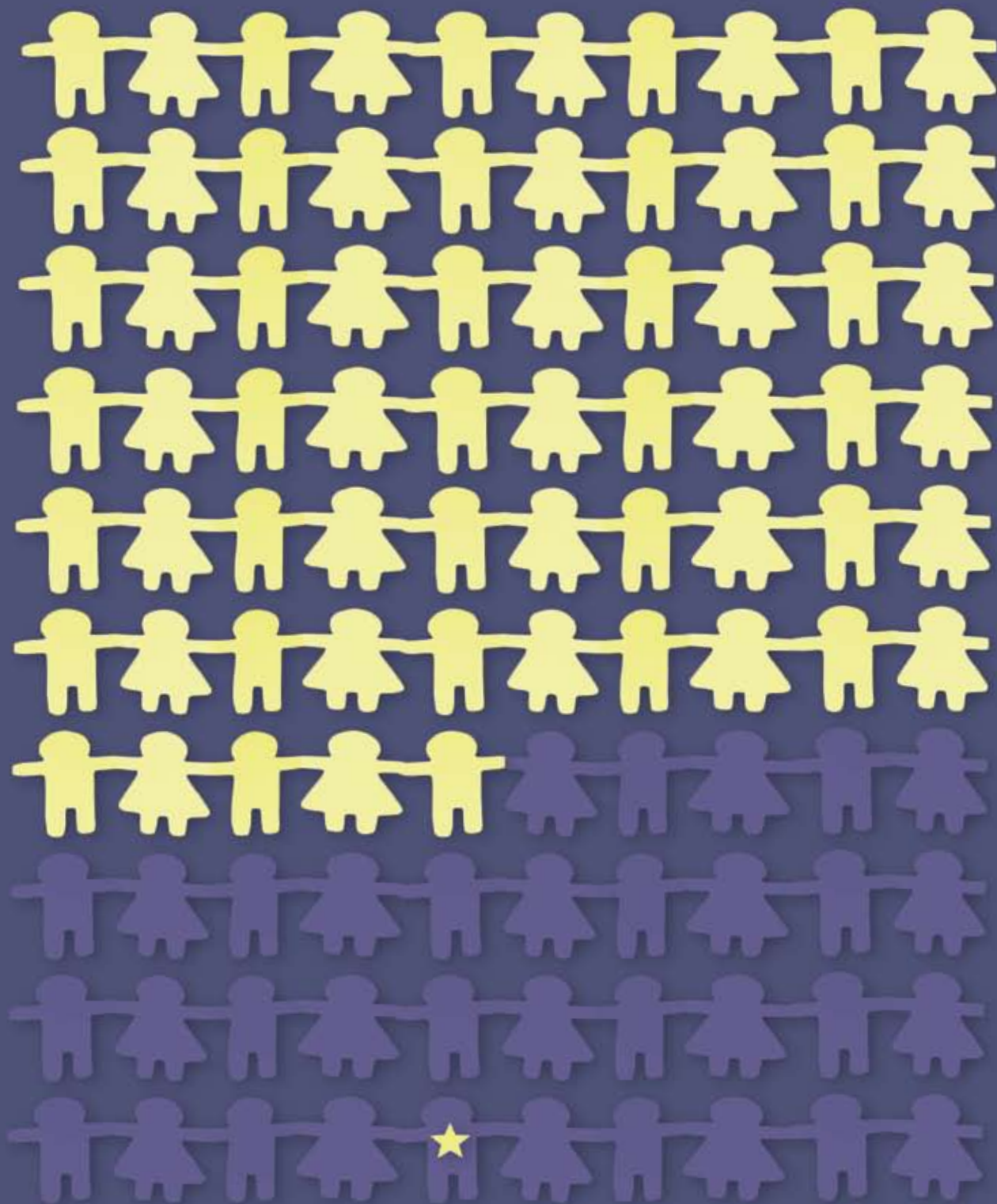


Waiting for Helping Hands:

AN ANALYSIS OF THE ARKANSAS CHILD WELFARE CRISIS



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In Arkansas, 65 out of every 100 reports of child neglect in June 2008 resulted in an investigation beginning within 72 hours of the report.



The remaining 35 children had to wait longer than 72 hours.



The Division of Child and Family Services' goal is to begin investigations within 72 hours for 95 out of every 100 reports.

This report was prepared for Arkansas Advocates for Children and Families by Diane Robinson, with direction from Jennifer Ferguson, AACF Deputy Director.

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Waiting for Helping Hands:

AN ANALYSIS OF THE ARKANSAS CHILD WELFARE CRISIS

EXECUTIVE SUMMARY

With the recent tragic deaths of foster care children in state custody, the ongoing problems within the Arkansas child welfare system continue to surface. Over the past four years, Arkansas Advocates for Children and Families (AACF) has highlighted these problems in our annual report on the performance of the child welfare system. The findings in this year's report show that very little has changed in the system's performance on key indicators and there is much work to be done within the Division of Children and Family Services (DCFS) to fix these problems. Arkansas children are still waiting for help.

Key findings include:

- While the number of investigations continued to increase from 26,817 in state fiscal year (SFY) 2007 to 27,672 in SFY 2008, the number of true findings decreased from 6,946 to 6,288.
- After steady improvement from 2005 to 2007 in the percentage of investigations being initiated within 72 hours, compliance with this timeline dropped from 81 percent in March 2008 to 65 percent in June 2008.
- The Family Strengths, Needs, and Risk Assessment, an important tool that should be completed by DCFS at the beginning of each case to assess safety and develop a case plan, was conducted in a timely manner in only 43 percent of cases from January to June 2008. This is up from 35 percent in 2007, but still well below DCFS's goal of 80 percent.
- Only 53 percent of protective services cases had monthly visits from DCFS family service workers in SFY 2008. While this is an improvement over the past several years, it is insufficient to monitor the safety of children. The percentage of monthly visits was higher for children in foster care. In SFY 2008, 64 percent of children had monthly visits.

Governor Beebe and DCFS have begun to address these problems through changes in key leadership positions at DCFS and a proposed budget increase for the 2010 and 2011 fiscal years. He has also increased emphasis on accountability and has moved more resources from the central office into the counties. This report recommends additional steps, including the better use of alerts and other information-technology tools for supervisors, to help DCFS identify and address problems more quickly. DCFS should strive to ensure that county supervisors use data reports to promote greater accountability among staff. Additionally, staff who are meeting outcomes should be recognized and used to identify best practices that enable better service to children and families statewide. Counties or areas showing poor outcomes should receive intensive coaching to help staff in those areas improve.

All children deserve safe and permanent homes with loving families, but DCFS cannot solve these problems alone. All Arkansans bear responsibility to ensure that our children have the opportunity to reach their full potential. Legislators and policy makers must ensure that DCFS has the resources and tools to protect children. Citizens of our state must also help by serving as foster parents, supporting foster and adoptive families, and volunteering with organizations that help these children. Only by working together to create shared responsibility will we ensure that all children have the homes they need and deserve.

INTRODUCTION

When parents cannot protect their children, the State of Arkansas has the responsibility to do so. The Arkansas Division of Children and Families Services (DCFS) has the main responsibility for children removed from their homes and taken into care. This year, several children have died from abuse while in the Arkansas foster care system. These tragic deaths point out the problems within our foster care system and provide a warning that the safety of other children may be at risk.

This report is Arkansas Advocates for Children and Families' (AACF) fourth annual report on the performance of the Arkansas child welfare system. As noted in AACF's previous reports, DCFS performed well on many of its indicators in the early 2000s, but began experiencing a significant decline in performance beginning in 2004. That poor performance has continued and this report shows that our system remains in crisis. Governor Mike Beebe has taken steps to address this crisis but much more remains to be done. We hope this report can be used as a tool to identify problems within the system so

The majority of cases are neglect and can be remedied with proper services. Recently, a mother with two teenage sons was reported for educational neglect because her sons had not been attending school. It was discovered that not only were the boys not attending school, there was no food in the home and the mother was unemployed and showed signs of depression. With quick intervention of food assistance, mental health treatment for the mother, and school monitoring, the boys were able to stay in the home. They began attending school again, their grades quickly came up, and both are doing well in school.

that additional steps can be taken to solve these problems. All of our children deserve to grow up in a safe, loving, and stable family.

This is no small task. DCFS caseloads are at 28 cases per family service worker compared to the recommended standard of 15 cases. In the last state fiscal year (SFY), which ended June 30, 2008, 27,672 reports of abuse or neglect were investigated. Of those, 8,834 children in 6,288 reports were founded as true reports of child maltreatment. The majority (nearly 83 percent) of these children are victims of neglect. Over 39 percent of these children are victims of physical abuse and over 37 percent are victims of sexual abuse.¹

When an investigator finds that a report of abuse or neglect is true, the first and most important decision is whether a child can remain safely in the home. Other decisions must also come quickly: If the child cannot stay at home, what is the best placement? What are the underlying causes of the abuse or neglect? What services does the child need? What services does the family need?

There are many questions to be answered, but this report will focus on two issues: (1) are we keeping our children safe by completing investigations timely and making regular visits to the home or placement; and (2) are we moving children as quickly as possible to permanent homes. We will examine these issues by analyzing performance data from DCFS. The sources of data include the monthly Compliance Outcome Reports (COR), the annual DCFS Report Card, and data from the Adoption and Foster Care Assessment and Reporting System (AFCARS), which DCFS submits twice per year to the federal government.

1. Totals are more than 100 percent because some children are victims of more than one type of maltreatment.

SAFETY OF CHILDREN

Children, first and foremost, need to be safe. Child safety, which is the primary mission of the child welfare system, has been in the news with recent tragic child deaths in Arkansas's foster care system. When calls are made to the Child Abuse Hotline, investigations must be initiated in a timely manner, the safety of all children in the home must be established, and steps must be taken to ensure the situation has been accurately assessed.

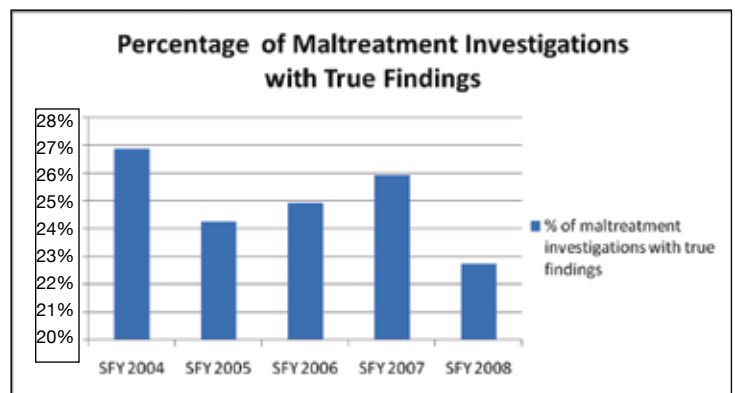
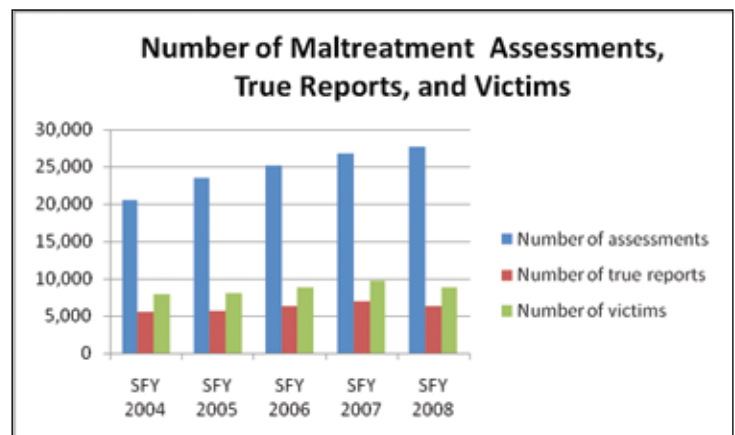
INVESTIGATIONS

The number of cases accepted by the Child Abuse Hotline and investigated by the Division of Children and Family Services (DCFS) and the Arkansas State Police Crimes Against Children Division (CACD) has increased each year: There were 27,672 reports of child abuse or neglect accepted by the hotline in SFY 2008, up 35 percent since SFY 2004. Although this number has increased year to year, 2008 was the first year the number of "true" findings dropped. Although the number of investigations increased from 26,817 in 2007 to 27,672 in 2008, the number of true findings decreased from 6,946 to 6,288. From 2004 to 2007, an average of 25.4 percent of cases were found to be true: in 2008, only 22.7 percent were found to be true. Nationally, the latest numbers that are available are from 2006, when 25.2 percent of investigations resulted in a finding of abuse or neglect.²

Several explanations are possible for this decrease in the number of reports found to be true. There have been changes in child maltreatment reporting: More people are mandated reporters of child abuse and neglect and the hotline now accepts faxed reports of abuse and neglect from mandated reporters. It is possible that as a result, more reports are being made that do not rise to the level of abuse and neglect as defined in Arkansas law. It is also possible that investigators are not accurately assessing reported allegations.

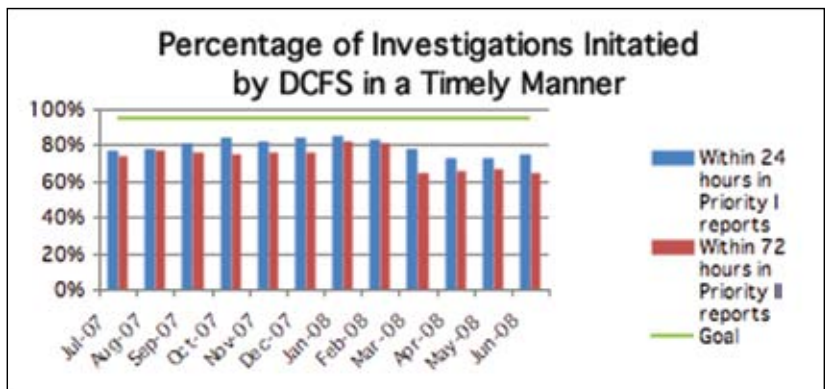
The questions below should be addressed by DCFS to determine why there has been a decrease in the number of reports found to be true:

- Have trends been examined to search for patterns of true and not true reports for different categories of mandated reporters? These patterns can be used to provide training and outreach to different groups of mandated reporters to ensure more effective reporting and can also be used to see if current law is adequately protecting children.

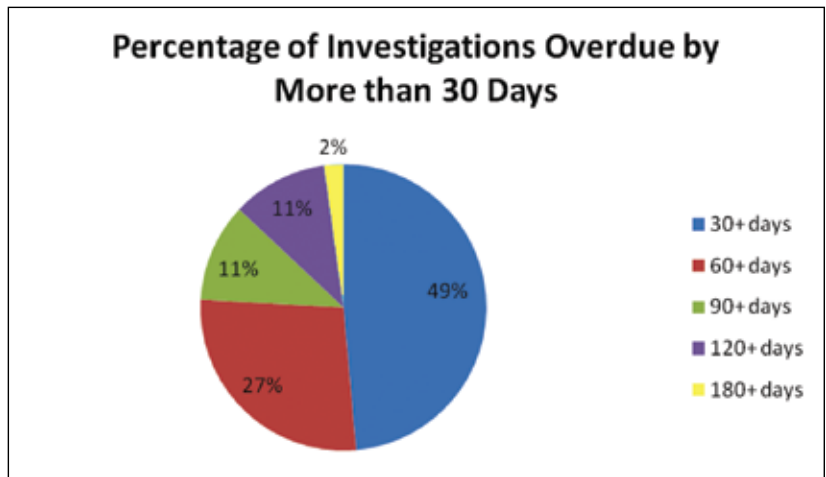


- Are statistics gathered for each investigator to look for those finding a disproportionate number of cases true or not true? For the ones that do have a disproportionate number, a case file review should be conducted to determine if more training or supervision may be needed.

When an allegation of severe abuse (priority 1) is made, investigations must be initiated within 24 hours. The Arkansas State Police Crimes Against Children Division (CACD) conducts the majority of priority 1 investigations with assistance from local law enforcement. For example, in June 2008, there were a total of 789 priority 1 investigations and CACD handled 63 percent of those. Over the past three fiscal years over 94 percent have been initiated by CACD within 24 hours. The Division of Children and Family Services (DCFS) has initiated investigations within that time frame in 78 percent of the investigations for the last three years. Of the total number of priority 1 investigations over the last three fiscal years, 90 percent have been initiated within 24 hours. For each performance indicator in the DCFS Compliance Outcome Reports (COR), a goal has been set by DCFS. For timely initiation, DCFS' goal is 95 percent compliance.



In less severe allegations (priority 2), investigations are primarily conducted by DCFS and must be initiated within 72 hours of the report. For example, in June 2008, there were 1,897 investigations and DCFS handled 98 percent of those. After fairly steady improvement from completing 69 percent of investigations in 2005 within 72 hours of the report to 74 percent in 2007, compliance with this timeline dropped significantly this year. In February 2008, it was 81 percent, but by June 2008, it was 65 percent. DCFS' goal is 95% compliance.



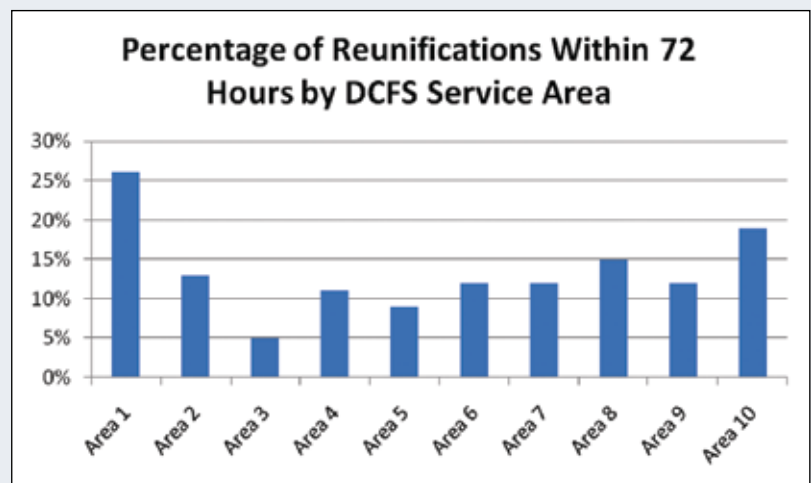
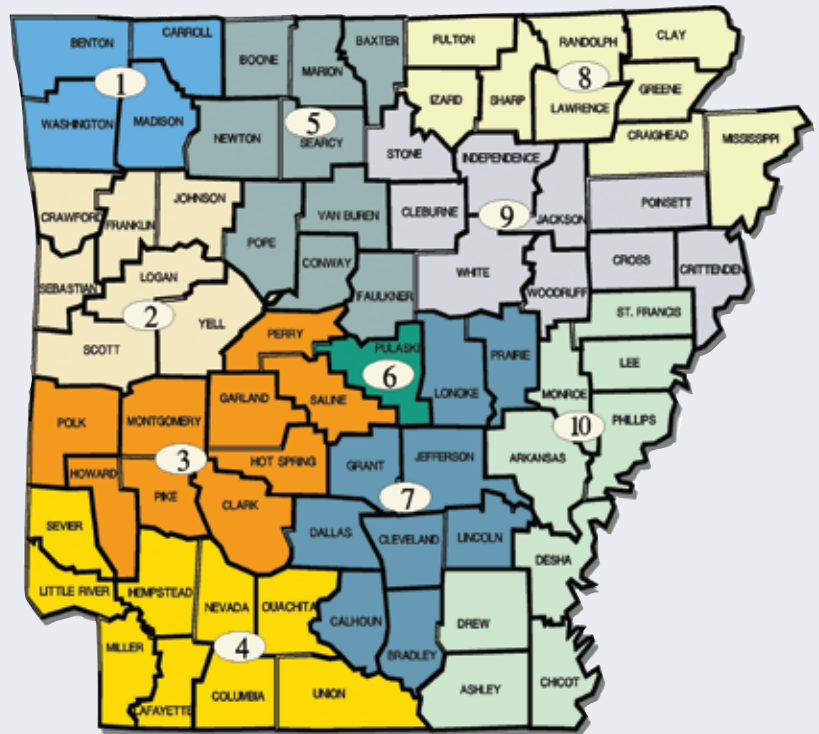
Child maltreatment investigations must be completed within 30 days. In the first half of 2008, 60 percent of priority 1 and 2 investigations were completed by DCFS within this time frame, while 78 percent of CACD cases were completed within 30 days. As of June 30, 2008, 638 investigations were open past 30 days. Almost half of these were overdue by 30 to 60 days, and just over half were overdue by more than 60 days.³

When investigations are not completed within the 30-day timeframe, it can place children at risk and it may mean the necessary services have not been provided to the children and their families.

3. Hornby Zeller Associates, Inc.

These trends lead to important questions that should be examined by DCFS:

- What happened in early 2008 that caused the percentage of timely initiation of investigations to drop? What happened in 2007 that allowed for improvement in timely initiation?
- Do DCFS supervisors use monthly data reports on the initiation and closing of investigations to ensure that investigations are monitored and timely?
- Can DCFS investigators be identified who consistently complete investigations within the first 30 days to learn what factors enable these workers to do so?
- For investigations that are overdue, does DCFS monitor whether these investigations have been started and whether an initial safety assessment of the children involved have been done?
- For investigations that are overdue, have services been offered if warranted?



KEEPING CHILDREN SAFELY AT HOME

If an investigation finds that a child in a home has been abused or neglected, the child may either remain in the home with a protective services case open or be placed in foster care. Because placing a child in foster care is often traumatic, the preferred option is for children to remain in their homes if safety can be assured. Statewide, 13 percent of children who were returned home between April 2007 and March 2008 had been in foster care

less than 72 hours. There may be good reasons for this rate, such as incarceration of a parent, but this also may indicate that children are being removed who could be maintained safely in their own homes.

The decision to leave a child in the home or place him or her in foster care is difficult. Arkansas uses two tools to assist DCFS family service workers in this decision. The first is a computer program in the DCFS database (CHRIS) that uses a mathematical formula to assess risk based upon the answers to various questions, such as the number of prior reports, whether there is substance abuse in the home, and whether the parent is motivated to become a better parent. The second step in the process is for DCFS to conduct the Family Strengths, Needs, and Risk Assessment (FSNRA). This tool, which should be completed within the first 30 days of a case opening, is used to determine what services the family requires based upon their needs and strengths. Using the FSNRA properly requires several visits with the family. A FSNRA was conducted in the first 30 days in only 43 percent of cases from January through June 2008. This is up from 35 percent in 2007, but is still far below DCFS' goal of 80 percent.

Because the initial risk assessment and the FSNRA are very important, DCFS should examine the following questions:

- Since safety is one of the primary issues of concern, are the current risk-assessment tools being used to guide safety decisions?
- Are the current risk-assessment tools sufficient to determine whether a child should be removed from his or her home, or should we consider other risk-assessment tools such as the Structured Decision Making Tool, which other states have used successfully?
- With caseloads at 28 cases per DCFS family service worker, instead of the recommended standard of 15, do workers have adequate time with new cases to use the FSNRA properly in the first 30 days of the case?
- Can family service workers be identified who consistently complete the FSNRA within the first 30 days to learn what factors enable these workers to do so?

MOVING TO PERMANENCY: THE FIRST 30 DAYS

State and federal law require that children move to permanent homes in a timely fashion. If children are removed, the first preference under the law is for children to be reunified with their families. This can be done only if the problems that resulted in the abuse or neglect are remedied, it is in the child's best interest, and safety can be ensured. The second preference is for parents' rights to be terminated, absent a compelling reason not to terminate, and for an adoptive family to be found for the child. The third preference is for guardianship for the child, the fourth is permanent custody, and the last is Another Planned Permanent Living Arrangement, or APPLA.

KEEPING CHILDREN IN THE HOME: PROTECTIVE SERVICES CASES

Protective Services (PS) cases are opened where abuse or neglect has been found but the children can remain safely in the home. In these cases, Intensive Family Services (IFS) can keep children from entering foster care while addressing the issues that put the children at risk of abuse and neglect. IFS is also used

in some cases where the children have been in foster care but have then returned home. Because these are children at risk, DCFS is required to visit the home weekly in the first month after a PS case is opened. After the first month, visits may take place monthly instead of weekly with the approval of a supervisor. In SFY 2008, 53 percent of PS cases had monthly visits. While this is an improvement over the past several years, it is insufficient to monitor the safety of children in the home and well short of the DCFS goal of 80 percent.

Meetings among DCFS, the family, and others involved in the case, called staffings, are used to develop the case plan for services needed by the family to help them provide a safe home for their children. DCFS's

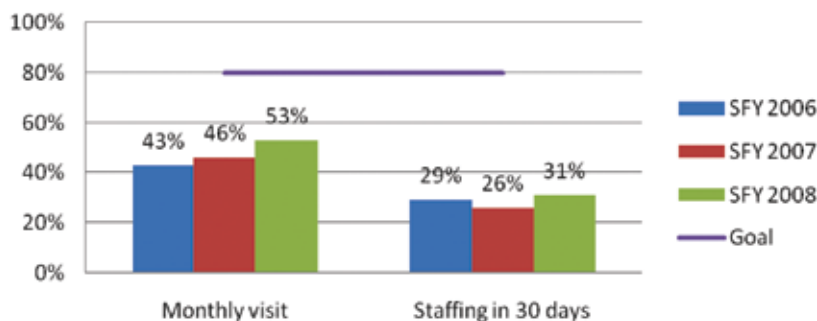
goal is that 80 percent of all PS cases will have staffings in the first 30 days after a case is opened, but in SFY 2008 only 31 percent of PS cases did. This is up from 26 percent in SFY 2007 and 29 percent in SFY 2006.

Regular visits are important to ensure the safety of children. A nine-month-old baby was found in an investigation to weigh only 10 pounds and to be medically neglected. She was removed from her mother's home and brought into foster care. The investigator found that her older sibling was healthy, and she was left in the home, but with regular visits to ensure that she remained safe. The mother was unable to care for the baby, but her father was quickly located and involved in the case. He was able to take custody of the baby and she is thriving. The mother continues to do well with the older child.

It is critical that visits to the home and staffings take place, since children have been left in their homes and their safety must be monitored. In order to address these issues, DCFS should consider the following:

- What can be done to ensure that DCFS county supervisors use alerts and existing data reports to promote greater accountability when visits are not being made timely and when a staffing has not been held within 30 days in PS cases?
- Can high-performing family service workers, who consistently hold staffings within the first 30 days and visit families regularly in PS cases, be identified to learn what factors enable these workers to do so?

Percentage of Protective Services Cases Receiving Monthly Visits and Holding Staffings within 30 days



CHILDREN IN FOSTER CARE: MOVING QUICKLY TO PERMANENCY

According to state and federal law and DCFS policy, every child must be in a safe and permanent home as quickly as possible. Timely services are essential to resolving the problems that brought children into care so that children can return home as quickly as possible.

When a child is taken into foster care, the following is required:

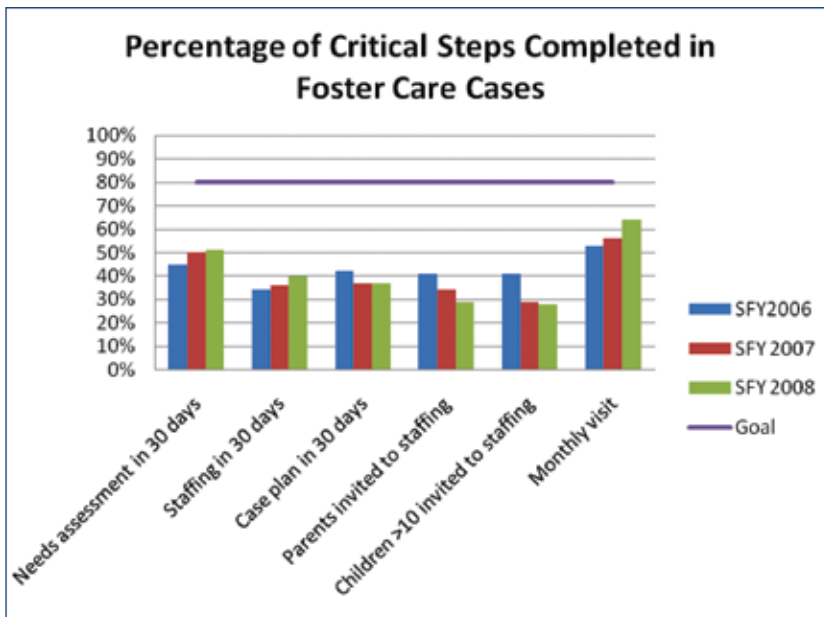
- A Family Strengths, Needs, and Risk Assessment within 30 days.
- Staffing within 30 days.
- Development of a case plan within 30 days. The family, children, and foster parents should all be involved in developing the case plan.
- Regular visits from family service workers to the children (weekly in the first month of placement, then monthly if approved by a supervisor).
- Termination of Parental Rights when a child has been in care 15 of the last 22 months so that a safe and permanent home can be found for the child.

A prompt needs assessment (FSNRA) is an important step in identifying the family's strengths and problems so that they can be addressed. Just over half (51 percent) of families with children placed in

The first 30 days of a case are critical. A mother had never before abused her two elementary age children, but she snapped after a financial setback. She bruised both of her children, and they were placed in foster care. Quick services, including parenting classes and counseling, helped her get back on the right track so that her children could be returned home. An early staffing let her be involved in educational decisions for her children before the school year started. She is learning how to get help when she needs it so she never again strikes out at her children.

foster care in SFY 2008 had a FSNRA completed within 30 days. Only 40 percent of cases had a staffing in the first 30 days, and 37 percent had a case plan within 30 days. It should be noted though that there was improvement in this in the last half of SFY 2008, when 44 percent had a case plan within 30 days. It should also be noted that services may have begun before the staffing and development of a case plan, but the case plan should serve as the road map for the case and the services needed.

The case plan ensures that both the parents and DCFS can work in partnership to resolve the problems that brought the children into foster care. The staffing should be used to develop the case plan for the family. The case plan includes the actions required of both DCFS and the family. Parents, foster parents, and children of appropriate age should all be involved in the initial staffing to participate in the development of the case plan for the family. Parents need to understand what is required of them and have the opportunity to request services. Children have the right to participate as well. Despite this, in SFY



2008, only 29 percent of parents were invited to staffing. For children over the age of 10, only 28 percent were invited to the staffing. Foster parents, who can be an important partner in ensuring children receive services and in reunifying families, were invited in only 25 percent of staffings.

Family service workers' visits to foster homes are critical to ensure child safety and well-being and to ensure that foster parents are receiving the support they need. Workers are required to visit the child in the home weekly for the first month, and then monthly thereafter, if approved by the supervisor. In SFY 2008, 64 percent of children had monthly visits. This is up from 56 percent in SFY 2007 and 53 percent in SFY 2006.

Although the first goal for most families is reunification, in some cases that is not possible because services and supports necessary for reunification are not in place or the family structure is so badly deteriorated that safety cannot be assured. In those cases, the next best alternative is to terminate the parents' rights so that the child can be freed for adoption by another family. The law requires a petition for termination of parental rights when a child has been in care for 15 of the previous 22 months. This was done for 47 percent of children in care for at least 15 of the previous 22 months in the first half of 2008, up from 44 percent in 2007 and 41 percent in 2006.

Once parents' rights have been terminated, adoptions should happen timely. If children are not adopted, they end up as legal orphans, often without the family support they need as they enter adulthood. Statewide, half of children adopted between April 2007 and March 2008 were adopted within 28 months of their entry to foster care, while half took longer than 28 months. Of the children in foster care on March 31, 2007 whose parents' rights had already been terminated, only 40 percent had a permanent home by March 31, 2008.



DCFS should consider the following questions when examining permanency:

- Can an automatic system be developed to alert DCFS county supervisors when visits are not being made timely and when a staffing has not been held within 30 days in foster care cases?
- Can family service workers be identified who consistently hold staffings within the first 30 days and visit families regularly to learn what factors enable these workers to do so?
- With caseloads at 28 cases per family service worker, instead of the recommended standard of 15, do workers have adequate time with new cases to use the FSNRA properly, hold a staffing, and develop a case plan in the first 30 days of the case? Can the date for the staffing be set at the Probable Cause hearing so parents and other parties receive notice of the staffing?
- Is an adoption specialist involved in the case when adoption is the concurrent goal so that adoptions can occur more quickly?

CONCLUSION

DCFS is facing many challenges. Among the most immediate is improving the process for assessing the safety of children so that better decisions can be made regarding when foster care placement is necessary and when children can stay at home. For children to stay at home, DCFS must provide more intensive services for those families and ensure that regular visits are made to the home. For children in foster care, much greater attention must be paid to the first 30 days a child is in care, so that families are quickly and actively involved in creating and implementing a plan for a safe and permanent home for their children. DCFS

family service workers must be able to devote sufficient time to a case, particularly in the first 30 days, to enable them to effectively use the Family Strengths, Needs, and Risk Assessment document and use it to create a case plan with the family. With caseloads at 28 cases per family service worker and the recommended standard is 15, it is very difficult to devote such time.

Several recommendations in this report concern the use of data management systems and other information technology tools for supervisors. DCFS should strive to ensure that county supervisors use data reports to promote greater accountability among staff. Additionally, staff who are meeting outcomes

should be recognized and used to identify best practices that enable better service to children and families statewide. Counties or areas showing poor outcomes should receive intensive coaching to help staff in those areas improve. This will require that DCFS county supervisors and managers receive training on using data



to supervise and coach their family service workers.

Other areas, including children being placed far from their home counties, multiple placements of children, youth aging out of foster care without permanent families or transition plans, and failure to provide appropriate visitation to maintain and build family connections have not been addressed in this report, but are also critically important to the well-being of children.

The governor and DCFS have taken several steps to address these problems. They include making personnel changes in the management of DCFS, increasing the emphasis on caseworker accountability and moving positions from the central office to the counties in order to provide more support to the local offices. In addition, they have proposed an increase in the budget for fiscal years 2010 and 2011 and have asked the new management to develop a short-term and long-term action plan to fix the problems in the child welfare system. These plans will require more resources in order to make critical improvements to the system.

All children deserve safe and permanent homes with loving families, but DCFS cannot solve these problems alone. All Arkansans bear responsibility to ensure that our children have the opportunity to reach their full potential. Legislators and policy makers must ensure that DCFS has the resources and tools to protect children. Citizens of our state must also help, by serving as foster parents, supporting foster and adoptive families, and volunteering with organizations such as Court Appointed Special Advocates (CASA), schools, and other organizations that provide services to children in the child welfare system. Only by working together to create shared responsibility will we ensure that all children have the homes they need and deserve. Arkansas children can't wait any longer.



REFERENCES

Hornby Zeller Associates, Inc. (2008). "DCFS Overdue Investigations."

U.S. Department of Health and Human Services, Administration on Children, Youth and Families. Child Maltreatment 2006 (Washington, DC: U.S. Government Printing Office, 2008). Accessed September 15, 2008 at <http://www.acf.hhs.gov/programs/cb/pubs/cm06/chapter3.htm>.







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