
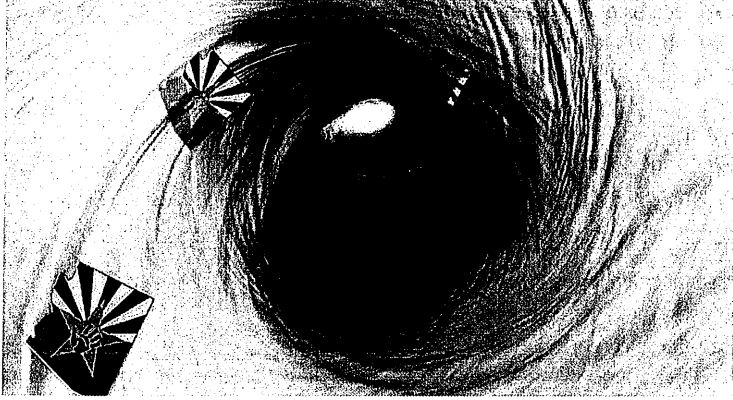


ARIZONA CAPITOL TIMES

non-daily  newspaper of the year

Caught in a vortex: Hundreds of millions of dollars later, child safety programs plagued by the same problems

By: Ben Giles October 2, 2015 , 6:30 am



A decade ago, a team of auditors embedded themselves in the agency charged with protecting Arizona's children and found that some reports of child abuse or neglect weren't properly investigated. Other cases lacked the relevant information necessary to ensure children's safety.

Ten years, hundreds of millions of dollars and a new agency later, the problems that plague the Department of Child Safety echo those that caseworkers faced a decade ago.

A backlog of nearly 15,000 cases of abuse and neglect reports – which haven't been investigated in at least 60 days – continues to grow.

Caseworkers struggle to organize data and case files in an antiquated system not suitable for use in the field.

And the number of children who need out-of-home care, be it in a group home, foster home, or adoption, is projected to grow by nearly 10 percent in fiscal year 2016.

Lawmakers complain they've thrown ample money at the problem, boosting funding for child safety by \$223.2 million since FY13, before scaling back spending by \$35.8 million in FY16, according to a report by state budget analysts. The lack of results hasn't gone unnoticed by lawmakers who are now being asked for yet another infusion of money.

"There's no accountability to me," Sen. Debbie Lesko, R-Peoria told DCS Director Greg McKay at a Sept. 24 budget hearing. "How are you going to convince me to appropriate more money to your agency when I don't see any performance?"

McKay, head of the agency with the seventh-largest share of general fund dollars in the state, requested \$105.8 million increase in spending in the next budget, as well as a \$65.5 million supplemental appropriation for the current fiscal year.

McKay told the Joint Legislative Budget Committee that millions of dollars earmarked for reducing the backlog of non-active cases "was not well spent."

In one example of the department failing to meet its own benchmarks, DCS received \$23.1 million from the general fund and \$5.9 million in federal funds to close a backlog of non-active cases, which on June 2, 2014, stood at 13,024 cases.

A little more than a year later, the backlog had grown to 14,946 cases as of June 30.

"We set a goal that is not attainable because of the capacity of the organization," McKay told lawmakers.

Child safety advocates say, as does McKay, that fixing the ills plaguing DCS will take time and patience. But they also say it's disturbing that there are few positive signs of change even though an entirely new agency dedicated to child safety was created to replace the troubled Child Protective Services.

PAINTING A BLEAK PICTURE

While some legislators on the budget committee asked McKay why they should trust the new director of the relatively new agency with more money, others pleaded with McKay to tell them what he needed to succeed. Sen. Don Shooter said any lawmaker on the budget committee would be happy to sponsor legislation if McKay needs a law changed in order to improve outcomes for kids.

"We understand it's a difficult job, but you have been given substantial resources to do this, and it seems like we're just mired," said Shooter, R-Yuma. "And that's not unusual, either -- every 10 years, it seems like."

In his budget request, McKay and DCS staffers paint a bleak picture that requires patience before outcomes for children begin to improve. Roughly \$60 million is necessary to simply keep pace with the growth in cases and the need for out-of-home care and child support services.

For an agency that McKay testified is well beyond its capacity, DCS needs nearly double the current number of administrative staff it now employs. That's 84 new positions -- in addition to the 103 employees budgeted for the department when it was created -- that "play a critical role in supporting the field and overall success of the department," according to budget documents.

About \$11 million is needed to hire 34 new case aides, pay overtime costs accrued in futile attempts to close the backlog, and create a new incentive pay package for employees. Otherwise, "the department will continue to struggle with high employee turnover, contributing to longer times in care for children," the request states.

The problems are eerily similar to an Associated Press report from December 2005, when officials with the Department of Economic Security, which then housed Arizona's child safety mechanisms, cited high workloads and staff turnover as factors contributing to a scathing report by the Auditor General's Office.

The 2005 report found that many cases lack timely, complete and accurate information, an oversight that hinders investigations and the agency's ability to monitor cases and monitor staff's workload and performance.

Not much has changed in 10 years.

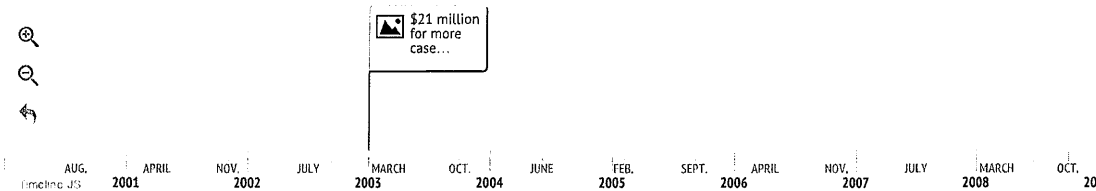
(Story continues after timeline.)

DECEMBER 2003

\$21 MILLION FOR MORE CASE WORKERS

Lawmakers appropriate \$21 million in a special session to hire more Child Protective Services case workers and increase payments for foster parents. As a part of the deal, lawmakers also passed a law requiring CPS to investigate 100 percent of the reports of abuse and neglect it receives. The extra funding was intended to reduce the agency's caseload in order to meet the new statutory requirement.





The risk assessment tool used by caseworkers to decide whether to remove a child from a home doesn't keep track of why a decision was made. So it's impossible for the department to identify trends that might explain why more and more children are being removed from homes, according to a new Auditor General's Office report issued Sept. 30.

McKay requested \$4.1 million to continue work on replacing the department's Statewide Automated Child Welfare Information System, better known as CHILDS, a system with "numerous limitations," according to the budget request.

The system was not designed for use with the web or to provide remote access to caseworkers, and can't provide real-time information on placement options for children removed from their homes.

In a criticism similar to those made in 2005, the budget request states CHILDS "impedes timely data entry capabilities."

But change is not happening quickly enough for some lawmakers. Sen. Steve Farley, D-Tucson, said lawmakers on the Joint Legislative Budget Committee were previously told that DCS officials would seek a vendor to help replace CHILDS this month. On Sept. 24, McKay told lawmakers that wouldn't happen until at least July 2016.

McKay apologized and said Farley had been given misguided expectations for the program's progress. Its staff is struggling with replacing a two-decade old case-management system in a way that doesn't ruin existing case data, he said.

Shooter repeatedly asked McKay what it would take to get a new system up and running, and soon: "How can we help you go forward with that quickly?"

McKay's response was lacking, and that's concerning, said Dana Naimark, executive director of the Children's Action Alliance.

"It was very striking that the director of the agency, over and over, said what he can't do, what he can't get done," Naimark said. "He had no answers."

If McKay's request for more than \$100 million in ongoing spending for DCS is to be successful, he needs to be able to tell lawmakers how it's going to be put to good use, and how it's going to change outcomes for children cared for by the agency, Naimark said.

A SAFE HAVEN FOR KIDS

Many of the budget items requested are make-or-break for the agency, according to budget documents.

There is no good alternative, for instance, to a \$17.9 million request for emergency and residential care, foster care, and independent living funds. The funds are essential for the agency to adhere to state laws governing the care children are to receive. "Reports of child and neglect must, by law, be investigated, and children removed from their homes must have a place to safely stay," the request notes.

Without an increase in funding from lawmakers, the department would be forced to reduce services provided to children once they are removed from their homes to ensure laws governing their placement in a new home are followed.

In other words, "the department would have to eliminate services to children and families," the request states.

A bright spot in the budget request reveals that in June, the department coordinated with Phoenix and the Childhelp Children's Center of Arizona to open an emergency placement facility that serves children up to the age of 10.

The facility is a safe haven for kids, who spend an average of 28 hours there after they're first removed from their homes. Before the facility opened, children sometimes slept at the DCS office, an "unacceptable practice for DCS to engage in," the request notes. The facility served 284 children in June and 336 children in July, or between 10 to 20 children daily – children who otherwise would be sleeping in an office building near the Capitol.

And unless lawmakers appropriate \$1.2 million to cover rent and operational costs, the facility will be shut and children will go back to sleeping in an office building, DCS officials say.

Such a large request painting such a dire picture for the agency must have come with the governor's blessing, according to Naimark, who said Ducey must be a vocal leader for the agency now that he's appointed McKay as director.

"We think this reflects the governor's recognition that we have to do something big, and that the current budget does not reflect the demands on the agency," she said.

DCS spokesman Doug Nick declined to comment on the request, and said it speaks for itself.

SEEKING A 21% BUDGET INCREASE

Though some lawmakers may cry foul over another request for more DCS funding, Naimark said they must acknowledge their own part in creating the problems that

plague child safety in Arizona.

Lawmakers slashed spending for child welfare and safety in 2009, a destructive blow that's been felt every year since, Naimark said. Reports of child abuse and neglect rose from 33,455 in 2010 to 46,597 in 2014 – and

lawmakers' cuts are part of the reason why, she said.

By the Numbers

DEPARTMENT OF CHILD SAFETY NEEDS

Net increase of \$105.8 million in FY2017

- **\$21.7 MILLION** in support for existing staff and central administration.
- **\$60.4 MILLION** for caseload growth.
- **\$1.2 MILLION** for the new Child Placement Center.
- **\$11 MILLION** for new pay packages and 34 new case aides.
- **\$3.8 MILLION** to close a structural deficit.
- **\$4.1 MILLION** to continue overhauling the case data IT system.
- **\$4 MILLION** to expand preventive services.

Supplemental of \$65.5 million in FY2016

- **A SUPPLEMENTAL REQUEST** for funding that will continue as a part of the department's request for FY2017.

DCS officials insist they're trying to spend the money they're appropriated wisely. McKay wrote in his budget request that the department is "committed to implementing every efficiency to reduce our financial impact while ensuring the safety of Arizona's vulnerable children" – an echo of his assurances to lawmakers on the Joint Legislative Budget Committee.

Now he's asking for a 21 percent increase to the DCS operating budget. And if the Legislature chooses to pinch the department's purse strings now, outcomes for children may only get worse by the time the FY17 budget takes effect next

summer, according to budget documents.

Agency officials project the number of out-of-home cases will grow by 9.5 percent in fiscal year 2016, but only 4.8 percent in fiscal year 2017. The rosier projection for 2017 assumes a "50 percent reduction factor," according to the budget request – a reduction wholly dependent on the success of the department's strategic plan and an emphasis on preventive services.

The success of the strategic plan and more widespread access to preventive care are in turn dependent on

additional funding from the Legislature.

The projections, and correlated need for more funding, make sense considering the dramatic rise in reports to the agency since 2008, Naimark said.

“In some ways it’s not surprising given the skyrocketing influx of reports,” Naimark said. “But what they don’t say and what they should be saying... is here’s how we’re going to turn these trends around.”

At least one trend has started to turn around in the department’s favor, McKay told lawmakers on Sept. 24. For the past four months, the backlog has slightly decreased – the first time that’s happened in about three years, he said. It’s a sign the staff is able to close more investigations as they come in, rather than allowing them to lapse into the backlog.


However, McKay warned that the trend could be difficult to keep up.

“With a workforce of about 1,100 or 1,200 case-carrying staff at any time, they’re not going to be able to really eradicate 15,000 old things with the 52,000 new things that came in in a year,” McKay said.

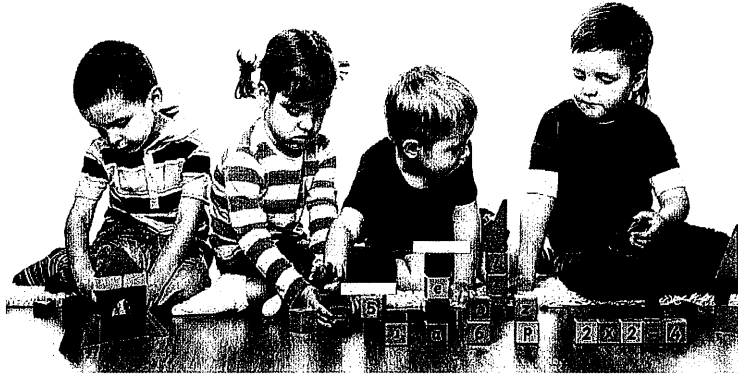
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Foster parents worry that new rules drafted by Arizona's child safety agency could create a harmful environment for foster children and parents alike.

The Department of Child Safety is rewriting the rules that govern its actions now that the functions of investigating claims of child abuse and neglect are housed within the new agency, created in 2014. State officials say they want to give caseworkers more flexibility to handle each case with an appropriate level of response, and the more open-ended rules dictating what constitutes an investigation may help accomplish that.

But critics, such as Children's Action Alliance, say that as drafted by the agency, the new rules give caseworkers too much discretion in their investigative methods. They say too much ambiguity won't allow for proper oversight of the department and its workers.

Foster parent Dawn Teo, director of the Foster Children's Rights Coalition, told a panel of DCS officials on Sept. 14 that caseworkers aren't properly trained on the guidelines that currently are in place, and that proposing even fewer guidelines isn't a better option.

"What you guys have is this tiny little document that really sort of lets the investigators do whatever they want," she said.

A Sept. 30 report by the Auditor General's Office supported Teo's claim. Auditors found that "the department's child safety and risk assessment tool does not sufficiently guide caseworkers in making child safety decisions." And "insufficient training has also limited caseworkers' ability to conduct child safety and risk assessments."

Teo's adopted daughter, 18-year-old Mackenzie, said she was removed from homes at least 20 times as a foster child in Arizona.

"From what I've read and seen in the pages that were in your new rules about removals, it's only going to get worse," Tao said.

Nearly every foster parent who testified repeated the same phrase: It's not if you'll be investigated, but when.

The foster parents claim they're in a unique position by caring for someone else's child, as some biological parents will make accusations against foster parents in hopes of getting their children back. Cherie Klavitter, who serves on the Child Safety Oversight Committee, said she was falsely accused of molesting a foster child by the child's biological father.

Making the rules for investigations vaguer would only make those situations worse for foster parents, Klavitter said.

Beth Rosenberg, director of child welfare at Children's Action Alliance, submitted drafts with sweeping changes to the rules, including specific definitions for how the department determines its response time to reports of abuse and neglect; what kind of a report must be investigated; strict recordkeeping of all reports; and the methods DCS caseworkers must use to investigate credible reports.

"In general, our recommendations provide a much clearer path... on the role of responsibility at DCS," Rosenberg told the panel on Sept. 14.

Stakeholders will find out this month if their feedback was taken into consideration. Doug Nick, DCS spokesman, said the department plans to submit new rules to the Secretary of State's Office by the end of October.

Others were critical of the process used by DCS to draft the new rules, and said the public has not properly been made aware of the rules and the opportunities to submit feedback. Even state government employees were critical of DCS' lack of outreach to promote the rulemaking hearings.

Jay Griffin, a foster and adoptive parent who works as a state licensing surveyor for the Department of Health Services, said he has been a part of rulemaking processes by state agencies. So he understands the gravity of drafting new rules to guide DCS.

"In terms of awareness, if it were me, in my role as a surveyor in terms of the rulemaking that we did in the past, I would be very ashamed of that lack of awareness and stakeholder input that seems to be occurring today," Griffin testified on Sept. 14.

Nick defended the agency's outreach to stakeholders, which he said has taken place for over a year. The DCS staff began reviewing old rules from the now shuttered Child Protective Services in January 2014, and began reaching out to constituents and stakeholders for feedback in the summer of 2014, Nick said.

"The word was certainly put out there, and we did as much as we possibly could to get the word out," he said.

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