately foster care licenses can only be granted by the DCYF Director. Those Child Placing Agencies provide a variety of certified court ordered therapeutic services to the to the Child who is involved with the Division under petitions of RSA 169-C, 169-B and 169-D . The state uses Child Placing Agencies to provide specific levels of treatment based programs to meet the unique needs of the child and family. The programs are certified as treatment providers and while the services include therapeutic case management as part of the treatment delivery. DCYF maintains all court ordered supervision, case management and oversight of the placement. New Hampshire does not contract with any Child Placing Agency for foster care placements. Child Placing Agencies are matched, based on therapeutic skillset, location and foster families available to meet the unique needs of the child and family on a fee for service basis. These Child Placing Agencies are reimbursed on a fee for service basis for their therapeutic services including Medicaid reimbursable services.

What proportion of the children in foster care in your state is placed by the public agency, not-for-profit providers and for-profit providers?

In New Hampshire, 100% of children requiring foster care placement through child protection or juvenile justice are court order placed by DCYF. Children and youth can be placed in foster care following a court order on a petition of abuse or neglect RSA 169-C, CHINS (Child in Need of Services) RSA 169-D or delinquency RSA 169-B.

The only other use of foster care services outside of the statutes referenced above, allowed in New Hampshire, is in the event of a private adoption which is facilitated by licensed private Adoption agencies when it is required for an in-state or interstate private adoption. These Adoption Agencies are licensed by DCYF to recruit, train and

license homes for this purpose. These children are not involved with the New Hampshire Court System and not involved with DCYF case management.

Please provide the number and names of private entities providing these core services as well as information on whether each provider is a for-profit or Not-for-profit entity.

As stated above, 100% of the children placed in New Hampshire foster care are placed by the Division through a court order. The Division maintains all legal authority authorized by the court and ultimately, bears responsibility for all case management. There are currently eight providers who are licensed as Child Placing Agencies to provide foster care service and eight agencies certified to specifically provide a therapeutic level of foster care programming. (Referenced below under column "service provided" as Individual Service Option (ISO)). New Hampshire certifies ISO services based on NH Administrative Rule He-C 6339. All of the ISO programs are also licensed as a Child Placing Agency with one exception being Crotched Mountain, who contracts with another agency for foster homes. The current agencies are as listed:

Agency_Resource_Name	City, State, Zip	service provided	Profit Status
ASCENTRA CARE ALLIANCE, INC	Concord NH 03301	licensing and ISO Foster Care services	Non-Profit
CHILD AND FAMILY SERVICES OF NH	Manchester NH 03105	licensing and ISO Foster Care services	Non-Profit
CROTCHED MOUNTAIN	Greenfield NH 03047	ISO foster care services only	Non-Profit
EASTER SEAL SOCIETY OF NH	Manchester NH 03103	licensing and ISO Foster Care services	Non-Profit
INDEPENDENT SERVICES NETWORK	Manchester NH 03103	licensing and ISO Foster Care services	For Profit
LAKES REGION COMMUNITY SERVICES	Laconia, NH 03246	licensing and general Foster Care	Non-Profit
LIFESHARE MANAGEMENT GROUP LLC	Manchester NH 03103	licensing and ISO Foster Care services	Non-Profit
NFI NORTH INC	Jefferson NH 03583	licensing and ISO Foster Care services	Non-Profit
SPAULDING YOUTH CENTER	Northfield NH 03276	licensing and ISO Foster Care services	Non-Profit

Does your agency require that private foster care entities or organizations operating in your state be accredited? If so, by which organization and how often is this accreditation renewed?

We require that Private Foster Care agencies operating in New Hampshire be licensed as a Child Placing Agency or as a Residential Facility. NH RSA 170-E governs the licensing of such entities with the specifics being outlined by Administrative Rules. He-C 6448 is the Rule for Child Placing Agencies and He-C 4001 is the Rule for Residential Care Facilities. These NH Rules outline the equivalent of an accreditation process.

The Department oversees the licensing process and monitors providers for compliance. Child Placing Agency licenses are issued by the Director of DCYF and are valid for four years. Residential Care Licenses are issued by the Department's Director of Legal Services and are valid for three years. In both Rules, the licensed agency must submit a renewal application no less than three months prior to license expiration date following the process outlined in the respective Rule.

In addition to licensing requirements above, any Child Placing Agency that wishes to provide services to DCYF youth must also apply for certification from DCYF. Certification for the payment of Foster Care Programs follows the requirements of Administrative Rule He-C 6355. DCYF oversees the licensing process and monitors providers for quality assurance and compliance per RSA 170-G. The certification must be renewed every two years.

Describe in detail the process you use to select and contract with these private entities, as well as to review and renew such contracts.

Rather than contract with agencies we certify the private agencies to provide foster care. Agencies wishing to provide a foster care program must apply for licensing and certification as outlined above. A requirement of the application is to show that there is a need for a new service and service provider per RSA 170-G. Once an agency has been granted a license and certificate, the decision to utilize the provider is made by DCYF through a matching process which reviews the needs of the child with the strengths and services of the provider. The renewal process for both licensing and certification requires the provider to participate in site reviews of their agency by DCYF to ensure compliance with the rules and appropriate care and service delivery to the children and families referred to their programs.

Describe in detail the process your state uses to inspect the safety of the foster care settings in which children are placed and the extent to which this process differs for public, not-for-profit and for-profit providers operating in your state.

All foster care homes in New Hampshire, whether they are with the public or any private agency, are licensed following the statutory requirements in NH RSA 170-E and Administrative Rule He-C 6446. All potential foster care applicants and household members over age 17 undergo rigorous record checks through FBI fingerprinting, a State Criminal record check and a central registry check for child protection complaints. Checks are completed in every state in which the applicant or household member has resided in the past seven years. Their physical home must pass both a local fire and health inspection. There is no difference in this process by the type of agency; however, there is a difference in the detailed requirements of the fire inspection by locality primarily because each New Hampshire town or city can set its own building and safety codes based on the Life Safety Code edition they have adopted. The minimum standard is the 2003 NFPA (National Fire Prevention Association) 101. At a minimum, all foster care homes must be visited annually by either the DCYF foster care licensing staff or staff from the Child Placing Agency that maintains the foster home. A foster care license for an individual home is valid for two years and verifies that the home has completed health and safety compliance requirements. The same process must be completed again for renewal. DCYF is working with the Department to add a state registry check for adult and elder abuse to the safety requirements for all licensing as it is seen as best practice.

How many instances of abuse in a foster care placement have been substantiated in the last five years? Of those substantiated, how many of these instances related to children placed by: not-for-profit, for-profit and public providers?

There has been one substantiated instance of abuse to a child in a foster care placement in New Hampshire in the past five years. This foster home was licensed by DCYF.

Describe in detail the actions taken when an abuse claim is substantiated while a child is in an out of home placement? Do these actions differ depending on whether the child was placed by the public agency, a not-for-profit provider or a for-profit provider?

All foster care placements in New Hampshire are made by DCYF as ordered by the Court. There has only been one instance of a founded abuse claim against a foster parent in the past five years. The child was removed immediately and that license was closed after the investigation. Administrative Rule He-C 6446 outlines in detail the process to be followed in this situation. This process is the same for all agencies and foster homes.

DCYF has a Special Investigation Unit (SIU) per RSA 169-C:2 XVI and 169-C: 3-a that is assigned to assess any report of abuse or neglect in a foster care setting. During the course of the investigation if there are founded violations or suspicion of violations of the foster care family licensing requirements He-C 6446 these concerns are provided to the foster care licensing manager, and foster care licensing staff in the district office or Child Placing Agency. Any violation the foster family care licensing requirements in He-C 6446 requires the agency to issue a written order to comply to the foster parent.

He-C 6446.27 Orders to Comply and Immediate Removal of Children In Care.

(c) Within 14 days of the date of the order to comply, the licensing agency and the foster parent shall jointly develop a corrective action plan to correct the violations.

(d) The foster parent shall not accept any additional children in care, children for respite care, or children in a pre-adoptive placement:

- (1) After receiving an order to comply as specified in (c) above and prior to the development of a corrective action plan; or*
- (2) During an ongoing investigation of alleged child abuse or neglect.*

(i) If any violations identified present a risk to the health, safety, or well-being of the child in care, the department shall immediately, and with any court approval required by law, remove the child in care from the foster home without issuing an order to comply.

(j) The department shall revoke the license or permit of the foster parents without issuing an order to comply if there is a founded report of child abuse or neglect for a foster parent and shall revoke the license or permit of the foster parents without issuing an order to comply if there is a judicial finding of abuse or neglect made related to foster parent.

(k) The department shall revoke the license or permit of the foster parents without issuing an order to comply if a foster parent is convicted of a felony or other crimes pursuant to He-C 6446.29(b).

Further information on Foster Care Programs in New Hampshire can be found in the Child and Family Services Five-Year Plan submitted by DCYF to the Administrative Office for Children and Families, Children's Bureau on June 30, 2014. The following are links to the Statute and Rules referenced in the responses to the questions posed.

NH RSA 170-E TITLE XII, PUBLIC SAFETY AND WELFARE, CHAPTER 170-E, CHILD DAY CARE, RESIDENTIAL CARE, AND CHILD-PLACING AGENCIES

<http://www.gencourt.state.nh.us/rfa/html/xii/170-e/170-e-mrg.htm>

Administrative Rule He-6446 CHILD-PLACING AGENCY LICENSING REQUIREMENTS

http://www.gencourt.state.nh.us/rules/state_agencies/he-c6400.html

Administrative Rule He-C 6446 FOSTER FAMILY CARE LICENSING REQUIREMENTS

http://www.gencourt.state.nh.us/rules/state_agencies/he-c6400.html

Administrative Rule He-C 6355 CERTIFICATION FOR PAYMENT OF FOSTER CARE PROGRAMS

http://www.gencourt.state.nh.us/rules/state_agencies/he-c6300.html

Administrative Rule He-C 4001 CHILD CARE LICENSING RULES

http://www.gencourt.state.nh.us/rules/state_agencies/he-c4000.html



State of New Jersey

DEPARTMENT OF CHILDREN AND FAMILIES
P.O. Box 729
TRENTON, NJ 08625-0729

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

ALLISON BLAKE, Ph.D., L.S.W.
Commissioner

August 7, 2015

United States Senate
Committee on Finance
Washington, DC 20510-6200

Attention: Chairman Orin G. Hatch
& Ranking Member Ron Wyden

Dear Chairman Hatch and Ranking Member Wyden,

Thank you for your letter inquiring about New Jersey's use of contracted private entities to administer foster care. The care of children and youth in foster care is one of the States' most critical responsibilities and I applaud your commitment to this matter.

New Jersey's use of private entities to administer foster care is different than the trend described in the April 24, 2015 letter which identified an increasing reliance on private entities. In 2014, New Jersey's Division of Child Protection and Permanency began phasing out its reliance on these contracted entities and intends to no longer be utilizing private entities in this capacity by the end of 2015. At this time 252 of New Jersey's 5,346 foster homes are administered by private entities.

Like what is being experienced in other states currently, New Jersey had a critical shortage of foster homes prior to our child welfare reform efforts over the past decade. This shortage drove a need to contract with private entities to augment the foster homes recruited and administered by the public agency. However, we are very pleased that currently, due to enhanced recruitment and retention efforts, an intense focus on increasing kinship placements, focused efforts on reducing the use of out-of-home placement where children can be safely cared for at home, and the dedication of our staff and our communities to serving our most vulnerable children, we have a wealth of foster homes available. As a result, we made a decision last year to begin to phase out the private foster care contracts to allow us to reinvest those funds into other services critical to the children and families we serve. This process is scheduled to be completed this calendar year.

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As a result of these changes, the answers to the questions posed by the Senate Finance Committee will likely be different from other states and jurisdictions:

- *To the degree applicable, describe your state's utilization of private entities to provide case management services (e.g., placement of children with particular foster care providers, ongoing casework and oversight of foster care placements).*
 - New Jersey's utilization of private entities to administer foster care does not include case management services as described herein. Placements, ongoing casework, and placement oversight remain the responsibility of public agency caseworkers. The different private entities contracted for this purpose perform a combination of the following functions depending on their individual contract terms: recruitment; conducting home-studies; supporting potential foster homes through the licensing process; training foster parents; managing payments to foster parents; providing ongoing support to foster parents; assisting public agency caseworkers in identifying foster care placements within their network of foster homes; and providing specialized support for children in foster care.
- *What proportion of the children in foster care in your state is placed by the public agency, not-for-profit providers, and for-profit providers?*
 - All children in foster care are placed by the public agency, though the private entities which provide administrative support for foster homes will assist the public agency caseworker in identifying foster care placements within their managed network of foster homes as needed.
- *Please provide the number and names of private entities providing these core services, as well as information on whether each provider is a for-profit or not-for-profit entity.*
 - As described above, none of the private entities that provide administrative support for foster homes, provide the core child placement/oversight services identified in the previous questions.
- *Does your state require that private foster care entities or organizations operating in your state be accredited? If so, by which organization and how often is this accreditation renewed?*
 - No, the entities providing administrative support of foster homes are not required to be accredited.

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- *Describe in detail the process you use to select and contract with these private entities, as well as to review and renew such contracts.*
 - Because the Division of Child Protection and Permanency is in the process of phasing out all contracts with these private entities, there is no current process to review and renew such contracts. However, historically, these contracts would be reviewed annually to ensure that the agency was meeting contractual expectations and an appropriate levels of service prior to renewal. Additionally, since public agency staff maintained responsibility for the core case management services, they were positioned to advise contracting staff of any issues requiring further review or corrective action.

- *Describe in detail the process your state uses to inspect the safety of the foster care settings in which children are placed and the extent to which this process differs for public, not-for-profit, and for-profit providers operating in your state.*
 - All foster homes in New Jersey, including kinship homes, public agency managed foster homes, and private agency foster homes are required to be licensed. Chapter 122C of the New Jersey Administrative Code¹ establishes regulations governing health, safety, and well-being. All foster homes are licensed and inspected by state staff.
 - The regulatory requirements are divided into two levels based upon their direct impact upon the child in placements safety and well-being. Level 1 requirements are the most serious, and Level 2 requirements may be waived in order to facilitate kinship placements in the best interest of a child.
 - Prior to being licensed, all resource homes are subject to an on-site inspection and must be found to be in compliance for a license to be issued.
 - Once a license is granted, the resource homes are required to have an annual inspection to ensure on-going compliance. During these inspections, the child's safety is further ensured by requiring that licensing staff see each child in placement and conduct an in-person interview with each child in placement as age appropriate.
 - Additionally, as all placements are made by public agency staff and as monthly visits with children are required to occur in their placement locations, the public agency staff have regular and ongoing oversight of all foster homes.

¹ Regulations available at: http://www.nj.gov/dcf/policy_manuals/Regulations_2ABC012C-D1A3-45AE-A25F-95E0BDEE5443_10%20-%20Human%20Services_122C%20-%20Manual%20Of%20Requirements%20For%20Resource%20Family%20Parents.shtml

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- *How many instances of abuse in a foster care placement have been substantiated in the last five years in your state? Of those substantiated, how many of these instances related to children placed by: not-for-profit providers, for-profit providers, and public providers?*
 - Since all placements are made by public agency staff, there is no distinction in the rate of child abuse or neglect between children placed by not-for-profit providers, for-profit providers, and public providers. The rate and actual number of instances of child abuse or neglect in foster care placements over the past five years are as follows:
 - 2014 - 20 instances of child abuse or neglect in foster care yielding a child victimization rate² of 0.17%
 - 2013 - 40 instances of child abuse or neglect in foster care yielding a child victimization rate of 0.32%
 - 2012 - 26 instances of child abuse or neglect in foster care yielding a child victimization rate of 0.21%
 - 2011 - 26 instances of child abuse or neglect in foster care yielding a child victimization rate of 0.22%
 - 2010 - 27 instances of child abuse or neglect in foster care yielding a child victimization rate of 0.22%

- *Describe in details the actions taken when an abuse claim is substantiated while a child is in an out of home placement? Do these actions differ depending on whether the child was placed by the public agency, a not-for-profit provider, or a for-profit provider?*
 - Since all placements are made by public agency staff, there is no distinction in actions taken when child abuse or neglect occurs in an out of home placement based on placement by not-for-profit providers, for-profit providers, and public providers.
 - When an allegation of child abuse or neglect is made against a foster parent, the Institutional Abuse Investigation Unit, which operates independent of the child protection division, investigates the claim. If the allegation of child abuse or neglect is substantiated involving the foster parent or a member of their household, the Office of Licensing will routinely issue a Notice of Revocation.


² Child victimization rate is the number of child victims of abuse or neglect in foster care over the calendar year divided by the total number of children in foster care over the same period.

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- o There exists, however, an ability to maintain the foster home despite the finding of child abuse or neglect where it is in child's best interest to remain in placement within the home. This can occur with kinship placements where the causes of the instance of child abuse or neglect can be remedied to mitigate the risk of reoccurrence and where the caregiver bond outweighs the mitigated risk. This is only permitted through a waiver process. This waiver process takes into account the family/kin connection of the child in placement to the resource parent, the best interests of the child, the child's case plan, the current safety of the child, and the ability of the resource parent to keep the child in placement safe.

I hope the Senate Finance Committee finds the above information useful and please feel free to contact my office with any additional questions or concerns.

Sincerely,



Allison Blake, Ph.D., L.S.W.
Commissioner

PUBLIC-PRIVATE PARTNERSHIPS IN NEW MEXICO

- **To the degree applicable, describe your state's utilization of private entities to provide case management services (e.g. Placement of children with particular foster care providers, ongoing casework and oversight of foster care placements)**
 - New Mexico requires a casework to be assigned for each child placed in foster care. The caseworker retains all decision making, oversight of activities and responsibility for that child.
 - All foster care placements, private or public are licensed by the state's Children, Youth and Families Department.
 - Most regular foster care placements are directly overseen by CYFD in each county.
 - The state as one agency that provides private foster care placements. Their capacity is limited.
 - Caseworkers are able to make referrals to community, nonprofit agencies for case management type services, however the caseworkers maintain primary oversight. The case management services are behavioral health related and connected to a DSM IV diagnosis for the parent or child.

- **What proportion of the children in foster care in your state is placed by the public agency, not for profit providers and for profit providers**
 - As of March 2015 New Mexico had 2,146 children in care
 - 14 % are in Treatment Foster Care. All Treatment Foster Care Agencies are licensed and regulated by CYFD. All Treatment Foster Care agencies are not for profit.
 - 3% are placed in Residential Treatment Care. The residential treatment centers in New Mexico are for profit centers.

- **Please provided the numbers and names of private entities providing these core services, as well as information on whether each provider is for profit or not for profit:**
 - Agave 505-639-3038
 - Family Works 505-217-1402
 - High Desert 505-823-4530
 - La Familia/Namaste 505-766-9361
 - La Frontera 505-647-2880
 - NM Solutions 505-286-0701
 - Open Skies 505-345-8471
 - The Peak 505-623-6749

*All agencies above are not for profit agencies.

- **Does your state require that private foster care entities or organizations operating in your state be accredited? If so, by which organization and how often is accreditation renewed?**
 - No, we do not require accreditation for certification or licensure
- **Describe in detail the process you use to select and contract with these private entities, as well as to review and renew such contracts?**
 - The NM Children, Youth and Families Department does not contract for foster care or residential treatment services. These are all medically necessary services and are contracted by our Human Services Department.
 - CYFD does not have access to this information. HSD might be a resource on this.
 - The foster care agency certified by CYFD, requires they meet all the licensing standards required by the state for regular foster care. Families are required to complete physical forms, a thorough home study (interviews of all household members, references forms, and financial history), and training, a safety inspection of the home, criminal records and background check by the state and Federal Bureau of Investigations, child abuse and neglect checks.
- **Describe in detail the process your state uses to inspect the safety of the foster care settings in which children are placed and the extent to which this process differs for public, not for profit and for public providers in your state.**
 - The NM Children, Youth and Families Department certifies our families and all families providing any type of foster care, to include the not for profit treatment foster care agencies.
 - Below is our Administrative Code which is required for any foster care setting in the State of New Mexico :

8.26.4.13 SAFETY CHECKLIST FOR FOSTER AND ADOPTIVE HOMES:

A. Heating, cooling, and ventilation:

- (1) A foster home shall be adequately ventilated. There shall be an effective means of providing fresh air to children's sleeping rooms, including at least one window.
- (2) Fuel-burning equipment, including natural gas or liquid propane gas cooking ranges shall be vented appropriately and meet applicable safety code requirements.
- (3) Heating equipment shall be adequate to maintain interior temperature of 65 degrees Fahrenheit in all rooms. Gas furnaces shall have a cut-off valve.
- (4) The heating systems and associated equipment shall meet all requirements of state and local safety codes.

B. Water:

- (1) A foster home shall have an adequate supply of sanitary water.
- (2) If water is not obtained from a public supply, a well water certificate from the New Mexico environment department shall be provided for initial licensure, and at five year intervals. Well water testing instructions and an application form are available on the environment department website. Bottled water may be used for cooking and drinking if the water source is assessed to be unsuitable.

(3) Water supply piping and associated equipment shall be installed and maintained in compliance with state and local safety codes. There shall be a pop-off valve on the hot water heater.

C. Sewage, waste and sanitation:

(1) A foster home shall be kept clean and free of accumulation of dirt, waste, and infestations of insects and rodents.

(2) Toilet and bathing facilities shall be provided and maintained in a sanitary manner. Codes.

(4) Foster homes shall be free of clutter that may cause tripping or falling hazards.

D. Electrical wiring and communication:

(1) Electrical wiring shall comply with state and local safety codes. If the licensing agent has doubt of the adequacy of electrical wiring, the licensing agent shall request the applicant arrange and pay for a local electrical inspector to inspect the wiring and submit a report to the licensing agent.

(2) Electrical extension cords shall not be used for general wiring.

(3) A readily available telephone in case of emergencies.

E. Kitchen and food storage:

(1) A foster home shall have a kitchen with sufficient storage space. Food shall be stored separately from cleaning supplies and other household chemicals.

(2) The kitchen shall be equipped with a refrigerator sufficient to maintain cold food storage in a temperature range between 33 degrees and 45 degrees Fahrenheit.

(3) The kitchen and food preparation equipment and storage shall be maintained in a sanitary condition.

F. First aid and medical supplies:

(1) Foster parents shall maintain a stock of first aid supplies in the foster home. The minimum acceptable stock includes:

(a) One box of non-medicated adhesive bandages;

(b) One pair of blunt scissors;

(c) One roll of two inch or three inch adhesive roller bandage;

(d) One roll of one-half inch adhesive tape;

(e) One box of sterile first aid dressings in sealed envelopes;

(f) First aid cream or ointment.

(2) These shall be stored in a single cabinet or kit, separate from food storage or household cleaning supplies or other chemicals/poisons.

(3) Prescription medicines shall be supplied and administered only as prescribed. They shall be properly labeled, and stored separately from food, cleaning agents or other household chemicals and poisons. After the prescribed course of treatment has been completed, leftover medicine shall be disposed of in an appropriate manner.

G. Personal items:

(1) Each foster child shall be provided an individual comb, toothbrush, night clothes, and under garments which shall not be interchanged between children.

(2) Linens and bedding shall be stored and maintained in a manner assuring that they will be clean. All linens and bedding shall be laundered before use by another child.

H. Any animal, birds, and pets shall be in good health with documentation of current vaccinations, and have a temperament such that they will not be frightening or hazardous to foster children.

I. Foster home space, furnishing and sleeping arrangement:

(1) A foster home shall have a separate bedroom for the foster parents and for any other adults living in or frequently residing in the home. This shall not preclude a foster child under the age of 18 months from sleeping in the same room with his or her foster parents provided that the bedroom space is available for the foster child when he or she reaches the age of 18 months.

(2) There shall be a separate bed provided for each foster child, except that two children of the same gender may sleep in the same double bed.

(3) A foster child over the age of five years shall not share a bedroom with another non-related child of the opposite gender.

(4) The licensing agent may allow exceptions to the sleeping arrangement requirements to permit placement of siblings together in the same foster home.

(5) Sleeping quarters for foster children shall be a contiguous part of the main family residential building or apartment. Exceptions can be made for those children over 16 years of age who are preparing for independent living.

(6) There shall be sufficient closet space or furniture storage space to permit the sanitary storage of children's clothes, linens and bedding.

(7) Furnishings shall be clean and maintained in a sanitary condition at all times.

J. Doors and locks:

(1) A foster home shall have at least two designated exits that meet fire code standards.

(2) There shall be no interior door hardware which makes it possible for a child to be locked inside. All privacy locks shall be provided with emergency unlocking mechanisms.

K. Yard and play space:

(1) A foster home shall have access to a safe indoor and outdoor designated play area.

(2) In areas which have a high density of traffic or other hazards to children, the yard or play space shall be adequately fenced for the children's protection.

(3) All outdoor play space and toys, swings and other outdoor equipment shall be maintained in a sound state of repair and free of projecting sharp edges, splinters or other hazards to children.

L. Other safety issues:

(1) If the applicant operates an automobile, he or she shall have automobile insurance as required by law and a valid driver's license. Motor vehicles shall have safety restraints as required by law and shall have properly installed car seats for age appropriate children.

(2) For age appropriate children, a foster home shall have safety gates and locking mechanisms for cabinets that contain cleaning agents or chemicals.

(3) A foster home shall have at least one fire extinguisher.

(4) A foster home shall have smoke detectors appropriate for the square footage.

(5) A foster family shall develop a fire evacuation plan.

(6) A foster family shall provide to PSD or the agency contact information for at least two locations (including one out of town location) where the foster family would go in the event that a community evacuation is necessary.

(7) All weapons owned or acquired by a foster family shall be stored and locked with ammunition stored separately as per the PSD approved weapons safety agreement. The foster family shall provide a signed copy of the PSD approved weapons safety agreement to the licensing agent.

(8) All pool areas, including hot tubs, shall be adequately fenced or secured in order to prevent the access of children when not accompanied by an adult. Spas or hot tubs shall be securely covered to prevent the access of children when not in use. Outdoor ponds shall not be within the immediate play area of children.

(9) Farm and ranch equipment shall not be easily accessible to foster children as a safety precaution. Farm animals shall be properly housed and secured as a safety precaution.

(10) At initial licensure, the licensing agent will check the list of properties on clandestine drug laboratories in New Mexico website located on the New Mexico environment department homepage to verify the home has not been listed as a contaminated property. This verification shall be documented in the home study. Homes that are listed as contaminated properties shall not be licensed. For homes that have been previously licensed, the licensing agent shall check the clandestine drug laboratories in New Mexico website at the time of re-licensure. If a home has not been listed as a contaminated property, the licensing agent need not check the home again in further re-licensure

8.26.4.18 UPDATES AND RENEWAL OF FOSTER HOME LICENSE:

A. The licensing agent shall conduct an annual review of each foster home to include:

(1) Documentation of completion of the training requirements as described herein at Subsection B of 8.26.4.14 NMAC;

(2) A check of FACTS is conducted on all adults living in the home;

(3) A check of nmcourts.com shall be conducted on all adults living in the home;

(4) a review of the agreement between the foster parent, licensing agency, and PSD or child placement agency; the agreement shall be signed again to cover the remainder of the licensing period or the new licensing period;

(5) a review of placements made during the year, identification of strengths and training needs, and a review of current policies affecting foster care; and

(6) A review with the foster parent their duty to disclose any arrests or abuse and neglect referrals.

B. Foster families must meet the following re-licensure requirements every two years. The SAFE home study update shall be used for re-assessment for re-licensure. The reassessment shall include all requirements listed above in Paragraphs (1) - (5) of Subsection A of 8.26.4.18 NMAC.

C. Before the end of the licensure period, both foster parents and PSD or licensed child placement agency shall ensure that all requirements are met to qualify the family for a renewed license.

D. PSD or child placement agency foster home licenses shall be issued every two years, if they continue to meet requirements

- **How many instance of abuse in foster care placement have been substantiated in the last five years in your state? Of those substantiated, how many of these instances related to children placed by: not for profit providers, for profit providers and public providers?**

- 57 total victims in state foster care, and 9 total victims in private-for-profit placements

- **Describe in detail the actions taken when an abuse claim is substantiated while a child is in an out of home placement? Do these actions differ depending on whether the child was placed by the public agency, a not for profit provider, or for a profit provider?**

(Please see below procedures)

SOCIAL SERVICES- CHILD PROTECTIVE SERVICES

PROTECTIVE SERVICES INVESTIGATION PROCEDURES (8.10.3 NMAC)

PR 14: ALLEGATIONS OF ABUSE OR NEGLECT IN FOSTER HOMES, TREATMENT FOSTER HOMES, AND PRE-ADOPTIVE HOMES

INVESTIGATION OF ABUSE OR NEGLECT REPORTS IN FOSTER HOMES, TREATMENT FOSTER HOMES AND PRE-ADOPTIVE HOME: PSD investigates reports of allegations of abuse or neglect made regarding a child in PSD's custody placed in foster care, treatment foster care or pre-adoptive home. This includes reports alleging child abuse or neglect in:

- PSD licensed foster homes, regardless if foster children are currently placed the home;
- Foster homes and treatment foster homes licensed by private agencies, --regardless if foster children are currently placed in the home;
- PSD approved pre-adoptive homes; and
- Pre-adoptive homes approved by private agencies that are licensed by PSD.

Allegations of violations of policy or licensing standards that do not involve abuse or neglect allegations or safety of the child in placement are referred to placement for resolution. [09-24-01; 11-30-04; 06-30-05; 05-10-10; 02-29-12]

6 NOTIFICATIONS:

6.1 Law Enforcement: The investigation worker notifies law enforcement and coordinates the investigation with them, if requested, but not at the detriment of the investigation initiation time frames. [09-24-01; 11-30-04; 08-20-07; 05-12-10]

6.2 Guardian Ad Litem and Youth Attorney: The investigation worker consults with the child's permanency planning worker and the Children's Court Attorney (CCA) to determine how and by whom notification will be made to the child's guardian ad litem or youth attorney. Notification is made within one-business day of the acceptance of the report by SCI. [09-24-01; 06-30-05; 08-20-07; 05-10-10]

6.3 Private Child Placement Agency: In those circumstances where the foster home, treatment foster home or pre-adoptive home is licensed by a private child placement agency, the investigation worker notifies the private child placement agency of the investigation and attempts to coordinate the investigation with the private child placement agency, if requested, but not at the detriment of the investigation initiation time frames. [05-10-10]

6.4 Placement and Permanency Planning Workers: In those circumstances where the foster home or pre-adoptive home is licensed by a PSD, the investigation worker notifies the placement worker and child's permanency planning worker of the investigation and attempts to coordinate the investigation with them, if requested, but not at the detriment of the investigation initiation time frames. [05-10-10]

7 EFFORTS TO LOCATE: When directions to the home or an address are not provided in the report, the investigation worker contacts the placement services worker or the licensed placement agency. If the investigation occurs after regular business hours, the worker contacts law enforcement or other source, including the emergency after hours number of the child placement agency, which may have information for assistance in locating a child and family. [09-24-01; 05-12-10]

8 INFORMATION COLLECTED:

8.1 Background Questions: The investigation worker gathers the necessary information to complete the Safety Assessment and enters all information in FACTS. (See PR 10, Investigation Requirements – General, paragraph 8 "Information Collected", and paragraph 8.1 "Background Questions.") [09-24-01; 05-10-10]

8.2 Required Interviews and Observations: At a minimum, the investigation worker conducts the following interviews and observations in each investigation for:

1. The alleged victim;
2. Other children living in the home present at the time of the alleged incident;
3. All care providers, including the non-offending foster parent, treatment foster parent or pre-adoptive parent;

4. The alleged perpetrator;
5. The placement worker responsible for the home or treatment coordinators for treatment foster homes;
6. permanency planning worker, when appropriate; and
7. Necessary collateral contacts.

Exceptions to the required interviews and home visits are only in those circumstances where the foster parent, treatment foster parent, pre-adoptive parent or adult refuses to participate in the interview or when law enforcement directs that such an interview not occur. The worker consults with his or her supervisor and documents all exceptions in the "Investigation Case Narrative" in FACTS. [09-24-01; 05-10-10; 02-29-12]

8.3 Home Visit: As part of the investigation, the investigation worker visits the foster home, treatment foster home or pre-adoptive home. Home visits can be announced or unannounced. The worker observes the environmental conditions of the home and of the neighborhood and requests to see where any reported incidents occurred. Because the home is a licensed or approved entity, the worker may enter the home with or without the foster, treatment foster, or pre-adoptive parent's permission. However, if access is denied, the worker seeks assistance from the placement worker or child placement agency in the case of a privately licensed home. If access continues to be denied, the worker consults with his or her supervisor and the Children's Court Attorney to determine if law enforcement assistance is required. If law enforcement is contacted, the worker waits at the home until assistance arrives. Refusal for the worker to enter the home shall be grounds for immediate removal of any child in PSD custody placed based on the inability to ensure safety. The requirement for a home visit may not be waived unless the license is revoked or voluntarily relinquished. Any exceptions for not conducting a home visit must have supervisory approval and be documented in FACTS narrative [09-24-01; 11-30-04; 05-10-10; 02-29-12]

8.4 Collateral Contacts: The investigation worker makes collateral contacts as needed to make a determination about the validity of the abuse or neglect allegations and to verify or clarify any inconsistencies obtained from previous interviews. Only those collateral contacts that may be beneficial to the determination and disposition of the case are interviewed. Collateral contacts are selected on the basis of the relevance of the information the contact can offer, which may include:

1. Persons who witnessed the alleged abuse or neglect;
2. Professionals who may have first-hand knowledge of the incident, the injury, the child's condition and the family circumstances;
3. Persons or professionals who may be able to verify information provided by the alleged victim and members of the provider's family; and
4. Persons whom the provider identifies as having relevant information about the incident, the injury, the child's condition, and the provider family's circumstances.

The worker discloses only information that is necessary to facilitate the investigation to the collateral contact. [09-24-01; 05-10-10; 02-29-12]

9 COORDINATION WITH LAW ENFORCEMENT: The investigation worker coordinates and cooperates with law enforcement in joint investigations. The worker attempts to coordinate interviews of the involved parties with law enforcement to avoid

multiple interviews of family members, especially children. Law enforcement is responsible for collecting physical evidence. The worker:

1. Does not touch or move any physical evidence;
2. Contacts the police if he or she believes physical evidence is available; and
3. Records specific observations of the physical evidence and how it relates to the allegations. [09-24-01; 02-29-12]

10 INTERVIEWING CHILDREN:

10.1 The Alleged Child Victim: The investigation worker interviews or observes the alleged child victim and all other children in the household to obtain the child's perception and account of his or her situation. Children who are not able to participate in an interview because of age, physical condition or disability are observed by the worker. The worker informs the child that his or her participation in the interview is voluntary. Children in PSD custody 14 years of age and older must agree to participate in the interview. The worker addresses all aspects of the reported abuse or neglect, as well as assesses any unreported concerns. The worker develops rapport with the child and is sensitive to:

1. The child's apprehension about speaking to an authority figure that may be a stranger;
2. The child's developmental stage and its impact on sense of time, vocabulary, and distinction between reality and imagination;
3. The child's hesitancy regarding sharing information about himself or herself and the foster or adoptive family;
4. The child's concern over the repercussions of disclosing;
5. The child's perception of safety with the family;
6. Minimizing the number of interviews for the child;
7. The possible interference with any ongoing criminal investigations;
8. The alleged victim's responses to the alleged perpetrator or non-offending foster or pre-adoptive parent;
9. Using leading questions with the child;
10. language differences or first language of the individual; and
11. Credibility of the child and past history regarding allegations.

If a child makes the allegation after the child has been removed from the foster, treatment foster, or pre-adoptive home, the worker either interviews the child if the child is in the same county, or requests a courtesy interview by the county staff where the child is currently residing. [09-24-01; 11-30-04; 06-30-05; 05-10-10; 02-29-12]

10.2 Biological or Adoptive Children of Foster, Treatment Foster or Pre-adoptive Parents: PR 11, Investigation Requirements – Child Victim and Other Children applies to the biological or adoptive children of foster, treatment foster or pre-adoptive parents. [05-10-10]

11 RECORDING THE INTERVIEWS: Recording of interviews of children is done, whenever possible, to prevent multiple interviews of children. The child being interviewed is aware that recording is being done. The recording is filed in the written case record. If law enforcement requires the recording, the investigation worker documents the creation of the recording and to whom it was given. The worker may coordinate with law enforcement and a local safe house provider to facilitate the recording of the child's interview. [09-24-01; 05-10-10; 02-29-12]

12 PHYSICAL AND SEXUAL ABUSE EXAMINATIONS: The investigation worker provides or arranges for examinations or evaluations of the child to document injuries and determine the need and type of intervention required. [09-24-01; 05-10-10]

12.1 Investigation worker Examination: If the allegations are of physical abuse, the investigation worker begins by asking the child to identify where on his or her body the injury occurred. In the presence of another adult, preferably an adult the child trusts and who is not the alleged perpetrator, the worker asks the child (or the adult in the case of an infant) if he or she can view the area for indication of injury and observe the child for additional bruising, welts, scratches, burns or other injuries. [05-10-10; 02-29-12]

12.2 Documentation of Bruising or Injury through Photography: The investigation worker attempts to document the injury through photographs, if possible, and prepares a written description of the injury. The photograph and the written description must have the name of the person photographed, the date the photograph was taken, the name of the photographer, and who was present at the time the photograph was taken. The worker documents in the case activity notes in FACTS the existence of the photograph and the child's explanation for the injury or injuries. The photograph is filed in the written case record unless requested by law enforcement. The description of photographs taken and given to law enforcement or the district attorney's office is documented in the case record, including the name of the individual and organization to which any photo is given. [09-24-01; 05-10-10; 02-29-12]

12.3 Medical Examination: The investigation worker arranges for a medical examination to document visible injuries or when the child requires medical attention. Should any questions or concerns arise; the worker and supervisor consult with the CYFD-PSD Medical Director.

Medical personnel are informed of the investigation and consulted on the purpose of the examination. Medical personnel are provided with all information necessary to conduct a thorough medical examination. Medical personnel are requested to provide documentation of the findings and a narrative of any disclosures the child has made at the time of the examination. The worker files this information in the written case record and documents in the case narrative in FACTS the date of the examination, the location of the examination and the identity of the medical professional providing the examination. The following are resources for medical examinations:

1. CART may be contacted during business hours at 505-272-1898 or 505-951-2509. After hours contact may be made by calling the Children's Hotline, 1-877-866-7543, and asking to speak with the CART doctor on-call.
2. SANE contact may be made through your local SANE office.
3. The child's local Primary Care Provider (PCP) may also be contacted.

The cost of medical examinations is applied to the parent's or guardian's insurance first or Medicaid. If no other alternatives or resources are available to pay the examination expenses, the cost is covered through the use of Title XX funds, which requires Deputy Director Approval through a Memorandum for Decision (MFD); once the approval is received, then the worker submits a payment request in FACTS. The PSD Director or his or her designee must approve cost over \$500.00. [12-31-97; 09-24-01; 11-30-04; 05-10-10; 02-29-12]

12.4 Sexual Abuse Examination: The investigation worker arranges for a sexual abuse examination immediately when there are indications that sexual contact occurred within the last 72 hours. The preference is for the examination to be completed by medical personnel with specialized training in sexual abuse.

Para Los Niños (Child Sexual Abuse Program affiliated with UNM) may be contacted during working hours at 505-272-6849. After hours contact may be made through the Children's Hotline number 1-877-866-7543.

If the worker is unable to schedule an appointment with a specialist, the child is evaluated in the emergency room. Non-emergency sexual abuse exams are scheduled after the child has been interviewed. [09-24-01; 02-29-12]

13 CONTACT WITH FOSTER PARENTS, TREATMENT FOSTER PARENTS AND PRE-ADOPTIVE PARENTS:

13.1 Notification of Foster Child Interview: When possible, the foster, treatment foster or pre-adoptive parents of the foster child who has been interviewed are notified of the interview the same day. Notification is face-to-face whenever possible.

13.2 Adults and Other Care Providers in the Home: Care Providers are defined as adults living in the household who have routine responsibility for childcare. This responsibility may fall to others besides the child's foster or adoptive parents. Each adult household member with childcare responsibilities is considered when assessing safety. [09-24-01; 02-29-12]

13.3 Interview with the Foster, Treatment Foster or Pre-Adoptive Parent: The Investigation worker interviews the foster, treatment foster or pre-adoptive parent to collect information needed to establish the present safety of the alleged victim and other children in the home and appropriateness for future placements in the home. The worker assesses the foster, treatment foster or pre-adoptive parent's response to the allegations. The worker addresses all aspects of the abuse or neglect allegations. The worker attempts to establish rapport and considers the foster, treatment or pre-adoptive parents:

1. Apprehension about speaking to an authority figure that may be a stranger;
2. Linguistic ability and use of language;
3. Hesitancy regarding sharing information about himself or herself and his or her family;
4. Legal concerns regarding disclosing abuse or neglect of the child;
5. Feelings of inadequacy, failure or anger and his or her responses to these feelings;
6. Language difference or first language of the individual; and

7. Actions or behaviors toward the child. [09-24-01; 0615-04; 11-30-04; 05-10-10; 02-29-12]

13.4 Information to be provided to the Foster, Treatment Foster or Pre-Adoptive Parent by the Investigation worker: At the beginning of the interview, the investigation worker informs the foster, treatment foster or pre-adoptive parent that:

1. In the event of safety concerns, immediate removal of the child may occur;
2. Any interaction on his or her part is voluntary, but lack of cooperation may raise safety concerns;
3. All information is confidential within PSD, except when it becomes necessary to work with law enforcement, the District Attorney and relevant agencies;
4. All information is confidential within in PSD except in the case of treatment foster care the information will be shared with the licensing agency;
5. Other people may be interviewed to complete the investigation;
6. Information concerning the report and investigation has been entered into PSD's files;
7. Information gathered could impact their license approval and placement of children in the home;
8. Information is provided to parties to the court proceeding;
9. If a foster child has been removed, how PSD will determine if the child can be returned;
10. No other placements can be made during the investigation; and
11. When the foster parent, treatment foster parent or pre-adoptive parent can expect information about the results.

The information is provided to the foster, treatment foster or pre-adoptive parent in writing. [09-24-01; 11-30-04; 06-30-05; 05-10-10; 02-29-12]

14 SAFETY ASSESSMENT:

14.1 Safety Assessment: The investigation worker initiates the safety assessment at the initiation of the investigation and continues to collect relevant information needed to provide for ongoing assessment of safety throughout the investigation. The worker obtains the information necessary to complete the Safety Assessment Instrument prior to completing the investigation. If at any point during the investigation the worker determines that present danger exists, the worker takes action to remove the foster child and provides immediate protective services response sufficient to address the safety threat for biological or adopted children remaining in the home.

The worker documents the assessment of safety in FACTS. The worker accesses the Safety Assessment in FACTS through the "Safety" button on the basic tab in the investigation by selecting "Casework" then "Risk Assessment" then "Safety Assessment" then selects the case and selects "Create." [05-10-10; 02-29-12]

14.2 Safety Decision: Based on the investigation worker's analysis of safety threats and the presence or absence of protective capacities that offset, mitigate or control the threat of present or impending danger of serious harm, the worker makes the safety decision by indicating whether the child is *safe*, *conditionally safe*, or *unsafe* as follows:

1. The child is safe: There are no safety threats placing the child in present or impending danger of serious harm. Safety threats do not exist or have been removed.
2. The child is conditionally safe: One or more safety threats placing the child in present or impending danger of serious harm were identified. However one or

- more protective capacities have been identified and documented that offset, mitigate or control the threat of present or impending danger of serious harm.
3. The child is unsafe: One or more safety threats placing the child in present or impending danger of serious harm were identified. There are not sufficient protective capacities to offset, mitigate or control the threat of present or impending danger of serious harm.

The safety decision may change throughout the investigation as new information is gathered and assessed. Prior to closure of the investigation, the worker makes a final safety decision that impacts the investigation disposition. The supervisor reviews and approves the safety decision. [05-10-10; 02-29-12]

14.3 The Risk Assessment Instrument: The Risk Assessment instrument is not completed as part of the investigation. [05-10-10; 02-29-12]

15 REMOVAL OF A CHILD FROM AN UNSAFE ENVIRONMENT: Children in PSD custody who are assessed to be unsafe must be removed from the foster, treatment foster or pre-adoptive home. Removal in such a circumstance constitutes an "emergency". The investigation worker notifies the Children's Court Attorney (CCA) of the placement change and requests that the required notifications are issued. The assigned worker notifies the guardian ad litem or youth attorney within one business day if a decision is made to remove the child. [05-10-10; 02-29-12]

15.1 Placement: The child's assigned permanency planning worker is involved in decisions about placement of a child in a foster home and identifies a home where the child can be moved, if the determination is made that the child cannot safely remain in the current foster home or pre-adoptive home. [09-24-01, 06-30-05]

15.2 Safe or Conditionally Safe: Children assessed to be safe or conditionally safe may remain in their current placement. In those circumstances where a child is assessed to be safe or conditionally safety, the child's permanency planning worker and supervisor and the placement worker and supervisor (or child placement agency staff for privately licensed or approved families) reviews the investigation results to identify services and supports required by the child and the foster parent, treatment foster parent or pre-adoptive parent. [09-24-01, 06-30-05]

16 INVESTIGATION COMPLETION:

16.1 Investigation Decision: The investigation worker completes the investigation within 45 days of Statewide Central Intake (SCI) accepting the report unless an extension is secured from the supervisor. No extension may be granted unless the reasons for the extension are documented in FACTS. Extensions are not to exceed an additional 30 days after the original 30 days. (See Completion of an Investigation and Investigation Decision, 8.10.3.17 NMAC and Investigation Disposition, 8.10.3.18 NMAC) [05-10-10; 02-29-12]

16.2 Completion of Investigation and Outcome: Following the completion of the investigation the foster, treatment foster or pre-adoptive parent and, if applicable, private child placement agency are provided the investigation decision in writing. The Safety Assessment results are provided upon request. The investigation worker will inform all relevant PSD staff (the County Office Manager of the office assigned to the child's case and the placement worker and PPW) of the outcome of the investigation through an internal staffing. The worker and his or her supervisor offer to meet with the foster, treatment foster or pre-adoptive parents at the conclusion of the investigation to explain the investigation decision. [09-24-01; 06-30-05; 05-10-10; 02-29-12]

17 NOTIFICATIONS:

17.1 Adoptions and Foster Care Bureau: The investigation worker sends a copy of the investigation and disposition to the Adoptions and Foster Care Bureau immediately upon completion of the investigation. The Adoptions and Foster Care Bureau notifies the licensing and certification unit of CYFD's Youth and Family Services when investigations involve treatment foster care homes. [05-10-10; 02-29-12]

17.2 Guardian ad Litem or Youth Attorney: The permanency planning worker notifies the guardian ad litem or youth attorney of any action taken as a result of the report by sending the attorney a copy of the results letter sent to the foster, treatment foster or pre-adoptive parent at the conclusion of the investigation. [09-24-01; 06-30-05; 08-20-07]

REVOCATION OR NON-RENEWAL OF A LICENSE: A foster home license may be revoked or not renewed when, based upon the assessment and professional opinion of the placement worker and supervisor, conditions in the foster family home are not conducive to the fostering of children. [10-29-09]

9.1 Reasons for Revocation or Non-Renewal: An existing foster home or relative foster home license may be revoked or renewed at any time for reasons including but not limited to:

1. Disqualifying criminal records check results as described in PR 10 above;
2. Disqualifying abuse and neglect check results as described in PR 11 above;
3. Failure to comply with PSD policies and adoption and foster care regulations, including confidentiality provisions;
4. Failure to comply with safety measures, including those requirements described in PR 13 above;
5. Returning a child to PSD without seeking support services provided by the PSD or community service providers in order to preserve the placement;
6. Refusal to comply with the child's case plan;
7. Inability to adequately meet the needs the child, including a nutritious diet, adequate clothing, etc...
8. Failure to include children in family activities;
9. Overuse or inappropriate use of respite care;
10. failure to actively preserve connections with foster children and their birth families and community of origin, including siblings or other birth relatives, church community; and fictive kin, or the child's friends;
11. Failure to demonstrate the ability to provide emotional support during important developmental points in the course of a child's life;
12. Repeated refusals by the family to accept children who have been identified for placement with the family;
13. Failure to participate in required training;
14. Failure to comply with PSD decisions regarding the child's safety, permanency, and well-being;
15. Abuse of substances including but not limited to alcohol, illegal drugs; or prescription drugs or controlled substances;
16. Exposure of the child to cigarette smoking and tobacco products;
17. Fraudulent claims for reimbursement or deliberate falsification of records; 18. Neglect or abuse of foster children or other children;
19. Failure to abide by the foster care agreement;
20. A documented professional assessment that continued licensure would be contrary to the safety, permanency, and well-being of the child, or that conditions in the foster home are not conducive to the fostering of children. [10-29-09]

9.2 Revocation or Non-Renewal Process: The placement worker documents in FACTS the reasons and recommendation to revoke or not renew the license, and forwards his/her recommendation to the placement supervisor for approval. The Regional Placement Supervisor or designee immediately notifies the Office of General Counsel (OGC) after receiving the placement worker's recommendation for revocation or non-renewal of a license. The Regional Placement Supervisor, placement worker, and others as appropriate staff the proposed revocation or non-renewal with the assigned attorney from OGC. Upon the approval of the manager and concurrence by OGC, the placement worker and supervisor notify the foster parent/relative foster parent in a face-to-face meeting and in writing within five days of the decision to revoke or not renew the foster care license. The notification includes:

1. The effective date of the revocation/non-renewal,
2. Reasons for the revocation/non-renewal, including identification of any policy and/or regulation violations,
3. The right of the foster parent to request an appeal of the decision to revoke or not to renew the license, and
4. The process to request an appeal. [10-29-09]


**Office of Children
and Family Services**

ANDREW M. CUOMO
Governor

SHEILA J. POOLE
Acting Commissioner

June 18, 2015

The United States Senate
Committee on Finance
Washington, D.C. 20510-6200
Attn: Rebecca Shipp, Health & Human Resources Policy Advisor
Laura Berntsen, Senior Human Services Advisor

VIA ELECTRONIC TRANSMISSION
becky_shipp@senate.finance.gov
laura_berntsen@senate.finance.gov

Dear Ms. Shipp and Ms. Berntsen:

I am replying to the April 24, 2015 letter written to the members of the National Governor's Association (NGA) and signed by Senators Hatch and Wyden requesting information about public and private providers of foster care in the states. I am replying on behalf of New York State (NYS).

The Office of Children and Family Services (OCFS) serves New York's public by promoting the safety, permanency and well-being of our children, families and communities. We achieve results by setting and enforcing policies, building partnerships, and funding and providing quality services. OCFS is dedicated to improving the integration of services for New York's children, youth, families and vulnerable populations; to promoting their development; and to protecting them from violence, neglect, abuse and abandonment. The agency supervises the provision of a system of family support, juvenile justice, child care and child welfare services that promote the safety and well-being of children and adults. Among the operating principles across all program areas are that services should be developmentally appropriate, family-centered and family-driven, community-based, locally responsive, and evidence and outcome based.

Among OCFS' responsibilities are programs and services involving foster care, adoption and adoption assistance, child protective services including operating the Statewide Central Register of Child Abuse and Maltreatment (SCR), preventive services for children and families, and services for pregnant adolescents. New York State is one of a few states that has oversight and provides funding for such services on a state-supervised, county-administered basis. Foster care in New York State is administered by a network of agencies which are empowered by law to temporarily care for and place children who are unable to remain in their own homes until a more permanent situation is arranged.

NYS is comprised of 58 Local Social Services Districts (LDSS). One for each of 57 counties outside of New York City and one local district that is made up from the five counties (boroughs) of New York City, which is called the Administration for Children's Services (ACS). Foster care may be provided directly by a LDSS or through a contract by the LDSS with a voluntary authorized agency (a

not-for-profit corporation with the corporate authority to provide foster care services). Each LDSS has the flexibility to contract with providers that will best serve the needs of their individual districts. OCFS is responsible for approving, inspecting, supervising and monitoring the LDSS' and voluntary authorized agencies that provide care for foster children. We have found this to be the most acceptable methodology that best serves the diverse needs of our state.

The Senators put forth eight questions on behalf of the committee. I am providing you the responses for OCFS.

Q.1. To the degree applicable, describe your state's utilization of private entities to provide case management services (e.g. placement of children with particular foster care providers, ongoing casework and oversight for foster care placements).

A.1. The LDSS' contract with over 70 not-for-profit providers statewide. In most of the state, case management responsibility is maintained by the LDSS' in regard to children in LDSS custody or OCFS in regard to those youth in OCFS custody. In New York City, the role and function of case management is with a voluntary authorized agency with final decision making remaining with ACS.

Q. 2. What proportion of the children in foster care in your state is placed by the public agency, not-for-profit providers and for-profit providers?

A.2. OCFS does not use for-profit providers. NYS allows the LDSS' the flexibility to contract with the not-for-profit providers that are best suited for their needs. All foster children in the legal custody of ACS are placed in foster homes or congregate placements through voluntary authorized agencies.

Q. 3. Please provide the number and names of private entities providing these core services, as well as information on whether each provider is a for-profit or not-for-profit entity.

A.3. A complete list appears at the end of the directive (see link). None of these programs are for-profit.

http://ocfs.ny.gov/main/policies/external/OCFS_2014/ADMs/14-OCFS-ADM-04%20Maximum%20State%20Aid%20Rates%20for%20Foster%20Care%20Programs%20and%20Residential%20Programs%20for%20Committee%20on%20Special%20Education%20Placements%20-%20Effective%20Ju.pdf

Q. 4. Does your state require private foster care entities or organizations operating in your state to be accredited? If so, by which organization and how often is this accreditation renewed?

A. 4. OCFS does not require that foster care entities receive accreditation from non-governmental entities. These entities must receive approval from OCFS to open an agency and obtain an operating certificate from OCFS to open a facility. Additional information regarding this can be found at the OCFS web site at: <http://ocfs.ny.gov/main/publications/Pub5032.pdf>

Q. 5. Describe in detail the process you use to select and contract with these private entities, as well as to review and renew such contracts.

A. 5. Annually, OCFS issues Maximum State Aide Rates (MSARs) and Committee on Special Education (CSE) Maintenance Rates to LDSS' advising them of the annual rates and methodology

approved by the state's Division of the Budget. MSARs define the State reimbursement limits for LDSS' in negotiating contracts with authorized foster care providers, pursuant to Social Services Law §398-a and 18 New York State Codes, Rules and Regulations (NYCRR) Part 427. Pursuant to Section 398-a (2-a) of the Social Services Law, LDSS' are required to pay no less than 100 percent of each OCFS-established congregate care rate as well as each administrative/services rate for a therapeutic, special needs, or emergency foster home program. We do not contract with for-profit agencies. Our grantee provider manual explains the requirements to all applicants.

Where an LDSS contracts with a voluntary authorized agency, it must use a model contract prescribed by OCFS. The model contract addresses the statutory and regulatory standards the voluntary authorized agency must satisfy in regard to the care, planning and supervision of the foster child. It also addressed the role of the LDSS in the oversight of the operations and services provided by of the voluntary authorized agency. The URL below will provide the Model Contract for providers of such services.

http://ocfs.ny.gov/main/policies/external/OCFS_2013/ADMs/13-OCFS-ADM-08%20Revised%20Model%20Contract%20for%20Purchase%20of%20Foster%20Care%20Services.pdf

Q. 6. Describe in detail the process your state uses to inspect the safety of the foster care settings in which children are placed and the extent to which this process differs for public, not-for-profit and for-profit providers operating in your state.

A. 6. Our process is the same for not-for-profit and public agencies. We do not contract with for-profit providers. OCFS delineates the safety inspection process in the following publication entitled [Regulations for Certified and Approved Foster Family Boarding Homes & Regulations for Designated Emergency Foster Family Boarding Homes](#). This publication can be found on our internet site at the following URL:
<http://ocfs.ny.gov/MAIN/PUBLICATIONS/Pub5032.pdf>

For residential facilities for children in foster care, OCFS conducts periodic assessments of each facility to which an operating certificate has been issued. OCFS inspects such facilities for compliance with physical plant standards, safety standards and program standards. Additional inspections and reviews occur when complaints are received or when there are allegations of abuse or neglect of children in such facilities.

Q. 7. How many instances of abuse in a foster care placement have been substantiated in the last five years in your state? Of the substantiated, how many of these instances related to children placed by not-for-profit, for-profit and public providers?

A. 7. Prior to June 30, 2013, Institutional abuse or neglect (IAB) investigation reports were made to the SCR, which is housed within the Office of Children and Family Services (OCFS), and were investigated by OCFS or the Commission on Quality Care and Advocacy for Persons with Disabilities (CQC). Beginning June 30, 2013, such reports are made to the Justice Center for the Protection of People with Special Needs (The Justice Center). Consequently, data reported in the table below are based on those reported to OCFS.

In the period from 2008 to 2013, the a majority of IAB reports involved were on children placed with private non-profit or for-profit agencies (voluntary) agencies (table 1). These ranged from a high of 65

percent in 2013 (only partial year available), 64 percent in 2009 and 2010 to a lowest of 58 percent in 2011. The residual were of children placed with New York public agencies. Of the reports that were indicated, the highest percent were those on children placed with private not-for-profit agencies (voluntary agencies).

Table 1: Institutional Abuse or Neglect (IAB) Investigations: Distribution of Reports and Indicated Reports from 2008 to 2013

	2008		2009		2010		2011		2012		2013	
	Total	Indicated	Total	Indicated	Total	Indicated	Total	Indicated	Total	Indicated	Total	Indicated
Number												
Private Agencies	1,092	173	1,424	212	1,168	159	951	120	986	95	516	58
Public Agencies	724	97	798	106	649	101	679	81	584	63	275	23
Total	1,816	270	2,222	318	1,817	260	1,630	201	1,570	158	791	81
Percent (%)												
Private Agencies	60%	64%	64%	67%	64%	61%	58%	60%	63%	60%	65%	72%
Public Agencies	40%	36%	36%	33%	36%	39%	42%	40%	37%	40%	35%	28%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Note: As of 6/30/13, IAB reports were taken by the Justice Center and as a result 2013 data do not represent a complete year.
Source: Data Warehouse (5/1/15)

In the period from 2008 to 2013 (partial data available for 2013), the percentage of reports that were indicated in New York State ranged from a high of 15% in 2008 to a low of 10% in 2012 and 2013 (Table 2). An "indicated report" is a report for which some credible evidence of abuse or neglect was found after investigation.

Table 2: Institutional abuse or neglect (IAB) investigation Reports and the Percentage Indicated from 2008 to 2013

	2008		2009		2010		2011		2012		2013	
	Total Reports	% Indicated	Total Reports	% Indicated	Total Reports	% Indicated	Total Reports	% Indicated	Total Reports	% Indicated	Total Reports	% Indicated
Private Agencies	1,092	16%	1,424	15%	1,168	14%	951	13%	986	10%	516	11%
Public Agencies	724	13%	798	13%	649	16%	679	12%	584	11%	275	8%
Total	1,816	15%	2,222	14%	1,817	14%	1,630	12%	1,570	10%	791	10%

Note: As of 6/30/13, IAB reports were taken by the Justice Center and as a result 2013 data do not represent a complete year.
Source: Data Warehouse (5/1/15)

Q. 8. Describe in detail the actions taken when an abuse claim is substantiated while a child is in an out of home placement? Do these actions differ depending on whether the child was placed by the public agency, a not-for-profit or a for-profit provider?

A. 8. For children in foster homes, reports of alleged abuse or maltreatment are made to the SCR and transmitted to the appropriate LDSS for investigation. If the report is substantiated, the LDSS that placed the child determines the appropriate action take based on the circumstances of the individual case. The LDSS has a range of options available, including removal of any or all children in care from the foster home and closing the home. In less severe cases, the options could include increased supervision of the foster home, or additional training for the foster parents.

In cases of institutional abuse or neglect involving residential facilities that were reported to the SCR, these claims are investigated and an "Institutional Abuse or IAB" hearing is held where testimony is given before an administrative law judge who renders a determination based on the evidence produced. OCFS is one of the state agencies that is overseen by the Justice Center. Their mission is to support and protect the health, safety, and dignity of all people with special needs and disabilities through advocacy of their civil rights, prevention of mistreatment, and investigation of all allegations of abuse and neglect so that appropriate actions are taken. The Justice Center can and has been called when reports of abuse in an out of home placement are placed. OCFS retains its oversight role over the foster care facilities subject to the Justice Center's investigations and continues to require corrective action from the agency operating the facility when necessary.

Actions do not differ based on whether the foster care facility is publicly or privately operated.

I hope that these responses are helpful to the Finance Committee's work. OCFS remains committed to serving vulnerable children and families. We hope that you will continue to reach out to OCFS through our Governor's Washington D.C. office for information regarding this or other child welfare issues.

Sincerely,



Sheila J. Poole
Acting Commissioner

SP/ed



Jack Dalrymple, Governor
Maggie D. Anderson, Executive Director

Executive Office

(701) 328-2538
Fax (701) 328-1545
Toll Free 1-800-472-2622
ND Relay TTY 1-800-366-6888

May 21, 2015

Senator Orrin G. Hatch, Chairman
United States Senate
Committee on Finance
Washington, DC 20510-6200

Senator Ron Wyden, Ranking Member
United States Senate
Committee on Finance
Washington, DC 20510-6200

Re: North Dakota's Response to Senate Finance Letter to Governors -- Foster Care

Dear Sen. Hatch and Sen. Wyden:

In response to your April 24, 2015, letter, The North Dakota Department of Human Services is pleased to provide the following information to the Senate Finance Committee at the request of Governor Jack Dalrymple.

- To the degree applicable, describe your state's utilization of private entities to provide case management services (e.g., placement of children with particular foster care providers, ongoing casework and oversight of foster care placements).

PATH-ND, a private non-profit organization, is utilized as a private provider of foster care. PATH recruits and supervises their foster families but the state licenses the PATH family foster care providers. The state makes payment directly to PATH to cover the costs of foster care. PATH, in turn, pays their foster parents and keeps a percentage of the rate for administrative costs. PATH also provides case workers to support and oversee the family foster care providers. Public agencies with custodial and placement authority provide case management services for a child placed in a PATH foster home. Public agencies include the counties, the Division of Juvenile Services, and tribes.

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 Sen. Ron Wyden
 May 20, 2015
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The state provides much of the training for the PATH foster parents through a long standing agreement with PATH. This training is provided by the University of North Dakota, Children and Family Training Center.

- What proportion of the children in foster care in your state is placed by the public agency, not-for-profit providers, and for-profit providers?

100 percent of the foster children placed into foster care are placed by a public agency (counties, Division of Juvenile Services, tribes) because they are the custodians of youth in the system. The public agencies make the placements into foster care for both public and private provider (PATH) homes. The private nonprofits serve foster youth, but they do not make the placement of youth nor do they have placement authority. As of May 7, 2015, PATH was serving 232 foster children. That accounts for about 17.3 percent of all North Dakota foster youth (N=1,339).

- Please provide the number and names of private entities providing these core services, as well as information on whether each provider is a for-profit or not-for-profit entity.

PATH-ND, Inc.
 1202 Westrac Drive, Suite 400
 Fargo, ND 58103
 Phone: 701-551-6341
 PATH is a private not-for-profit entity.

- Does your state require that private foster care entities or organizations operating in your state be accredited? If so, by which organization and how often is this accreditation renewed?

North Dakota does not require private providers be accredited. However, PATH is accredited by the Council on Accreditation for Services to Children and Families (COA) by choice. Their most recent accreditation was in October 2014 and is effective for four years. North Dakota does require all private foster care providers to be licensed through the North Dakota Department of Human Services (NDDHS) according to North Dakota Administrative Code (NDAC) 75-03-36 Licensed Child Placing Agency. This consists of an annual review and licensure by NDDHS to make sure NDAC is being followed.

- Describe in detail the process you use to select and contract with these private entities, as well as to review and renew such contracts.

NDDHS has had a long standing agreement with PATH (since 1994) to provide therapeutic foster care services in North Dakota. As noted above, NDDHS reviews and licenses PATH annually per NDAC 75-03-36. This review is conducted by a team to ensure compliance with NDAC 75-03-36 relating to the children being served, personnel, administrative processes, and provide family

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support and case management. The reviewers also review a representative sample of both personnel and children's files to ensure compliance. Any private provider wanting to establish services in North Dakota may do so if the provider is able to demonstrate the ability to comply with the rules set out in NDAC for a licensed child placing agency.

- Describe in detail the process your state uses to inspect the safety of the foster care settings in which children are placed and the extent to which this process differs for public, not-for-profit, and for-public providers operating in your state.

Inspections regarding the safety of the foster care settings are the same for public and private providers. All providers, public or private, are required to have an annual renewal of their license to ensure ongoing compliance with licensure standards. These standards are noted primarily in North Dakota Century Code (NDCC) 50-11, NDAC 75-03-14 and foster care service chapter 622-05. They relate to the physical structure of the home, on-going training of foster parents, make up of people residing in the home, continuing abuse/neglect registry, background checks for adults in the home, and a review of foster parent's performance/ability to work as team members over the past year. The reviews are conducted and information is gathered by the public or private organization that has oversight of the home, and presented to the NDDHS at the regional level where the information is reviewed. After the review, NDDHS determines if the license can be renewed for another year or if it should be denied based on the information gathered through the annual review.

- How many instances of abuse in a foster care placement have been substantiated in the last five years in your state? Of those substantiated, how many of these instances related to children placed by: not-for-profit providers, for-profit providers, and public providers?

There have been 18 instances of abuse by foster parents substantiated in the past five years in North Dakota. NDDHS does not track if they were public or private providers of foster care.

- Describe in detail the actions taken when an abuse claim is substantiated while a child is in an out of home placement? Do these actions differ depending on whether the child was placed by the public agency, a not-for-profit provider, or a for-profit provider?

The actions do not differ when dealing with a public versus a private agency providing foster care when an allegation of abuse/neglect is substantiated. When a report of suspected abuse/neglect is received, the child protection services staff in the county in which the provider resides is responsible to complete the assessment of the allegation. If there is a conflict of interest (the foster home is supervised by the county assigned to do the assessment or the county doing the assessment has custodial youth placed in that home), a neighboring county will

Sen. Orin G. Hatch
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be asked to complete the assessment. A determination is made whether or not it is safe to leave the foster child in the home with a strong safety plan in place, or to remove the child during the assessment to ensure their safety. If abuse/neglect is substantiated in the foster home, NDDHS will revoke that family's license to provide foster care as per NDAC 75-03-14 and NDCC 50-11. NDDHS does have the ability to determine that the family has been "rehabilitated" if they complete all of the recommendations made by the assessment team. If this determination is made, the license to provide foster care may be reissued. However, once a license is revoked, it usually stays revoked.

If you have further questions, contact me at 701-328-2617 or manderson@nd.gov

Sincerely,



Maggie D. Anderson
Executive Director

cc Office of Governor Jack Dalrymple



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PO Box 25352
Oklahoma City, OK 73125-0352
(405) 521-3646 • www.okdhs.org



May 28, 2015

Dear Ms. Shipp and Ms. Berntsen:

Please see our answers to the questions posed by Senators Orrin Hatch and Ron Wyden in their letter to our Governor dated April 24, 2015 regarding foster care.

To the degree applicable, describe your state's utilization of private entities to provide case management services (e.g., placement of children with particular foster care providers, ongoing casework and oversight of foster care placements).

Oklahoma uses private entities for management services in traditional foster care, i.e., non-kinship, and therapeutic foster care services

What proportion of the children in foster care in your state is placed by the public agency, not-for-profit providers, and for-profit providers?

See Figure 1 below.

Please provide the number and names of private entities providing these core services, as well as information on whether each provider is a for-profit or not-for profit entity.

See Figure 2 below.

Does your state require the private foster care entities or organizations operating in your state be accredited?

No, Oklahoma does not require foster care entities operating in our state to be accredited. However, therapeutic foster care contractors are considered health providers by the State Medicaid Agency and are required to be accredited by those standards. Applicable federal regulations and state laws are followed for approving foster care entities.

Describe in detail the process you use to select and contract with these private entities, as well as to review and renew such contracts.

Therapeutic foster care contracts are awarded as "fixed rate" contracts and are not required to be open for bidding. The state can enter into a contract with any qualified entity for the services of a fixed rate so long as services are needed and funding exists. The traditional foster care contracts were competitively bid and first awarded in 2013 for a one-year contract with five renewal options. The bids were conducted according to the Oklahoma Central Purchasing Act.

Describe in detail the process your state uses to inspect the safety of the foster care settings in which children are placed and the extent to which this process differs for public, not-for-profit, and for-profit providers operating in your state.

The process in Oklahoma does not differ based on private/public nor profit/non-profit but does differ based on type of setting. While foster care and therapeutic foster care have the same requirements, they differ from the requirements for residential facilities. Foster care and therapeutic foster care go through a comprehensive family assessment that includes a series of background checks, medical assessment of all family members, financial assessment and an evaluation of the applicant's residence to assess the location, condition and capacity to accommodate the child. For further detail, refer to Oklahoma Administrative Code (OAC) 340:75-7 and 340:75-8 found at <http://www.okdhs.org/library/policy/oac340/075/>

Furthermore, all private foster care providers are licensed as Child Placing Agency and which, among other things, requires background checks on staff and to ensure they are not on the restricted registry. Child placing agency requirements are found at <http://www.okdhs.org/library/policy/oac340/110/05/>

Residential facilities are licensed by Child Care Licensing while foster homes are licensed by Child Welfare. The requirements for residential facilities are found at <http://www.okdhs.org/library/policy/oac340/110/03/>

How many instances of abuse in a foster care placement have been substantiated in the last five years in your state? Of those substantiated, how many of these instances related to children placed by: not-for-profit providers, for-profit providers, and public providers?

See Figure 1 below.

Describe in detail the actions taken when an abuse claim is substantiated while a child is in an out of home placement. Do these actions differ depending on whether the child was placed by the public agency, a not-for-profit provider, or a for-profit provider.

When a report of child abuse or neglect is substantiated in a foster home or therapeutic foster home, DHS staff is responsible for making the decision regarding the continued use of the home. If deemed appropriate for the home to remain open, a Written Plan of Compliance would be initiated. These plans are also initiated when non-compliance issues or rule violations in the foster home require remediation for continued use of the home to control the safety of and placement stability for the child in DHS custody.

The Office of Client Advocacy investigates reports of abuse and neglect in residential or congregate care settings. When abuse or neglect is substantiated in a congregate care setting, a Corrective Action Plan is developed by Child Welfare Services with the placement provider and/or other entities responsible for oversight such as Child Care Licensing or the Office of Juvenile Affairs. The Corrective Action Plan is monitored by members of Child Welfare, and possibly oversight partners, on-site until completion or compliance occurs. Monetary consequences and ultimately loss of contract can occur if concerns identified in the child abuse and neglect substantiation are not alleviated by the Corrective Action Plan.

Figure 1

US Senate Request for FFY 2010 through FFY 2014						
Resource Type	Placement Count	% of Total	MIC*	% of Type	% of Total	% of MIC
Agency	102563	94.03%	619	0.60%	0.57%	87.55%
Not For Profit	6064	5.56%	83	1.37%	0.08%	11.74%
For Profit	449	0.41%	5	1.11%	0.00%	0.71%
Totals	109076	100.00%	707	0.65%	0.65%	100.00%

* Maltreatment in Care

Figure 2

PROFIT	
Choices for Life	
Homebased Services & Resources	
Oklahoma Families First	
Shadow Mountain Therapeutic Foster Care	
Southwest Therapeutic Foster Care	
Youthcare of Oklahoma	
NON PROFIT	
St. Francis Community Services	Youth Emergency Shelter
Tallgrass	Youth Services Creek County
Bair Foundation	Community Children's Shelter
Eckerd	J. Roy Dunning
Angels	Lilyfield
TFI Family services	Youth and Family Services
Eagle Ridge	Panhandle Services
Specialized Alternatives for Family and Youth	Anna's House
Wesleyan Youth Inc	Oklahoma Lions Boys Ranch
Western Plains Therapeutic Foster Care	Circle of Care
Oklahoma Association of Youth Services	Eastern OK Youth Services
Northwest Family Services	Sunbeam Family Services
Multi County Youth Services	Youth Emergency Shelter
Youth and Family Services	Youth Services Creek County
Logan Community Services	Community Children's Shelter
Northern OK Youth Services	J. Roy Dunning
Payne County Youth Services	McClain/Garvin County Youth and Family
Southwest Youth and Family Services	Choctaw/Pushmataha Youth Services
Great Plains Youth and Family	Kiamichi Youth Services
Crossroads Youth and Family Services	

Sincerely,

Ed Lake by Lisa Anne Bruce Brown
Ed Lake, Director



May 28, 2015

KATE BROWN
Governor

The Honorable Orrin G. Hatch, Chairman
The Honorable Ron Wyden, Ranking Member
United States Senate Committee on Finance
Washington, DC 20510-6200

Dear Senators Hatch and Wyden,

Thank you for your inquiry into Oregon's policy and practices related to privatized foster care. In an effort to assist you in better understanding the degree to which Oregon has entered into public-private partnerships to administer the child welfare program, we have responded to each of your questions, in order, below:

1. To the degree applicable, describe your state's utilization of private entities to provide case management services (e.g., placement of children with particular foster care providers, ongoing casework and oversight of foster care placements).

Oregon has a state administered child welfare delivery system run through the Office of Child Welfare Programs in the Department of Human Services. Local child welfare offices are maintained in each of Oregon's 36 counties, with more than one branch location in some of the more populated areas. The vast majority of all case management and placement services are delivered by state employees of the Department. All foster homes in the State not associated with Private Child Caring Agencies, including all relative foster placements, are certified by the State prior to any placement being made in that home.

The Department does contract with Private Child Caring Agencies licensed by the State of Oregon, through the Department of Human Services' Office of Licensing and Regulatory Oversight.

Oregon Administrative Rules 413-215-0001 through 413-215-0131, govern the licensing requirements of these private agencies. Those rules and the associated policy can be found at: http://www.dhs.state.or.us/policy/childwelfare/manual_2/ii-c1.pdf.

2. What proportion of the children in foster care in your state is placed by the public agency, not-for-profit providers, and for-profit providers?

In 2014, the distribution between the public system of placement services and the private agencies on an average daily basis was approximately:

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The Honorable Orrin G. Hatch, Chairman
 The Honorable Ron Wyden, Ranking Member
 United States Senate Committee on Finance
 May 28, 2015
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Type of Placement	Average Daily Population (ADP)	Percent of the ADP
DHS placements in family foster care (public)	3,078	39%
DHS placements in relative- family foster care (public)	2,448	31%
Private agency placements	373	5%
Children in Trial Home Visits – Reunification (public)	1,912	25%
Totals – Average daily Population of children in care.	7,811	100%

3. Please provide the number and names of private entities providing these core services, as well as information on whether each provider is a for-profit or not-for-profit entity.

CONTRACTED PROVIDER:	PROFIT: FOR PROFIT /NOT FOR PROFIT
Albertina Kerr Centers	Not for Profit
Bob Belloni Ranch Inc.	Not for Profit
Boys and Girls Aid Society of Oregon	Not for Profit
Christian Community Placement Center	Not for Profit
Catholic Community Services WW	Not for Profit
CONTRACTED PROVIDER, continued...	PROFIT: FOR PROFIT/NOT FOR PROFIT, continued...
Catholic Community Services MWV	Not for Profit
Chehalem Youth and Family Services	Not for Profit
Daniel Moray Corporation	For Profit
Door To Grace	Not for Profit
Douglas County Shelter	For Profit
Eastern Oregon Academy	For Profit
Family Solutions	Not for Profit
Give Us This Day (GUTD)	For Profit
Greater Oregon Behavioral Health Inc. (GOBHI)	Not for Profit
Inn Home for Boys	Not for Profit
Integral Youth Services	Not for Profit
Janus Youth Programs	Not for Profit
Jasper Mountain Center	Not for Profit
Kairos	Not for Profit

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 The Honorable Ron Wyden, Ranking Member
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Klamath Child and Family Treatment (KBBH)	Not for Profit
Lincoln County Shelter	For Profit
Maple Star of Oregon Inc.	For Profit
Morrison Child and Family Services	Not for Profit
The Next Door Inc.	Not for Profit
OSLC Community Programs	Not for Profit
Professional Therapeutic Community Network (PTCN)	For Profit
Salvation Army	Not for Profit
St. Mary's Home for Boys	Not for Profit
Youth Progress Association	Not for Profit
Youth Villages	For Profit

4. Does your state require that private foster care entities or organizations operating in your state be accredited? If so, by which organization and how often is this accreditation renewed?

No. Oregon Administrative Rules 413-215-0001 through 413-215-0131 govern the licensing requirements. While several private agencies seek out and become accredited by various entities, it is not a requirement in Oregon for agency licensure. Those rules and the associated policy can be found at: http://www.dhs.state.or.us/policy/childwelfare/manual_2/ji-c1.pdf.

5. Describe in detail the process you use to select and contract with these private entities, as well as to review and renew such contracts.

The Department of Human Services utilizes the State's formal contracting process established through various solicitation methods including Invitation to Bid (ITB), Request for Proposal (RFP), and Request for Quotes (RFQ). Historically the RFP has been re-solicited for new bids every five years to ensure fair and competitive processes. More recently the Department has created a Request for Applications (RFA) which will allow a more frequent solicitation process for contracting. These contracting opportunities are posted online for public review and participation through the State's Oregon Procurement Information Network (ORPIN), at: <http://orpin.oregon.gov/open.dll/welcome>.

In addition, due to the nature of child welfare services, Oregon has a special provision in contracting rules to allow for "client services" to be solicited on an as needed and individual basis. The Department uses this provision to create child specific contracts for children requiring specialized care, to add additional resources and supports to a current placement, or to extend the contracting capacity of a private agency to take an additional child.

The Honorable Orrin G. Hatch, Chairman
 The Honorable Ron Wyden, Ranking Member
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6. Describe in detail the process your state uses to inspect the safety of the foster care settings in which children are placed and the extent to which this process differs for public, not-for-profit, and for-public [profit] providers operating in your state.

The processes for inspection and certification of private foster homes in Oregon is essentially equivalent to the process for public foster homes in that homes are certified based on the results of a comprehensive home study process that includes: assessment of multiple domains, including – motivation of the applicants to become foster parents – their life experiences and challenges – finances and employment – physical and mental health – marital history – spiritual beliefs – cultural background; and safety of the physical environment of the home.

In both public and privately certified homes nationwide background checks are required for all household members, in accordance with the requirements of the Adam Walsh Child Safety and Protection Act. Private agencies must be licensed by the State in order to certify individual foster homes; and private foster care agencies are reviewed and re-licensed every two years.

Publically certified foster homes differ somewhat in that Oregon’s Department of Human Services, Office of Child Welfare Programs mandate the use of the Structured Analysis Family Evaluation (SAFE) home study process and for all DHS certified foster homes. Private agencies are not required to use the SAFE home study process, however they are required to meet the certification requirements of the State. Another difference between private and public foster homes is the frequency of certification renewal. Publically certified foster homes are re-inspected and re-certified once every two years. Privately certified homes must be re-inspected and re-certified annually. There is no difference in Oregon between the requirements for private non-profit foster care agencies and private for-profit foster care agencies.

How many instances of abuse in a foster care placement have been substantiated in the last five years in your state? Of those substantiated, how many of these instances related to children placed by: not-for-profit providers, for-profit providers, and public providers?

Federal Fiscal Year (FFY)	Number Abused in Other Foster Care Placements	Number Abused in Contracted Placements *	Percent Abused in Contracted Placements of those Abused *	Total Number Abused	Total Children Served in Foster Care	% Abused in Foster Care	% NOT Abused in Foster Care
2010	81	3	3.6%	84	12,913	0.65%	99.35%
2011	79	9	10.2%	88	12,808	0.69%	99.31%
2012	122	19	13.5%	141	12,431	1.13%	98.87%
2013	92	15	12.4%	107	12,129	0.87%	99.13%
2014	104	9	8.0%	113	11,445	0.99%	99.01%

* Perpetrator Relationship to Victim is either Children’s Care Provider -OIT (ward) or Residential Care Employee (ward).

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 The Honorable Ron Wyden, Ranking Member
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7. Describe in detail the actions taken when an abuse claim is substantiated while a child is in an out-of-home placement. Do these actions differ depending on whether the child was place[ed] by the public agency, a not-for-profit provider, or a for-profit provider?

Oregon has two approaches: one for the public certified foster homes and one for the private licensed agencies.

The public certified foster homes are governed by Oregon Administrative Rules 413-200-0404 through 413-200-0424: *Department Responsibilities During Screening and Assessment of a Child Abuse or Neglect Report Involving the Home of a Department Certified Foster Parent or Relative Caregiver*. Those rules and the associated policy can be found at: http://www.dhs.state.or.us/policy/childwelfare/manual_1/j-b223.pdf.

The Department's Child Protective Service screener assesses the allegations and makes a determination with their supervisor if it constitutes an allegation of abuse or neglect, in which case a Child Protective Service worker will be assigned to complete a comprehensive assessment. In conjunction with this comprehensive assessment the Department's Foster Home Certification staff and the Caseworkers responsible for all children in the foster home are notified and jointly make a plan for the children in this home.

During the assessment process if safety cannot be insured in the home, the Department may immediately remove the children from the foster home. The Department may also place the foster home on inactive status during the investigation thereby prohibiting additional children to be placed into the home.

At the conclusion of this assessment, the Child Protective Service worker and the Foster Home Certification staff meet jointly with the foster family to share information and the results of the CPS assessment. This is also the time in which if there are additional conditions added to the foster parent certification they will be discussed and acted upon, such as modification to their certificate to operate a foster home by limiting the number of children, changing the age range, require training, no changes required, or move forward to revoke their certificate and close the foster home.

When an allegation of abuse is made regarding a private agency in Oregon, the investigation is completed by the Department of Human Services' Office of Adult Abuse Prevention and Investigations (OAAPI) unit. This specialized unit is comprised of staff who focus solely on investigating allegations of abuse against private agencies. They are governed by Oregon Administrative Rules OAR 407-045-0800 through 407-045-0980 and the basic process follows:

- When the OAAPI Screener receives a Children's Care Provider (CCP) abuse referral, they immediately contact the CCP to ensure that any necessary action to protect the alleged

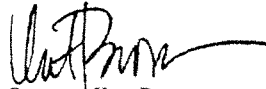
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The Honorable Ron Wyden, Ranking Member
United States Senate Committee on Finance
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victim has been taken. This is done whether the case is ultimately assigned for investigation, or not.

- Depending on the severity of the allegation, OAAPI consults with Child Welfare (CW) and Office of Licensing & Regulatory Action (OLRO) to determine if any additional steps need to be taken to protect the alleged victim or other involved children.
- If there is reason to believe that a crime has occurred, OAAPI contacts appropriate law enforcement authorities. OAAPIs abuse investigation may be suspended while a criminal investigation occurs.
- If the case is assigned, the OAAPI Investigator follows up with the CCP to ensure the ongoing protective services are adequate to protect the child.
- If, after investigation, the abuse allegation is substantiated, the OAAPI Investigator writes a report which includes Required Actions (a.k.a., Corrective Actions) to prevent abuse/neglect from occurring again. This generally involves recommendations for additional training for staff or changes to policies or procedures. Personnel actions for a substantiated finding of abuse are the responsibility of the CCP (the employer).
- The perpetrator is notified of the substantiation in writing, and may request a review of the finding within 30 days of receipt of notice. Details of the review process are found in the Oregon Administrative Rules referenced above.
- Additional licensing concerns discovered in the course of the OAAPI investigation are also documented in the report, which, when completed, is sent to CW and OLRO for review and further action as needed.

If you have any questions related to the above information, please Laurie Price, Well-Being Program Manager, is also available at laurie.price@state.or.us or 503-945-6953.

Sincerely,



Governor Kate Brown

KB/DL/ar



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HUMAN SERVICES

May 29, 2015

The Honorable Orrin G. Hatch
The Honorable Ron Wyden
United States Senate
Washington, DC 20510

Dear Chairman Hatch and Ranking Member Wyden:

Thank you for the opportunity to share information about Pennsylvania's public-private partnerships with regard to our child welfare system. The primary focus is always on the safety, permanency and well-being of the children we serve. Responses to the questions posed in your April 24, 2015 letter regarding background information on Pennsylvania's policy and practices relative to private foster care are below.

Pennsylvania's Utilization of Private Entities to Provide Case Management Services

Pennsylvania's child welfare system is state administered and county operated which means that state law prescribes the minimum standards for the child welfare system. Child welfare and juvenile justice services are delivered by each of the Commonwealth's 67 County Children and Youth Agencies and County Juvenile Probation Offices.

The Department Human Services (DHS) is the agency that administers the state's child welfare program. The primary focus of DHS is always on the safety, permanency and well-being of the children they serve. Through annual inspections of county children and youth agencies, as well as licensed private child serving agencies, DHS reviews the services received by Pennsylvania's children and families to ensure the quality of services provided and purchased. Additionally, through reviews of annual county needs-based plans and budget requests and subsequent expenditure reimbursement, DHS monitors the financial commitment and spending of the counties with regard to the children and youth services they deliver. The financial review focuses on the reasonableness and necessity of the county request and whether the county plan and budget focuses on the state's goals of increasing safety; improving permanency; safely reducing reliance on out-of-home care, particularly residential institutional programs; and decreasing re-entry into placement.

Children in Foster Care in Pennsylvania Placed by the Public Agency

Each county, through its children and youth social service agency, is responsible for administering a program of children and youth social services to children and their families. Counties may deliver the services themselves or contract with private providers to deliver the services. The county children and youth social service program includes:

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The Honorable Orrin G. Hatch
The Honorable Ron Wyden

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- Services designed to prevent dependency and delinquency of children and that help overcome problems that result in dependency and delinquency;
- Services designed to first and foremost protect children from abuse and neglect and that enable children to remain safely in their own homes and communities;
- Services designed to provide permanency and stability for children in their own homes or in placement and to preserve relationships and connections for children with their families and communities of origin;
- Services designed to meet the needs of children and families and to enhance the family's capacity to provide for their children's needs including services to meet the educational, physical and behavioral health needs of children;
- Services designed for youth alleged and adjudicated delinquent, which are consistent with the protection of public interest and which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable youth to become responsible and productive members of the community; and
- Services and care ordered by the court for children who have been alleged and adjudicated dependent or delinquent.

Additionally, Commonwealth statute, known as the Juvenile Act, (42 Pa.C.S, Chapter 63) provides the legal framework for children and youth agencies, juvenile probation offices and the courts when children cannot safely stay in their own homes due to dependency or are in need of supervision, care and rehabilitation due to delinquency. A dependent child can be defined in general terms as a child who is under the age of 18, is without proper parent care or control, is in need of supervision, or is under the age of 10 and has committed a delinquent act. A child who is adjudicated dependent may request to remain under the jurisdiction of the court until the age of 21 as long as they are engaged in an approved course of instruction or treatment.

The children and youth agency has the legal mandate to petition the court for dependency of a child when the following circumstances exist:

- The child is without proper parental care or control, basic needs, legally required education, other care necessary for the child's physical, mental or emotional health or morals;
- The behavior or actions of child's parent or other caregiver places the health, safety and welfare of the child at risk;
- The child has been placed for care or adoption in violation of the law;
- The child is without or has been abandoned by the parents, guardian or other custodian;
- The child is born to a parent whose parental rights regarding another child have been involuntarily terminated by the court within three years prior to the child's birth and the parent presents a risk to the child's health, safety and welfare;
- The child, of compulsory school age, is habitually and without justification, truant from school; or
- The child has committed an act or acts of habitual disobedience of the parent or other caregiver and is ungovernable and in need of care, treatment and supervision.

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The Honorable Orrin G. Hatch
The Honorable Ron Wyden

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Therefore, all children who enter child welfare placement are placed by the county children and youth agency with court approval. However, children may be placed in the care of licensed private agencies. A review of State Fiscal Year 2013-2014 expenditures for foster family care shows that approximately 87 percent of foster family care is purchased at the county level from private foster family care agencies.

Number and Names of Private Entities Providing Core Services

Below please find a link to the DHS Human Services Provider Directory. This directory provides a list of each program licensed by DHS and provides the information requested along with the last licensing inspection summary, which provides information resulting from the annual inspection of the agency. To access this information using the below link, under the service code category, please select "foster family care" and select the submit search button to display the list of licensed foster care programs. Selecting the Office of Children, Youth and Families from the program office category will result in a complete listing of public and private children and youth agencies that provide placement services in the Commonwealth.

<http://www.dhs.state.pa.us/searchforprovider/humanservicesproviderdirectory/index.htm>

Accreditation of Private Foster Care Entities or Organizations

Private foster care agencies are not required to be accredited, but they are required to be licensed annually by DHS.

Process to Select and Contract with Private Entities

Contracts for the delivery of child welfare services are executed by each county children and youth agency. DHS regulation provides the general parameters for entering contracts with private agencies. These requirements are included below:

55 Pa. Code § 3170.93. Contracts

(a) Contracts between Department and counties. The Department may enter into a purchase of service agreement annually with counties who wish to provide social services under Title XX and the comprehensive annual services program plan.

(b) Purchase of service requirements. The county shall maintain a written contract or purchase of service agreement with providers to which clients are regularly referred, or with which the county agency, the juvenile probation office, and the court have a continuing relationship. This includes program-funded facilities. The contract shall represent a legally binding agreement between the county and the provider, and shall be renewed annually.

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(c) Conformity. The contract shall provide for conformity with the regulations or procedures promulgated by the Department. The contract shall specify the types of services provided by the contracting agency for the county. In the case of unit of service agencies, the rate of reimbursement for a service shall be cited. In no case shall a provider agency be retroactively awarded an increased rate of reimbursement.

(d) Suspension or revocation of contract. A county may suspend or revoke a contract if the contractor substantially fails to meet the regulations, standards, or terms of the contract during the period when the contract is in effect.

(e) Service contracts or agreements.

(1) Services purchased by contract or agreement shall bear the signature of the chairperson of the county commissioners, or a duly authorized representative, and the director or administrator of the service provider. Purchased service contracts or agreements shall also include the following:

(i) Contracting parties and addresses.

(ii) Effective date and term of the contract.

(iii) Contracted amount or unit price and payment schedule.

(iv) Provisions for contract modification, amendments, or termination.

(v) Prohibition against reassignment of the contract without permission of the county.

(vi) Work statement, including the service provider's location and hours of operation.

(vii) Required reports for the county and the Department.

(viii) Maintenance and retention of required reports, documents, and accounting books.

(ix) Audit rights on the records in subparagraph (viii) and inspection rights of performance by the county and the Department.

(x) Procurement of liability insurance.

(xi) Client confidentiality and right of privacy.

(xii) Units of service to be provided and their definitions.

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(xiii) A provision that the parties to the contract shall not discriminate against any employe, client, or other persons on account of race, color, sex, religious creed, national origin, age, or handicap.

(2) Contracts or agreements between the county and a program-funded provider shall contain the following additional components:

(i) Provisions for budget modification or amendment.

(ii) Property title rights for fixed assets purchased or materials, plans or procedures developed through the agreement.

(iii) A budget and fiscal statement of how fees or costs were determined.

(iv) Provision for the procurement of fixed assets.

(3) Agreements shall be reviewed by the county solicitor who may require additional components beyond the requirements outlined in paragraph (2).

(4) A narrative description of the services to be covered by the contract shall be included in the county's annual services plan. A signed contract becomes the authorization for the expenditure of funds for services identified by the agreement. Therefore, county agency funds cannot be expended for provider expenses until a contract is signed.

(f) Contracts with providers outside of the county and the county children and youth agency. A county or county children and youth agency may purchase services from a service provider within the jurisdiction of another county. The services shall be purchased via contract or written agreement with the provider. If the provider is a program-funded agency, the payments received for the services shall be reported as income and subtracted from the gross expenses billed to the county agency of which it is part.

(g) Conflict of interest. The appropriate county authority shall not make any contract or agreement with a person, company, or organization in which a member of the county children and youth staff has a financial interest; nor, shall the county authority contract with members in its own staff or their immediate families, except with the clear prior written approval of the regional office.

Process Pennsylvania Uses to Inspect the Safety of Foster Care Settings

Below please find a link to the Safety Assessment and Management Process Reference Manual, dated November 27, 2012. Section III, entitled Out-of-Home Care Safety Assessment and Management, provides a detailed description of the policy and procedures used to assess and monitor the safety of children in out-of-home placement. This information is specifically located on pages 90-125 of the reference manual.

<http://www.pacwrc.pitt.edu/SafetyAssessment/Safety%20Manual12.7.pdf>

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Instances of Abuse in a Foster Care Placement in the Last Five Years

Below is a chart that outlines the number of residential facility staff and foster parents that were identified as perpetrators of child abuse in the corresponding year. We do not have a breakdown as to whether they were public or private agency staff or foster parents.

Year	Residential Facility Staff	Foster Parents
2013	26	13
2012	18	28
2011	10	15
2010	31	23
2009	55	38

Actions Taken When an Abuse Claim is Substantiated

The county children and youth agency, or DHS (when the alleged perpetrator is an agent of the county agency) is responsible for investigating suspected child abuse and neglect. The Child Protective Services Law (CPSL) (23 Pa. C.S., Chapter 63) includes the parameters for investigation of reports of suspected child abuse.

At the onset of the investigation, a determination is made if the child or children are safe. If the agency is unable to determine if the child is safe based upon the information received, then a worker must see the child or children immediately. However, the child or children must be seen within 24 hours. This determination includes whether the child must be relocated as a result of the alleged abuse or neglect.

Upon notification that an investigation involves suspected child abuse by a school or child-care service employee, including, but not limited to, a service provider, foster parent, independent contractor or administrator, the school or child-care service, the entity must immediately implement a plan of supervision or alternative arrangement for the individual under investigation to ensure the safety of the child and other children who are in the care of the school or child-care service. This plan of supervision or alternative arrangement must be approved by the county agency or DHS and is kept on file with the agency until the investigation is completed.

The investigation is typically completed within 30 days. If the investigation cannot be completed within 30 days, the agency must document the reasons and complete the investigation within 60 days. During the investigation, the worker must interview the child, parents, alleged perpetrator and anyone who may have knowledge of the abuse. Visits to the child's home or program where the abuse occurred must take place as part of the investigation. In the case of alleged abuse in a child care setting or school, as appropriate, other children receiving services from the agency are also interviewed. Alleged abuse committed by staff or foster parents from these agencies is also referred to law enforcement officials for investigation. Joint investigations are conducted between the county agency or DHS and law enforcement officials to minimize trauma to the child. Where available, Children's Advocacy Centers are used to conduct medical

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The Honorable Orrin G. Hatch
The Honorable Ron Wyden

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exams and forensic interviews. The terms used to describe the results of the investigation are listed below:

- **Founded** - There is a judicial adjudication that the child was abused.
- **Indicated** - The children and youth agency determines based upon substantial evidence that abuse occurred. This conclusion is drawn based on medical evidence, the investigation or admission by the perpetrator.
- **Substantiated** - Cases that are indicated or founded.
- **Unfounded** - Cases where there is a lack of evidence that the child was abused or it was determined that the child was not abused. (An unfounded status does not always mean that the incident did not occur. For example, the child may have received an injury from being struck as alleged, but the injury did not meet the definition of serious physical injury.)

If you have further questions regarding this response, please contact Ms. Jennifer DeBell, Director, Office of Policy Development, at (717) 772-4141.

Sincerely,



Theodore Dallas
Acting Secretary

c: Governor Tom Wolf



STATE OF SOUTH DAKOTA
DENNIS DAUGAARD, GOVERNOR

June 1, 2015

Senator Orin G. Hatch, Chairman
United States Senate
Committee on Finance
Washington, DC 20510-3200

Senator Ron Wyden, Ranking Member
United States Senate
Committee on Finance
Washington, DC 20510-3200

Dear Senator Hatch and Senator Wyden,

I am responding to your letter of April 24, 2015, requesting information about contractual partnerships between states and private entities or organizations to administer some or all of their foster care programs. In South Dakota, the Department of Social Services (DSS) contracts with 6 private not-for-profit child placement agencies for the provision of Treatment Foster Care for approximately 114 children which is approximately 20 percent of all children in foster care placed by the DSS. The case management of the majority of foster care cases in South Dakota is provided by state staff.

South Dakota's response to the information requested in your letter is enclosed. I hope this information provides a better understanding of the partnerships between the state of South Dakota and private-not-for-profit child placement agencies in the area of foster care in our state.

Thank you for the opportunity to provide input regarding this topic. Please do not hesitate to contact me if additional information or clarification is needed.

Sincerely,


Dennis Daugaard

DD:ke

cc: Becky Shipp, Health and Human Resources Policy Advisor
Laura Berntsen, Senior Human Services Advisor

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**SOUTH DAKOTA
DEPARTMENT OF SOCIAL SERVICES
DIVISION OF CHILD PROTECTION SERVICES**

1. **To the degree applicable, describe your state's utilization of private entities to provide case management services (e.g., placement of children with particular foster care providers, ongoing casework and oversight of foster care placements).**

The Department of Social Services (DSS), Division of Child Protection Services (DCPS) contracts with six (6) private Child Placement Agencies to provide case management services for children in the custody of DSS due to child abuse and neglect.

2. **What proportion of the children in foster care in your state is placed by the public agency, not-for-profit providers, and for-profit providers?**

As of April 30, 2015, the Department of Social Services had 997 children in in placements outside their homes with 570 children or 57% placed in foster care.

The Department of Social Services has Title IV-E Agreements with four (4) South Dakota Tribes who have an additional 49 children placed through the agreements with 34 children or 69% placed in foster care.

The Department of Social Services tracks the the children placed with not-for-profit child placement agencies placed by the Department and children who are Title IV-E eligible under State-Tribal Title IV-E Agreements. The Department does annual licensing visits at all child placement agencies as mandated by state statute and South Dakota Administrative Rules. During licensing visits, agency personnel files and child case files are reviewed for compliance with licensing statutes and rules. There are not any for-profit child placement agencies in South Dakota offering foster care services.

3. **Please provide the number and names of private entities providing these core services, as well as information on whether each provider is for-profit or not-for-profit entity.**

The not-for-profit child placement agencies providing foster care case management services in South Dakota include the following:

**Abbott House
PO Box 700
909 Court Merrill
Mitchell, South Dakota 57301**

Capital Area Counseling Services
PO Box 148
Pierre, SD 57501

Children's Home Society
PO Box 1749
Sioux Falls, SD 57101

Northeastern Mental Health Center
703 3rd Ave SE
Aberdeen, SD 57401

Lutheran Social Services
705 East 41st, Suite 200
Sioux Falls, SD 57105

Black Hills Special Services COOP
PO Box 218
Sturgis, SD 57785

Volunteers of America, Dakotas
1309 W. 51st St.
P.O. Box 89306
Sioux Falls, SD 57109-9306

All About U Adoptions ** Primary Service is Adoption
229 E. 2nd Ave., Suite 2
Milbank, SD 57252-0408
Mailing Address:
PO Box 158
Faulkton, SD 57438-0158

Bethany Christian Services of Western SD ** Primary Service is Adoption
508 Columbus St.
Rapid City, SD 57701

Bethany Christian Services of Eastern SD ** Primary Service is Adoption
400 S Sycamore Ave., Suite 103-1
Sioux Falls, SD 57110

New Horizons Adoption Agency, Inc. ** Primary Service is Adoption
2500 W. 49th St., Suite 203E
PO Box 89532
Sioux Falls, SD 57109-9532

Catholic Social Services ** Primary Service is Adoption
918 5th St.
Rapid City, SD 57701-3798

Catholic Family Services ** Primary Service is Adoption
523 N. Duluth
Sioux Falls, SD 57104-2714
**Has multiple offices in South Dakota

NOTE: The private entities the Department of Social Services contracts with are bolded above.

There are not any for-profit child placement agencies in South Dakota

- 4. Does your state require that private foster care entities or organizations operating in your state be accredited? If so, by which organizations and how often is accreditation renewed?**

State law requires initial licensure of child placement agencies by the Department of Social Services and the license is renewable on a yearly basis providing the agency is in compliance with all licensing rules.

Three of the child placement agencies the Department of Social Services contracts with are accredited. Abbott House and Lutheran Social Services are accredited through the Council on Accreditation and Children's Home Society is accredited through Joint Commission.

- 5. Describe in detail the process you use to select and contract with these private entities, as well as review and renew such contracts.**

The Department of Social Services contracts annually with the six private entities for foster care case management services after ensuring agencies remain in compliance with licensing standards.

- 6. Describe in detail the process your state uses to inspect the safety of the foster care settings in which children are placed and the extent to which this process differs for public, not-for-profit, and for-profit providers operating in your state.**

The Department of Social Services requires monthly visits in the foster home where the child resides by the child's Family Service Specialist. Documentation of each home visit is required in the Department's child welfare data system describing the care of the child, the assessment of the child's safety and discussions with the child and the foster parent. Monthly reports are also required to be submitted by the foster parents to the Family Service Specialist which provides an overview of monthly activities like school, appointments for

medical, vision, dental or mental health care, contact with the agency, visits with family and other information regarding the child's care. Random monthly calls are also made by the Family Services Specialist's supervisor to assure staff are visiting the child and the foster parents and provide information and supports as needed.

The Department also requires not-for-profit child placement agencies the department contracts with for foster care case management to complete monthly home visits and document all contacts with the child and foster family.

- 7. How many instances of abuse in a foster care placement have been substantiated in the last five years in your state? Of those substantiated, how many of these instances related to children placed by: not-for-profit providers, for-profit providers, and public providers?**

The Department of Social Services substantiated instances of abuse in foster care during the following state fiscal years.

SFY 2015 - 1
SFY 2014 - 3 (1 case was of a tribally licensed foster home)
SFY 2013 - 1
SYF 2012 - 0
SFY 2011 - 0

The Department of Social Services implemented a process to place calls to randomly selected foster families and kinship families to ask a set of questions about contact by the child's Family Service Specialist, identify areas of need and or supports needed from the Department. The calls are made by the Department's Constituent Liaison and Child Protection Services management staff. The results are documented and identified issues or areas of need are addressed.

- 8. Describe in detail the actions taken when an abuse claim is substantiated while a child is in an out of home placement? Do these actions differ depending on whether the child was place by the public agency, a not-for-profit provider, or a for-profit provider?**

Children are removed from the foster home pending the outcome of an out of home investigation. When an abuse claim is substantiated against a foster parent in South Dakota, the foster care license is closed as state law prevents an individual from being licensed as a foster parent if there is a substantiated abuse claim, regardless if it is a public or not-for-profit provider.



STATE OF TENNESSEE
DEPARTMENT OF CHILDREN'S SERVICES
436 6TH AVENUE NORTH
CORDELL HULL BLDG., 7TH FLOOR
NASHVILLE, TN 37243

BILL HASLAM
GOVERNOR

JAMES M. HENRY
COMMISSIONER

May 28, 2015

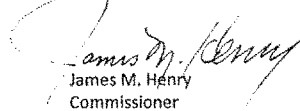
The Honorable Orrin G. Hatch
Chairman
U.S. Senate Committee on Finance
219 Dirksen Senate Office Building
Washington, DC 20510-6200

The Honorable Ron Wyden
Ranking Member
U.S. Senate Committee on Finance
219 Dirksen Senate Office Building
Washington, DC 20510-6200

Dear Chairman Hatch and Ranking Member Wyden:

The purpose of this letter is to respond to your questions regarding privatized foster care in Tennessee. On behalf of Governor Haslam, I have provided the responses below in answer to your inquiry.

Sincerely,


James M. Henry
Commissioner

Overview

In addition to recruiting and retaining its own network of Level 1 foster homes, Tennessee's Department of Children's Services (DCS) relies on a network of twenty eight (28) direct contracting private providers to deliver a wide array of clinical and therapeutic services to children and youth who come into DCS care. These providers assist with supports, services, experiences and opportunities that are individualized based on the strengths and needs of each specific youth.

Chairman Hatch and Ranking Member Wyden
 May 28, 2015
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DCS uses a number of assessment tools, guidelines and practices to determine the placement needs of all children and youth coming into its custody needing out-of-home and therapeutic care. A child/youth may be referred to a private provider based upon the match between a provider's clinical program services and outcomes and the child/youth's individual needs. Private providers do not make placement decisions and tax status is not a factor in the placement process.

This out-of-home care includes Level 1 foster care, Levels 2 & 3 residential and congregate care and Level 4 sub-acute psychiatric care. Several of these agencies also deliver residential specialty services, including programs for developmentally delayed children, medically fragile foster care, residential Alcohol & Drug treatment and juvenile sex offender programs.

In the event that a child is placed with a private provider agency, case management and other services are delivered not only by the provider but also by a DCS Family Service Worker (FSW) who monitors and coordinates the child/youth's care.

Private Provider Network

As of May, 2015, DCS' statewide private provider network is comprised of twenty eight (28) agencies. The names of those agencies and their tax status are attached hereto as "Exhibit A".
 Data snapshot as of May 18, 2015:

<u>All</u> children and youth in DCS custody:	8,064
Those being served by private providers (PP):	4,049 (50.2%) – of <u>all</u> youth in custody
Number of those PP youth in foster homes:	2,549 (63.0%)
Number of those PP youth in congregate care:	1,310 (32.4%)
Children and youth served by private providers:	4,049
Number of those served by for-profit agencies:	1,551 (38.3%)
Number of those served by non-profit agencies:	2,498 (61.7%)
Direct-contracting private provider agencies:	28
Those agencies with for-profit status:	8
Those agencies with non-profit status:	20

DCS requires that all providers be accredited by one of the following nationally-recognized accrediting bodies: Council on Accreditation (COA); and/or, Commission on Accreditation of Rehabilitation Facilities (CARF); and/or, Joint Commission on Accreditation of Healthcare Organizations (JCAHCO). Accreditation cycles are typically three (3) years. In addition, all providers are subject to all applicable requirements of the Prison Rape Elimination Act (PREA) federal statute. In Tennessee, all primary DCS contractors deliver services through "Performance-Based Contracts" (PBC). The development and implementation of DCS' PBC initiative represents an overarching plan to achieve better outcomes for those children served in out-of-home care by privately contracted providers.

The PBC model in Tennessee employs an innovative approach stressing timely permanency outcomes for children, and utilizes a payment structure that reinforces provider agencies' efforts to offer services that improve those outcomes.

Chairman Hatch and Ranking Member Wyden
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The outcomes DCS measures as a result of PBC model implementation include:

- improved likelihood of permanency (reunification, adoption or guardianship);
 - a reduction in the number of care days used to achieve permanency; and,
 - a reduction in instances of re-entry into DCS care.
- Internal quality control systems are used to monitor providers on a scheduled as well as ad hoc basis. These quality control systems include, but are not limited to:
- annual on-site Program Accountability Review (PAR);
 - annual on-site licensing reviews;
 - monthly monitoring of incident reports;
 - weekly Provider Quality Team meetings;
 - weekly Foster Care Quality team meetings;
 - ad hoc investigations/visits based upon reported concerns; and,
 - on-site visits by clinical team members to provide technical program assistance.

The State of Tennessee utilizes a rigorous and competitive "Request for Qualifications" (RFQ) and "Request for Proposal" (RFP) process to select, execute and renew contracts with private providers. In the Spring of 2014, the RFQ process was used to re-establish uniform qualifications for the network provider pool. In addition to meeting mandatory requirements for items such as adequate operating capital, satisfactory credit bureau ratings, proof of accreditation, etc., all providers were rated on general qualifications and experience. These rated items included the submission of detailed descriptions of program expertise, use of evidence-based clinical programming, appropriate staff qualifications, training curricula, etc. Providers which received a threshold passing score were awarded a three-year contract. The RFQ process will be repeated in 2017.

The RFP process is similar to the RFQ process except that specific types of services identified by the Department are solicited through a competitive procurement process. Any new contracts awarded through the RFP process are aligned to fall into the normal RFQ contract cycle.

Foster Care Settings

DCS policy in Tennessee is written to provide for the safety, permanency and well-being of all children placed in the foster care system. Fostering custodial children and youth is not considered a right of all persons in Tennessee, but rather a privilege for well-qualified and well-screened persons making application. Tennessee's foster care approval policy and process also applies to all private providers delivering foster care services.

All applicants must meet a set of pre-established minimum requirements, such as: documentation of residence in Tennessee for the past six (6) months; documentation of US citizenship or permanent residence, proof of financial stability, verification of being at least 21 years of age and documentation of current marital status. Applicants are also pre-screened through Tennessee's child welfare system to assure they have not been indicated for child abuse. This and any other concerning history is discussed with each applicant prior to allowing that applicant to move further in the approval process.

The evaluation process, commonly referred to as a "Home Study", begins with a six (6)-week training program known as "Parents As Tender Healers" (PATH). This training focuses on providing potential foster families with an understanding of the public child welfare system, the impact of the trauma children in

Chairman Hatch and Ranking Member Wyden
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foster care experience when removed from their families and subsequently experience if moved while in foster care, effective non-corporal discipline techniques and how to understand and respect the individual cultures of the families and children who are involved in the system. All adult household members are required to complete PATH. Applicants are observed by professional trainers and DCS staff during the presentations and discussions. Homework is assigned each week as the training progresses and must be submitted in a timely manner. All concerns observed are discussed with the applicant and included in the narrative of the Home Study, assuming the applicant is allowed to continue the approval process. PATH training concludes with first aid, CPR and medication administration training. Everyone seeking to be an approved foster parent must complete this training series.

A criminal records check is conducted during the training. Any records found are discussed with the applicant and included in the narrative of the "Home Study". Records reflecting conviction of any crime against a child, domestic violence, homicide, rape or sexual assault will not permit an applicant to continue in the approval process. Applicants with unresolved felony charges must wait until resolution of those charges prior to continuing in the process. Applicants with other felony convictions may be considered after further assessment during the Home Study and documentation of a waiver from the appropriate authority within DCS.

At the conclusion of PATH training, visits to the applicant's home begin. All household members are interviewed and assessed on their understanding of the concepts presented in PATH, their personal strengths and abilities, and their ability to build and maintain lasting relationships. References are also checked, including a blood relative for each applicant.

The physical condition of the home is assessed for safety. Included in the assessment for physical safety are: adequate and safe water supply; working plumbing and sewage disposal; LAN telephone with 911 service; appropriate sleeping space with furnishings; personal space and storage for each child; and adequate security for swimming pools or other bodies of water. DCS policy also requires that medications and poisons be secure, household pets be vaccinated and weapons be stored in a secured area.

An escape plan is posted in every home in the event of a fire. Working smoke detectors, carbon-monoxide detectors and fire extinguishers are required. Foster families are expected to hold periodic fire drills.

Once approved, foster families are reassessed every two (2) years or in the event of a major change within the household, whichever occurs first. Following approval, families must maintain in-service training. If a family experiences a Child Protective Services (CPS) investigation, the circumstances and outcome of the investigation are reviewed weekly by a team in DCS Central Office. This review is facilitated by the Quality Control unit. Homes closed as a result of these reviews may neither reopen without further review by this team, nor may they transfer between the state agency and contracted providers.

Substantiated Abuse Claims in Foster Care

An allegation of abuse or neglect involving a custodial child is investigated by the Special Investigations Unit (SIU), which is a specialized team within the Office of Child Safety. Early in the investigative process, if there is a concern for the child's safety, actions are taken to remove the child from the foster home until the

Chairman Hatch and Ranking Member Wyden
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investigation is completed, whether this is a DCS foster home or a provider foster home. The child is placed in another approved foster home. The home is placed in a "frozen" status, which means there will not be any children placed with this family until the investigation is concluded. Once the investigation is completed, the findings are debriefed with the regional staff and family. If the foster parent is substantiated, then the foster home is closed and this applies to DCS foster homes as well as private provider foster homes. Another placement is made for the children that were moved from that home.

If the child is in a residential placement, the agency works with the private provider to ensure the alleged perpetrator does not have access to children until the investigation is completed. If there is a substantiation, then it is the expectation that the provider terminate the employee and that there is no more access to the children in the facility.

Following the conclusion of an SIU investigation, a debriefing occurs with provider agency staff, DCS placement staff and foster care staff to share information with everyone to ensure that the safety and treatment for the victim and any other children involved is addressed.

The actions do not differ for the type of placement.

Substantiated allegations for children in custody from FFY 2010-2014

	FFY 2010	FFY 2011	FFY 2012	FFY 2013	FFY 2014	Grand Total
Count of INVESTIGATION_ID	517	404	311	292	293	1817

Note: DCS does not have the ability to break down this data by tax status.

TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES (DFPS)



INFORMATION RELATED TO FOSTER CARE PROVIDERS

Overview

In Texas, the Department of Family and Protective Services (DFPS) is responsible for investigating allegations of child abuse and neglect, and if necessary, removing children from their home to ensure their safety. DFPS is also responsible for finding the most appropriate placement for children who are removed, and for ensuring their safety and well-being while in care.

When Child Protective Services (CPS), a division of DFPS, determines that a child cannot live safely at home, the next step is to determine whether or not there is an appropriate relative or close family friend who is willing and able to care for them. If not, CPS will petition a state district court, and the court can give temporary legal possession of the child(i.e. conservatorship), to CPS acting on behalf of the State of Texas. CPS temporarily places these children in foster care. Foster care settings include:

- Foster family homes
- Foster family group homes
- Residential group care facilities

For purposes of this paper, "foster care" means contracted and regulated settings, as opposed to unregulated relative/kinship settings.

While most children who are medically fragile or suffer from a severe emotional disturbance are placed in least restrictive settings, in very limited circumstances, the child may be placed in a state hospital or state supported living center if a child's needs cannot be met by one of the above providers.

CPS, Residential Child Care Licensing, and other programs and divisions within DFPS share responsibilities for ensuring that children placed in DFPS conservatorship are safe and receive quality services.

Placement

Once a court has given DFPS conservatorship of a child, CPS oversees the placement of that child. CPS is guided by federal and state law to place children in the least restrictive, most appropriate foster care setting for that particular child. CPS has the responsibility to maintain that criteria for each child as long as that child is in foster care. In an effort to find the best possible placement for each child and to ease any transitions in placement while in care, DFPS has a Centralized Placement Team in place. This team helps caseworkers make the most appropriate choice for placement, as close to the child's home and community as possible.

Licensing and Regulation

In Texas, 90 percent of foster children are placed with private, non-profit, and for-profit, contracted residential providers. The other 10 percent of children are placed in foster homes directly overseen by CPS as a child placing agency. DFPS oversees the placement of children into care, the licensing and regulation of private child placing agencies, and monitors the contracts between DFPS and private foster care providers.

Residential Child Care Licensing (RCCL) is the regulatory division of DFPS responsible for protecting children in residential operations through consistent and fair enforcement of licensing laws and standards. RCCL investigates reports of abuse and neglect, as well as violations of minimum standards, administrative rules, or licensing law. RCCL may impose penalties if an operation is deficient, up to and including revocation of a permit or license. RCCL is additionally responsible for:

- Development and monitoring of statewide rules and minimum standards;
- Processing applications and issuing permits to operations ;
- Inspecting operations for compliance;
- Overseeing the Licensed Administrator's program;
- Providing technical assistance to residential child-care operations, to help them improve and meet or exceed minimum standards; and
- Random inspections of foster homes and sampling of records kept by child-placing agencies.

Contract monitoring

The CPS Residential Contracts division awards and manages contracts for 24-hour residential childcare facilities that provide substitute care to children in DFPS conservatorship. Through these contracts, DFPS establishes the qualifications, standards, services, expectations, and outcomes for 24-hour childcare facilities and child-placing agencies across the state. Residential contract employees work with CPS staff, RCCL staff, and a third-party service level system contractor to ensure compliance and oversight. Residential contract managers are regionally-

based CPS staff and serve as liaisons between CPS field staff and providers. They are responsible for assessing, monitoring, and managing residential contracts.

To the degree applicable, describe your state's utilization of private entities to provide case management services (e.g., placement of children with particular foster care providers, ongoing casework and oversight of foster care placements).

In Texas, the state is responsible for and oversees case management services for every child in foster care. A CPS Conservatorship caseworker works with the residential provider to develop, monitor, and maintain a child's plan of service. The child's plan of service identifies any support services that the caregiver must receive to meet the child's needs, and (within the limits of available resources) ensure that the caregiver receives those services. The caseworker also encourages the caregiver to participate as a team member in planning for, delivering services to, and evaluating the progress of the child as well as attend and participate in court hearings and permanency planning meetings.

Texas requires that Conservatorship caseworkers make monthly contact with the child, with the majority of the visits taking place in the home where the child is residing. These visits are focused on ensuring the safety and well-being of the child, and to work toward obtaining permanency for the child.

Both during and after a visit with a child or family, the worker must assess:

- the child's progress and adjustment to substitute care;
- the child's interaction with the caregiver;
- the safety of the home environment for the child; and
- the child's ability to seek help if necessary.

During these visits, the caseworker also discusses with the caregiver specific concerns that the caregiver may express about the child's care, such as the child's relationship with the caregiver's family, changes in the composition or functioning of the caregiver's family, or issues with DFPS policies. The caseworker is focused on and responsible for helping the caregiver find ways to manage the child's behavior, assess the caregiver's ability to respond to and meet the child's needs, assess the caregiver's need for services to support the placement and provide any follow-up support services that are requested or needed. The caseworker will also identify any follow-up support services that may be needed.

Over the course of a child's placement with a foster care provider, the child's caseworker must ensure that the caregiver has up-to-date information about the child, including access to their education records, medical and developmental history. The caseworker is also responsible for the

initial permanency court report, subsequent permanency court reports, placement court reports, and any other documents that relate to the well-being of the child.

Foster Care Redesign

Foster Care Redesign (FCR) is a new way of providing foster care services that relies on a community-based, shared-decision making model, by which the state enters into a performance-based contract with one Single Source Continuum Contractor (SSCC). The SSCC must ensure the full continuum of foster care services to children in paid foster care and their families in a designated geographic area of the state. The guiding principles of foster care redesign are:

- Above all, children and youth are safe from abuse and neglect in foster care;
- Keep children and youth closer to home and connected to their communities and siblings;
- Improve the quality of care and outcomes; and
- Reduce the number of times children move in foster care.

While the SSCC matches and proposes placements for the child, participates in the joint development of a single plan of service, and coordinates services for the children and families, DFPS maintains oversight of child's case management and has final approval over all recommendations made by the SSCC.

Currently Texas is piloting FCR through one SSCC contract – ACH Child and Family Services. ACH is a not-for-profit agency that has been serving the Fort Worth area since 1915. The FCR contract with ACH serves a seven-county contract in north Texas. The initial performance measures for ACH are positive and point toward FCR meeting its goals, however these outcomes are still early and the state will continue to monitor the progress of Redesign and ACH. DFPS will be releasing a Request for Proposal (RFP) for another SSCC in an additional catchment area over the next biennium. The RFP will be open to Texas licensed for-profit and non-profit entities. Information obtained through evaluation of the first two SSCC's will be used to inform model modification as a part of the statewide roll-out of Foster Care Redesign.

STAR Health

In 2008, the Texas Health and Human Services Commission (HHSC), the umbrella agency over DFPS, worked with the Texas Department of Family and Protective Services (DFPS) to implement STAR Health as a medical care delivery system for children in state conservatorship. STAR Health serves children as soon as they enter state conservatorship and assists with case management decisions for foster children from a health care perspective. , Continuity of care is an ongoing challenge for foster children since they are a high-risk population with greater medical and behavioral health care needs than most children in Medicaid and continually changing circumstances...

HHSC administers the program under a contract with a single statewide managed care organization. STAR Health clients receive medical, dental, vision, and behavioral health benefits, including unlimited prescriptions. The program includes access to an electronic health record called the Health Passport, which contains a history of each child's demographics, doctor visits, immunizations, prescriptions, and other pertinent health-related information. The program also includes a 7-days-per-week, 24-hours-per-day nurse hotline for caregivers and DFPS caseworkers.

In 2010, the program began training and certifying behavioral health providers in Trauma Focused Cognitive Behavioral Therapy (TF-CBT) and training in trauma-informed care was made available to all caregivers and caseworkers to effectively manage behavior issues that can destabilize children's health status and foster family placement and to promote healing from trauma associated with abuse or neglect.

What proportion of the children in foster care in your state is placed by the public agency, not-for-profit providers, and for-profit providers?

DFPS places 100 percent of the children in the conservatorship of the state. The chart below provides information for child care facilities related to total capacity, broken down by public, non-profit, and for-profit. The majority of the State's residential child care operations are operated by non-profit organizations.

Residential Child Care Operations					
Fiscal Year	Number of Operations	Non-Profit Organization	For-Profit	Public	Total Capacity
FY12	711	593	107	11	50,140
FY13	697	576	110	11	48,684
FY14	711	589	111	11	47,819

The chart above describes total licensed capacity and does not necessarily equate to "filled" beds.

Please provide the number and names of private entities providing these core services, as well as information on whether each provider is a for-profit or not-for-profit entity.

Please see attached documents "RCC Operations Fiscal Year 2012-2014" and "CPS-CPA Operations Fiscal Year 2012-2014."

Does your state require that private foster care entities or organizations operating in your state be accredited? If so, by which organization and how often is this accreditation renewed?

Texas requires that all foster care providers – non-profit and for-profit – meet state standards. The state child care licensing law sets guidelines for what must be included in the standards. The standards are comprehensively reviewed through a public process every six years and entities are evaluated for compliance at least once per year. Inspections may occur more often depending on how well the operation is meeting the required standards. In addition, standards can be updated at any time in order to comply with Legislative direction and evolving best practices. For example, in 2014 regulation was added to increase the requirements to verify a foster home, which increased the number of required, unannounced foster home visits by the Child Placing Agency. Regulation was also added to enhance the care of children with primary medical needs.

In the Foster Care Redesign Model, the Single Source Continuum Contract is awarded through a competitive Request for Proposal (RFP) process, which awards a contract based on the merits of the proposal. DFPS awards preference in the evaluation of proposals to those that are accredited or certify that they will become accredited within 36 months of award. Accreditation is considered and preferred under the Foster Care Redesign model. Accreditation is preferred through the Council of Accreditation (COA) or other relevant accrediting body. COA accreditation is renewed every four years following a self-study and an on-site peer review.

Describe in detail the process you use to select and contract with these private entities, as well as to review and renew such contracts.

Licensing of Residential Providers

Residential providers in Texas must be licensed by RCCL, which is done through a formal screening process. A formal Provider Enrollment solicitation is used to screen private entities who apply to serve Texas children who are in foster care. The screening process considers the following:

- ability to supply the solicited services and comply with contract requirements;
- licensing history;
- fiscal resources;
- readiness to pay the required pass-through amounts to foster parents;
- criminal and abuse background checks;
- facility physical plant review;
- Executive staff interviews ;
- past business history that includes practices and conduct of the Applicant;
- organizational history;
- compliance history of governmental contracts;

- history of applying to residential child-care solicitations;
- geographical limitations in serving children in foster care;
- ability to meet the specific needs of the child population that the Applicant is seeking to serve and the Applicant's preparedness to provide the services;
- composition and organizational structure including the Board of Directors depicting lines of authority;
- professional staffing plan;
- Executive's experience with federal or state programs;
- Executive's resumes and professional licenses; and
- Key management staff turn-over rate.

CPS Residential Contracts also screens the Child Placement Agency. Prior to contract award, new residential provider operations and processes are assessed for their ability to monitor foster families.

Foster Home Verification

While residential providers must be licensed by DFPS, individual foster family homes under the umbrella of a provider organization are "verified". This means the child placing agency (CPA) is responsible for oversight of individual foster homes verified under the CPA license. RCCL monitors and inspects the CPA and conducts investigations on the foster homes when abuse or neglect is reported. If issues are found in a foster home, the CPA is responsible for ensuring the necessary corrections are made to reduce risk to children placed in the individual home. This could include additional training for the foster parent; the CPA making more visits to the home; the CPA changing the gender, ages, or behaviors of children placed in the home; or the CPA could decide to no longer verify the home.

In September 2014, RCCL amended their rules to strengthen the foster home verification process. In addition, RCCL amended rules to increase the CPA's overview of the foster homes. These improved rules went into effect in Fall 2014, and require the following:

- Interview all adult children of prospective foster parents, as well as two new additional interviews with neighbors, school personnel, clergy, or other member of the foster parents' community who can provide a description of their suitability to provide care for children;
- Evaluate prospective foster parents' significant relationships and assessing their financial status to strengthen home screenings;
- Require CPAs to provide additional information regarding law enforcement services calls; and
- Educate CPAs and prospective foster parents on disciplinary methods.

24-Hour Residential Childcare Contract Monitoring

In Fiscal Year 2015, DFPS began an initiative to improve contracting and monitoring efforts with a focus on provider quality. This effort has resulted in the following milestones thus far:

- *An updated DFPS contract monitoring tool.* DFPS overhauled its previous tool, which monitored program requirements through a compliance model. Staff is now performing qualitative evaluations and analyzing fiscal and programmatic data to better evaluate the safety and well-being of children in care and determine the soundness of a residential provider's fiscal operations.
- *The creation of a customized training for the contract monitoring tool.* Customized training was created and provided to DFPS Residential Childcare Contracting staff that incorporated findings and recommendations to improve contractor operations.
- *Began the first phase of implementation for the tool.* The use of predictive analytics to monitor residential childcare contractors will help the agency better focus on safety and also analyze a provider's overall operational health.

DFPS is also collaborating with residential childcare providers to establish a work plan that focuses on the second phase of implementing the new contract monitoring tool: continuous quality improvement for contracting activities, outcome based performance measure, and a provider scorecard to promote transparency. DFPS' approach is to partner with the providers to promote the purpose of performance-based contracts and share the results of the scorecards. Scorecards will be used to assist DFPS with implementing enhanced targeted monitoring, which will allow for a more efficient and effective tiered structure of supports and interventions. Scorecards will also be used to help identify high risk providers and to provide an updated Continuous Quality Improvement (CQI) process that will allow all providers to have access to data and methods to improve processes. The CQI process for providers who are not deemed high-risk will bring with it graduated levels of support from the community of care, such as DFPS programs and other high-performing providers.

Renewal

Prior to renewing residential contracts, a review of contractor performance is completed that is comprised of the following components:

- data from outcome and output measures;
- licensing standards including incidents of abuse or neglect;
- history of the enforcement of contract remedies;
- complaints concerning contractors' performance overall; and
- compliance with residential child-care contract terms and conditions.

Contractors whose performance is less than acceptable are reviewed through a formal written and oral process by which risk indicators such as licensing requirements or contracting outcomes are presented; contract renewals are based on these indicators.

DFPS conducts a bi-weekly meeting whereby contractors' performance with licensing and contracting requirements are reviewed and examined by a group of interdisciplinary professionals comprised of legal, licensing, program and contracts. During these meetings, professionals collaborate regarding incidents and the possibility of increased risk to children who are placed with private providers. As a result of these meetings, contractors may undergo contract remedies including the suspension of future placements and contract termination.

Foster Care Redesign

For the Foster Care Redesign Model, the state releases a Request for Proposal (RFP) for a Single Source Continuum Contractor in a designated geographic area of the state. Respondents design and submit proposals back by the due date. The Texas Health and Human Services Commission (HHSC) oversees the procurement process. Initially all proposals are reviewed to ensure that they meet the minimum qualifications as advertised in the RFP; if they do not, then they are screened out prior to evaluation. During the evaluation process, teams of individuals independently review and score each proposal based on their particular area of expertise using very thorough and objective metrics. HHSC procurement staff processes scores and further review outliers, which are reconciled if possible. Once final scores are tabulated, a tentative award is made. Negotiations commence and once agreement on the terms and conditions of the contract is reached, a final SSCC Contract award is made.

SSCC contracts are monitored using a team approach and focus on performance, administrative, and financial components. The contract is a six year contract and re-procured using the competitive RFP process.

Describe in detail the process your state uses to inspect the safety of the foster care settings in which children are placed and the extent to which this process differs for public, not-for-profit, and for-public providers operating in your state.

Safety of children is the State's first priority and therefore it is the highest priority in inspecting foster care settings. Both CPS and RCCL have a role in foster care inspections.

CPS

CPS Conservatorship caseworkers are required to have a face-to-face visit with children at least monthly, no matter whether they are placed under non-profit or for-profit arrangements. During those visits, caseworkers are discussing the child's safety, progress towards permanency, and visually inspecting the child's placement for any concerns. For those children placed outside of

their legal region, there is an additional secondary local caseworker assigned who meets the face-to-face requirement and reports back to the child's assigned caseworker. Any and all concerns noted from those visits are reported back to the primary caseworker and/or their chain of command. Additionally, any immediate or imminent safety concerns are promptly called in to the state's centralized, 24-hour abuse and neglect hotline. A report to the hotline may result in a new, formal investigation. Issues are also addressed with the placement at the time of the visit. Furthermore, when concerns are noted regarding a facility or the quality of care, then safety checks are implemented to ensure the safety and well-being of the children. Safety checks consist of one or more caseworkers going out to complete face-to-face interviews with all DFPS children placed within that home/operation/facility. During these visits, the worker is ensuring that the:

- children are safe,
- facility is safe;
- children's basic needs are met (appropriate clothing, shelter, food, etc.);
- appropriate supervision is being provided; and
- treatment needs are being met.

Any urgent matter needing immediate attention is addressed promptly prior to the worker leaving that visit. If a residential childcare provider or foster family appears to be struggling with meeting the ongoing needs of children in conservatorship, an interdisciplinary team consisting of Child Protective Services, Residential Contracts, and Residential Child Care Licensing meets to discuss possible assistance, action, and/or intervention measures that may need to be implemented.

RCCL

Public, not-for-profit, and for-profit providers are treated the same in Texas. Once an entity is licensed, Texas law requires the operation be inspected by the Residential Child-Care Inspector at least once per year based on RCCL rules. The frequency of inspections is based on how the operation complies with the minimum rule requirements. In addition, Residential Child-Care Licensing conducts investigations of any abuse, neglect, or exploitation concerns; investigations related to minimum rule requirements; and conducts a sample visit to 25 percent of all foster homes each year. Through inspection, investigation, and sampling visits, Residential Child-Care Licensing makes determinations on the safety of children in the licensed entity.

How many instances of abuse in a foster care placement have been substantiated in the last five years in your state? Of those substantiated, how many of these instances related to children placed by: not-for-profit providers, for profit providers, and public providers?

There have been 295 instances where abuse or neglect has been substantiated in foster care in the last five years. The lowest year was 2010 with 40 cases and the highest year was 2014 with 76 cases. In a year, there are approximately 31,000 children in foster care. CCL investigates approximately 2,000 allegations of abuse or neglect in foster care operations.

Number of Substantiated Cases of Abuse or Neglect for Children in Foster Care				
Fiscal Year	For-Profits	Non-Profit	Public Agency	Total
2010	1	32	7	40
2011	7	44	7	58
2012	12	55	6	73
2013	6	37	5	48
2014	13	55	8	76
Total for all Fiscal Years Combined	39	223	33	295

Note: CPS as a CPA ("public agency" in the chart above) takes basic level children. Children needing treatment services and a higher level of need are placed in for-profit or non-profit agencies.

Each and every case where abuse or neglect is substantiated is of particular concern, however, many of the substantiated cases are not serious injuries. Examples of substantiated cases include: over-discipline, corporal punishment, and inadequate supervision. Every substantiated case results in a review by RCCL and CPS with appropriate action taken to maintain child safety.

Describe in detail the actions taken when an abuse claim is substantiated while a child is in an out of home placement? Do these actions differ depending on whether the child was placed by the public agency, a not-for-profit provider, or a for-profit provider?

DFPS takes very seriously the oversight and regulation of all contracted residential child care providers. Through improved safety rules and regulation, ongoing dialogue with providers, and coordination and communication between licensing, contracts and placement - DFPS strives to provide the best, highest quality care for all children in foster care.

For this reason, public, not-for-profit, and for-profit providers are treated the same in Texas. When an abuse claim is substantiated in a licensed operation or foster home, a finding is made against the individual involved in the abuse. If the abuse occurred in a foster home, the children placed in the home are typically removed from the home and/or the child placing agency closes the foster home. If the abuse occurs at an operation, then the perpetrator is taken off duty pending due process or is terminated. Residential Child-Care Licensing will cite a provider for a

standards violations. To determine what steps should be taken next, RCCL evaluates risks related to this incident, the operation's overall compliance history, and overall risks to children. DFPS weighs the following options on a case-by-case basis:

- take no action if the incident seems to be an anomaly and the provider has taken steps to ameliorate the issue;
- increase inspections at the operation;
- request the operation voluntarily work on making changes based on identified risks;
- place the operation on a corrective action, which involves monthly inspections and the operation meeting conditions that are above minimum rule requirements; or
- take adverse action, which can include revoking an operation's license.

Note: Serious instances of confirmed abuse and neglect cases resulted in licensure revocation. There has been one licensure revocation in the last five years.

Foster Care Collaboration

Also of note, DFPS works closely with partner organization such as Court Appointed Special Advocates (CASA), Child Advocacy Centers (CACs), Attorneys ad Litem, and multiple faith-based organizations to protect and serve children in the foster care system. Collaboration with these and other child and family focused organizations allows for churches and communities to offer a variety of service to enhance safety, permanency and well-being outcomes for children.

DFPS encourages and provides opportunities for contracted providers to collaborate through network building and best practice sharing.

With the child population in Texas currently over 7 million and growing, the State of Texas is committed to partnership, transparency and accountability so that the child protection community may continue to improve.



State of Utah

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Governor

SPENCER J. COX
Lieutenant Governor

DEPARTMENT OF HUMAN SERVICES

ANN SILVERBERG WILLIAMSON
Executive Director

MARK L. BRASHER
Deputy Director

LANA STOHL
Deputy Director

May 27, 2015

To: United States Senate Finance Committee

RE: Letter to Governors on Private Foster Care

In response to the request from the Senate Finance Committee, the State of Utah, Department of Human Services (DHS), Division of Child and Family Services (DCFS) issues the following:

Background

Utah bases its foster care evaluation model on a continuum with seven levels of care. As the levels of care progress, they are designed to provide more intensive services and supervision than the prior level of care. An assessment is completed for each child in foster care and the result of the assessment is a recommendation for a level meeting the child's needs. Services provided by direct care staff and/or out-of-home caregivers at each level are defined by the needs of the children being served.

The first three levels of care (Level I, Level II, and Level III) are most frequently provided in foster family homes licensed by the State of Utah, DHS, Office of Licensing (OL), and supervised by DCFS. Children with a need for higher intensity services and/or with a higher level of behavioral needs are most often provided care and supervision services through a private provider with whom the state contracts (Levels IV, V, or VI). There is some flexibility built into the model that permits a higher level of care to be achieved when a child is in a placement that would traditionally rate a lower level of care on the continuum, but has additional services in place to reach the intensity of services needed for that child. Utah's Level VII care is provided in an institution, such as a psychiatric hospital or the Utah State Hospital.

For all levels of care, DCFS caseworkers provide oversight and case management services for children in their placement. As of May 1, 2015 Utah's data shows approximately 25 percent of children in care are placed with private providers in Levels IV, V, and VI. Utah can provide further historical or cumulative data regarding foster care placement levels upon request.

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To the degree applicable, describe your state's utilization of private entities to provide case management services (e.g., placement of children with particular foster care providers, ongoing casework and oversight of foster care placements).

Utah does not utilize private entities to provide case management services. Casework activities and oversight of foster care placements are provided through staff employed through DCFS, with the exception of a small cohort of high-need mental health cases. For these welfare cases, DCFS contracts with a local county mental health authority such as Wasatch Mental Health Services. Wasatch Mental Health Services is a public agency, and as of May 1, 2015, manages 26 cases, which is 0.9 percent of the total number of foster care cases in Utah. Wasatch Mental Health case managers utilize the State Automated Child Welfare Information System (SACWIS) for case management and are subject to the same performance requirements as DCFS casework staff.

What proportion of the children in foster care in your state is placed by the public agency, not-for-profit providers, and for-profit providers?

The public agency, DCFS, makes all (100 percent) placement decisions of children in foster care. Private agencies in Utah may make a placement recommendation to the state; however, the placement decision authority ultimately rests with DCFS.

Please provide the number and names of private entities providing these core services, as well as information on whether each provider is a for-profit or not-for-profit entity.

Requested information is contained in the attached spreadsheet (Attachment 1). Services provided by private entities are limited to care, supervision, and treatment of children in foster care. None of the entities provide case management services.

Does your state require that private foster care entities or organizations operating in your state be accredited? If so, by which organization and how often is this accreditation renewed?

Utah does not require accreditation; however, agencies may choose to become accredited on their own through an accreditation entity.

Describe in detail the process you use to select and contract with these private entities, as well as to review and renew such contracts.

DCFS develops a scope of work and a Request for Proposals (RFP) specific to the services we require for each level of care (Levels IV, V, and VI). The RFP is issued and private agencies have the opportunity to apply. When applications are received through the state purchasing process, they are scored according to the criteria in the RFP. Proposals from a private entity that meet requirements of the RFP are offered a contract.

Contracts are issued on a five-year cycle. The process is ongoing and providers must apply for a new contract at each contract cycle. The process to apply for a contract is

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outlined on the DCFS website located at the following link:
<http://dcfs.utah.gov/pdf/HowtocontractwithDCFS.pdf>. Attached is a sample of our last RFP for Level IV services that contains the scope of work and the criteria and process by which a private entity would apply for a contract for foster care services (Attachment 2).

Describe in detail the process your state uses to inspect the safety of the foster care settings in which children are placed and the extent to which this process differs for public, not-for-profit, and for-public providers operating in your state.

For state licensed and supervised foster homes (Levels I, II, and III), initial safety inspections of foster care homes is completed by the state Office of Licensing (OL) at the time of licensure. A copy of the OL Administrative Rule (R501-12) outlining foster home requirements can be found at the following link: [Human Services, Administration, Administrative Services, Licensing - Foster Care Services](#). State licensed and supervised homes for Levels I, II, and III must renew their foster license on an annual basis. In addition to the OL initial and renewal processes, DCFS employees are dedicated to support and monitor quality care for children placed in foster homes. These staff, known as Resource Family Consultants (RFCs), are familiar with the homes they support to make informed placement decisions. RFCs are also required to make monthly contact with each foster home, as well as site visits to each foster home a minimum of once every six months. RFCs are experts in OL rule and DCFS safety requirements, and are therefore able to identify and report any problems they observe. RFCs also provide support to caseworkers for individual cases and follow up with visits to homes if safety is uncertain.

Private entities with family-based placements (Level IV) must meet comprehensive OL requirements of a child placing agency found in the OL General Provisions (R501-1), Core Rules (R501-2), and Foster Care Services (R501-12), which can be accessed here: [Human Services, Administration, Administrative Services, LICENSING](#).

However, once the private entity has achieved status with OL as a child placing agency, they may oversee and “certify” their own family-based foster homes. The child placing agency is required to ensure that their “certified homes” meet OL requirements for foster homes. At irregular intervals, OL completes on-site reviews of a random sample of homes certified through the child placing agency to ensure they are in compliance with OL rules. OL completes a regular audit of the files kept by child placing agencies, and if discrepancies or errors are noted, OL may require on-site visits to foster homes overseen by the agency as a part of the audit as well.

Homes certified through child placing agencies do not have the direct state oversight and training that licensed foster homes have, despite taking on placements requiring higher levels of care. This can lead to inconsistency in training and oversight as it becomes largely incumbent upon the private entity to create and self-monitor their programs. In addition, private child placing agencies may have a financial incentive to certify homes that could create a conflict of interest in their quality assurance. Because of these issues, DHS is evaluating if this service delivery method that allows child placing agencies to certify their own foster homes should be changed.

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Residential placement settings (Level V and VI) must also meet OL requirements for the types of service they are contracting with DCFS to provide. The comprehensive OL requirements can also be found at [this link](#) under [R501-19 Residential Treatment Programs](#) and/or [R501-22 Residential Support Programs](#). OL conducts file audits and site visits of these entities as well.

In addition to the OL process, DCFS has an internal Audit Team that conducts annual audits of private entities that provide Level IV, V, and VI foster care services and Level V and IV residential treatment programs through contracts with DCFS. The DCFS audit team reviews personnel files maintained by the private entity and conducts interviews with foster parents and staff to verify they have completed all training requirements outlined in their DCFS contract. The audit also ensures that all foster parents and individuals over age 18 in the home and all residential treatment staff have the required, approved background screenings from OL. Furthermore, the audit team randomly selects and interviews children placed in these homes or facilities about issues regarding safety, treatment services, and relationships with foster parents and/or other staff. Two to four "certified" foster homes are randomly selected for inspection and the audit team inspects all residential treatment facilities to ensure they meet health and safety elements outlined by OL and in the contract with DCFS.

In accordance with federal ASFA and CFSR requirements, Utah requires caseworkers to complete a minimum monthly face-to-face visit with each child in foster care in their placement. The monthly visit must include a private conversation with each child to address safety and other issues. The requirement is built into the SACWIS system and an "action item" is sent to the caseworker each month for each child they oversee in foster care. The caseworker must enter an activity log with details of their visit with the child. According to the Utah quantitative review process, the performance rate is more than 96 percent annually for successful visitation of children in their foster care placements. If any safety concerns are identified by the child or caseworker during the caseworker's visit, the caseworker reports the safety concerns for investigation to Child Protective Services (CPS) Intake.

How many instances of abuse in a foster care placement have been substantiated in the last five years in your state? Of those substantiated, how many of these instances related to children placed by: not-for-profit providers, for-profit providers, and public providers?

Over the past five years, Utah has served 23,196 children in foster care, and has had 89 substantiated instances of abuse of children in care. Please refer to Attachment 3 for a breakdown of instances of abuse, number of perpetrators, and number of victims for each level of care. The information was obtained for federal fiscal years 2010, 2011, 2012, 2013, 2014 where the child victim was in foster care and the relationship to the victim was recorded as foster mother, foster father, or residential treatment staff. The data also includes cases that were substantiated against licensed kinship providers. Some of the entities with substantiated cases no longer have existing contracts with DCFS. Utah can

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provide further information regarding substantiated instances of abuse in foster care placements if needed.

Describe in detail the actions taken when an abuse claim is substantiated while a child is in an out of home placement? Do these actions differ depending on whether the child was placed by the public agency, a not-for-profit provider, or a for-profit provider?

The Office of Services Review (OSR), Related Parties Investigations Team is the state agency assigned to investigate claims of abuse or neglect against a child in an out of home placement. The agency is housed within DHS, but is distinct from DCFS and is not overseen by DCFS. Since DCFS makes all placement decisions for children in out of home care, the actions taken to address a substantiated claim do not differ between levels of care.

If an allegation of abuse or neglect is substantiated in an out of home placement, OSR notifies the director of the DCFS region that oversees the placement of the child, informs DCFS of the identity of the perpetrator and relays any further safety concerns. Based upon the identity of the perpetrator and nature of other case-related details, OSR may also notify OL, the DCFS audit team, high-level administrators of DCFS, or the executive director of DHS to follow-up with concerns, recommendations, or a further assessment of the provider.

When OL is notified by OSR of a substantiated allegation of abuse or neglect against a provider, OL will assess if the provider still meets the background screening requirements as well as conduct an assessment of whether the provider is still in compliance with OL rule. OL will determine if action is needed against the license of the provider such as corrective action or revocation of the license.

When the DCFS audit team is made aware of a substantiated allegation of abuse or neglect against a private provider, the audit team will discuss the substantiated claim with DCFS administration and determine whether or not DCFS will continue placing children in the facility. If DCFS decides to discontinue placing children with the provider, the provider is contacted (phone and email) and informed of DCFS's decision. Each DCFS region is also notified (phone and email) of the decision. DCFS is in the process of developing a tracking system housed within the SACWIS system to "flag" the provider so that DCFS will make no further placements with a provider that has a substantiated case of abuse or neglect. This will ensure that if the foster parent attempts to change to another provider entity, they will not be able to continue to provide foster care services.

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STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
CHILDREN'S ADMINISTRATION
PO Box 45040 • Olympia WA • 98504-5710

May 27, 2015

Becky Shipp
Health and Human Resources Policy Advisor
Senate Finance Committee
United States Senate
Washington, D.C. 20510-6200

Dear Ms. Shipp:

Governor Inslee has requested that I respond to the request by Senators Hatch and Wyden in their April 24, 2015 letter for information regarding Washington State's foster care system. The Senators asked eight questions which will be answered in order below.

1. To the degree applicable, describe your state's utilization of private entities to provide case management services (e.g. placement of children with particular foster care providers, ongoing casework and oversight of foster care placements).

Children's Administration (CA) within the Department of Social and Health Services (DSHS) contracts with private agencies to provide individual and congregate placement of dependent children in the care and custody of the department. These private child placing agencies (CPAs) provide a variety of placement services depending on the individual child's need for supervision and services. CPAs certify family foster homes licensed by the CPA for children placed into care because their own home is not safe. These family foster homes provide supervision, care, and protection. Children placed in these homes attend school, participate in normal childhood activities, have visits with their own parents and may participate in services, provided through CA, with the goal of reunifying with their parents. CPAs may offer foster-to-adopt homes for children with a concurrent plan of reunification and adoption. Children placed in these family foster homes receive case management services through CA and do not require any additional case management services. CA also serves children with behaviors that pose a threat to themselves or others. They often face mental health, developmentally disabling, and other challenges that result in behaviors requiring on-site intensive case management. CPAs providing this level of care establish child-specific contracts with CA that include agreement to provide a higher level of supervision, behavioral management, treatment and other services known through the department as behavioral rehabilitation services (BRS). While the CPA provides the on-site intensive case management, CA maintains case management of these dependent children, and provides reports to court on the child's progress and permanent plan. CA has contracts with CPAs located within Washington State and with CPAs operating out-of-state.

2. What proportion of the children in foster care in your state is placed by the public agency, not-for-profit providers, and for-profit providers?

Senate Finance Committee
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The State of Washington's database only includes children in the care and custody of the Department of Social and Health Services, and does not include licensed child-placing agencies who arrange private placements not involving dependent children. We do utilize private agencies for placement purposes, but the Department maintains case management and other legal responsibilities for these children and youth. The State of Washington does not contract for privatized child welfare case management.

3. Please provide the names and numbers of private entities providing these core services, as well as information on whether each provider is a for-profit or not-for-profit entity.



Copy of CPA Active
 Contracts 5-20-15 no

4. Does your state require that private foster care entities or organizations operating in your state be accredited? If so, by which organization and how often is this accreditation renewed?

The Department does not require that its child placing agencies be accredited although some of them are.

5. Describe in detail the process you use to select and contract with these private entities as well as to review and renew such contracts.

Children's Administration recruits and licenses most of the foster homes it uses; it contracts with licensed Child Placing Agencies to increase the number of placement resources for the children in the state's care and custody. Children's Administration does not contract with Child Placing Agencies to perform case management for children in our care and custody; however, we do contract with a CPA for the purposes of utilizing the foster home placement. Once a CPA is licensed, the decision is made whether or not to contract with that agency based on the Department's need for foster homes and placement resources in that geographic area. CPAs are monitored on a regular basis and contracts are renewed annually.

6. Describe in detail the process your state uses to inspect the safety of the foster care settings in which children are placed and the extent to which the process differs for public, non-profit and for profit providers operating in your state.

The minimum licensing requirements are identical for all foster homes, whether they are directly licensed by the State of Washington, or whether they are a private agency provider, either profit or non-profit. Families being directly licensed by the Division of Licensed Resources (DLR) in the Children's Administration will be assessed by a DLR worker. This assessment includes comprehensive interviews of all family members and others living in the household, facility inspections, completion of background checks (criminal history, child abuse registry, and other negative actions, such as licensing revocations), etc.

Families seeking licensure by a private agency will be assessed by a licenser employed by the private agency, and that agency attests to the department that the family meets the minimum licensing requirements. DLR completes the background checks and clears individuals for the private agencies. DLR issues a foster family license based on the certification by the private agency. The family may only remain licensed under the continued supervision of that private agency.

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After the family is licensed, the CA social worker for the child makes monthly visits with the child to assess health and safety. If the child is placed in a private agency home that is contracted as a child-placing agency with the Department, the child-placing agency would be responsible to make visits to the home to assess health and safety, in addition to the DSHS worker's visit.

7. How many instances of abuse in a foster care placement have been substantiated in the last 5 years in your state? Of those substantiated, how many of these instances related to children placed by public providers, for profit providers and nonprofit providers?

There have been 224 intakes resulting in at least one founded finding between January 1, 2010 and December 31, 2014. Again, we do not contract for privatized case management of children in the Department's placement and care authority. Of these founded findings, 138 of the children were placed in foster homes directly licensed by the Department, 70 were placed in private non-profit agencies, and 16 were placed in private for-profit agencies.

8. Describe in detail the actions taken when an abuse claim is substantiated while a child is in an out of home placement. Do these actions differ depending on whether the child was placed by the public agency, a nonprofit provider or for profit provider?

The Division of Licensed Resources completes all child abuse or neglect investigations in foster care, regardless whether the home is licensed directly by DSHS, or certified through a private agency provider. When there is a substantiation of child abuse or neglect, licensing action (revocation of the license) is nearly always taken. DLR initiates the action for revocation of the license, regardless of the supervising agency or the profit/non-profit status. In addition to following through with the CAPTA process, a home is not considered revoked until the 28-day time period for the family to request an administrative hearing has passed, or the hearing was held and the Department's actions upheld. If there was a child remaining in the home pending the outcome of a revocation, there would typically be a recommendation to remove the child from the placement. For the child in the care and custody of the Department to remain, shared decision-making with upper management would be required. Because the child welfare system is not privatized in the State of Washington, all placements of children in the Department's custody are managed by public child welfare.

Please contact me if you require further information or explanation about the information contained.

Sincerely,



Jennifer A. Strus, Assistant Secretary
Children's Administration



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Earl Ray Tomblin
Governor

Bureau for Children and Families
Commissioner's Office
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Charleston, West Virginia 25301-3711
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Karen L. Bowling
Cabinet Secretary

May 22, 2015

The Honorable Orrin G. Hatch
Chairman, Committee on Finance
United States Senate
Washington, DC 20510-6200

The Honorable Ron Wyden
Ranking Member, Committee on Finance
United States Senate
Washington, DC 20510-6200

Dear Senators Hatch and Wyden:

Please find the following to be West Virginia's response to your request for information in regards to the public-private partnerships within the foster care system.

Question 1: To the degree applicable, describe your state's utilization of private entities to provide case management services (e.g., placement of children with particular foster care providers, ongoing casework and oversight of foster care placements).

In West Virginia, the Department of Health and Human Resources (otherwise known as DHHR) contracts with private non-profit and for-profit agencies to provide certain foster care case management services. As of April 30, 2015, 1,013 children were placed in therapeutic foster care agency foster homes out of a total of 4,522 children in out-of-home placement.

These private agencies are responsible for case management; however, the DHHR is still required to provide case management services to the children and families. The private agencies are required to visit the child in their foster home twice a month, whereas the DHHR social worker is required to see the child once every three months in the foster home. Both the DHHR social worker and the private agency are required members of the Multidisciplinary Treatment Team (MDT) for the cases of the children who are placed with them. Additionally, the private agencies are required to

The Honorable Orrin G. Hatch
 The Honorable Ron Wyden
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provide monthly reports to the DHHR social worker on the status of the child and their current placement.

Question 2: What proportion of the children in foster care in your state is placed by the public agency, not-for-profit providers, and for-profit providers?

West Virginia does not have private foster care. All placements are made by the DHHR, which is the public child welfare agency. We are solely responsible for the removal and placement of children who are in State custody. We contract with private agencies only to provide foster care and foster care case management services, but all of the children are in the custody of the State and the DHHR. The DHHR remains fully responsible for the care of the children and oversees the services provided by the contracted not-for-profit and for-profit agencies.

Question 3: Please provide the number and names of private entities providing these core services, as well as information on whether each provider is a for-profit or not-for-profit entity.

In West Virginia, there are ten (10) agencies with whom the DHHR contracts to provide foster care services to the children in State custody. These agencies are:

- | | |
|------------------------------------------------|------------------|
| 1. National Youth Advocate Program | (not-for-profit) |
| 2. NECCO | (for-profit) |
| 3. The Potomac Center | (not-for-profit) |
| 4. Genesis Youth Crisis Center | (not-for-profit) |
| 5. KVC West Virginia | (not-for-profit) |
| 6. Pressley-Ridge | (not-for-profit) |
| 7. B&T/ResCare | (for-profit) |
| 8. Children's Home Society | (not-for-profit) |
| 9. Burlington United Methodist Family Services | (not-for-profit) |
| 10. Try-Again Homes | (not-for-profit) |

Question 4: Does your state require that private foster care entities or organizations operating in your state be accredited? If so, by which organization and how often is this accreditation renewed?

West Virginia does not require the foster care agencies to be accredited. Several of the agencies are accredited, however, through COA, and Burlington United Methodist Family Services is accredited by Eagle Accreditation Commission.

The Honorable Orrin G. Hatch
The Honorable Ron Wyden
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Question 5: Describe in detail the process you use to select and contract with these private entities, as well as to review and renew such contracts.

Specialized Foster Care Contracts are limited to those agencies that apply to provide specialized foster care services and are granted a child placing license by the Bureau's licensing staff. Contracts are reviewed annually and updated as needed. Content of the contracts is determined with input from program, field, finance, administrative, and provider staff. Contracts are null and void upon the loss of a child placing license.

Question 6: Describe in detail the process your state uses to inspect the safety of the foster care settings in which children are placed and the extent to which this process differs for public, not-for-profit, and for-profit providers operating in your state.

The licensing process in West Virginia is the same for all providers. All providers go through the Certificate of Need (CON) process. This is a very long and detailed process. It is outlined and explained in detail on this website:
<http://www.hca.wv.gov/certificateofneed/Pages/default.aspx>.

Depending on the service to be provided, a provider may be able to go through the Summary Review Process and would not be required to go through the entire CON process. To be eligible for the Summary Review, the provider must meet the requirements laid forth in West Virginia Statute 49-7-30 found at:
<http://www.legis.state.wv.us/WVCODE/ChapterEntire.cfm?chap=49&art=7§ion=30#07>.

Question 7: How many instances of abuse in a foster care placement have been substantiated in the last five years in your state? Of those substantiated, how many of these instances related to children placed by: not-for-profit providers, for-profit providers, and public providers?

In the past five (5) years, there have been 63 cases of substantiated abuse in a foster care in placement in West Virginia. Since the DHHR is the only child welfare provider in the state, all of these children were placed by the state agency.

Question 8: Describe in detail the actions taken when an abuse claim is substantiated while a child is in an out-of-home placement? Do these actions differ depending on whether the child was placed by the public agency, a not-for-profit provider, or a for-profit provider?

The Honorable Orrin G. Hatch
The Honorable Ron Wyden
May 22, 2015
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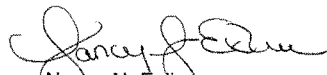
Once an investigation on an out-of-home placement is completed, the investigating worker will prepare a copy of the Institutional Investigation Unit (IIU) / Child Protective Services (CPS) Summary Report, save it within the Statewide Automated Child Welfare Information System (SACWIS), and send the report and all pertinent information to the IIU Supervisor. The IIU Supervisor will then review and approve the investigation and report as indicated. Upon supervisory approval, the investigating worker will then provide a copy of the IIU/CPS Summary Report to the agency (if the home is through one of the specialized foster care agencies) or to the Regional Homefinding Supervisor. That worker will also notify the Regional Program Manager for Social Services, the Community Services Manager, and the Residential Licensing Specialist (if applicable) by e-mail of the findings of the investigation.

The Regional Homefinding Supervisor or Residential Licensing Specialist will then determine policy or licensing violations based on the information provided within the "IIU/CPS Summary Report." If non-compliance is identified in group residential facilities or specialized foster care agencies, the Residential Child Care Licensing Specialist will direct the specialized foster care agency or group residential facility to develop a time-limited Corrective Action Plan. For West Virginia's DHHR foster family homes, the Regional Homefinding Supervisor will direct the Homefinding Specialist to develop a time-limited Corrective Action Plan. The development of all Corrective Action Plans must not exceed thirty (30) days.

The investigative worker must notify the foster family home in writing that foster care arrangements are being terminated and provide a copy of the "IIU/CPS Summary Report" when it is determined that child abuse or neglect occurred in a foster family home (per WV Code 49-2-14). For investigations resulting in a Corrective Action Plan, the Residential Licensing Unit or Regional Homefinding Unit will ensure that all the problems identified in the investigation that contributed to abuse or neglect or non-compliance with regulations or policies are adequately addressed in the Corrective Action Plan.

If you have any additional questions or if we can assist you further regarding West Virginia's policy and practices relative to privatized foster care, please let us know.

Sincerely,



Nancy N. Exline
Commissioner

/sv



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Governor Scott Walker
Secretary Eloise Anderson
Secretary's Office

May 28, 2015

The Honorable Orrin G. Hatch
Chairman

The Honorable Ron Wyden
Ranking Member

United States Senate
Committee on Finance
Washington, D.C. 20510-6200

Dear Senators Hatch and Wyden,

This letter responds to your April 24 letter to all Governors requesting information related to the use of contractors in the state's child welfare system. Attached is information responding to each requested item.

As noted in the responses, contractors play a limited, but important role, in Wisconsin's child welfare system. Wisconsin contracts with providers that are able to provide services more effectively via external contractors or services for which there is no state capacity, such as residential treatment facilities. The state's contracting and licensing structures provide the necessary protections and requirements to ensure that children are served in a safe and effective way and that the state's programmatic objectives are met. We consider it important that the state have the flexibility to utilize contractors when it is efficient and effective to do so and view our external contractors as constructive partners in the child welfare system.

I trust that you find the enclosed information helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "Eloise Anderson".

Eloise Anderson
Secretary

Enclosure

Cc: Governor Scott Walker
Becky Shipp, Senate Finance Committee
Laura Berntsen, Senate Finance Committee

State of Wisconsin: Response to April 24 letter

1. Describe your state's utilization of private entities to provide case management services.

Wisconsin has a state-supervised/county-administered child welfare system with the exception of the largest county, Milwaukee County, where the child welfare system is administered directly by the state through the Department of Children and Families (DCF). In Milwaukee, state (i.e., public) employees carry out the intake and assessment/investigation functions. DCF contracts with external agencies for case management of out-of-home care and intensive in-home cases. DCF is currently contracting with the following two agencies for case management services in Milwaukee County: Children's Hospital of Wisconsin Community Services (also known as Children's Service Society of Wisconsin) and SaintA. Both contracted agencies are not-for-profit.

Contracted case management agencies are required to follow state-issued standards, policies, and procedures that are applicable to public county agencies as well. The current contracts with both case management agencies require the following major areas of responsibility:

- To provide for the permanency, safety, and well-being of each child in care. Planning for these services includes goal-directed, time-limited, and measurable activities designed to help children live safely in permanent families. This process provides children continuity in their relationships with nurturing parents or caretakers and the opportunity to establish or maintain life-long family relationships.
- To provide services to address barriers to reunification or permanency and maintain accurate and timely documentation in case files of all significant case activity.
- To conduct family-centered assessments and develop case plans that identify and implement essential services to enhance parental capacity to provide a safe environment and to provide an environment free of current and future incidents of abuse and/or neglect and provide for permanency for the child(ren).
- To ensure that all children in out-of-home care receive medical and dental care in accordance with the schedule of the Wisconsin Medicaid Health Check program reflecting well-child health periodicity.
- To develop the permanency plan with the family and to document it within 60 days from the day the child was removed from his/her home.
- To ensure the ongoing case manager will have twice monthly face-to-face contact with all children three years of age and younger and other children deemed in need of more frequent contact under as outlined in the BMCW policies and procedures.
- To ensure permanency consultations occur for every child entering their 5th, 10th, and 15th month in out-of-home care. In addition, permanency consultations must occur periodically for any child in care longer than 15 months with a current legal permanency status below good.

- To provide or purchase and coordinate intense specialized in-home services to support families in alleviating crisis and maintain children safely in their own homes. The majority of services are to be provided in the family's home or other natural setting. In all cases, the home environment must be safe for the child, family, in-home worker, and community to maintain the child within the home.

The remaining 71 counties in Wisconsin, other than Milwaukee, do not contract with external agencies for child welfare case management services.

2. *What proportion of the children in foster care is placed by the public agency, not-for-profit providers, and for-profit providers?*

As of December 2014, Milwaukee County, which uses non-profit case management contractors, accounts for 33% of the state's foster care population. The remaining 67% of children in foster care in non-Milwaukee counties use public (i.e., county) child welfare case managers.

3. *Provide the number and name of private entities and information on for-profit/non-profit status.*

Information provided in response to Question 1.

4. *Does the state require that private foster care entities or organizations be accredited?*

No.

5. *Describe the process used to select and contract with the case management agencies and the process to review and renew these contracts*

DCF used the competitive Request for Proposal (RFP) process specified in state law and policy to select the Milwaukee County child welfare case management agencies. Under the RFP process, interested proposers were required to respond in a thorough manner to a number of criteria that included the agency qualifications to provide ongoing and intensive in-home services and the agency's detailed plans to achieve the requirements of the proposal. This RFP included all language and obligations required by federal law and state statutes as well as the standard terms and conditions of state requirements. Programmatic requirements of the RFP were written by Department staff familiar with, and expert in, the requirements of the ongoing and intensive in-home programs.

The evaluation committee to review and score the RFP was composed of members selected because of their special expertise and knowledge of the services that were the subject of this RFP. Evaluation committee members included individuals outside of the Department of Children and Families.

The Milwaukee child welfare case management contracts include outcome-based performance measures which are reviewed by DCF staff and shared publicly on a monthly and quarterly basis. The proportion of referrals each of the two agencies receives is based on the agencies' annual performance on the outcome metrics related to placement stability and achievement of legal permanency; with the stronger performing agency receiving relatively more referrals. DCF is able to require corrective action plans if a contracted agency has significant variance from the benchmarks. The benchmarks that are monitored and evaluated include, primarily, satisfactory performance in the areas of placement stability, safe reunification and the achievement of legal permanency. These benchmarks are in compliance with federal standards as well as with a court-negotiated settlement regarding child welfare service in Milwaukee County.

The current Milwaukee case management contracts went into effective in January 2012. The initial contracts were for a two year period with the opportunity for an additional three two-year renewals, for a maximum total period of eight years. The Department will undertake a competitive RFP process, as described above, to select the case management agencies when the current contract is no longer in effect.

6. *Describe the process the state uses to inspect the safety of the foster care settings in which children are placed and the extent to which this process differs for public, non-profit, and for profit providers.*

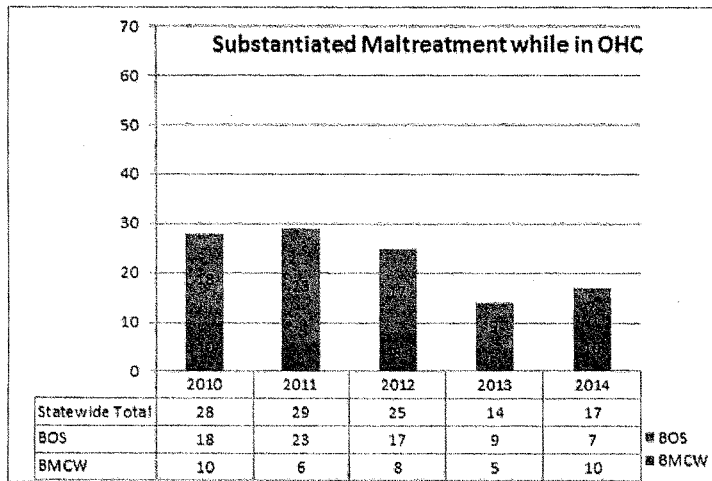
The process of inspecting and assuring the safety of foster care settings is specified in state statute and administrative rules. The same process is applied to public, non-profit, and for profit providers.

- Group Homes, Residential Care Centers, and Shelters (congregate care settings): Group homes, residential care centers (RCCs) and shelters are required to be licensed. Initial licenses are granted following the successful completion of an application, which includes the background checks required under state statute (s. 48.685(2)(am)), as well as multiple background checks on the entity. A physical inspection of the facility, a review of environmental hazards by the planning commission the facility is located in, a fire inspection by the local fire department, and a review of the agencies policies and procedures also occurs. An agency is issued a probationary license and is inspected in accordance with state statute (s. 48.69). Upon successful completion of the probationary period, an agency may apply for a regular license, at which time all background checks under state statute (s. 48.685(2)(am)) are redone. Licensees and employees of all agencies are required to submit background check information to DCF monthly to enter into the state child welfare SACWIS information system. In addition, DCF staff ensures compliance with safety checks by reviewing staff and child files and conducting monitoring visits to facilities every six months, and investigating complaints and serious incident reports. When an issue arises, DCF issues corrective action and follows up with the provider to ensure compliance. If compliance cannot be ensured, DCF may pursue revocation of the license.
- Family Foster Care: DCF oversees both public and private child placing agencies that license foster homes on behalf of the Department in accordance with state statute (Ch. 48.75 and 48.62). All State of Wisconsin foster care licenses must be issued by a county agency or private child placing agency licensed by DCF. DCF staff licenses private child placing agencies and monitors for compliance with state administrative rule and ensures that the licensing agency has completed all necessary background checks, physical environment inspections, a home study, disaster plan, has home owners/vehicle insurance, etc. to ensure child safety. Private child placing agencies are required to submit safety related check information to DCF to enter into the child welfare SACWIS information system. DCF staff regularly review foster home licenses for compliance with safety checks. When an issue arises with a foster home, DCF staff follow up with the appropriate licensing agency regardless of whether it is a public or private agency. A private child placing agency may be

subject to regulatory actions for licensing violations. If a county is in violation a corrective plan will be implemented. Because the child placing agency is responsible for monitoring the individual foster homes, DCF staff do not physically inspect foster homes other than Level 5 foster homes or unless an issue requires an inspection of the home as permitted under state statute.

7. *How many instances of abuse in a foster care placement have been substantiated in the last five years? Of those substantiated, how many related to children placed by not-for-profit, for-profit, and public providers?*

As noted above, Milwaukee County uses contracted non-profit case management agencies for all children placed in foster care. The chart below shows the number in each of the last five years of cases of maltreatment of children in out-of-home care. The blue sections of the chart represent cases in Milwaukee (BMCW stands for Bureau of Milwaukee Child Welfare) which were handled by the non-profit case management agencies and the orange sections of the chart represent the remaining non-Milwaukee counties (BOS stands for Balance of State) which were handled by public case management agencies.



8. *Describe the actions taken when an abuse claim is substantiated while a child is in out-of-home placement. Do these actions differ depending on whether the child was placed by the public agency, not-for-profit, or for-profit provider?*

All decisions to screen in/out a report regardless of a child’s placement is completed in accordance with the state Access/Initial Assessment Standards which requires the county child welfare agency or DCF (in the case of Milwaukee) to inform DCF or the licensing agency of any alleged maltreatment in a licensed facility or foster home, respectively. It is important to note that an incident may not meet the standard of child abuse or neglect, but may still violate licensing regulations.

When an Initial Assessment is initiated and substantiated for a child in out-of-home care, the county child welfare agency or DCF (in the case of Milwaukee) notifies the DCF licensing staff and the private child placing agency, if the case involves a foster home licensed by that child placing agency.

For congregate care settings licensed by the DCF, DCF licensing staff review the substantiation information and conduct an investigation of the incident to determine any other licensing violations. DCF licensing staff determine the appropriate regulatory response, which can include revocation of the facility license.

In the case of a substantiated maltreatment in a licensed foster home, the licensing agency must revoke a foster care license as it is a barred offense for foster care licensure to have a substantiated finding of abuse/neglect. Additionally, private child placing agencies must inform DCF of the licensing revocation.

If the maltreatment in out-of-home care involves a child death, serious injury, or egregious incident, DCF follows the public disclosure and review process established in state statute and Department policy for all cases of child death, serious injury, or egregious incident due to maltreatment.

Licensed congregate care and private child placing agencies are required to submit a Serious Incident Report regarding any alleged child abuse or neglect to DCF.

The actions taken in response to substantiation of maltreatment do not differ depending on whether the child was placed by the public agency, not-for-profit, or for-profit provider.



WYOMING DEPARTMENT *of*
Family Services

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June 12, 2015

Orrin Hatch
United States Senate
104 Hart Office Building
Washington, DC 20510-6200

REF: SC-15-077

RE: State Utilization of Private Foster Care Entities
Department of Family Services

Dear Chairman Hatch and Ranking Member Wyden,

The State of Wyoming received correspondence from the United States Senate, Committee on Finance, dated April 24, 2015, requesting information regarding the State's use of foster care placements and the use of foster care placing entities in Wyoming. In order to provide concise information and answers regarding Wyoming's foster care system and to succinctly address the Senate's inquiry, the information provided in this document pertains *only* to foster care placements in a single family home setting with foster parents and does not include information regarding congregate care placements.

The State of Wyoming maintains placement and care responsibility for all children placed in the Department of Family Service's (Agency) custody and under no circumstances does the Agency contract with private placement providers to act fully on behalf of the Agency to oversee and provide all foster care activities and services.

The following responses correspond to the bullet-point questions posed by the Senate Committee on Finance in the letter dated April 24, 2015:

- The Agency is a service agency and does not have placement authority, however, the Agency is the placing agency for children court ordered to Agency custody. All children placed in foster care by the Agency are court ordered to foster care and remain in the physical and legal custody of the Agency. The Agency does not give private entities legal custody or placement and care authority of children placed in the custody of the Agency.

Steve Corsi, Director

Matthew H. Mead, Governor



 WYOMING DEPARTMENT *of* FAMILY SERVICES

Two not-for-profit child placing entities, YES (Youth Emergency Services) House and Catholic Charities of Wyoming, and one not-for-profit therapeutic foster care entity, Central Wyoming Counseling Center, provide limited foster care services for children in the physical and legal custody of the Agency. For example, a child may be placed at YES House, and as part of the YES House services, the child is assigned to a family home instead of residing in the congregate care building. Additionally, Catholic Charities of WY and Central Wyoming Counseling Center may assist in matching children with appropriate certified foster homes while the Agency oversees all case management services. The YES House, Catholic Charities of WY, and Central Wyoming Counseling Center are paid a child placing administration fee and the foster homes are paid a standard foster care rate. At all times, the Agency retains physical and legal custody of the child and maintains oversight and case management responsibilities, including face-to-face contact with foster children. At no time are the two entities' services used in place of the Agency's. Rather, the foster care services are in addition to the Agency's case management and oversight.

- 100% of children placed in foster care in Wyoming are placed *through* the Agency as the Agency has physical and legal custody in addition to care responsibility of all foster care children.
- Three entities provide home-setting foster care services in WY while the Agency retains full legal and physical custody of the children. These are:
 - YES House (Youth Emergency Services), non-profit;
 - Catholic Charities of WY, non-profit; and
 - Central Wyoming Counseling Center, non-profit.

These entities do not replace the Agency but offer services in cooperation with and in addition to the Agency.

- Wyoming does not require private foster care entities to be accredited, however, many are. All facilities and homes in which a child will be placed overnight are certified or licensed directly through the Agency.
- All foster care services are selected through a licensing and certification process as required by the Certification of Providers of Substitute Care Services rules.
- Fingerprint based criminal history screens, child abuse and neglect central registry screens, and references are required for all adults living in a foster home. Agency workers meet face-to-face with all children in the Agency's custody monthly at a minimum. All foster care settings in Wyoming are inspected and certified through the Agency regardless of whether the Agency's population is placed in such setting or not. Wyoming law requires Agency certification for all places where a child will be placed over night. Certified foster homes are reviewed annually and certification can be




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revoked at any time with Agency Director approval due to, but not limited to failure of foster parent to maintain standards as required, refusal to cooperate with an investigation, or a substantiated finding of abuse or neglect. The inspection and certification process does not differ because of the providers' public, non-profit, or for-profit status.

- One instance of abuse has been substantiated in a foster care placement in the last five years. The foster care placement was through the Agency.
- Per policy, the Agency investigates or assesses all allegations of child abuse or neglect and violations of certification standards made against foster homes. When an allegation of abuse is made against a child's out-of-home placement provider, a special investigation is initiated and safety precautions are put into place prior to substantiation through use of a Safety/Risk Assessment, written Safety Plan, and Family Services Plan, and possible removal of children placed in the home. In-person contact is made immediately if the child in imminent danger as classified by rules, statute, and operating policy. The Agency's lead Attorney General and Division Administrator are alerted for all special investigations and law enforcement is notified if allegations contain possible criminal behavior. When an allegation of abuse is substantiated, the foster care certification may be revoked with approval from the Agency Director.

I am pleased the Senate Committee on Finance has taken an interest in the welfare of foster children and youth. As demonstrated by Wyoming's safety record and financial investments, Wyoming has been and will continue to remain committed to the safety, well-being, and permanency of our foster youth and all children. The state looks forward to the results of the Committee on Finance's inquiry and any communication from the Committee regarding improvements in the foster care system.

Sincerely,



Steve Corsi
Director

SC/rc

Cc: Marty Nelson