

the 'other' Kentucky lottery

Child Protection & Permanency for Abused & Neglected Children in Kentucky in 2005

*The National Institute on Children, Youth & Families, Inc. &
Kentucky Youth Advocates, Inc.*

the 'other' Kentucky lottery:

*Child Protection & Permanency for Abused & Neglected
Children in Kentucky in 2005*

A Joint Project of

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INTRODUCTION

Historical context: the “issue attention span” as it refers to the protection of dependent and abused children in Kentucky

Appendix 1 lists the internal and external reports and media exposes that have occurred in the last 30 years since Kentucky Youth Advocates was first organized. Why, one might ask, has there been so much public attention drawn to the treatment of abused and neglected children in Kentucky, which seem to come in waves and cycles?

One explanation to this question was first inspired by the journalist, Anthony Downs, who described what he called the “issue attention cycle.”¹ According to Downs’ theory, certain “hot topics” often become less fashionable once the public – and the media – becomes weary of the topic. In the case of child protection, the public may become psychologically fatigued or immune to the heartbreak of child abuse because of the drumbeat of news stories about parental indifference, neglect or abuse. Sometimes the excruciating details are too difficult to read. In other cases, newspaper, radio and television readers and viewers become restless with the complexity and enormity of the change required to fix a particular state’s child protection system.

In still other cases, the enormity of the financial cost of resolving the problem may discourage the public from confronting the issue of child protection. Kentuckians – and citizens in other states – often regard government with suspicion, a legacy of our American forbearers. Since the public associates child abuse intervention with government intervention, their suspicions about government’s role in child protection may be fatalistic. Finally, because there are so many social and international issues that confront the public, citizens become easily fatigued and almost immune to the next “crisis.”

“Cycles of Excitation”

“A review of the history of child abuse... discloses that abuse of children has excited periods of great sympathy, each rising to a high pitch, and then curiously subsiding until the next period of excitation.”

-S.X. Radbill (1968)²

¹ Anthony Downs asserted that there were several stages in how the media responded to emerging issues, including: (1) *the pre-problem phase*, where the issue is almost invisible, (2) *the alarmed discovery and euphoric enthusiasm stage*, when the problem seems urgent, (3) *the sober realization phase*, when the media and the public recognize that resolving the problem will involve public financing, and the problem is more complicated than they first thought, (4) *the loss of public interest phase*, where the issue seems to vanish, or what advocates often refer to a children’s issue “dropping into a deep, dark hole,” (5) *the post-problem stage*, where public policies directed at solving the problem become routine. In this final stage, the public goes into a “business as usual” mode, and the public – and the media – turn to other issues. (Not surprisingly, this cycle starts all over again with the first phase not long after the last stage runs its course.)

² **Primary Source:** Radbill, S.X. (1968). *A history of child abuse and infanticide*. In R.E. Helfner & C.H. Kemp (Eds.), *The battered child* (pp. 15-16). Chicago: University of Chicago Press. **Secondary Source:** Felder, S. (1971). A lawyer’s view of child abuse. *Public Welfare*, 29 (2), 181-188.

So, turning one's head away from a troubling social issue is a normal reaction for many citizens, but it is the role of both the child advocacy organizations who prepared this report to keep the public's attention on one of the most vulnerable of constituencies who cannot speak for themselves in the political process: abused and neglected children.

Article II. An overview of the methodology

As Figure 1 illustrates, the National Institute on Children, Youth & Families (NICYF) conceptualized the methodology for this study and drew its conclusions by relying on twelve different sources of information as shown in Figure 1. While all were important, the report relies heavily on the e-mails and telephone interviews received from respondents throughout the state using Kentucky Youth Advocates' (KYA) telephone and e-mail hotline during August 2005. As the limitations of the study section of this report indicates in Appendix 4, there are certain restrictions related to relying *solely* on a key informants' approach. The National Institute tried to find supporting documentation from other sources to back up the comments of the 255 people from whom we heard.

When the representatives of both child advocacy organizations who prepared this report first met with high ranking state officials on August 19, 2005, the child advocates showed them a historical chart (*see Appendix 5*) that documented the methodology the authors had utilized over the last 28 years. This unusual methodology has proven to be remarkably reliable given that later, certain state-level task forces, commissions, special legislative hearings, and workgroups, have sanctioned the authors' findings. So the multi-pronged methodology illustrated in Figure 1 below has been time-tested over the last 30 years as one way to monitor whether Kentucky's children are being protected from abused and neglect. The methodology used in this report, and in a similar one in 1995, also has been replicated in at least one other state.³

(see next page for Figure 1)

³ Association for Children of New Jersey. (undated). *In their own words: An inside view of New Jersey's child protection system, Results of ADNJ's child protection survey and hotline*. Newark, NJ: Association for [the] Children of New Jersey.

**Figure 1:
The Multiple Sources from which KYA & NICYF *
Drew Its Conclusions**

	E-Mail Hotline Respondents (n = 182)	Reports from national and other states (n = 26)	
Article III. KYA or NICYF Hotline Respondents (n = 73)	Telephone		Prior Reports (n = 4)
Article IV. Key Informants' Section 4.01	One-on-One Prior KYA Case Interviews (n = 12) Telephone Calls (n=3)		Advocacy
Article V. of Public (LRC) Research Commission	Prior Legislative Reports (n = 1)		Auditor Accounts Reports (n=)
Article VI. 1)	(federal) Kentucky Citizens Review Panels for Child Protective Services' reports ** (n = 3)	Administrative Office of the Courts' "Citizen Foster Care Review Boards" Annual Reports (n = 6) ***	
	Kentucky Child Fatality Review System Annual Reports (n = 2) ****	DCBS Responses to NICYF's Open Records Request (n = 1) *****	

Notes

* **KYA** = Kentucky Youth Advocates; **NICYF** = National Institute on Children, Youth & Families, Inc.

** These panels were authorized by a 1999 amendment to the federal Child Abuse and Prevention Act. There are 70 volunteers currently serving on the five panels located in four locations throughout the state. By federal law, the Kentucky Cabinet for Health and Family Services must respond to the Panels' annual report within three months. The Cabinet contracts with the University of Kentucky, College of Social Work to serve as administrator for these panels.

*** The local citizen review boards are a product of the 1985 Special Session of the Kentucky legislature, which focused on child protection issues. These local boards, comprised of a different group of volunteers, cover nearly every county in Kentucky and their administrator is the Kentucky Administrative Office of the Courts.

**** These reports, released by the Kentucky Department of Public Health, usually run three years behind.

***** NICYF filed only one open records request with many questions, and about a month later, the Department of Community Based Services included their answers in one response.

Remembering that those who respond by e-mailing or making a telephone call used an open-ended survey that afforded the respondent an opportunity to discuss an infinite number of issues, **the authors set a threshold of ten percent (10%) of the total number of responses (255) as indicative of an issue worth exploring.** (Finding 5 contains some exceptions to this threshold rule as it surveys some longstanding issues that have plagued Kentucky’s child protection system.)

Article VII.

Article VIII. A profile of the respondents

The following tables include summary information on one of the most critical components of the data that were used to produce the findings: information volunteered by e-mailers and telephone callers during August 2005. Tables 1-4 provide a basic profile of those who responded to the authors’ request for information. Table 1, for example, profiles the gender of the respondents, a great majority of whom is female.

**Table 1:
Composition of Callers and E-Mailers By Gender**

Article IX. Females	Article X. Males	Unspecified⁴
193 (75.7%)	45 (17.6%)	17 (6.7%)

As Table 2 indicates, as compared to KYA’s 1995 Hotline report⁵ where 100% of the respondents used the telephone to express their views, only about 29% relied on the telephone in the 2005 survey.

**Table 2:
Numbers of E-Mail Respondents Compared to Telephone Respondents**

Telephone Callers	E-Mailers	(i) Total
73 (28.63%)	182 (71.37%)	255 (100%)

⁴ Some of the respondents declined to inform the authors of their sex.

⁵ Richart, D., Jenkins, A.D., & Miller, D. (1995). *Where the rubber meets the road*. Louisville & Frankfort, KY: Kentucky Youth Advocates

Table 3 shows the geographic residence of the respondents. (Appendix 6 shows the specific counties from where the telephone and e-mail hotline responded.) As Table 3 indicates, about 42% of the callers came from Kentucky’s two most populated areas.

**Table 3:
General Location of E-Mailers and Telephone Callers
(numbers and percentage)**

Louisville Jefferson County	Lexington- Fayette County	“Finding 7” County⁶	Other Counties	Unknown/ Unidentified
83 (32.55%)	25 (9.80%)	45 (17.65%)	95 (37.25%)	7 (2.75%)

Table 4 outlines the self-described identity of the callers and e-mailers. Table 4 shows that one-third of the respondents were DCBS employees, more than a quarter came from biological and extended families, and more than ten percent were private therapists. This 2005 distribution significantly differs from the 261 people who called in 1995. Ten years ago, 60% of the respondents were DCBS employees, and very few callers were from biological families.

**Table 4:
Distribution of Callers and E-Mailers by Employer, Occupation, Volunteer
Organization, Etc.**

1) Members Of Bio- Logical Families/ Extended Families	DCBS Employees (all levels)⁷	School Nurses/ Teachers/ Admini- strators	Health Care Providers	Foster- Adopt Care- takers⁸	CASA Volun- teers/ Staff (Foster Care Review Board Members)	Private Thera- pists/ Clinicians (many of whom are members of NASW)	Multiple Roles	Other
67	86	20	5	6	8 (2)	27	6	28
26.27%	33.73%	7.84%	1.96%	2.35%	3.14%	10.59%	2.35%	10.98%

⁶ This report was released in two parts, which first addressed the first six findings, and two days later, the seventh finding. Since the seventh finding focuses on one particular county, its identity is not revealed in this part of the report

⁷ Thirty-five (35) of the respondents were what the authors would characterize as “line positions,” while twenty-three (23) supervised these line workers, and twenty-eight (28) were in clinician positions.

⁸ The term “foster-adopt caretakers” means a custodian who has a child placed in his/her home with the expectation that – if the child’s rights are terminated (from her parents) – that the caretaker may adopt the child.

					(.078%)			
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Article XI. Caveats: what the child advocacy collaborating organization are not saying...

*Section 11.01 This report is not an attack on the profession of social work,
Section 11.02 nor is it intended as an attack on all the employees
of the Department of Community-Based Services*

The author of this report took special pains to document the good work done by many social workers that travel the streets and roads of Kentucky to protect children. In prior years, the authors' sometimes critical reports have been interpreted by high ranking state officials as being a direct criticism of line workers, instead of those criticisms *being systemic in nature*. Many good social workers may have concluded that THEY were being scapegoated by the authors' comments about Kentucky's child protection system. The authors certainly don't want to perpetuate that prior misunderstanding. For the first time, the authors have included the complementary comments by outsiders with whom the public and other professionals had contact (*see Appendix 2*), as well as the comments made by the DCBS employees about their peers (*see Appendix 3*). We recognize that Kentucky is fortunate to have hard-working, mission-driven social workers who give their all in the service of Kentucky's children and their families.

This report is not an attack on the Fletcher administration inasmuch as some of the problems identified are historical in nature, while some issues are germane to the current administration

Both of the organizations that collaborated on this report are non-partisan groups who are not allowed by Internal Revenue Service rules to support one political party or another. This is a non-partisan document. As the collaborating organizations have been careful to point out, some of the problems identified in this report are legacies of past Democratic administrations, and others are creations of this Republican administration. More importantly, the budget and tax impasse, which has been described as "revenue neutral," has been responsible for the under funding of the child protection system, which also is a bi-partisan issue. Finally, the looming federal budget cuts that may further threaten the services available to children and their families are passed by a bi-partisan Congress.

During the last Democratic administration, two reports criticized the state's child protection system. On March 27, 1998, the Attorney General's (AG) Special Prosecutor's Office issued a report to Governor Patton's office in which it was very critical of the Kentucky Cabinet for Families and Children for failing to investigate child abuse cases. This report, which became public on August 16, 1998, called for "hiring more social workers, improving training, making it easier to remove children from their own homes,

clarifying supervisors' roles... and instituting cross training."⁹ The AG's report resulted from an investigation conducted by the Special Investigations Unit from August 1997 to January 1998 to determine whether there was any criminal or unethical conduct. The Cabinet wrote an eleven page response citing its progress in many of the areas raised in the AG's report.

In addition to the AG's report, in April 2001, Kentucky Youth Advocates and the National Institute on Children, Youth & Families, Inc. issued a report entitled *Warning Signs*¹⁰, which resulted from more than 100 interviews or focus group meetings. This report asked the state Cabinet seven policy questions that in summary raised the issue of whether the state was adequately protecting children.

Article XII. Purposes of the report

The National Institute on Children, Youth & Families and Kentucky Youth Advocates prepared this 2006 report to meet the following purposes:

1. to report to the public the answer to the question: is Kentucky adequately protecting abused and neglected children?
2. to educate Kentucky's elected and appointed decision-makers about the problems and issues within CPS, so that they might address them and develop an implementation plan to assure that abused and neglected children are safe and secure a permanent home.
3. to see to what extent the Department of Community Based Services is complying with federal and state law, as well as its own regulations, policies and practices.
4. to answer the question: how has the state's Child Protection System responded since the 1995 and 2001 reports on the status of abused and neglected children?
5. to determine what new or longstanding issues impede Kentucky's ability to protect abused and neglected children and to secure them permanent homes?
6. to determine whether adequate funding has been allocated to enable the Department of Community-Based Services to do its statutorily mandated work?

⁹ Gerth, J. (1998, August 14.) Child abuse study faults state agency for failures: Cabinet urged to add workers, improve training. *The [Louisville] Courier-Journal*, A-1 & 1-13. **and** Lexington Herald Leader & Wire Reports. (1998, August 16). Kentucky social services in poor shape, report says. *The Lexington-Herald Leader*. (see source document: Timmel, K.M. (1998, March 27). *Statewide inquiry of the Cabinet for Family and Children*. Frankfort, KY: The Attorney General's Office Special Prosecutions Unit. **and** Lexington Herald Leader Editorial Board. (1998, August 18). No place for skimping: State should spend what it takes to protect children. *The Lexington Herald-Leader* A-6 **and** an editorial cartoon by Pulitzer Prize winning editorial cartoonist on August 23, 1998.

¹⁰ Richart, D.W., Miller, D. & Town, J. (2001, April). *Warning signs: The current status of Kentucky's services to abused and neglected children*. Louisville & Frankfort, KY: Kentucky Youth Advocates.

a) The ultimate purpose: the difference between data & the human factor

b)

This report is replete with data, charts, tables and footnotes. But the real purpose of this report – and the major reason the authors decided to complete this six-month project – was the recognition that Kentucky’s so-called “Child Protection System” (CPS) is a human system. It serves Kentucky children and their families and the employees who serve them. About 6,250 children were placed in out-of-home placements during 2003-2004. Another 5,800 children are with their biological families under DCBS supervision. The Kentucky CPS system also is comprised of approximately 1,500 people who work for the Department of Community Based Services to protect children and secure them permanent homes. So, the ultimate purpose of this report is to talk about people – little people and the big adults that care about them.

What One Veteran Social Worker Thinks that Most Kentuckians Know about Child Protection & What the Word Commonwealth Means...

“People who have not worked in this area have no idea of what actually goes on and what we [social workers] do everyday. I’ve had people accuse me of just sitting at a desk every day. I wish!”

“We, as a city, state, nation do not place a high enough priority on the welfare of our children, although we spout off all the time about how we are a child-centered culture and throw out easy slogans... such as ‘no child left behind.’ We just don’t put our money where our mouths are.”

- veteran DCBS social worker [E-127]

**Section 12.02 The responsibility of the Department of Community-Based Services:
Section 12.03 a reminder of the seriousness of their work**

While many agencies play a role in child protection in every community in Kentucky, the children of the Commonwealth depend on the Kentucky Department of Community Based Services for the protection and permanency of abused and neglected children. Table 5, for example, shows that 34 Kentucky children died in the 2004-05 state fiscal year, 20 children (58.8%) of whom had previously had some contact with the Department of Community Based Services.

(see Table 5 on the next page)

Table 5:

Child Abuse Fatalities, 1999-2005 (& The Percentage of Those Who Had Prior DCBS Contact by State Fiscal Year) ¹¹

State Fiscal Year	Child Abuse Fatalities	Of Those Children, the Number (and Percentage) Who Had Prior Contact with DCBS
1999-2000	31	16 (51.6%)
2000-2001	26	10 (38.5%)
2001-2002	29	19 (65.5%)
2002-2003	32	17 (53.1%)
2003-2004 ¹²	38	25 (65.8%)
2004-2005	34	20 (58.8%)

The Kentucky Department of Public Health also analyzes the number of child abuse deaths, although they report their data by calendar year, rather than the state fiscal year that the Kentucky Department of Community Based Services uses as reported in Table 5. (The Kentucky Department of Public Health's reports also are issued several years late, as Table 6 indicates.)

(see Table 6 on the next page)

¹¹ October 17, 2005 DCBS response to NICYF's September 21, 2005 open records request.

¹² According to the Department "the definition of 'prior DCBS involvement' was added to Kentucky Administrative Regulation effective July 2004 to include any referral, assessment, or investigation of the child or household member, including APS and CPS reports. In previous reporting periods, 'prior DCBS involvement' was defined as investigations only."

Table 6:

**Child Fatalities from Child Abuse: 2001-2002 & Those Children Who Had a Prior Contact with DCBS: Reported by The Kentucky Child Fatality Review System
By Calendar Year**

Calendar Year	Total Number of Child Deaths Where a “Substantiation” Of Child Abuse & Neglect was Made by the Department of Community-Based Services	# & % of Children Who Had Previous Involvement with the Department of Community-Based Services	# & % of Children Who Had Previous Contact with the Family within the Year Prior to the Child’s Death	# & % of Children who Had Previous Contact with the Family More than One Year Prior to the Child’s Death
2001 ¹³	33	not reported ¹⁴	not reported	not reported
2002 ¹⁵	29	20 (69%)	13 (45%)	7 (24%)
2003 ¹⁶				
2004				
2005				

(continued on the next page)

¹³ Kentucky Cabinet for Health Services. (2003). *Kentucky Child Fatality Review System: 2001 annual child fatality review report*. Frankfort, KY: Kentucky Cabinet for Health Services, Department for Public Health & Kentucky Child Fatality Review State Team, 36.

¹⁴ The 2001 report that the authors reviewed did not include information about DCBS involvement with the children who died, and their families.

¹⁵ Kentucky Cabinet for Health Services (undated). *Kentucky Child Fatality Review System: 2002 annual child fatality review report*. Frankfort, KY: Kentucky Cabinet for Health Services, Department for Public Health & Kentucky Child Fatality Review State Team, 40.

¹⁶ The Kentucky Department of Public Health and the Kentucky Child Fatality Review System typically runs several years behind in its reporting. The 2003 report is due to be released in early 2006.

FINDING # 1:

Children alleged to be dependent, neglected or abused – and their families – are unwittingly playing the ‘other’ Kentucky lottery

(a) Introduction

The most significant finding of this report is that many abused and neglected children are unwittingly playing what the authors call “the ‘other’ Kentucky lottery,” a game of chance that determines their current status and future life path. The overwhelming number of the telephone calls or e-mails the authors received in August of 2005 described two conflicting situations with respect to children who are abused and neglected in Kentucky. First, the children may be subject to wonderful, dedicated social workers, some with social work education and advanced training who have supportive and accountable supervisors, and who have access to important support services that help families overcome some of the barriers that they are encountering as caretakers. In this first situation, these social workers have access to resources for the children and their families, are accountable for their work, and respected by court personnel and outside monitoring entities.

At the same time, this report documents that *in some Kentucky counties* all-too-many abused and neglected children – and their families – are treated in the most deplorable ways. It was not just biological families making these reports, who, after-all, may have an understandable animosity towards social workers, law enforcement officials and judges who take their children away from them who held these negative attitudes towards state employees. Professionals, who are eager to help the Department of Community-Based Services, also commented that the extent to which children were protected from harm and secured a safe and permanent home was a function of the luck of the draw. For the “losing” children, the odds for their futures are long, and for the “winners,” there are many rewards, not the least of which are safe and permanent homes.

a. “Do You Feel Lucky Today?”

“It’s a lottery for the kids who are abused. Do you feel lucky, today?”

- a school administrator who called the KYA-NICYF hotline in August [T-30]

“If Only She Was in a Different District”:

“I have been told: ‘if she [her grand daughter lived in] ... a different district,’ she wouldn’t have this problem [of having her grandchildren ‘stuck’ in foster care].”

- a grandmother [T-37]

“We are constantly told that if we could get this ‘case’ [moved] into another county, it would be handled differently. Why should this child have to suffer?”

- kinship care provider [E-130]

It is not just geography that determines the present and future of abused and neglected children entrusted to the state’s care. *The human factor*, the staff assigned to work with children and their families plays an equally important role in helping children and their families. In one group meeting of biological parents convened by the Department, one mother, whose children had been removed from her and subsequently moved to another county, shared a story that illustrates the importance of *which* social worker is assigned to work with a

A Candid Comment about a Confused Workforce

“Workers do not seem to be clear about the mission and goals of the Cabinet.”

-2005 Annual Report of the Kentucky Citizens Review Panels for Child Protective Services ¹⁷

family. (As the text box to the right suggests, this parent won the lottery when she was assigned a social worker who made a difference in her life.) It is exactly that possibility to help facilitate change in families that draws people to social work, with all its limitations and financial sacrifices.

The Power of One Person to Facilitate Changes in Families:

“As soon as I moved to [county’s name redacted], my whole life changed because I came in contact with a social worker who saw the very best in me, saw that I loved my child, and saw her role as helping me get my kids back. I can’t believe that now I am mentoring other biological parents who were in my situation and I have my child back with me. What a difference one social worker can make!”

- a parent participating in the Annie E. Casey Foundation-funded mentoring program for other biological families being “piloted” in Jefferson County

(b) Three scenarios that illustrate the diversity of CPS experiences in Kentucky that have life and death -- or emotionally traumatic -- effects

In order to understand the diversity of experiences children and their families might have in the current Kentucky child protective services system, three scenarios are presented that show three very different outcomes for children. All three examples assume that the hypothetical child in question is in the identical situation.

Scenario # 1: Eurita

A positive outcome resulted when one neighbor makes a report alleging that Eurita may be dependent, neglected or abused. In this first report, the hotline social worker has the time to elicit information from the caller, is friendly and accommodating, and draws more details from the neighbor. The neighbor is satisfied that she has been heard and there will be some follow-up to her allegation about Eurita. The allegation is referred to a highly trained, formally educated and experienced social worker, who, understanding the nuances and subtleties of family dynamics, completes a comprehensive investigation and makes a report to her supervisor. Because of Eurita’s family’s poverty, her parents’ mental situation, or the parents’ own childhood experiences, social workers determine that Eurita’s parents need some basic services from the Department of

¹⁷ Jones, B. (2005, June 30). *Annual report, 2005: Kentucky Citizen Review Panels for Child Protective Services*. Lexington, KY: University of Kentucky, College of Social Work, 43. (In his introductory letter to the annual report, Dr. Jones makes a point that all the volunteers who work in the Citizen Review Panels actually wrote large sections of the report.)

Community Based Services. In this scenario, the family would receive services they need to become better parents, and the visits of another social worker assigned to supervise the family indicate that the child and parents are flourishing despite their economic situation. The family remains in tact.

Scenario # 2: Martha

At the other end of the continuum, another neighbor, perhaps in another county – or in an adjoining neighborhood – sees Martha in a nearly identical situation. She calls the hotline and is put on hold for twenty minutes. When this second neighbor does finally reach the hotline caseworker, the worker apologizes – or does not – and explains that there has been a rash of allegation calls that have been tying up the 1-800 hotline. To this second neighbor, the worker seems curt, appears to be hurried, and does not collect complete information about Martha’s family situation. Based on this cursory knowledge, this second hotline caseworker decides the allegations do not merit an investigation, and the case is closed. Or, perhaps, a half-hearted referral is made for an investigation, but the hotline worker verbally tells the investigator that she doesn’t think there is much merit to the neighbor’s claim.

In any case, this particular referral for an investigation comes amid a flurry of other referrals and an overworked investigator, perhaps with no academic background in social work, and perhaps with little experience and the most rudimentary of training, makes only the most basic, cursory investigation of Martha’s situation. This investigator may not even contact school officials for information about Martha’s behavior or physical condition. Martha is found *not* to be abused or neglected and she remains in her own home. Months later and by-the-luck of the draw, Martha is found dead and the coroners’ report indicates that she had prior broken bones and was suffering from nutritional deficiencies before her death.

1) Scenario # 3: Tommy

The third hypothetical scenario has a third neighbor seeing the identical situation as in the first and second scenarios and she is placed on hold when she calls the 1-800 hotline. When she gets off of hold, there’s an even more hurried and hassled intake call, a half-hearted referral for investigation, and a quick- and-dirty investigation of Tommy’s situation. This third investigation is also hurried and the child is removed from the home amidst understandable tears from Tommy and his family. Because the social worker did not conduct a comprehensive investigation and adopted such a positive position about her decision to remove Tommy from his home, that decision becomes self-fulfilling despite other facts that may surface. Tommy is placed in what is called a “foster-adopt” home, where the state simultaneously works on two goals: (1) to reunite the child with his family and (2) to prepare him for adoption.

Under this situation, the state is required to develop a case plan for reunification, with the prospects that Tommy will be reunified with his biological family. But the case plan developed by the social worker may set unrealistic goals for a poor family, or the

family may not even sign the case plan indicating that they are committed to meeting the outcomes set forth in the plan. The family may have no operable car, which means that the parents often fail to make appointments through no fault of their own. Perhaps Tommy's family has no money to pay for drug tests to prove that they are drug-free. (One 2004 report indicated that 44% of the case plans reviewed by volunteers were not signed by the parent, indicating that they agreed with the goals set by the state agency.¹⁸)

Although initially traumatized, Tommy begins to settle into his "foster-adopt" home. At the same time the case plan for reunification has been finalized, his social worker also is developing a plan for his adoption. Over time, and with the family sinking further and further behind in meeting their goals because the services promised by the agency are not available, the prospects for reunifying Tommy with his family begin looking bleaker and bleaker. In the meantime, the love and concern of his foster-adopt family start making Tommy feel more comfortable. In this third situation, the overworked caseworker recommends to the state agency and then a family court judge that a termination of parental rights legal proceeding be initiated. Before you know it, Tommy is legally separated from his biological family and is adopted by his foster-adopt parent, never to see his parents again.

"Inconsistencies in Practices"

"Inconsistencies in practices with [the] CHFS [Cabinet for Health & Family Services] were identified throughout the state and brought to the attention of the... Department for Community Services."

-2004 Annual Report of Citizens Foster Care Review Boards¹⁹

(c) The first finding is the initial of five other major findings that are interrelated

Which children are helped and which children are subject to even more abuse and neglect after they are reported abused and neglected is a function of the following problems, which this report discusses in more detail as Findings # 2 -6:

- *that an under financed child protective services system that is held together by the sheer will of its employees. This system could unravel at any moment leaving abused and neglected children even more in jeopardy. Finding # 2 discusses the "politics of scarcity" argument often made by elected and appointed officials who usually deny the need for more funds. It also outlines how the state budget is affecting the ability of workers to protect children and secure them permanent homes.*

¹⁸ Kentucky Administrative Office of the Courts. (undated). *2004 annual report: Citizen Foster Care Review Board Working for Kentucky's future...our children*. Frankfort, KY: Kentucky Administrative Office of the Courts, Division of Dependent Children's Services, 11/

¹⁹ *Ibid.*, 5.

- *that an organizational culture exists that encapsulates some workers, and which negatively affects their attitudes toward their work, their ability to make good decisions, and their capacity to treat other professionals and family-consumers in a respectful, helpful and productive way.* Finding # 3 makes the point that good attitudes should not be a function of the county in which a child and her family live. It also demonstrates which social worker is assigned to a family should not be one of the primary reasons that children benefit – or don’t benefit – from their involvement in the state’s child protective services community.
- *that there is a question of whether abused and neglected children are being “fast tracked” into adoptive homes without their biological parents or extended families being given a fair shake when the state does not provide basic services to improve their family situation.* In Finding # 4, callers and e-mailers pointed out that there are some geographical areas in Kentucky where biological parents are not being given a fair shake, and where adoptions are expedited much too quickly.
- *that there are some longstanding and emerging special issues that the Kentucky CPS has – and will continue to be – addressing.* Finding # 5 discusses such topics as disproportionate minority representation, spouse abuse, child sexual abuse and other special issues.
- *that some personnel and human resource issues stifle hiring quality staff, create more turnover, slow the filling of staff vacancies and block disciplinary actions, all of which negatively affect the morale of the staff working for the Department of Community-Based Services.* Finding # 6 illustrates the negative effect these human resource issues are having on morale of the staff as well as the capacity of the agency to complete its statutorily-mandated work to help children.
- *that there is one area of the state where unprofessional and unethical behavior seems to be the norm, and where the impartiality of workers call into the question the basic fairness of the system in several counties.* Finding # 7 is the subject of other documents prepared by the authors of this report, which have been released to the Department and to other appropriate authorities.

(d) Conclusion

Sadly, the organizations that collaborated on this report concluded that a confluence of factors discussed in this report have unraveled the state’s child protection services system to the point that some abused and neglected children are “lucky” to be in a safe and permanent home with people who care for them. In those instances, the system works perfectly, but for far too many abused and neglected children, the system that was designed to help them, may in fact, hurt their present and their future.

The child protection system in Kentucky was not quite so good as it was touted as being during the Patton administration. In that sense, the Council on Accreditation (COA)

certification that the state received may have mislead the state's citizenry into thinking that Kentucky was protecting abused and neglected children adequately. As far as the authors can tell, the system started to unravel during the last year of the Patton administration and has continued during the two years of the Fletcher administration. The state's budget and tax situation has not allowed any significant improvements to be made during that later period.

It is too simplistic to blame the inability to protect children and secure them permanent homes simply on a handful of shameful social workers. Most social workers do very worthy work under extremely difficult circumstances. By-and-large, the problems we identify are *systemic* in nature.

FINDING # 2:

The current fiscal climate does not provide adequate funding in many important programmatic areas, leaving some abused and neglected children unprotected & denied permanent homes, which may have serious – and possibly life-threatening – consequences for children

Most of those with whom the collaborating organizations talked painted a very unflattering general picture of Kentucky’s current child protection system

In reviewing the written comments from e-mails and the summary comments of those who telephoned the KYA hotline, the collaborating agencies find the state’s child protection system is unraveling, something that started prior to the current administration assuming office. In the last three years, the picture has gotten increasingly worse. In all, 60 of 255 respondents (or 23.5%) indicated – in different ways and tones – that the basic infrastructure of the state’s child protective services system, did not have: (1) adequate numbers of support staff, (2) sufficient numbers of competent social workers, (3) technology that would ensure worker safety and make them more efficient, and equally important, (4) contracts with outside agencies to provide more services to help families stay together whenever that is possible.

The fragile nature of the CPS infrastructure was supported by the following other sources as well: (1) the Department’s own demographic data regarding child abuse and neglect cases referred for investigation and the children removed from their own homes, (2) annual reports of the state’s foster care review boards (supervised by the Kentucky Administrative Office of the Courts), and (3) annual reports of the federally-sanctioned “Kentucky Citizen Review Panels for Protective Services.”

General Comments

“[The situation] “is extremely dangerous and no one in Frankfort seems to understand [the seriousness] of the situation; this situation is as bad as I’ve ever seen.”

- veteran DCBS worker [T-6]

“ I thought things were bad in 2001, just four years ago, but they [it’s] far worse, now.... The agency is doing the most ungodly things.”

- domestic violence worker [T-9]

“Everything is geared to the adults [employees] – nothing is pointed toward the child.”

- DCBS employee [T-50]

“I find that the system works for the system and not for the best interest[s] of the children and families we serve.”

- DCBS employee [E-47]

A History of Financial Neglect...

“Citing a history of budget crisis and consistent under funding, the Task Force contended that circumstances for children in placement will not change if the agencies responsible for their care are never given a proper amount of funding to meet the responsibility [of the Department].”²⁰

- November 1998 LRC Report

In the end, this report documents many “markers” that indicate this lack of funding is affecting the quality of services available to biological families, and most importantly, to abused and neglected children. An increase in demand, high caseloads, less staff, rushed and therefore closed-minded investigations, the lack of basic services to keep families together – or to reunify them after a child is removed – and the general poor morale of the staff were all indicators of an under funded system. It is fair to say that this under funding is a recurring problem that has confronted the state for the last 30 years or so.

Increase in the demand for services, DCBS supervision of families & out-of-home care placements

As the state’s local foster care review boards’ 2004 annual report reminds Kentuckians, child neglect and dependency – not child abuse – is the major reason why children are removed from their own biological homes.²¹ Table 7 shows that, among children characterized as “active” by the Kentucky Administrative Office of the Courts, almost 77% are removed for neglect or dependency, conditions that may have at their root some economic, mental health, or substance abuse cause. Surprisingly, child abuse accounted for only about eleven percent of all the child removed from biological homes of the cases reviewed by AOC’s local foster care review boards.

**Table 7:
State Foster Care Review Boards’ Analysis of “Active” Cases:
Reasons for Removal from Biological Homes**

Child Abuse	Child Neglect	Dependency	Abuse & Neglect	Status Offense *
10.6%	42.6%	34.2%	11.8%	0.8% *

(*) **Note:** Status offenses are those allegations that if the child were an adult, would not be a crime. So, it is a child’s special “status” *as a child*, that makes running away, drinking alcohol, violating curfew, and not going to school, a “status offense” since adults would not be charged for these offenses.

²⁰ Legislative Research Commission. (1998). *Final report of the Task Force on Children in Placemen: The challenge of 1996 Concurrent Resolution 107, Research report 280*. Frankfort, KY: Legislative Research Commission, 17 and 25.

²¹ Kentucky Administrative Office of the Court. (undated). *2004 annual report: Citizen Foster Care Review Board, Working for Kentucky’s future... our children*. Frankfort, KY: Kentucky Administrative Office of the Courts, Division of Dependent Children Services, 10.

The Department of Community Based Services provided data that seem to indicate a substantial increase in demand for: (1) services to families whose children were found to be abused, neglected, dependent, or in need of services, and (2) out-of-home placements, like foster care, kinship care and residential care because children have been removed from their own homes. Looking at the very last row of Table 8, one can see a rather substantial increase in the demand on the Department of Community Based Services for services to families and out-of-home placements.

Table 8:

Increase in the Demand for DCBS Services, Two Indicators²²

State Fiscal Year	total # of children under DCBS supervision with children in their own homes	% of increase in the number of children in DCBS supervision	total # of children removed from their biological homes	% increase in the number children removed from their biological homes
1999-2000	1,471		4,925	
2000-2001	1,865		5,461	
2001-2002	1,846		6,267	
2002-2003	2,220		6,938	
2003-2004	2,438		6,257	
Difference between 1999 & 2004	+ 967-----	---- 65.57%	+1,332-----	----- 27.05%

It is important to note that every CPS agency – no matter what the state – self-adjusts to meet the demand for services with the available state resources. That is, every CPS screens-out potential receivers of service or adjusts the number of children it recommends for removal from homes based on the amount of money available. In that sense, the lack of federal and state financing forces child protection systems in most states to triage services to those *most* in need of preventive services, or at the other end of the continuum, those who need an out-of-home placement.

If more money were available, for example, more preventive services would likely be provided to biological families where neglect was in evidence. The families who were in need of some substantive service, like child care, a job, an apartment, or an operable automobile, could be provided assistance to address these family issues. If more services were provided, the demand for these services could be far greater as more families were made eligible and the responsibilities faced by the Department could be far more expansive.

²² October 17, 2005 DCBS response to NICYF’s September 21, 2005 open records request

The Kentucky CPS is substantially under funded and there is not enough staff to meet the needs of abused & neglected children

There are three major indicators that document how CPS workers and the system itself makes adjustments because of the twin factors of high numbers of referrals and inadequate funding.

Section 12.04 High caseloads, the need for more line social work staff and support staff

How do the collaborating agencies know that the Kentucky child protection system is under funded? Ninety of the 255 (or 35% of the total) respondents indicated that social workers had increasingly high caseloads *that were impeding their ability to serve families*. But it is not a matter of reducing caseloads that is the fundamental problem; the problem is the need for more social workers to provide the very hands-on services to families. Another 20 respondents wanted to either extend or retract the agency's responsibility for conducting investigations, which was a third indicator that more staff were needed. In all, 119, or nearly 46.7% of the respondents made comments that the CPS system in Kentucky is overwhelmed. If you add the five other respondents who were under the impression that the state had implemented a hiring freeze, a total of 124 respondents (or nearly 49%) were concerned about understaffing.

Section 12.05 An example of high caseloads: workload increases in Fayette County

The volunteers who helped prepare the Fayette County section of the 2005 annual report prepared by the Kentucky Citizens Review Panels for Child Protective Services make this caseload problem more concrete. They compared the period January through March of 2004 with the same months in 2005 and found that there was: (1) a 15% increase in caseworkers' work load, (2) a 17% increase in the total number of investigations, (3) a 15% increase in the number of investigations involving allegations about children under three years of age, (4) a 19% increase in the number of investigations involving domestic violence, and (5) "an alarming 77% increase" in the number of investigations involving substance abuse.²³ While these data reflect just one major metropolitan county, they do repeat the themes from KYA's hotline calls and e-mails.

a) Closing "cases" too quickly: A systemic response to having too many "cases" assigned to the CPS in Kentucky

Another 10 respondents expressed their concerns about high caseloads and the need for more staff when they indicated "cases [children's files] are closed too fast." This process is another way that a child protection system adjusts itself when it is overwhelmed. Responding to the pressure to lower caseloads, which accrediting bodies and state law pay close attention to, by closing a case or ending state supervision of a

²³ Jones, B. (2005, June 30). *Annual report, 2005: Kentucky Citizens Review Panel for Child Protective Services*. Lexington, KY: University of Kentucky, 33.

child and his family can be very dangerous. In these instances, a child may die, continue to be sexually abused, or suffer the indignity of being the poorest and least prepared to learn in the classroom. Adding the 10 people who thought cases were being closed too quickly would mean that a total 134 of the 255 respondents, or almost 53% of all who responded to the KYA hotline, identified some indication that the system was under funded.

b) “Uncovered caseloads” emerges again

In previous reports, child advocacy organizations have warned of a second systemic way that child protection systems adjust themselves when they are overwhelmed as is the case in Kentucky. It starts with an employee leaving the DCBS. Social workers leave their jobs for many reasons, including: (1) maternity or paternity leave, (2) a social work position in the private sector, (3) a position somewhere else in state government, or (4) a position outside social work. The children re-assigned to the caseworkers who remain, often become what is commonly referred to as “uncovered cases.”

Imagine a social worker with 25 cases (or families) assigned to him and his colleague in the cubicle next door decides to leave and provides two weeks notice. Because he is a member of a “team” of five or six other social workers, the social worker may not be assigned all 25 of his departing colleague’s clients, but he may be assigned 1/5 of that number. So, instead of 25 families, he now has 30 families to supervise. Since he is *already* overwhelmed by his work, the five new “cases” may not get his full attention – even though they are his responsibility. Even though these cases are assigned to the remaining workers, they are uncovered because they are not a high priority for an already beleaguered colleague. Ironically, because these children and their families are invisible to an overwhelmed worker, these children may be at even higher risk of being hurt or neglected.

What Two Child Advocacy Groups Said in 2001 about “Uncovered Caseloads”...

“Each organization has its own unique jargon.... During our interviews, we again encountered the euphemistic term ‘uncovered caseloads’ In other words, ‘uncovered’ caseloads’ are actually children who do not have a caseworker assigned to supervise their care... [because another staff has resigned, retired or is on maternity leave].”

-2001 KYA & NICYF report, “Warning Signs”²⁴

c) The importance of child protection

The inter-relationship of closing cases, having high caseloads, and calling for the employment of more staff is important. Without more staff, children may be in jeopardy. In some cases, the neglect and abuse that children encounter daily may be unseen because no DCBS employee is familiar enough with the children’s welfare to protect them. It also can mean that workers may rush their investigations. In this regard, the role of front-line social workers can be described in the same way as Kentucky’s famous “thin gray line,” the Kentucky State Police troopers, who in some counties are the only semblance

²⁴ Richart, D.W., Miller, D. & Town, J. (2001). *Warning signs: The current stats of Kentucky services to abused and neglected children*. Louisville & Frankfort, KY: Kentucky Youth Advocates, 28.

of law enforcement. In this sense, social workers fulfill the same fundamental functions: protection of the community, as well as being the community’s conscience. These roles are particularly important in rural areas, where DCBS workers may be the only social work professionals in the community.

Comments about the need for more funding came from DCBS staff as well as from people who do not work for the state agency. The neutral term “high caseloads” does not convey the enormity of the problem because high caseloads mean that investigations may not be conducted at all, or may be crudely completed, or that biological homes may be unsupervised, and that workers are unable to respond to their need for someone to oversee their welfare. Finding 6 documents other personnel problems that affect the employees who are on the front lines in the battle against child abuse and neglect.

Article XIII. While good work is being done by some social workers, child abuse and neglect investigations are seriously compromised, leaving some children in danger

An overwhelming number of respondents, 65 of 255 (or 25.5 % of the total), from both inside and outside of state government indicated that child abuse and neglect allegations were not being taken seriously or not pursued rigorously, including those who told us that people with whom they talked actually discouraged them from making a formal allegations. Phone calls are unanswered, or callers are kept on hold for twenty minutes or longer. All of these are indicators of a system that is under resourced to the point that it cannot respond to the pleas of health professionals, family members, and school officials who allege child abuse or neglect. The respondents phrased their concerns about the investigative process in seven different ways as Table 9 documents.

**Table 9:
Respondents’ Concerns about the Allegations-Investigations Process**

Article XIV. General Description of Concern	n =
inadequate responses to initial allegations	22
inadequate responses to allegations about children with disabilities	1
inconsistency across the state in how investigations are conducted	7
inadequate or non-protocol investigations about child sexual abuse	13
investigation declined or discouraged: general	14
investigation declined or discouraged: emotional abuse	1
investigations completed, but no follow-up done	7
1) TOTAL	65
2) Comments about Allegations Investigations Not Reflective of Funding Issues & Not Counted in Above	
3) concern about falsified allegations	2
4) allegations-investigations: danger to social workers	9

:

Many e-mails and telephone conversations came from people who warned the collaborating organizations of how dangerous ignoring these allegations are for the long term emotional and physical health of Kentucky's children. While some of the attitudes of some DCBS employees can be explained by rudeness or not being "customer-friendly," it is equally as likely that this behavior and delay occurs because of systemic under funding in which the "demand" of investigations overwhelms the "supply" of the current staff.

The press of being under funded and under staffed creates an environment where child abuse investigators might become closed-minded

Social workers, unlike the public, have to keep an open mind about the families they are investigating and cannot be dismissive or pre-judgmental. They have to be unbiased in at least three, sometimes conflicting, ways: (1) they have to be open-minded as they investigate child protection allegations despite their personal beliefs about parents, and (2) they have to be open-minded that the initial information they receive may be suspect, and therefore may be a false allegation of child abuse, and (3) they have to be open-minded that that larger economic and cultural factors may be contributing to child neglect or dependency in particular. In that later respect, they may have to look for *deeper reasons* for child abuse and neglect, rather than immediately concluding that child abuse and neglect is simply a matter of a parent's lack of character.

At the same time, they also must balance that open-mindedness with a hard-nosed recognition that *some* parental figures *do* sexually abuse, physically abuse, or psychologically abuse their children and that it is the social worker's responsibility to prevent the continuation of that behavior. But social workers must have *the time* to complete these investigations – and the home supervision that may follow – in a thorough manner. If Kentucky's child protection system is under financed and social workers are overwhelmed, the chances of their being open-minded are reduced dramatically as they are forced make snap decisions.

To sum-up, social workers – who are bound by, or exposed to, a professional code of conduct and ethics – should come into the investigation of dependency, neglect and abuse with a more open-minded approach, in which they draw upon their prior experience, their intuitions, and their training to determine, as best they can, the facts about the extent to which a child may be dependent, neglected or abused. While the unaccustomed private citizen might think that this fact-finding process is a simple series of tasks, it is among the most complicated, nuanced work activity that a public servant can do. If there are not enough workers assigned to conduct investigations and oversee the welfare of abused and neglected children because of inadequate funding, children may unnecessarily die or be emotionally, sexually, or physically abused.

Services – that are supposed to be provided to biological families – may not be available to them

As the authors take-up in more detail in Finding # 3, federal and state laws guide, and in some cases even mandate, how the Kentucky Department of Community Based Services should conduct itself with respect to responding child abuse and neglect. First and foremost, however, the paramount concern of the state agency is to protect the safety of the child.

Second, as much as possible and whenever the safety of the child can be assured, services and supervision should be provided by the state agency to keep the family intact. If the child’s safety is at risk, and the child is removed from the home, the state is required to develop a case plan (or contract) in which the parent agrees to meet certain obligations, and in return, the state agrees to provide certain services to the parent. If both parties (the parents and the state) fulfill their responsibilities, the child may be returned to his home, to be supervised for several more months.

Setting Up Families to Fail?

“In [the local] community mental health center, if you do not have a medical card [because your child has been removed from your home, you] must pay ‘a co-pay’ [ment out of your own pocket]. If [they] don’t have money [and] can’t pay, clients are being set-up to fail.”

– DCBS worker.” [T-57]

However, if the parent or parents fail to meet their obligations, and the state proceeds to recommend to the Court that the parents’ rights be terminated – and the Court agrees – their child can be adopted by someone else. But, as we emphasize in Finding #4, what happens if the state does not provide the services that should be provided to families? As Finding #4 indicates in more detail, the child will not be returned to a willing biological parent and the child will be adopted. In comment after comment, the authors found that basic services were not available to biological families, which we believe is a function of funding. Many of these services are provided by a non-profit or for-profit services provider who has a contract with the Kentucky Department of Community Based Services.

Remembering that almost 77% of the children reported to alleged to be neglected, are removed from their own homes for neglect or dependency, it is clear that biological parents lack some essential, material service or tangible benefit that a child should have. Providing services to fix that situation is essential. 47 of the 255 (or 18.4%) of KYA's hotline respondents explicitly mentioned that families needed certain essentials, such as child care, better housing, being financially able to make a co-payment for substance abuse services, or securing transportation to where the services are provided and the like.

In a recent edition of the journal *Pediatrics*,²⁵ the National Survey of Child and Adolescent Well-Being (NSCAW) reviewed a sampling of children aged birth to 14, who were in contact with the nation's child welfare system. That study found that half of these U.S. children had serious developmental and/or behavioral risks, but less than one quarter of these young children in the nation's child welfare system received any developmental or behavioral help from the several "systems" that serve them. Younger children were more likely to receive services, and African-American children were half as likely to received these needed services. Most significantly for the purposes of this report, this national data about children in the nation's child welfare system support the fact that children living at home with their families were much less likely to receive these services than if they were placed in out-of-home care, like kinship care or foster care. This trend toward providing services to children after they were removed from care is confirmed by a second Kentucky source.

Services in Biological Homes vs. Out-of-Home Care

"[The national study] "... confirms a high rate of risk for developmental and behavioral difficulties and suggests that current policies and practices [in the U.S.] heavily favor children in out-of-home care."

[A summary of the report added that federal and state policies be changed to actively pursue] "... needed services for children remaining at home may prevent future need."

- October, 2005 *Pediatrics Journal*

In the 2003 annual report prepared by the Kentucky's local foster care review boards, which operate under the supervision of the Kentucky Administrative Office of the Courts (AOC), the citizen reviewers found "that the medical, psychological needs of children in foster care are met 96% of the time."²⁶ The data from the hot-line respondents stand in stark contrast with the AOC data *because basic services are not being made available to biological families.*

The general morale of the line staff who have contact with families is an indicator of under funding

As Finding #6 discusses in more detail, there is a terrible morale problem within the Department of Community Based Services, which is a function of many factors. For most social workers, it is not their pay that is the primary motivator for their choice of

²⁵ Stahmer, A.C. Leslie, L.K., Halburt, M., et.al. (2005). Developmental and behavioral needs and service use for young children in child welfare. *Pediatrics*, 116 (4), 891-900.

²⁶ Kentucky Administrative Office of the Courts. (2003). *2003 Annual report, [Kentucky] Citizen Foster Care Review Board: Working for Kentucky's future... our children.* Frankfort, KY: AOC, 1.

concerns, it is the agency’s mission and work itself of that is the driving force behind their choice of employers.

Some 30 of 255 respondents (11.8%) either used the words “poor morale” or alluded to that problem in a less direct way. Despite their best efforts, a staff with a low morale is a staff that does not come to work ready to protect children. Among social workers there is an

Does Anyone Care?
“We put our lives our life every-day, but get no respect or recognition.”
DCBS worker [E-37]

“We’re Drowning...”
“We’re drowning and no cares.”
- DCBS employee [T-11]

underlying feeling that the community-at-large and perhaps elected and appointed officials do not seem to care about the work of DCBS employees. To listen to DCBS employees speak, being a social worker is one of the most stressful jobs in state government. Besides the Kentucky State Police trooper on the back roads of Kentucky, or being the lone corrections worker on “the walk” with many state prisoners, there are few other state employees who are given life and death responsibility as part of their everyday work responsibilities.

Job Satisfaction – “It Ain’t Feelin’ That Way Anymore”
“Workers used to feel a certain amount of satisfaction [about their work] – it ‘ain’t’ feelin’ like that anymore. I hear a lot of stories about social workers ‘getting out’ [of CPS work].”
- DCBS worker [T-6]

- (b)
- (c)
- (d) **What is the “politics of scarcity,” and what has it to do with protecting abused and neglected children over the last 30 years?**

(continued on the next page)

During the last 30 years that child advocates have been monitoring Kentucky's child protective services (CPS) system, they have frequently encountered the political and economic game called "the politics of scarcity" used by elected and appointed officials to justify their decision not to fully fund improvements in the state's system designed to protect abused and abused children and to assure that they have permanent homes. Here's how the politics of scarcity game has worked over the last 30 years. Usually after the media writes an expose or a child advocacy group releases an alarming report that documents that there was a growing number of children dying or children being underserved, a government-supported study group will be formed and that commission will estimate the costs of improving the system.

Governors and their ambassadors, who are appointed to high-level positions within state government, and some legislators, respond to the request for more funding by saying something like: "We recognize the need for more funds, but because of a recession, which reduces the amount of money that the state collects in taxes, or because of some other higher-ranking economic priority that must be addressed immediately, we cannot afford the amount of funds you are requesting."

Typically, and with a few exceptions over the years, the sitting Governor and key legislative leaders will agree that doing nothing is not politically responsible as it paints elected or appointed officials as callous or indifferent to the needs of children. In the end, some compromise appropriation will be made during the next legislative session. Often, this token appropriation is an improvement, but it fails to meet the fundamental need documented by the task force or study group appointed by government. In the midst of the debate on additional funding for child protection services, it is not unusual for some widely quoted politician to say: "That's a problem that you can't solve by throwing money at it! Government, after all is so wasteful." Conveniently, providing a token amount of money gives the public the impression that the "child protection problem" to which the public was first alerted has been resolved.

That would be the end of the story, with child advocates and the media being somewhat satisfied because their cause had been heard and a token amount of federal and state funds had been appropriated by the legislature and the sitting governor. But outside of public view, a stark reality dashes the child advocates' good feelings. At the very end of every legislative session – as the state budget is voted upon in the waning hours of

***Politicians' Favorite
Alternatives to Providing Full
Funding for Child Protection:***

- *firing the administrator;*
- *creating a special commission to study the issue;*
- *reorganizing state government;*
- *changing the name of the agency'*
- *"triaging" services to families;*
- *trying to "privatize" services from government to for-profit companies;*
- *implementing managed care principles previously used in health care to contract services at the lowest possible cost;*
- *recruiting more volunteers; and*
- *arguing that families are so pathological – so "damaged" -- that they cannot be redeemed, so why spend any money on them?*

Source: former content from SW 602, from Spalding University's MSW program

session – the 325 page budget²⁷ starts to look like a Christmas tree, full of fancy ornaments, sparkling lights and other decorations. *Each* of these trinkets is symbolic of a special new project that some legislator – or the Governor – has promised his or her constituency, and which has been placed in the state budget at the very last minute. A particularly wily politician may even fund a special children’s project to take the heat off him or her for not being attentive to children’s issues.

From state parks improvement and university buildings, to such basics as more blacktop and small bridges in rural areas, to new buildings for non-profit organizations, each of these projects was presumably more important than providing more systemic funding for child protection. Instead of saying there were no funds for children, the political game used by most politicians, which we refer to as the politics of scarcity, is really another way of politicians saying to child advocates: “Your idea of providing more funds to protect abused and children has merit, and we are concerned, but it is not as important as my project back home.”

The politics of scarcity game has been played so often and in so many states that child advocates, particularly a New York City-based non-profit public interest law firm called Children’s Rights, Inc., have turned to the federal courts to address the funding needs of their states’ child protective services systems. In many cases, either judges or consent decrees have forced states to provide more funding. It would be a great service to children for the Kentucky General Assembly and the Governor to once and for all provide comprehensive funding to the child protective services system that would help poor children and their families.

(Finding 3 begins on the next page)

²⁷ In addition to the bill that includes the appropriations measures, we recognize that there also are “budget memoranda” that contains details about special “earmarks” (or special appropriations).

FINDING #3:

Administrations and administrators come and go, but in some locales, DCBS organizational culture survives to the detriment of all of those who come in contact with *some* DCBS personnel

Article XV. Introduction: questionable attitudes and behaviors

There was a pervasive sense of gloom and doom expressed by the people who contacted the KYA hotline. Specifically, this gloom and doom involved the negative attitudes and behaviors of *some* DCBS workers with whom the respondents came in contact. One might imagine that biological parents, whose children might be removed from their home, would see workers as threatening to them and their families. So, seeing their children being removed – or at risk of being removed – makes some families feel threatened with the ultimate penalty: the loss of their children. In these situations, they make strike out at the workers who they see as personally responsible for this family dilemma. Despite these family responses, caseworkers – as law enforcement officers often are expected to do – *must conduct themselves in a professional way and not stoop to the level of the families' behavior. They must rise above the defensive and hostile behavior of some biological families.* Adopting such a patient attitude in the face of such hostility is easier said than done.

Rising Above What Workers Sometimes Confront in Biological Homes:

“Clients often berate and demean workers, yell and scream, verbally threaten, and use a number of intimidation techniques. Workers are often at the brunt of the clients’ frustrations.... Clients rarely see CPS as a positive force in their life....”

- a DCBS worker [-]

Thirty-seven (37) respondents (or 14.5%) made general comments that indicated that *some* DCBS workers were also rude, hostile, downright hardheaded, and on occasion, even punitive toward professionals *with whom DCBS employees interact.* In addition to those 37 responses, the author coded another 46 responses from the KYA hotline as follows:

- eight identified workers’ failure to “comply with a code of ethics” as a behavioral problem;
- another five (5) respondents expressed their concerns about attitudes by recommending that staff “act professionally;”
- six cited violations of confidentiality;
- five indicated that they believed that social workers may have been engaged in discriminatory behavior based on race, low socio-economic status, disability, or sexual orientation;
- four persons discussed social worker attitudes and behavior during the investigations process;

What A Current & Former DCBS Employee Said about Some Workers’ Attitudes Toward Families:

“The social workers have a ‘punitive approach’ to families.”

- former DCBS employee [T-66]

“The CPS system is a very closed system that mimics the families they [social workers] work with. They aren’t open to change or constructive criticism.”

*- current DCBS employee
[T-31]*

- three respondent had a general comment on “bias” as a reflection of attitudes;
- three pointed out conflicts of interest in which social workers were engaged;
- another respondent expressed her concern about attitudes applied to the whole region of the state in which she worked;
- **most significantly**, seven respondents accused social workers of lying or perjuring themselves in court proceedings; and
- **most significantly**, four respondents accused social workers of falsifying records.

In total, 83 of the 255 respondents, or nearly a third – 32.6% – of the total number of people who participated in KYA’s hotline process, mentioned something about an attitude or behavior of a DCBS employee. Based on the sheer volume and geographical location of these reporters, the author concluded that these responses represented a larger issue related to the organizational culture of the Kentucky Department of Community Based Services, the state’s child protection agency. Although many of these negative comments were concentrated in one county (*see Finding 7*), these negative comments came from all over the state. These comments also came from community professionals, DCBS employees, as well as biological or extended families who one might expect to question state employees’ attitudes and behavior.

The attitudes of these notorious workers unfortunately are transferable to *other* workers who may see it as acceptable behavior. It is important for DCBS workers to understand that the hostile and indifferent attitudes and behaviors of *some of their colleagues* towards families and professionals *stereotypes the whole agency*. In other words, the work of very good DCBS workers is painted with the same broad brush because professionals and families have had bad experiences with other workers. In that sense, the stage is set for a cycle of bad attitudes between workers and professionals and families.

Although there is a cultural problem that pervades *some* of the local offices, the negative attitudes of workers was by no means universally generalized to all social workers. As Appendix 2, illustrates, professionals outside government appreciate the good work and positive attitudes of many DCBS workers. Appendix 3 documents workers within DCBS admire their peers as well.

(continued on the next page)

Article XVI. Some historical context on organizational culture

In the 1995 Workgroup report that examined the state's adult and child protective services systems in the wake of a wave of infant deaths, the Workgroup explored what it called the *organizational culture* within the Department of Social Services (now, the Department of Community Based Services). Quoting from the 1995 Workgroup report: "Every organization has its own unique [organizational] culture which cuts both ways. Organizational culture ... is a set of common values, mores and practices which are handed down from employee to employee and which evolve through employee interactions.... It becomes an integral part of an organization's oral tradition and can be as important as any [written] statute or policy manual as it often defines how tasks [actually] get done."²⁸ (The term "cutting both ways" was intended to indicate that employees' attitudes and behaviors can be a strength in some senses, but a terrible weakness in other situations.)

What One Former DCBS Worker Said about DCBS Culture

"... you are looking at a system that is obsessive-compulsive, fears everything that might embarrass them, and as a whole have become so hypersensitive that they cannot make the 'right' decisions.... [In a meeting, I heard a former central office administrator say that] "... she acknowledged the morale problem and bad behavior in her own agency which she [said she] couldn't control... [and did not] know how to change."

- former DCBS worker [E-164]

Article XVII. The wide discretion and power of workers as "street bureaucrats": a surprise to some DCBS workers?

In many situations, workers feel powerless, but in 1980, Michael Lipsky saw their power in a completely different way. He coined the term "*street bureaucrats*" and "street bureaucracies," which include those employees who work in schools and police departments, court personnel working in the courts of lower jurisdiction, and those who work in social service and social welfare agencies. Although many of these workers may see themselves as being in the lowest ranks of the bureaucracy where they have little or no power, *they have, in fact, enormous discretionary power to make decisions because their work occurs outside public view.* Lipsky said: "I argue that public policy is not best understood made in legislatures and top-floor suites of high-ranking administrators, because in important ways it is actually made in the crowded offices and daily encounters of street-level workers."²⁹

In other words, Lipsky asserts that in this case, caseworkers "have wide discretion over the dispensation of benefits" and services as well as having wide decision-making power. To repeat: when one carefully considers the forum in which social workers and case workers conduct their work, which is done in private areas (like homes) or on the

²⁸ Clayton, V. & Richart, D.W.. (1995). *Above and beyond: Recommendations to the Secretary*. Frankfort, KY: Kentucky Cabinet for Human Services, APS-CPS Workforce Policy Review Workgroup, 26-28.

²⁹ Lipsky, M. (1980). *Street-level bureaucracy: Dilemmas of the individual in public services*. New York: Russell Sage Foundation.

telephone, their work falls outside the public’s view. These street-level bureaucrats, caseworkers employed by the Kentucky Department of Community Based Services, can be very good – even excellent – at processing information, and treating their clients fairly, appropriately and respectfully even in the midst of hostility. In other cases, however, workers can foster an environment in which they play favorites, are guilty of perpetuating stereotypical behavior, or treat the people they serve in routine or rude and partial fashion. Most significantly, their behaviors are not consistent with federal and state law, regulations or policy manuals designed by the policy makers.

Because most of their work is done “in the field” (outside the office), most supervisors must operate on the assumption that what their workers tell them is truthful and it is only in the most rare of situations that an interchange between a client and a worker becomes public. The authors of this document have been able to document that DCBS workers have wide decision-making discretion that may – or may not – be abused. So, the values that each worker absorbs in the larger organizational culture may come out as attitudes and behaviors in the living rooms of the children and families with whom they work where no one would be witness to them. While there is a federally mandated complaint process in place in Kentucky, it is seldom used.³⁰

a. One Grandfather’s Christmas Story

One grandfather told one of our telephone listeners that he bought Christmas presents for his grandchildren and then took them to the DCBS worker so that she could give them to his grand children who were in foster care. She refused, and donated his gifts to a non-profit group, instead.

[T-13]

Article XVIII. The differences between “social workers” and “caseworkers” & a research
Article XIX. caveat ³¹

1) Social workers actually may not have a degree in social work

It may come as a surprise to the typical Kentuckian that a “social worker” employed by the Kentucky Department of Community Based Services may have no formal academic background in the profession of social work. In fact, while the state attempts to hire more social workers with an academic background in the profession

³⁰ While 502 “clients” filed DSS 154s in 2002-2003, the complaint form that families file with the Department when they feel they have been aggrieved, only 380 filed such complaints in 2003-2004. In only five of those 380 complaints was a finding made in favor of the client, or an “agreed order” was entered into with the complainant. In only 1.3% of the complaints filed in 2003-2004, did the Department’s own process finds that an allegation against a DCBS employee was valid.

³¹ For purposes of full disclosure, the primary author of this document graduated with an undergraduate psychology degree, but received his Masters degree in the Science of Social Work (MSSW) at the University of Louisville. He has taught undergraduate and graduate social workers for sixteen years, and doctoral students in psychology at the University of Louisville and Spalding University. He no longer teaches at the university level.

of social work, in the absence of these specially-trained professionals, the state agency also has hired people from other academic disciplines like human services, criminal justice and psychology, which may have very different value systems. For example, a graduate of a criminal justice program may have taken courses in crime and juvenile delinquency in the classroom, which are useful skills for law enforcement and correctional positions, but which are not especially helpful in acknowledging a family's strengths and facilitating the reunification of the child with his biological family.

To cite another example, some graduates of undergraduate psychology programs, may emphasize "diagnosing" or "labeling" family problems as character disorders or mental illnesses, ignoring the strong effect that community factors play on the formation of family attitudes and behaviors. By-and-large, the great majority of a baccalaureate psychologist's academic work occurs in the classroom, not in a supervised setting in the field, as is the case in social work. In other words, most of the B.A. psychologists' academic background is theoretical, not practice-oriented. As a result, those with baccalaureate degrees in psychology have training that emphasizes diagnosis of a parent's neglectful behavior as a character disorder, rather than a result of a complicated series of external factors that affects the family. They lack the practical experiences that they might have encountered had they been exposed to an extended "field practicum" as is required by those enrolled in undergraduate social work programs. They also may not be aware of the value of many community resources that are available that can help remediate the family situation they saw as purely psychological.

When a Social Worker Really Isn't a Social Worker...

"They [the DCBS social workers] are NOT social workers; several I have dealt with have criminal justice [academic] backgrounds, [which] does not uphold the 'family systems approach.'"

- a health care provider/therapist
[T-57]

Under the previous administration, the state developed incentive-based, tuition-assistance programs to recruit more social work undergraduates to public service within the Kentucky Department of Community Based Services. The Public Child Welfare Certification Program incorporates child protection into the social work curriculum. Social work students in the PCWCP program sign a contract with the state in which the students agree to assume a social work position upon their graduation in return for the state paying part of their tuition and a stipend for other related educational expenses. In our meetings with high-ranking officials in the Fletcher administration, the PCWCP is enthusiastically endorsed as being a good preparation for new workers and has had the additional effect of retaining BSW workers beyond their two-year commitment. (Finding #6 documents how the implementation of this new program created morale problems within the ranks of veteran social workers.)

(b)

- (c)
- (d)
- (e) The development of academic knowledge, ingrained values and skills, as well as**
- (f) prior experience supervised by trained social workers, is necessary before social workers can effectively work with families**

Academic & practice experience of social workers

As compared to other academic preparations, social workers fuse theoretical knowledge with practice classroom exercises that prepare students for their work in the field. In most undergraduate social work classrooms, teachers have students role-play family situations in order to develop skills. Social work faculty often require students to write journals that ask them to reflect on what they have learned from these practice sections. Often, these journals document some internal conflict between social work values and the values that these students have internalized during their maturation process. As a result, they may approach the families with whom they work in a very different way – and with a very different mindset as a result of their social work education. These experiences also require social workers to put themselves in the shoes of “clients,” an exercise that helps prospective employees understand the complexity of the problems that families face.

The public’s attitude vs. social workers’ attitudes

Some of the public, which may be seeking simple solutions to family problems, might see the families accused of abuse and neglect as “evil.” Social workers are trained to reject such simplistic attitudes. Instead, they check their own impulses, and they do not summarily dismiss the families as demonic. As a result of being exposed to the real-life problems that some families face, social workers develop a more complex understanding of family and community dynamics. Nor can social workers prejudge families as being beyond help or guilty, even though it would be easy to do so. It is a social worker’s job to gather all the facts before they make a recommendation to their supervisors and the courts.

An example to make the point

To put this newly-discovered consciousness in blunt terms, if the Department receives a complaint that a child is consistently alone at home after school, the child may be legally labeled as being neglected or dependent. Prior to conducting an investigation, one caseworker may *assume* that the parent is negligent and is deficient in character. (But a second social worker – with some understanding of family dynamics and community resources – may assume a far different scenario: that the child’s parent may be working a second job that does not allow her to be home when her child is dismissed from school. The worker also may determine that the parent cannot afford after-school childcare, or it may not be available in her area of the state.

Looking more deeply...

Instead, social workers are trained and practiced to look more deeply for the reasons for behaviors among families. Most social workers believe that *almost all* families love their children, want their children back in their homes, and have the capacity to change when they are motivated to have their children at home if they are provided the right services to help them. Therefore, it is customary for social workers to look for family strengths on which to build a new family to which a child might eventually return. The responsibility of a social worker is to see families as part of a more complex environment and to look for institutional, as well as personality factors, that may be contributing to abuse and neglect. These environmental factors certainly are not excuses, but they are all-important explanations for why some children are abused and neglected.

The value of social work practica

Generally, social workers pay part of their tuition to be placed in a practicum (or field placement) in which they are supervised by a trained social worker for a period of 350 (or more) hours. This real-life experience with agencies – prior to their graduation –

helps students incorporate the theoretical knowledge they have discussed in class, the practice skills used in class exercises, journals and videotaping used both in class and out,

with a real-life practical experience. This blend of skills, values, and experience is unique to undergraduate social work graduates. The state recognizes that social workers have this unique preparation in which the students complete their practicum in a DCBS office, where their first experience might be shadowing a worker, then helping conduct an investigation, watching a social worker appear or testify in court, helping prepare a court report, and the like. Upon graduation, these social workers can hit the ground running and can

assume more responsibility than other non-social work undergraduates.

What One Former DCBS Employee Said about the PCWCP

“[The] implementation of the Public Child Welfare Certification Program is a positive in that staff are coming in specifically educated in the area of child protection. Because they started some training prior to their hire, they are ready sooner to start taking cases.”

[E-164]

i)
ii) ***An Old Social Work Axiom:***

“Working with families is not brain surgery. It’s more complicated than brain surgery.”

b) But social workers are not starry-eyed idealists, either

But social workers also cannot afford to be starry-eyed idealists. Their primary role is to assure the safety of the children they are mandated to protect. So, social workers are taught through experience to balance being skeptical of a parent’s explanation of

whether their child is being abused and neglected with a parallel investigation of a family’s strengths. This balancing act of being skeptical while simultaneously looking for the good in families is why working with families is so complicated and nuanced.

From a Frustrated Social Worker:
“ *I can’t be a ‘social worker.’ I know what social workers are supposed to do.*”
-DCBS worker [T-69]

Trying to be fair under circumstances in which there are inadequate resources, or where too many cases have been assigned to a worker, makes it more difficult to have a positive attitude about families. The collaborators who helped produce this report fully recognize that approximately 30 children die each year in Kentucky victims of abuse or neglect and that most of their caregivers have probably misled or denied that they ever abused or neglected their children.

c) Social work education is no guarantee

One final thought: not all social workers *automatically* subscribe to the values described in the last several pages. Despite their academic training, some social workers may hold onto the mainstream cultural idea that parents who abuse or neglect their children are “evil” and automatically should be removed from their parents. In other cases, social workers with good academic training in undergraduate school fall prey to the larger organizational culture in which they work – or the increased demands placed on them – and over time, they may lose sight of the skills and values they learned in undergraduate school. In these cases, they may adopt the majority values of their peers. Just having an undergraduate or graduate social work degree is no guarantee that a social worker is fair, impartial, and a critical thinker. Not all social workers are suited to work in child or adult protection. Their values, skills and abilities might be better suited to other work situations.

The converse argument also is true. There are exceptional DCBS employees who have psychology, criminal justice, or human services’ academic backgrounds, and who by their personal background, their character, their intuition or by training become very good social workers. This final conclusion is why the 1985 Governor’s Protective Services Advisory Committee did not recommend exclusively hiring BSW or MSW graduates.

(g) A Cornerstone Finding

A cornerstone finding of this study is that the culture of Kentucky’s Child Protective Services system – in some locales and in some teams must be dramatically improved if the children who are to enter the system are to be served properly. The authors were amazed to find so many of the comments reflected so poorly on the attitudes and behaviors of some workers.

The Worst of It (in One County)
“*Case workers repeatedly misled, misrepresent, intimidate, and misinform those involved.*”
- a retired teacher [E-55]

It is important to note that these comments came from biological and extended families *as well as* professionals who work with DCBS employees. This discovery is neither new, nor surprising, but it is one that demands immediate attention. Changing the organizational culture of the agency is not an abstraction nor is it a new problem.³² In fairness, the pressures placed upon social workers by higher expectations, high caseloads, not enough staff, the lack of basic services and struggling with the mechanics of the state government bureaucracy, all may be contributing factors to the development of negative attitudes and behaviors that the collaborating organizations documented. But so long as the organizational culture of the Department of Community Based Services survives and thrives, the lives of children will be at risk.

(h)

(i) *Child abuse investigations: the best example of a poor organizational culture*

The range of comments about investigators' attitudes and behaviors that surfaced through the KYA-sponsored hotline system varied from workers being open-minded, to being rude to telephone callers and families, to being – in Kentucky terms – “hateful.” In extreme cases, the attitudes of a relatively small number of workers were outright hostile. In several instances, both professionals and biological families were able to name the problem as being part of an authority or power problem in which a caseworker had made a bad preliminary decision and was afraid to back down from her initial recommendation *even in the face of different information from other professionals in the community*. Child advocates expect social workers to have a different attitude from the public's viewpoint, which may not incorporate a comprehensive, environmental perspective.

Adopting a Pro-Removal, Anti-Family Perspective?
“These [the bad] social workers have their minds made up – they ARE GOING to ‘take’ the children [remove them from their homes]. I would advise anyone NOT to go to social services [to report] neglect.”
- a school official [T-13]

Section 19.02 What a good social worker might think...

As previously suggested, social workers, unlike the public, have to keep an open mind about the families with whom they work and cannot be dismissive or pre-judgmental. As previously indicated, social workers have to be open-minded, impartial and be critical thinkers. At the same time, they also must balance that open-mindedness with a recognition that *some* parental figures *can* sexually abuse, physically abuse, and emotionally abuse children and that it is their job is to prevent the continuation of that behavior. Balancing these conflicting attitudes is no easy task.

From almost all of the data sources used for this report, the author found that this open-minded attitude toward biological families was absent in some child protection investigations and other interactions with biological families and other professionals. The

³²Clayton, V. & Richart, D.W. (1995). *Above and Beyond : Recommendations to the Secretary*. Frankfort, KY: Kentucky Cabinet for Human Services, APS & CPS Internal Policy Workgroup, 26-28.

complaints from *all* sources are far too common to be dismissed as sour grapes from families whose children may have been removed from their homes.

Having said that biological families have been pre-judged by some investigators and on-going workers, it is also important to recognize that this lack of open-mindedness occurs in “pockets” throughout the state, or occurs by just *some* caseworkers in a particular office. But because these observations come from such a wide range of sources, from biological families, social workers and outside professionals, this lack of open-mindedness does occur with enough frequency that it can be characterized as systemic in some quarters.

What is so important about this finding is that some social workers themselves saw this poor behavior in action among their peers. Far more importantly, the closed-minded, and overly judgmental, investigators threaten to jeopardize the integrity of those who were bound by a professional code of conduct, their agency training, their academic training, and by years of experience fighting to be open-minded. Judgmental investigators can discredit a whole system largely composed of honest, balanced workers.

What Some Said About the Differences in Skill & Attitudes Among DCBS Employees:

“There is a widening gap between dedicated CPS professionals and those who aren’t.”

- DCBS supervisor [T-23]

“There are [social] workers who put forth 110%, [and] then [there are] workers who slide under the radar and do the bare minimum for their families.”

- DCBS employee [E-6]

[Some workers] “... do not have the skills to do the job.... Private industry would never put up with this.”

- DCBS supervisor [T-10]

(Finding 4 begins on the next page.)

(i) FINDING #4:

Is Kentucky “fast tracking” adoptions in some counties in response to the financial incentives provided to Kentucky and other states as part of their participation in the federal Adoptions & Safe Families Act (AFSA)?

Article XX. Introduction

The reason that the authors’ fourth finding is formed in the matter of a question, rather than a statement of fact, is that *there was* not *overwhelming* evidence to assert that *the entire state* was encouraging – and even expediting – adoptions of children without first trying to reunify the child with his family, once the child has been removed from his or her home. Sixteen of the 255 e-mailers and telephone callers *explicitly* suggested that this focus on adoptions was taking place without providing biological families sufficient resources or opportunity to get their children back after they have been removed from their biological home. Another 41 of the respondents complained that the lack of basic services available to biological families would seem to impede reunification of the family. Without these basic services, children in foster care would more likely be adopted.

One Perspective of the “Pro-Adoptions” Bias:

“It has been my personal experience that more and more often the Cabinet for Health and Family Services have geared the goals of families to adoption, rather than [family] reunification. Once their [the Cabinet’s] minds are made up there’s no going back. They just manage to make case plans so difficult that NO family can work through the tasks set down for them by the Cabinet.”

–DCBS employee [E-42]

In addition, another 24 respondents raised questions about whether the Department was “too removal-oriented” by which they meant that state workers preferred removing the child from his or her home to providing services to biological families. While it is difficult to determine how many of the respondents in the “lack of basic services” and “too removal oriented” categories were implying that adoptions was preferred – an implicit conclusion made by the author – it is a safe assumption that the Kentucky CPS was skewed towards adoption based on those responses. All together, 81 of the 255 respondents (or 31.8%) either implicitly or explicitly were concerned about adoptions as the primary permanency option. In just one county, as the authors indicate in Finding #7, twenty of these types of responses were clustered in these same categories indicating an intense focus on adoption in that county.

Some historical perspective on the radical fringes of the CPS debate and the continuum of care needed to balance children’s and families’ interests

Throughout U.S. history, especially since the 1850s, there has been a raging debate among professionals that has taken place well out-of-sight of the public. In a pitched battle, two radical philosophies about child protection have continued over the last 150 years. It is important to remember that these are *the most extreme positions about child protection* where a vocal, but very small, percentage of U.S. citizens and so-called

“experts” fall on an imaginary continuum. In other words, *many of these ideologies are well outside the mainstream thoughts* of most thoughtful U.S. citizens. Unfortunately, these fringe experts get the lion’s share of media attention.

The hallmarks of “radical family preservationists”

On the one end of the continuum is a group of theorists far removed from the every-day complexities of child protection that the authors have labeled “*radical family preservationists.*” These theorists and advocates assume one, or several, of the following positions:

- (1) that *the number of children who are abused and neglected is grossly exaggerated*, despite the fact that public opinion polls of parents *themselves* consistently indicate that they admit to abusing or neglecting their own children,³³
- (2) that anecdotes – or highly publicized stories – of a select number of families who have been falsely accused of child abuse and neglect, and *who rightfully are indignant and hurt by a system which unnecessarily removed their children from their homes without just cause, are reflective of a much wider pattern of false allegations.* Consistent with this belief, some radical family preservationists explain that social workers, law enforcement officials, and judges who attempt to intervene in family life are responding to fabrications manufactured by the children, or worse yet, that certain child protection professionals “encourage children to tell stories” that are not true.
- (3) that the government has little – or no – inherent right to interfere in the lives of private lives of families, a belief these partisans base on legal, religious or political justifications. They reject the longstanding legal principles that – to some degree – were created when laws were first created in the U.S hundreds of years ago.³⁴ Radical family preservations also are likely to use the term “*child rescuer*” as the most negative

***One Child Advocate’s
Perspective About the
“Radical Family
Preservationists”***

“Anyone who holds to the radical family preservationist ideology has never seen a child autopsy, pre-autopsy pictures, or talked to an adult-survivor who has been sexually victimized by a family member.”

- the primary author of this report

³³ The most groundbreaking poll was released back in 1995 by the widely respected Gallup poll of 1,000 parents, which indicated that: (1) 85% shouted, yelled or screamed at their children, (2) 17% called their child “dumb,” “lazy” or some other like-minded term, (3) 25% hit their child with something like a belt, hairbrush, a stick or some other hard object (21% on the bottom, 5% on some other part of the body.) That third category has a high likelihood of bruising the child, while the first and second statistics – over the long haul, may create psychological damage. This poll differed from federal incident reports, which were one-sixteenth of the estimate of the Gallup Poll. In a *New York Times* article at the time, one expert, Dr. Dean Kilpatrick, a psychology professor at the Medical University said: “*Parents are a good source of information... I know there’s a general assumption that these events are so horrible that nobody will talk about them, but approached correctly, people are amazingly ready to talk about these things.*”[**Secondary Source:** Lewin, T. (1995, December 7). Parents poll finds child abuse to be more common. *The New York Times*, A-17.]

description of social workers, law enforcement, and judges who remove children from their own biological homes.

- (4) that *the current child protection system does more harm than good*. Citing long stays in foster care, children being “lost” in foster care, the emotional trauma that occurs when a children is removed from their biological parents, the child’s inability to secure a permanent home, and injuries that may occasionally occur in out-of-home placements, the radical family preservationists suggest that children left in a less-than-desirable biological home are better off than the “solution” of removing them from their own homes.
- (5) that, either consciously or unconsciously, the removal of children from minority and immigrant homes, where they are then placed in white (and *some* minority) middle class homes, is part of a larger effort of “cultural genocide” designed to eradicate minority and immigrant culture. These same critics would point to the disproportionate number of minority children removed from their biological homes and placed in out-of-home care, as compared to white children, as evidence of this reality.

What the radical family preservationists have in common is their belief in individualism, their fear of government, and their love of the anecdotes to support their ideology. Proponents of this radical point of view like to use the words *the child protection industry* to derisively describe those working with abused and neglected children. This emotionally-charged term includes a connotation that professionals working in this arena are doing so for financial reasons, almost as a business enterprise, rather than being mission-driven, professional people as they purport to be.

a) ***The hallmarks of “radical child rescuers”***

On the exact opposite end of the continuum, are the proponents of “*rescuing*” children, not just from child abuse, especially child sexual abuse, but from child neglect. Remembering that more than 77 % of Kentucky children are removed from their homes and placed in out-of-home care for dependency and neglect, radical child rescuers seek to correct the inequities of our country’s economic woes in the name of “saving” children. Like the radical family preservationists, the radical child rescuers have an ideology based on the following set of assumptions that they may hold in whole, or in part:

- (1) *that the most egregious, most publicized incidents of child murder, injury or extreme neglect are symptomatic of much more serious abuse and neglect that is occurring in the U.S.* Again, we emphasize that the news stories that generate these feelings are, in fact, “news” that should be reported. But the way these stories are sometimes crystallized and oversimplified by the public makes it

³⁴ In 1646, The Massachusetts Colony passed the “Stubborn Child Law,” which allowed parents to refer children to local courts. The law helps create the principle of *parens patriae* (from the English common law in which the King had “wardship” responsibilities over certain types of people, including “idiots.”). Connecticut followed suit in 1650, Rhode Island in 1668, and New Hampshire in 1679.

difficult for citizens to interpret some of the important nuances and explanations that are left out of stories.

- (2) *that, since middle class people possess “correct” moral values, child rescuers assert that poor, immigrant and minority children are somehow being raised in an inferior moral culture, and as a result, these children should be removed from their own homes because of dependency or neglect (which is usually a function of family poverty). They also want to change children’s cultural and personal values to a set of values that stresses a set of idealized moral perspective that should be carried out by these children in their everyday behavior and as adults.*
- (3) *that children are not the property of their parents and that a more civilized and evolved society recognizes that children have their own rights, which include a child’s right to a permanent, safe, and nurturing home. The radical child rescuers assert that some poor, immigrant and minority families cannot socialize their children to these mainstream values. Based on this belief, radical child rescuers would suggest that children in any form of harm should be removed from their homes. Critics of this perspective would suggest that this view is just another in a long line of efforts to assimilate some poor, minority and immigrant children into the majority culture.*
- (4) *that some – or perhaps, many – parents are not “equipped” to be parents in the first place based on their limited parenting skills and abilities. The absence of these abilities occurs because of the parents’ own childhood trauma, addictive personalities, cultural background, low socio-economic status, or the values that they brought from their homeland. This attitude would justify taking a child at birth from a mother who had a family record of child abuse or neglect.*
- (5) *that some parents have gotten away with hurting children far from the spotlight of public view; that childhood trauma is largely suffered out-of-sight of social agencies. The physical, sexual and emotional injuries have occurred so often, and been ignored so often, that society should not provide second chances for the parent “perpetrators” to become proper parents. In whispered tones, and at the most extreme moments, radical child rescuers may even say these parents are evil, not worthy of redemption. The authors of this report suspect that large portions of the public might secretly identify with this perspective, until they were exposed to the details of the family’s situation and the evidence that show the positive effect of family reunification on some parents.*

2) **The collaborating organizations' bias: creating a balanced system by developing a continuum of care to meet the unique needs of each family and child**

The discussion about radical family preservation and radical child rescuers was presented to provide some context for a more balanced vision of a child protection system in Kentucky. This multi-faceted approach balances the rights of the child and the rights of adult parents and guardians, which sometimes come in conflict. As the history of the last 30 years documents, the ideological pendulum trickles down to child protection workers. For example, the pendulum swung from emphasizing family preservation in the mid 1980s through the early 1990s. Then, gradually, a shift occurred in Kentucky in the later 1990s that tried to blend a child rescue ideology as more and more children were removed from their homes and some placed for adoption. To be fair, while there is a current emphasis on placing children in adoptive homes, the state Department of Community-Based Services *does attempt* to also include: (1) family preservation, (2) family reunification, (3) placement in kinship care homes (extended families) as an alternative to foster care, and (4) an increasing use of out-of-home care. As Finding #2 indicates, the use of these different values has occurred in part because the system is under funded.

***“Take Our Poverty, Not Our Children”
by Angela Perry, a member of a support
group, “Women in Transition”***

“We have all had runs ins... with Child Protective Services (CPS)... I want to share my story with you. CPS came to my apartment after receiving a phone call from a neighbor making false claims, after we [the neighbor and she] had a disagreement.

When CPS knocked on the door, we were packing to go to my cousin’s funeral... The house was a mess. The worker said that he understood the house was a mess because of [our] packing to go. He sat and talked and he told me that he just went to the school and talked to the kids and principal. He told me that the principal said [about the allegations] ‘not my Angela,’ when he was asked about having us having no food and other neglect charges from my neighbor. The worker said he would come back to the home when we got back in town.

When he came back, the house was in order, there was no evidence to the allegations and I was cleared. He sent me a letter a couple of days later telling me the case was closed.

I believe CPS picks on the wrong people. I felt embarrassed and violated. I don’t trust anyone in my neighborhood. I am constantly on guard about who I talk to and who I let in my house. This is not an isolated case. CPS often targets the poor as being neglectful parents when the problem is poverty, not neglect.”

“Some cases are started by a phone call with allegations of ‘messy house syndrome’ or inadequate housing accommodations, general lack of income, poor nutrition or lack of food, and depression and emotional stress caused by financial troubles.” ³⁵

³⁵ from the February 21, 2005 edition of “Women in Transition” newsletter, a Louisville self-help organization that helps poor women and their children move from welfare to self-sufficiency.

Services to biological parents: AWOL in Kentucky?

Recalling the author's Finding #2 in which the author discussed the fact that the state's Foster Care Review Boards had documented that certain basic services were being provided to children in out of home care, the authors found that the same level of services was not necessarily being provided to biological families. If these basic services were provided to biological families, those services could prevent children from being removed from their own home. In the alternative, the families could get their children back once the children were removed and placed in out-of-home care.

Finding #2 also indicated that funding deficiencies were affecting the time that state workers had to thoroughly investigate allegations of abuse and neglect. Since safety is the number one priority of the agency, the natural tendency of the social work-investigators would be to remove children from their own homes when the allegations fall into a gray area. A social work-investigator's worst nightmare is doing an investigation and later finding out the child later was hurt, or in even more severe cases, murdered. Once removed, it is sometimes very difficult – in some jurisdictions – to reunite the child with his family. When put into one of these gray-area situations, the typical social worker and judge might think that it is better to err on the side of safety, and remove the child, authorize an out-of-home placement, which might lead to adoption. It is important to note that roughly 40 percent of the “active” children exiting out-of home care return to their parents, another 21 percent are returned to relatives, and another 16.8 percent “age-out” as they turn older.³⁶ But it also is important to note that local foster care review boards found that for the most recent year, these children were moved – on average – 3.5 times, a traumatizing effect on most children.³⁷

A Therapist's View of Services to Biological Families

[Some services are not being offered to a family until it's too late to make progress before the clock runs out for the biological families (and they lose their children because they have not met the agency's or court's expectations through no fault of their own).]

“It ‘breaks’ families when they don't have [or receive] supports services and [their] kids are removed [from their homes].... People are willing to change. Support services need to be beefed up and not watered down.”

– a member of NASW [T-66]

³⁶ Kentucky Administrative Office of the Courts. (undated). *2004 annual report: Citizens Foster Care Review Board, Working for Kentucky's future... our children*. Frankfort, KY: Kentucky Administrative Office of the Courts, Division of Dependent Children's Services, 11.

³⁷ *Ibid.*, 10.

Three factors all may stack the deck against the most well-meaning and determined families: (1) the very rapid investigations, which may lead to the premature removal of the child, (2) the lack of services provided to families, and (3) the sometimes unrealistic case plans developed by some caseworkers that included goals that may seem impossible for many families to meet. This finding – while not conclusive for the whole state – would seem to raise the question as to whether the Commonwealth is spending its funds in the most humane and cost effective manner. Providing prevention and reunification services would seem to be *not only* the fair and equitable activity to fund for the parents and children’s sake, but also the financially prudent choice as it would also save the higher cost of paying for out-of-home placements. There is a growing substance abuse problem confronting families in Kentucky, which makes the Department’s job even more difficult. (*see Finding # 5*) Removing children from their own homes when the child’s safety is in jeopardy often is necessary and some parents may be non-compliant with the case plan created for their families because of their drug abuse.

A Recommendation from a Veteran DCBS Worker:

“Study why foster care placements continue to rise and why we can’t have more resources for keeping families together instead of just isolating kids from their dysfunctional caretakers. The cost to Medicaid from placing children outside their homes must be tremendous, but you can’t solve the problem by cutting back on support services that enable workers to assist the families.”

- veteran DCBS worker [_ -]

What seems clear from the conversations the authors have had with high-ranking officials within the Fletcher administration, is that out-of-home care placements are becoming increasing more expensive (“a budget-buster”) with more and more funding going to placing children in usually more expensive kinship care, foster care, short-term psychiatric placements, and into longer-term private residential programs³⁸ As this report is prepared, the jury is still out as to whether Congress will approve more budget cuts in the very social services that are so woefully unavailable at present.

Ideally, and if properly financed, Kentucky’s child protection system should include the following components, each responding to a specific need as Figure 2 illustrates:

(Figure 2 appears on the next page)

³⁸ One state administrator referred to these out-of-home costs as being a “budget buster.”

Figure 2:

**Services in an Ideal Continuum
After a Family Has Been Identified as Being in Need of Help**

essential family support services for families in severe neglectful situations	other, more therapeutic (clinical) services	emergency shelter & emergency psychiatric services	kinship care (with extended families)	temporary foster care	foster-to-adopt homes (which can lead to either adoption or reunification with the biological family)	long-term foster care for older youth	placements in private residential care facilities for older or special needs children and youth	pre-adoption services (for both the child & the prospective adoptive parent)	adoption services (before the adoption is finalized, and which may include respite care, therapy and financial subsidies)	post-adoption services (after the adoption is finalized, the same services would be available on a voluntary basis)	transitional & aging-out services for youth older than 18 who have been in out-of-home care for a long time, or during their late adolescence
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Based on explicit comments made to KYA’ e-mailers, phone callers, NICYF’s one-on-one interviews and focus group, the author is making the case that Kentucky is seriously under-funding the services described in the two columns to the left, and is forcing children into the columns to their right. On the right hand of the continuum, private agencies seem to be providing “post-adoption services” without state compensation. State-placed adoptees may not receive these post-adoption services resulting in the unnecessary disruption of adoptive placements. (*see Finding#5*)

Article XXI. The role of the federal Adoptions & Safe Families Act (ASFA)

The federal Adoptions & Safe Families Act (ASFA) was passed by Congress in 1997, and as its title indicates, in some cases it encourages, and in other cases it rewards, certain outcomes from all the states, including Kentucky. There is still much debate about the mixed messages that this federal law created.³⁹ Among the policy goals of the federal law and the federal monies attached to it, are:

(continued on the next page)

³⁹ For example, Theodore J. Stein has said: “AFSA creates a false dichotomy that pits parents rights against children’s rights. Additionally, its proponents have exploited the small number of media-sensationalized cases to amend the law in a manner that punish parents with little evidence of any overall social benefit for children....”

Source: Stein, T.J. (2000). The Adoption and Safe Families Act: Creating a false dichotomy between parents’ and children’s rights. *Families in Society: The Journal of Contemporary Human Services*, 590.

- assuring child safety;
- keeping children within their family safe and protected,
- providing services to families to prevent unnecessary removal of children from their biological homes (although the standard for providing these services was lowered in the 1997 law),
- reducing the time that children stay in foster care,
- reunifying children with their biological families when that can be accomplished,
- promoting permanency for abused and neglected children,
- encouraging “kinship care,” and
- providing financial incentives to encourage the adoption of children.

What One Scholar Thinks of ASFA:

“The AFSA provision that sanctions termination of parental rights without requiring reasonable efforts to reunite children with parents who have subjected a child to extreme forms of abuse is a positive step toward protecting children. But cases to which this provision applies are rare since the most egregious forms of maltreatment affect only a small percentage of children [citing a 1999 U.S. General Accounting Office study].... If ASFA succeeds in placing more children in adoptive homes it may be at the expense of parents who are in the greatest need of assistance.”

- scholar, Theodore J. Stein⁴⁰

In some respects, these federal provisions also are reflected in the Kentucky Revised Statutes.⁴¹

(continued on the next page)

⁴⁰ Stein, T.J. (2000). The Adoption and Safe Families Act: Creating a false dichotomy between parents’ and children’s rights. *Families in Society: The Journal of Contemporary Human Services*, 591.

⁴¹ KRS 620.010 creates a state policy promoting child safety. KRS 620.020 (8) defines “permanence.” (KRS 620.030 includes what information should be included in the “case permanency plan.”) KRS 620.020 (9) defines the term “preventive services” and includes the concept of “preventing or eliminating the need for removal of children from the family.” KRS 605.120 (5) and (6) provides for a reimbursement system for kinship care. KRS 620.020 (10) mirrors the old federal law (P.L. 96-272) by making the state use a “reasonable efforts” standard to seek and provide services to assure the child’s safety in his own home. (KRS 620.130 (1) describes the removal procedure and the use of “alternatives less restrictive than removal” standard in more detail.) KRS 620.020 (11) defines “reunification services” as those that strengthens the family unit sufficiently enough to allow the child to be reunified with his family if she has been removed from the home. (Again, KRS 620.130 (2) describes the goal of reunification in concert with safety, and requires that the Cabinet for Health and Family Services develop a treatment plan for each child.)

Article XXII. What the data say about adoptions in Kentucky
Article XXIII.

Article XXV. According to state records, the number of Kentucky children adopted has increased dramatically. Commensurate with the increased number of children adopted in Kentucky in recent years, the U.S. Department of Health and Human Services provided Kentucky with more than one million dollars in the last reporting year as a financial bonus because more children were adopted. Table 11 shows the increased number of adoptions, which have been “finalized,” during the last five years along with the federal bonuses that Kentucky received over those same five years.

Realistic Expectations?

“The Cabinet expects families involved with them to pass insurmountable hurdles. Overkill is the standard.... There are no putting together families that [the] Cabinet has decided to separate.”

Article XXIV. - veteran DCBS worker
[E-64]

Table 11:

**Kentucky Adoptions “Finalized”
 & Federal “Bonuses” Received ⁴²**

Article XXVI. State Article XXVII. Calendar Article XXVIII. Year.	Federal ASFA Goal for Adoptions in Kentucky by the U.S. DHHS ⁴³	Article XXIX. Adoptions “Finalized” ⁴⁴	Article XXX. Difference between Federal Goal & Kentucky’s Efforts	Article XXXI. “B Received f Departmen Human
Article XXXII. 1999- 2000	Article XXXIII. 494	Article XXXIV. 384	Article XXXV. -110	Article XXXVI. 57,052.
Article XXXVII. 2000- 2001	Article XXXVIII. 615	Article XXXIX. 542	Article XL. - 73	Article XLI. 796,000.
Article XLII. 2001- 2002	Article XLIII. 602	Article XLIV. 564	Article XLV. - 38	Article XLVI. 204,000.
Article XLVII. 2002- 2003	Article XLVIII. 611	Article XLIX. 606	Article L. - 5	Article LI. 452,000.
Article LII. 2003- 2004	Article LIII. 699	Article LIV. 724	Article LV. + 55	Article LVI. 1,074,000.

Article LVII.

Article LVIII. According to the 2004 Annual Report of Citizens Foster Care Review Board,⁴⁵ the citizens who conduct what are called “paper” or case reviews⁴⁶ of

⁴² October 17, 2005 Kentucky Cabinet for Health & Family Services, Department for Community-Based Services response to NICYF Open Records Request of September 12, 2005.

⁴³ U.S. Department of Health & Human Services.

⁴⁴ When a child is “placed” for adoption with the adoptive parents, there is an interim period before the Court’s “finalize” the adoption, legally.

⁴⁵ Kentucky Administrative Office of the Courts. (undated). *2004 Annual Report, Citizen Foster Care Review Board: Working for Kentucky’s Future... our children*. Frankfort, KY: Kentucky Administrative Office of the Courts, Division of Dependent Children’s Services. (The original source of the exiting data

the files of abused and neglected children all over the state, the length of time that it took to finalize an adoption had decreased from 46 months in 2002 to 43.1 months in 2004 so the adoptions process has proceeded more quickly. 2003 was even lower at 42.8 months. This same 2004 Foster Care Review report showed that the number of finalized adoptions in 24 months or less jumped from 16.1% of all children exiting out-of-home care in 2003, to 19% in 2004.⁴⁷

Article LIX.

Article LX. The AOC local foster care annual report for 2004 also documented that the *percentage* of children who “exit” has increased as well, as Table 12 indicates.⁴⁸

Table 12:

Percentage of “Active” Children “Exiting” Out-of Home Care into Adoptive Placements

Year	% of Children Exiting Out-of-Home Care (from Kinship Care, Foster Care, Psychiatric Facility, Private Residential Care Facility, etc.)
2001	14.3%
2002	17.0%
2003	21.7%
2004	20.4%

As Table 12 indicates, the percentage of children being placed in adoption is increasing, although there is a one-year decline in 2004. A fair conclusion of this data is that the federal Adoptions and Safe Families Act is having its intended effect: to place more children in adoptive homes.

As this report will document in more detail in Finding #7, there is at least one “pocket” in Kentucky where this pro-adoption attitude and fast tracking were particularly pervasive, but it is important to note that fast tracking comments came from all over the

came from Adoption and Foster Care Analysis and Reporting report prepared by the Administration for Children & Families, U.S. Department for Health and Human Services in 2003.)

⁴⁶ There were 142 citizen review boards operating in 2004, and in that same year, these volunteers conducted 23,133 “case reviews” to make sure that the goals of permanency and protection are assured. In most cases, they do not meet the child or the family face-to-face, however. (The foster care review board system is supervised by the Kentucky Administrative Office of the Courts, a part of the judiciary branch, and was created during a 1985 special session of the legislature called by Governor Collins, after a lawsuit, a media expose and a special Governor’s Commission uncovered children who were languishing in foster care.)

⁴⁷ Kentucky Administrative Office of the Courts. (undated). *2004 annual report: Citizen Foster Care Review Board, working for Kentucky’s future – our children*. Frankfort, KY: Kentucky Administrative Office of the Courts, Division of Dependent Children’s Service, 1.

⁴⁸ *Ibid.*, 9.

state. Coupled with our previous finding about the lack of basic services provided to biological families, the author concluded that depending on where someone lives, and who a family's social worker is, a child may be on a fast track to removal and eventual adoption.

One worker sums up the collaborating organizations' worst fears: the danger of the Department's "quick trigger"

Part of the power of this document comes from what *and how* the people who called or e-mailed the KYA hotline said what they did, in words so strong, candid and persuasive that the author of this report could never adequately express their concerns. As suggested in Appendix 4, the Methodology, the e-mail and telephone hotline data collection instrument was open-ended, except that we asked people to provide complimentary comments and to make recommendations. An employee, who works for the Department of Community Based Services, summarized the author's conclusions about fast tracking when he made the following recommendation.

What One DCBS Worker Suggested:

"Relook at [the] removal process – [the] current system 'quick triggers' pulling kids [from their own homes] without sufficient and correlated [collateral⁴⁹] evidence."

-DCBS Employee [T-61]

(Finding #5 starts on the next page.)

⁴⁹ Remembering that respondents often typed their responses in haste, the author interpreted her word "correlated" to mean "collateral," a commonly used word in social work. In layperson's terms, the word "collateral" refers to asking questions of non-family members to corroborate the allegations made against the parent or parents. Making "collateral" contacts might mean talking to a neighbor, a teacher, a principal, a school nurse.

FINDING # 5:

Longstanding or emerging special issues

Introduction

This finding includes issues that do not fit into the other findings and contains several special issues that fell well below the 10% threshold that the authors used in determining what issues to report. In Finding #5, the issues that exceeded the 10% threshold were: (1) domestic violence and (2) drug-exposed children. Those issues that fell below the 10% threshold the author used to determine a legitimate concern, but which historically have been problematic, include: (3) disproportionate minority representation of children in CPS, (4) child sexual abuse, (5) aging out of children in out of home care, (6) community partnerships, (7) guardians ad litem, (8) adoptions disruptions, and (9) collateral damage to children and partners on military bases.

Domestic violence: complexities lost in some areas?

Some historical context...

In the 1995 “Workgroup” report that examined both child protection and adult protection, the 25 members of that study group – for the first time in Kentucky – connected the dots by showing the interrelationship between child abuse and domestic violence. While the following conclusion may seem obvious to almost everyone now, the following simple statement was not fully recognized just ten years ago when the 1995 Workgroup released its report: that where there is domestic violence, there may be child abuse, and vice versa. In 1995, the protocols used by adult protective service (APS) workers and child protective service (CPS) workers were completely separate and apart from each other, except in Kentucky’s most rural counties where social workers were assigned both CPS and APS. In the most recent report on the child fatalities, the *2002 Annual Child Fatality Review Report*, reminds citizens that 14 of the 29 children who were killed through abuse or neglect had documented domestic violence in the family.⁵⁰

⁵⁰ Kentucky Cabinet for Health & Family Services. (undated). *Kentucky Child Fatality Review System: 2002 annual child fatality review report*. Frankfort, KY: Kentucky Cabinet for Health & Family Services, Department for Public Health, Kentucky Child Fatality Review State Team, 40.

In 1995, there also was no cross-training between the two different types of staff who investigate adult and child protection allegations.⁵² When the Workgroup read case files of five children who died at the hands of a caregiver, they discovered that child protective services workers saw early indications that domestic violence had occurred *before* the child's death. (In other words, it never occurred to the CPS worker that domestic violence put the children in the family at risk as well as to the adult-partner. At the time, Adult Protective Services workers investigating domestic violence were so focused on the adult-victim that they may have ignored the risk to children.) The Workgroup concluded that there was an immediate training need for *both* APS and CPS workers to break down the barriers between domestic violence and child abuse. The idea was that *both* APS and CPS would look for both child abuse and partner abuse⁵³ no matter whether they were assigned adult protective services or child protective services duties.

**from the Executive Summary of the
1995 "Workgroup" Report...**

"The 'connection' between domestic violence and other forms of abuse within a family is often minimized by the Department and its workers.... The full ["Workgroup"] report suggests that Kentucky should become the first state in the nation to fully integrate domestic violence with other forms of abuse."⁵¹

The effect of domestic violence on children

As the 1995 Workgroup tried to make clear, witnessing violence between their parents can have a traumatic effect on children and can even affect their behavior as adults when they have their own families. Citing an older 1991 survey in their final report, the Workgroup repeated the estimate that between 3.3 million and 10 million U.S. children may have witnessed physical violence between their parents or guardians.⁵⁴ According to a much more recent research publication: "Children growing up in violent homes learn that violence is an appropriate and acceptable means of resolving conflict in intimate relationships."⁵⁵ Children in these kinds of volatile relationships are more likely to either: (1) *externalize* their concerns by acting aggressively, being non-compliant with authority figures, or engaging in illegal behavior, or (2) *internalize* what they are seeing and hearing by being depressed or anxious.⁵⁶ The author of this report has concluded that many of these children's behaviors surface in Kentucky's public schools as "problematic." Particularly as the research emerges as to the neurological and cognitive damage that children may endure as they watch family violence, Kentucky's public

⁵¹ Clayton, V and Richart, D.W. (1995). *Abuse and beyond: Recommendations to the Secretary*. Frankfort, KY: Kentucky Cabinet for Human Services, Adult Protective Services & Child Protective Services Workgroup, ii and 18.

⁵² In rural areas, one DCBS employee might be responsible for *both* types of investigations, but in most other areas, there is one set of workers who work on child protection and another on adult protection.

⁵³ According to experts on spouse abuse, about half of the women in shelters are not married, giving birth to the term "partner abuse."

⁵⁴ Strauss, M.A. (1991). *Children as witness to marital violence: A risk factor for life-long problems among a nationally representative sample of American men and women*. Washington, DC: Paper presented at the Ross Roundtable entitled: "Children and Violence.

⁵⁵ O'Keefe, M. & Levovics, S. (2005). Adolescents from martially violent homes. *The Prevention Research* 12 (1), 3.

⁵⁶ Idem.

schools likely will see more and more children either internalizing or externalizing their behaviors in classrooms throughout Kentucky.

Explicit or implicit concerns from respondents

There were twenty-nine respondents who expressed *explicit* concerns that DCBS did not understand some of the most basic dynamics of partner abuse. For laypersons, some of the ways that victims of domestic violence respond may seem ill conceived – and even morally wrong. However, a closer examination of the dynamics of domestic violence indicate that victims, most of whom are women, respond in perfectly logical ways given their fear of physical retaliation against their children and themselves. It is important to understand that every year, there are many adult victims of domestic violence who die at the hands of their abusers, so the decisions that victims make have life-and-death consequences. Unless one has been in this situation, it is very difficult to understand how complicated and dangerous a psychological process domestic violence is. According to some of the e-mailers and telephone callers who responded to the KYA hotline, the following explains what some DCBS workers do not know. The following discussion outlines just some of what CPS workers should know.

“Leaving” Doesn’t Necessarily Protect Families

“What may be missed in the discussion about why victims don’t leave their abusers, is that the act of ‘leaving’ does not necessarily protect the ‘Mom’ or her children. When some parents leave, it may ‘trigger’ such rage in the abuser that the level of violence actually escalates; sadly, this violence often leads to the abuser seeking out and murdering the victim – and sometimes their children.”

[The family sometimes has to go outside the shelter to go to school or a job when they are not under the direct supervision of the spouse abuse shelter or local law enforcement.]

*-a Kentucky expert on domestic violence
[one-on-one interview]*

Why adult-victims don’t leave...

Alternatively, some parents were concerned about the financial status of their family and the victims’ ability to make a living on their own in order to financially care for their children. In that last situation, the victim’s leaving the home and taking the children with them and finding shelter for a short-term period, means that a victim-parent eventually has to find a job, an apartment, child care, a car, and other essentials that may be beyond their financial reach. Ironically and tragically, making the break to independence may mean that some mothers may lose custody of their children as they try to balance their employment, child care, and health care obligations. These parental responsibilities may overwhelm a parent with no work record. The result is that the victim of domestic violence may be reported for neglecting her children should some unexpected tragedy strike her as a single parent. She may lose her job or not provide adequate basic supports for the children in which case her children can be removed for neglect. So, leaving is not as simple as it may seem to someone not familiar with the complexities of these families’ lives.

For those reasons and others, some adult-victims often do not leave their abusers who, from the victim’s perspective, seem to have total control over the whole family. Leaving – or not leaving – the batterer is among the most agonizing and painful decisions that a victim-parent can face. Particularly when one considers the sophisticated kind of brainwashing activities that abusers use with their victims, most citizens can meaningfully understand why someone might not leave. Those from the fields of social work or domestic violence are familiar with the blank looks when they try to describe the dynamics of partner abuse to laypersons, but Kentucky relies on its social workers to understand the complexities of domestic violence in order to protect children.

What One Domestic Violence Victim Encountered...

“She [the victim] was given a case plan that was... fairly impossible to achieve. Due to poverty and unemployment, she was unable to obtain housing that suited her case plan. She was given no money assistance from the agency [DCBS] and ultimately was threatened with removal of her children. The case worker was at a loss to help.”

- a kinship care provider [E-2]

Sadly, we found pockets in the state where the Department’s staff drew simplistic conclusions about the decisions that victims of partner abuse make because they did not understand the dynamics of spouse abuse. In these geographic pockets, children were uprooted unnecessarily from both parents and placed in a foster home, because the Department did not want to make a choice between placing the children with either the abuser’s extended family and or the victim’s extended family.

In some circumstances in Kentucky, the DCBS worker, or a Court, will order the parent-victim to go to a shelter. Knowing that the whole family may be subject to even more violence and retaliation from the abuser if she leaves, some parents will not go to a shelter, which gives the Department an opening to remove the child from her home, usually to be placed in foster care. But if a parent-victim *does* leave the home that action may precipitate an escalation of family violence on the partner and her children. Some DCBS workers – or judges – find that a spouse abuse center is an unsuitable place for children, and they mistakenly give temporary custody of the children to the partner who allegedly abused the parent in the first place. In some court hearings, the abuser’s attorney may question the mental stability of the victim-partner, or question the validity of domestic violence allegation itself (which occurs largely behind closed doors.) So, the Catch-22 issue for victimized parents is knowing that the CPS and judicial systems can work to the detriment of abused and neglected children. Adult victims may be damned if they stay in the home, and damned even more so if they seek shelter.

(continued on the next page)

Remembering that the children in question are not at fault, these children may be denied visitation privileges with either one of their parents, or their grandparents, which loosens the psychological ties between biological family and the child. In one case, the author heard from both the parent and grandparents that their cards, letters and birthday gifts were not given to the children by the DCBS worker who received them, all in the name of “protecting” the children. In other situations, the plan developed by the DCBS worker, which the victim-parent signs, requires them to keep the children safe, *even though it is the batterer who is likely to do the harm*. In this case, if the batterer hurt the child, it would be the domestic violence victim’s fault, and the children could be removed from the victim-parent’s home.

The Dilemma Faced by One DCBS Worker in Domestic Violence Situations

“Our system in general is not set up to keep victims safe, and unfortunately, the victim [of domestic violence] is often revictimized as a result of their children being removed.... As a CPS worker, it is a difficult call in the middle of a DV [domestic violence] case. The victim often states they will no longer be around the abusive individual, and vice versa, however, it is often a gamble, what do we do Unfortunately, there is not a simple answer, it is a case by case situation.”

-veteran DCBS worker [E-135]

Fortunately, we found that most family court judges were better-versed in both the law and the dynamics of spouse abuse than in 1995, the last time KYA operated a hotline, and have reversed some of the ill-advised DCBS recommendations regarding removal of children from the victim’s home, apartment or trailer. In a few rare situations, however, judges rely on the recommendations of DCBS staff who may have no training or background in domestic violence. The Public Child Welfare Certification Program has helped by providing specialized in-service training for BSW-educated social workers who are exposed to information about the dynamics of domestic violence, and DCBS appears to be providing more training on this subject. However, based on KYA’s callers and e-mailers, there is still much work to be done by DCBS workers unfamiliar with partner abuse in order to protect both children and their parents from the dangers of domestic violence.

The 29 respondents who expressed concern about domestic violence may – or may not – accurately reflect a pattern of behavior in which DCBS workers are missing the connections between child abuse and spouse abuse. By hiring social workers who may not have had any academic or experiential background about intrafamilial violence, the state places children in jeopardy. In those cases, training in the dynamics of domestic violence should be further accentuated.

Children exposed to drugs (parents who abuse substances) ⁵⁷

What the Department's own data show

In response to the author's open-records request, the Department provided the following information about "drug-exposed" children who were in biological homes being supervised by DCBS:

**Table 13:
Children Being Supervised in Their Own Biological Homes
That Were Described as Being "Substance Exposed" ⁵⁸**

State Fiscal Year	# of children in "substance abused" homes who were under DCBS supervision while remaining in their biological families	total # of homes under DCBS supervision	% of children remaining in their biological homes where "substances" may have been a contributing factor in the initial referral to DCBS
1999-2000	1,471	4,884	30.12%
2000-2001	1,865	4,913	37.96%
2001-2002	1,846	5,246	35.19%
2002-2003	2,220	5,205	42.65%
2003-2004	2,438	5,800	42.03%
1999-2004	+ 967	+ 916	-----

As is obvious from the data in Table 13, the percentage of children – who remain in their own homes – under state supervision has increased from 30.12% of all homes to 42.03% of all homes. While these figures may be a function of increased public and media attention to substance abuse, the number of children who are living in their own homes where substances may be used has increased by 967 youth. On their face, these

⁵⁷ The National Center on Addiction and Substance Abuse at Columbia was among the first to raise the connection between substance abuse among parents and the child welfare system. Their 1999 report included as one of their principle findings that "... children whose parents abuse drugs and alcohol are three times likelier to be abused and more than four times likelier to be neglected than children of parents who are not substance abusers." [Source: Reid, J., Machetto, P. & Foster, S. (1999). *No Safe Haven: Children of Substance-Abusing Parent*. New York, NY: National Center on Addiction and Substance Abuse at Columbia University. Retrieved on 2/22/01 from www.casacolumbia.org/publications_show.htm?doc_id=7167.] But several other reports raised these substance abuse issues much earlier. For example, in 1994, the General Accounting Office waded into the implications on child welfare systems with respect to out of home care: U.S. General Accounting Office (1994, April). *Foster care: Parental drug abuse has [an] alarming impact on young children: Report to the Chairman, Subcommittee on Human Resources, Committee on Ways and Means, U.S. House of Representatives*. Another, even earlier, report raised this same issue: Center for the Future of Children, David & Lucille Packard Foundation. (1991). *The future of children: Drug exposed infants*. Los Altos, CA: David & Lucille Packard Foundation. The U.S. General Accounting Office released an even earlier report: U.S. General Accounting Office (1990, June). *Drug-exposed infants: A generation at risk, a report to the Chairman, Committee on Finance, U.S. Senate*. Gaithersburg, MD: U.S. General Accounting Office.

⁵⁸ October 17, 2005 Kentucky Cabinet for Health & Family Services, Department for Community-Based Services response to NICYF Open Records Request of September 12, 2005.

data make the case for providing more supervision, treatment and drug screening services for families.

The author also requested from the Department some of the recent data that was available regarding how many children and youth were removed from their own homes where substance abuse might be a contributing factor, along with the percentage of the total number of children removed, information which is included in Table 14.

Table 14:
Children Removed from Their Own Homes
Where “Substance Abuse” Was a Contributing Factor ⁵⁹

State Fiscal Year	# of children in “substance abused” homes who were removed from their own homes where substance abuse may have been a contributing factor	total # of children removed from their own homes	% of children removed from their biological homes where “substances” may have been a contributing factor
1999-2000	1,369	4,925	27.80%
2000-2001	1,456	5,461	26.66%
2001-2002	1,728	6,267	27.57%
2002-2003	1,759	6,938	25.35%
2003-2004	1,791	6,257	28.62%
1999-2004	+ 422	+ 1,332	-----

The number of children removed from their own homes – where substance abuse may be a factor – increased by 422 children over the last five years. The percentage of children removed where substance abuse is a factor increased only minimally from 27.8% to 28.6% during that same period. The 2002 Annual Child Fatality Review Report – the most recent report available – indicated that 23 of the 29 (79%) children who died of child abuse and neglect had documented substance abuse in their family.⁶⁰

It is important to note that drug and alcohol abuse among parents may be part of a larger problem that professionals call “*dual diagnosis*,” where these parents also have a mental health problem. “Those with a dual diagnosis generally exhibit exacerbation of symptoms, more frequent relapses, greater ... noncompliance [with treatment directions]... and more violence.”⁶¹ From a sample, researchers projected that 22.3 percent of people will have a lifetime [over an adult’s lifetime] occurrence of dual

⁵⁹ October 17, 2005 Kentucky Cabinet for Health & Family Services, Department for Community-Based Services response to NICYF Open Records Request of September 12, 2005.

⁶⁰ Kentucky Cabinet for Health & Family Services. (undated). *Kentucky Child Fatality Review System: 2002 annual child fatality review report*. Frankfort, KY: Kentucky Cabinet for Health & Family Services, Department of Public Health & Kentucky Child Fatality Review State Team, 40.

⁶¹ Grayson, J., Childress, A., McNulty, C, and Baker, W. (1999). Parents with serious mental illness. *Virginia Child Protection Newsletter*, 56. (The newsletter cites a 1999 study by Dixon & DeVeau.)

diagnosis disorders. People with dual diagnosis "...are 12 times more likely to have a history of violence."⁶²

*The "Meth" epidemic vs. "old" substances, such as alcohol*⁶³

A recent newspaper headline read: "Police: Meth Lab Endangered Child: Charge Apparently a First in Kentucky."⁶⁵ As this newspaper headline about a Laurel County incident indicates, the safety of children who are living in homes where they are exposed to substance abuse may cause DCBS workers and law enforcement officials to

Alcohol
"Alcohol is the prime culprit. In a recent survey by the National Center on Addiction and Substance Abuse at Columbia University, 89 percent of child welfare professionals, family court judges and child advocates named alcohol alone and in combination with illegal or prescription drugs as the number one drug abused by parents who abuse and neglect their children."

- Joseph Califano, National Center on Addiction and Substance Abuse at Columbia University.⁶⁴

recommend that children be removed from their own homes. Methamphetamine is only the most recent substance *du jour* that puts children in jeopardy, with alcohol having a storied history among abusers for decades.⁶⁶ Some drug abuse experts remind us that alcohol may have just as devastating a long-term effect on the psychological, sexual and physical character of children.

But "meth" is particularly problematic with respect to families with children because parental users feel a special of feeling of euphoria, well being and invincibility that places their children at special risk because parents are not attentive to their children's needs.

⁶² Ibid., 3, citing a Caffel, et.al., 1994, as source for this statistic.

⁶³ Allen, M. (1986, Summer). Overcoming barriers to working with alcoholic families. *The Prevention Report*. Iowa City, IO: National Resource Center on Family Based Services. (This publication was part of a two-part series, which among other issues, indicated that 50-75% of "clients" may have an alcohol abuse problem.)

⁶⁴ Califano, J. (1999, February 1). Haven for children. *The Washington Post Weekly Edition*, 27. (This was op ed article penned by Mr. Califano, who once served as the Secretary of the U.S. Department of Health, Education and Welfare from 1977 to 1979. He now heads the National Center on Addiction and Substance Abuse at Columbia University.)

⁶⁵ Maimon, A. (2005, December 8.) Police: Meth lab endangered child: Charge apparently a first in Kentucky. *The [Louisville] Courier-Journal*, A-1 & A-4. (This Eastern County incident was particularly newsworthy because – in addition to the obvious drug manufacturing charges placed on the parent – the parent was *criminally* charged with "child endangerment." According to law enforcement sources, the parent in question had "booby-trapped" the home with three bombs to discourage anyone (including social workers) from entering his home, which has been described as a "meth lab." The child endangerment criminal charge was evidently "the first person in the state charged with cooking meth in the presence of a child.")

⁶⁶ Clayton, V. & Richart, D.W. (1995). *Above & Beyond: Recommendation to the Secretary*. Frankfort, KY: Kentucky Cabinet for Human Resources, APS-CPS Policy Review Workgroup, 66-67.

In the U.S., meth use began to emerge in isolated, rural and poor counties,⁶⁷ but has become more common in urban areas as well.

“Mom and Pop meth labs” have popped up all over the country with law enforcement officials having dismantled “more than 50,000 clandestine meth labs since 2001, 30% of which were in homes where children live.”⁶⁸ Meth, sometimes referred to as “crank” or the “poor man’s cocaine,” is very addictive and easy to produce from commonly available products in a drug store. Traditional drug and alcohol abuse clients, along with the newer meth clients, are overwhelming the state’s community-based treatment programs.⁶⁹

Meth is a drug so addictive that it makes its users obsessive about retaining the euphoric feeling that this drug creates among its users. However, that yearning for euphoria may overwhelm the maternal and paternal instincts to care for children, which automatically makes these caretakers more likely more neglectful, and even abusive, parents and guardians.

As a result, 23 of the respondents either

The Importance of Prevention

“It would be nice if someone could intervene before it gets to that point of total neglect or abuse.”

– DCBS worker [E-128]

mentioned meth by name – or children’s general exposure to drug use – as one of the issues with which DCBS is struggling to cope. Several telephone

callers cited a kind of revolving door, where children are removed because of the danger or neglect of the child because of caretaker drug abuse, the parent seems to improve or enters treatment, then relapses, which means that the children have to be removed again. (In Kentucky, the number of children removed

What Several Respondents Complained about the Effect of Budget Cuts...

“In the middle of a drug epidemic among parents of the state, the Cabinet eliminated money for drug testing along with many of the supportive and preventive services designed to keep families together.” [E-92]

“The Cabinet needs a contract with another agency to perform free drug screens [that document that a parent is drug-free] for clients. Drug-related cases have skyrocketed for our county and meth has not hit yet. We have so many problems with getting a credible drug screen.” [E-65]

“We have no contract to drug screen our families. Intake workers are paying for drug screen[s] (\$40 and up) themselves or getting Salvation Army to pay for them. If this [money] is not available (and many times it isn’t), we cannot assess the safety of children in referrals alleging drug use.” [E-95]

DCBS’ Explanation for the Lack of “Drug Screening”

“In the past, DCBS staff were able to utilize the services of the local Health Departments for alcohol and drug screenings. At the request of the local Health Departments, the contracts were terminated. This was very distressing to DCBS staff as the resource was heavily utilized. It was also detrimental to clients who needed consistent screening to be in compliance with their case plans and to reflect any progress they might be making.”⁷⁰

⁶⁷ Courier-Journal Editorial Board. (2004, December 30). Meth’s blight. *The [Louisville] Courier-Journal*.

⁶⁸ Crary, D. (2005, April 3). Meth’s toll in the heartland: Children of users are victims. *The Associated Press*. (This article ran in *The [Louisville] Courier-Journal* on that same day.)

⁶⁹ Yetter, D. (2004, December 28). States’ treatment resources strained. *The [Louisville] Courier-Journal*.

⁷⁰ September 23, 2004 letter from Mike Robinson, Commissioner of the Kentucky Department of Community Based Services, addressed to Dr. Blake Jones at the University of Kentucky.

from methamphetamine homes was up 16%, comparing 2004 figures to 2003 data. During that same period, the state only added seven new foster homes.⁷¹ In this same *New York Times* article, the reporter concluded that meth “is mostly a rural phenomenon, and it has created ‘virtual orphans’ in areas without social services to support them...”⁷²

Respondents frequently mentioned that some local offices were reluctant to accept child abuse and neglect when it was rooted in substance abuse. In most instances, the state DCBS workers intervene only when there are *obvious signs* of abuse and neglect, not when substance abuse is first noticeable. Given the enormity of the substance abuse problem in Kentucky and other states, intervening *before* abuse and neglect would be prohibitively expensive and place the state in a position of being criticized as being too involved in family life. Better training of social workers on the dynamics of substance abuse and its connection to child abuse and child neglect was among the most common recommendations made to upgrade some social workers’ skills in this area.

“Big Brother” and Cost Considerations: One DCBS Worker Is So Frustrated that She Calls for Universal Drug Testing...

“Every mother should be drug tested and so should the children... but how do we do this when protective services does not believe making and using drugs is neglect[ful] behavior among parents?”

[E-137]

Disproportionate minority representation

In the 2004 annual report of the local citizen review boards, the Kentucky Administrative Office of the Courts reminds Kentuckians that 18.4 percent of all children in out-of-home care are African-American, although African-American youth comprise only 9 percent of Kentucky’s total youth population.⁷⁴ Their 2004 report continues: “Not only are African-American children disproportionately represented in the foster care system, they are also likely to experience longer lengths of stay in foster care.” In 2003, 18.7% of Kentucky’s foster care population was African-American.⁷⁵

Longer Stays in Out-of-Home Placements⁷³

“... African-American youth spend an average of 36.1 months in foster care while ... Caucasian children spend an average of 28.9 months in foster care.”

- 2004 Local Foster Care Review Board Annual Report

⁷¹ Zernicke, K. (2005, July 11). A drug scourge creates its own form of orphan: Methamphetamine is sending children to strained agencies. *The New York Times*, A-1 & A-15.

⁷² Ibid, A-1. (A recent [*Louisville*] *Courier-Journal* article seems to indicate that there is so much demand for meth, and so much profit to be made, that “tweaker” labs, (“mom and pop” labs, where meth is produced in someone’s home are declining as organized crime and gangs enter the market. See: Yetter, D. (2005, December 10). 10 members of motorcycle club charged with drug conspiracy: Federal agents think meth was smuggled with Mexico. *The [Louisville] Courier-Journal*, B-1 & B-6.)

⁷³ Kentucky Administrative Office of the Courts. (undated). *2004 annual report: Citizen Foster Care Review Board, Working for Kentucky’s future... our children*. Frankfort, KY: Kentucky Administrative Office of the Courts, Division of Dependent Children’s Services, 8.

⁷⁴ Ibid., 7.

⁷⁵ Kentucky Administrative Office of the Courts. (undated). *2003 annual report: Citizen Foster Care Review Board, Working for Kentucky’s future... our children*. Frankfort, KY: Kentucky Administrative Office of the Courts, Division of Dependent Children’s Services,

Recognizing that there are disproportionate numbers of African-American children in the Kentucky CPS, the state applied and recently was accepted as one of only thirteen national pilot projects in the country to work on the disproportionality issue within Kentucky's child welfare system. This special initiative focuses on Louisville and Jefferson County, which has the highest minority population in the state. This national initiative is funded by the Casey Family Programs through its "Breakthrough Series Collaborative," which recognizes that, while Louisville and Jefferson County has a 19% minority population, 50% of the children who are in out-of-home care in Jefferson County were African-American.⁷⁶ This initiative also recognizes that there are many explanations for why all too many African-American children find their way to foster care, which vary from criticisms of minority culture on the one hand, to institutional racism that may go unrecognized, on the other.

This promising initiative for the first time offers some hope that this longstanding racial issue will finally get the attention it deserves. The renewed interest of the Louisville Chapter of the National Association of Black Social Workers (NABSW) also is important because this group represents social workers who work *within* DCBS as well as for *outside* agencies. The local chapter of NABSW can play an important monitoring role for how successful the "Breakthrough Series Collaborative" will be. Given that: (1) the Casey Family Programs has seeded this initiative with funding, (2) the initiative has access to outside resource personnel *who have already worked with other public child welfare agencies*, (3) a local leadership team is enthusiastic about the prospects for this effort, and (4) this effort has the support of high-ranking administrators within the Fletcher administration's Kentucky Cabinet for Health & Family Services, the issue of race in CPS can become a higher profile issue getting the serious focus warranted by the existing data.

Child sexual abuse: off the public agenda?

In 1991, *The Lexington Herald-Leader* released a prize-winning, 55-part series on child sexual abuse, which was entitled "*Twice Abused.*" The title captures the essence of the series: that once child-victims and their parents and guardians came forward, social workers, law enforcement officials, prosecutors, and judges often ignored the pleas and allegations of the victims.⁷⁷ *The Lexington Herald-Leader's* series created such a sense of urgency on the part of the public that it prompted the then-Attorney General (AG), Chris Gorman, to appoint a large task force to study the issue and make recommendations. The AG's Task Force on Child Sexual Abuse more than met its mission; it issued a sweeping report whose recommendations were incrementally passed into law through the 1990s. In 2001, the National Institute on Children, Youth & Families

⁷⁶ December 14, 2005 telephone conversation with Nelson Knight, DCBS foundation liaison in Jefferson County

⁷⁷ The report told story after story of children who had been victimized, only to have their allegations summarily dismissed, or minimized. The series may be most known by an essay written by one of the four reporters assigned to the project, who discovered – through the process of his reporting – that *he had* been a victim of sexual abuse and that, psychologically, he had buried these horrifying incidents.

issued a 10-year progress report that indicated, “no state had come so far in such a short period in responding to child sexual abuse.”⁷⁸

In 2005, the author reviewed the telephone callers’ and e-mailers’ responses referring to the impression that DCBS workers were “missing” obvious cases of child sexual abuse when allegations were made, and that the most commonly known protocols used in child sexual abuse investigations were not being followed. While their complaints were few in number – well below the threshold the author used for this study – they were alarming because they included such unprofessional and hurtful practices as interviewing the child in the company of his parent, who may be the perpetrator. The second issue raised by several respondents was that some DCBS officials were reluctant to investigate child sexual abuse unless the complainant provided very specific information about who the perpetrator was, and where the abuse occurred before they would go forward with an investigation. In the first case, failing to follow protocols apparently results from a lack of training, but in the second case, it is a violation of the law not to “accept” a child sexual abuse allegation, or at least refer the allegation to an appropriate law enforcement agency. The state’s regional child advocacy centers, which specialize in conducting multi-disciplinary forensic child sexual abuse examinations, could be an importance resource for DCBS workers.

Although child sexual abuse has officially declined on the national front, perhaps because of better prevention efforts,⁷⁹ the 2005 Kentucky Child Sexual Abuse & Exploitation Board has speculated that “... it is also possible there has been no real decline, and that the apparent decrease may be explained by a drop in the number of cases being identified and reported, or by changes in practices and procedures of child protection agencies, which could mean that more children are failing to get the indispensable help and services they and their families desperately need.”⁸⁰ The Board’s comments seem to reflect those few who responded to this issue through KYA’s e-mail or telephone hotline.

One of the most important components of the fight against child sexual abuse was the creation of a network of child advocacy centers where comprehensive forensic examinations from psychological, medical, and law enforcement perspectives are brought to bear on the investigative process. The comments by respondents made by a few therapists and family members seem to indicate that in some areas, DCBS workers may not be taking full advantage of the state’s network of child advocacy centers, whose funding is always a matter of concern during fiscal crises like the one which Kentucky currently is encountering.

⁷⁸ Richart, D.W. (2001). *Ten years after ‘Twice Abused’: An analysis of child sexual abuse in Kentucky, 1991-2001*. Louisville, KY: National Institute on Children, Youth & Families, Inc.

⁷⁹ United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention. (2004, January). *Juvenile Justice Bulletin*.

⁸⁰ Stumbo, G. (2005). *Biennial state plan, 2005, The [Kentucky] Child Sexual Abuse and Exploitation Prevention Board*. Frankfort, KY: The Kentucky Attorney General’s Office. {This comment came from the U.S. Department of Justice publication cited above.}

Aging-out of youth leaving out-of-home care

Another area that seemed to dissolve from the public and professional view was one that once was a very high profile issue especially in the 1990s: the concern about youth “aging out” of the foster care system. Aging out occurs when a youth’s legal commitment to the Department of Community Based Services terminates because he is a late teenager, or young adult. A decade ago, in a moment of remarkable candor, one DCBS worker assigned to working with older adolescents described aging out, as “kids being pushed off a cliff into an abyss.”⁸¹

Since 1991 when the last hotline report was issued, the Congress passed the federal “Chafee Act,” which among functions provided funds to prepare young people in foster care as they made the transition to adulthood. The federal law also contained a strong empowerment theme that let youth in foster care speak for themselves in promoting policies and laws that might help children in foster care.

No one in the 2005 KYA-NICYF survey mentioned the topic of “aging out,” which was such a hot topic in 1995 when KYA last operated its hotline. The author concludes that the topic of aging-out has all but vanished from the political landscape.

Community partnerships and family involvement initiatives

During the 1990s and the early 21st Century, the term “community partnerships” became a hot topic in DCBS and national foundation circles. Especially in Louisville, the Annie E. Casey Foundation in Baltimore and the Edna McConnell Clark Foundation in New York City funded community partnerships and community-oriented initiatives.⁸² Some of these initiatives have been replicated in other parts of the state, most notably in the Kentucky River and Big Sandy (2002), Fayette and Barren River (2004), and Northern Kentucky areas of the state. The general purpose of these pilot projects was to engage the community in child protection, in lieu of a tops-down approach where the state agency personnel enter homes in what some residents have traditionally seen as an unnecessarily intrusive manner. Instead of assuming that social workers would “parachute in” as outsiders to investigate and help families, the idea was that the community itself would be engaged enough to be supportive of the family as neighbors and peers.

⁸¹ “Aging out [is] the informal term used for status changes among young people who outgrow their qualification as dependents while in the responsibility of the health care and welfare system, such as foster care.... They still exist but are no longer counted, sought, or served when located and are extremely vulnerable to exploitation.” [Source: Barker, R.L. (Eds.) *The social work dictionary, 4th edition*. Washington, DC: National Association of Social Workers, 14.

⁸² The Edna McConnell Clark Foundation – through Center for the Study of Social Policy – supported the so-called “Community Partnerships” initiative, while the Annie E. Casey Family supported the so-called “Family-to-Family” initiative and supports two other on-going initiatives: “the Parent Advocate” initiative and the “Disproportionate Minority Representation” (in the child welfare system) initiative, both of which are pilot projects in Jefferson County.

Remembering that the e-mail and telephone surveys specifically asked for good news about the CPS in Kentucky, in addition to where the problem areas were, the author was surprised that more people did not mention these highly-touted community partnerships. To the contrary, ten callers and e-mailers remarked on the lack of coordination between families and other state and private agencies with DCBS.

There are several possible explanations as to why community partnerships did not rise to the author's 10% threshold: (1) the community partnership initiatives have been so absorbed into the Department's service delivery system that callers and e-mailers failed to mention them, (2) as indicated in both Methodology sections of this report (in the Introduction section and in Appendix 4 about the limitations of this study), the callers and e-mailers were more likely to accentuate the negative, rather than the positive, or (3) the community partnerships may have been a fad, which may have run out of gas. It is impossible within the scope of this work to determine which one of these explanations is responsible for these community partnerships having such a low profile.

Guardians *ad litem*

Over the course of the last 26 years, the quality of the legal representation of guardians ad litem has been the subject of much controversy.⁸³ Guardians ad litem are private attorneys appointed by judges to represent a child's best interests in family, district, and circuit court proceedings related to dependency, child neglect and child abuse. They often are thought of as the Court's eyes and ears. At least five reports have focused on the inadequacies of the guardian ad litem system in Kentucky with most castigating the state for not properly funding the statewide program through the Finance Cabinet. The result of reimbursing appointed attorneys at such a low level was that they failed to set aside the time to investigate the circumstances of each child they represented. This general criticism had exceptions, most notably in Jefferson County, which was noted as being exemplary in at least two state reports.

Guardians ad litem play an absolutely critical role in protecting children because they should research the facts relevant to the child's situation, interview the child if she is competent, understand the law, be impartial, and even more importantly, understand the complex social service system in their locale. They, along with Court Appointed Special Advocates in some jurisdictions, and foster care review boards who review the files of children to see if certain goals are being met, were designed to make the Department of Community Based Services and others involved in child protection more accountable.

⁸³ Beshear, S. (1985, March 30). *Kentucky's children: A critical moment*. Frankfort, KY: Governor's Protective Services Advisory Committee, 26. **and** Richart, D. W., Harmon, N. & Norman, J. (1991). *Turning promise into practice: An analysis of Kentucky's services to abused and neglected children*. Louisville & Frankfort: Kentucky Youth Advocates, 75-77. **and** Clayton, V. & Richart, D.W. (1995). *Above and beyond: Recommendations to the Secretary*. Frankfort, KY: Kentucky Cabinet for Human Resources, APS-CPS Internal Policy Review Workgroup, 20-21. **and** Hatchet, E.B. (1998). *Guardian ad litem practices in the Commonwealth of Kentucky: Responsibilities and oversight should be defined*. Frankfort, KY: Kentucky Auditor of Public Accounts. **and** Cooper, W.S. (1999). *Recommendations of the Commission on Guardians ad litem*. Frankfort, KY: Kentucky Administrative Office of the Courts, 1-10.

But, legally, the guardian ad litem is the neutral party to whom most judges turn to for legal advice and counsel.

Guardians Ad Litem (GALs): What the 1995 Workgroup Said:

“[W]e learned of guardians ad litem who did outstanding work.... Unfortunately, we found these exemplary attorneys are not representative of the overall quality of GALs throughout the state. Frequently, we heard that experienced family service workers and trained court volunteers were more conversant about state and federal laws and services than were the GALs.... The majority had no involvement with the adult, child or the family prior to court hearings.... With the exception of Jefferson County, they receive little or no training.... A frequently voiced complaint of GALs is that the current level of reimbursement does not provide any incentive for them to go beyond making a minimal commitment of their time.”

- APS-CPS Internal Policy Review Workgroup, pp. 20-21

In response to the concerns that have been raised over the years, especially after a 1998 Kentucky Auditor of Public Accounts’ report was released, Kentucky Chief Justice Joseph E. Lambert created a “Commission on Guardians ad litem” to further study the attorneys and the systems that support them. The October 25, 1999, ten-page Commission final report resulted from the work of twenty-four (24) members comprised of elected officials or state employees. The Commission responded to one criticism from the 1998 Public Auditor’s office report by describing the responsibilities of guardians to clarify their duties.⁸⁵ Unfortunately, no change has been made in the reimbursement rate for attorneys who represent the best interests of children in dependency, neglect and abuse proceedings and in termination of parental rights prior to adoption proceedings.

Perhaps, the reason that children don’t receive better representation from some GAL(s) is that the state does not provide adequate compensation to the attorneys who oversee their best interests. GAL(s) have no lobby group, no PAC, and no constituency to lobby the

What the Auditor of Public Accounts Said in 1998⁸⁴

“The audit...found that attorneys, judges, and family service workers disagree on the guardians’ actual duties, and that some participants question whether all guardians adequately research and investigate their assigned cases.... The audit also found a significant deficiency in the system – specifically, that guardian representation ends when the child is committed to the custody of the Cabinet for Families, leaving no legal advocate for the child’s safe[ty] and permanent placement. It also noted that Guardian Ad Litem fees are limited to \$250 for district court and \$500 for circuit court. These fees may not provide an incentive for performing the necessary duties in lengthy, complicated cases.”

⁸⁴ Hatcher, E. (1998, September 2). *Are guardians of abused and neglected children living up to their name? Hatchett recommends greater oversight and uniform standards for guardians ad litem* (press release). Frankfort, KY: Kentucky Auditor of Public Account, 1.

⁸⁵ The list of roles and responsibilities are used in AOC’s GAL training, but they are not codified in statutes or Supreme Court rules. As a result, they are advisory in nature. (KRS 620.100 outlines the appointment of GAL(s) and briefly describes their duties in dependency, neglect and abuse proceedings, while KRS 625.041 outlines GAL(s)’ responsibilities in termination of parental rights proceedings, the precursor procedure to placing a child in an adoptive home. KRS. 387.305 delineates the appointment responsibilities and roles of GAL(s) in non-dependency, neglect, and abuse.)

legislature and make the case to the legislature that children deserve better representation. And so, the per case reimbursement is the same in 1978 as it is in 2006.

The author could make no assessment of the quality of the guardian ad litem program in 2005 because only seven callers or e-mailers commented on guardians, with one saying the quality of service varied from county to county, three having negative comments, and two having made positive comments. So far as could be determined no attention has been drawn to the 1995 recommendation that graduated fees be paid to GALs based on their completing competency-based tests after training.

Adoption disruptions

Based on one-on-one interviews with key informants, the author expected to hear about “adoption disruptions,” the term used to describe what happens when an adopted child is removed from their adoptive parents’ home. The author expected these disruptions to occur because of the financial incentives provided by the federal government to the state for the increased number of adoptions they finalized. This concern about adoption disruption is by no means new,⁸⁶ but these possible disruptions bear closer scrutiny by the legislature, child advocates and the media. (The author did not file an open records request about adoption disruptions, so no review of the data was completed for this report.)

“Collateral damage on the homefront”⁸⁷

The collaborating organizations, both of whom call themselves “child advocacy” or “children’s rights” organizations, have colleagues in almost every state in the U.S. One of those organizations is the North Carolina Child Advocacy Institute (NCCAI) in Raleigh. NCCAI released a report on child abuse homicides within military families in September 2004. Since the U.S. is at war, and troops – both male and female combatants – are returning to their military bases affected by their war experience, the NCCAI report is especially relevant to Kentucky children. A year and three months ago, NCCAI found:

- “Children in Cumberland and Onslow County military families are two times more likely to be killed by their parents (or other caregivers) than other children in North Carolina.”⁸⁸ (Cumberland County is where Fort Bragg and Pope Air Force Base are located and Onslow County is where Camp Lejeune & the New River Air Station co-exist.)

⁸⁶Partridge, S, Hornby, H & McDonald, T. (1986). *Legacies of loss – visions of gain: An inside look at adoption disruption*. Portland, ME: University of South Maine, Center for Research & Advanced Study.
and Barth, R. (1988). Disruption in older child adoptions: We now know enough to develop a profile of children whose placements are in greatest jeopardy. *Public Welfare*, Winter edition.

⁸⁷ This heading came from a report issued in September 2004 by the North Carolina Child Advocacy Institute.

⁸⁸Herman-Giddens, M. (2004, September). *Reducing collateral damage on the home front: Child abuse homicides within military families and communities in North Carolina: Facts and recommendations*. Raleigh, NC: North Carolina Child Advocacy Institute.

- “Stated another way, Cumberland and Onslow counties account for 2% of N.C. counties, 7% of N.C.’s children, and 15% of N.C.’s child abuse homicides.”
- “These long-term [a 16-year study period] patterns are not a statistical fluke, nor a coincidence. They suggest problems in and around North Carolina military families and military communities that predictably result in a consistently high number and rate of child abuse homicides.”

The author conducted one telephone interview, as part of a series of one-on-one interviews, with a person who suggested that the incidence of domestic violence and child-deaths in military families may be very high in Kentucky, especially at Fort Campbell. Since Kentucky also is home to another military installation at Fort Knox, the North Carolina study raises concerns about children at both military posts. The author could not independently determine whether the same patterns in North Carolina applied to Kentucky, but it was worthy of note since these deaths may be treated differently because they occurred on federal property.

FINDING # 6:

Personnel and human resources issues that affect morale and service delivery

Pay & pay inequities

All together 38 of 255 respondents (14.9%), mostly DCBS employees, made comments about their pay, pay inequities, or other human resources' compensation issues. The second most common comment made by respondents was about the level of compensation, with 15 respondents (5.9% of all the respondents).

The unintended creation of a two-tiered pay scale for some workers and supervisors

The most prevalent comment (n =16) expressed by respondents, almost all of whom were state employees, concerned the pay inequity between those employees who had secured their BSW (Bachelors of Social Work) and/or their MSW (Masters of Social Work) degrees and those who did not pursue these degrees, but were very experienced caseworkers. Some context might help place this issue in perspective. During the Patton administration, administrators made a decision to invest in promoting educational opportunities for current and prospective DCBS employees to secure social work academic degrees. The Public Child Welfare Certification Program (PCWCP) was created for undergraduate students to provide *prospective* DCBS employees with tuition assistance while these students were pursuing their BSW degree. As seniors, these employees complete an internship or practicum with DCBS with the thought being that when they were hired by DCBS, they would have pre-employment experience and would understand the state's policies and practices *prior to their employment*. In return for receiving tuition assistance, the PCWCP students sign a contract committing them to a period of service as DCBS employees.

During their practicum, the BSW students would have an opportunity to shadow a DCBS social worker who already had received his or her social work education. The prospective social workers also participated in classes in which they discussed their experiences and professional dilemmas with their doctoral or masters-level professors. Under these two levels of supervision, they also would be responsible for some initial casework responsibilities. The idea was that these BSW graduates would be better prepared for their work and as the Secretary at the time said, "that these employees would be able to hit the ground running."

Besides the upgrading of skills and the creation of a "social work ethic" within the Department, the second reason for undertaking this pre-employment tuition assistance program is that Patton administration officials knew that hiring more BSWs would help in the national accreditation process through the Council on Accreditation as that certifying body puts a premium on hiring BSW and MSW social workers.

The Administration also wanted to upgrade the abilities of current employees who already were employed by the Department and had an undergraduate degree by providing

those employees tuition assistance to encourage them to continue their education by securing their Masters in Social Work (MSW). As a result, the Department bankrolled a tuition assistance program for their current bachelor's degree staff by allowing them time to go to graduate school at nights and on weekends.

Those who participated in the undergraduate (PCWCP) and graduate tuition programs also were rewarded by receiving a higher salary than their counterparts who were hired or retained within the Department. As evaluations completed by Dr. Ruth Huebner documented, the PCWCP was successful in recruiting and retaining credentialized social workers to the Department's staff.

But these undergraduate and graduate tuition assistance programs also created a morale problem when they institutionalized a policy that made securing a social work degree as the primary way of making more money. Experienced social workers, who may have had some academic background in social work, or who may have none but who did have years of experience, saw "new BSW hires" or "MSW graduates" receiving comparative salaries to theirs.

In creating a pay scale that provides incentives for those employees with academic background in social work, the state has, in effect, created a two-tiered pay experience that rewards academic credentials and practicum experiences, over experience. These initiatives, while well-intentioned, also has a crosscutting corrosive effect on the attitudes of seasoned employees.

In a system that for decades has valued years of experience as a way of securing higher pay, this two-tiered pay system has created a morale problem among career DCBS workers. On the other hand, those who have paid for at least part of their education, and who have gone to school at nights or on weekends, could argue that their sacrifices of time, money, and time away from their families should be rewarded as well.

How Several Veteran Expressed Their Concerns about Pay Inequities

"There are no incentives to stay [at DCBS]. [The] 'new hires' make almost the same as seasoned employees." [T-18]

"[I]t's like a real kick in the teeth to loyal, hardworking social workers, who have made a real commitment to the agency." [T-11]

"I have 10 years of experience, I have my MSSW, and I receive the most difficult cases that come to 'ongoing services' due to my experience and expertise, however, I make as much -- and often less -- than a social worker that is not as qualified." [E-166]

[from the Recommendations section of the e-mail form:] "More promotional opportunities or pay increases for career front-line employees. These individuals often make less than new employees and are responsible for picking up the slack when people leave." [E-16]

"Some of the new [entry level social workers] make more than a new Supervisor. It makes us feel like loyalty and dependability mean nothing.... The loyalty that many of us have to our jobs is commendable. We do really care about the families and children we work with." [E-53]

***“Collapsing” several job titles into one:
dismantling part of the DCBS career ladder***

One administrative change that has occurred over the last several years was the collapsing of several job titles into one job title. Once there were three jobs (Social Services Clinician I, Social Services Clinician II, and Social Services Specialist) that constituted a promotional career ladder for veteran social workers. These three different positions have been combined into one job title, all with the same basic salary. The result of this change is that veteran social workers encounter a mid-level freeze on their salary and promotional opportunities. Except for cost-saving reasons, it is unclear why these job titles were merged, but it is clear that this change has had a negative effect on morale because the change has had a personal financial effect on veteran social workers, which affects their attitudes toward their work.

Excessive paperwork in a high-tech world

In the reports on child protection that have been written during the last 30 years, there has been one constant refrain: social workers are overly weighed down by paperwork required by federal and state government laws and regulations. This year, however, 32 of 255 respondents (12.5%), almost all of them state DCBS workers, indicated that paperwork had increased due to four factors: (1) an emphasis on outcomes, rather than process notes, (2) new paperwork requirements necessitated by the federal ASFA,⁸⁹ (3) Kentucky’s efforts to continue its accreditation with Council on Accreditation (COA), and (4) lower personnel evaluations placed in workers’ files because their paperwork was late. The additional emphasis on paperwork and outcomes puts more pressure on workers. Several respondents indicated that the information that they had to report through their paperwork was redundant.

<p><i>Paperwork “Lock-Downs”</i></p> <p><i>[Social workers go into periods of] “... ‘lockdowns’ where workers can’t return – or take – calls, because they have to get [their] paperwork done.”</i></p> <p style="text-align: right;"><i>- DCBS worker [E-9]</i></p>

Ironically, the state’s foster care review boards found in 2004 that that they could not review 2,153 case files, because the children’s files did not contain sufficient information.⁹⁰ In 2005, the state’s other review boards sanctioned under state law, the Kentucky Citizen Review Panels for Child Protective Services, concluded: “While conducting our research, we found many documents difficult to obtain, and some that were not up to date.”⁹¹

⁸⁹ Adoptions and Safe Families Act

⁹⁰ Kentucky Administrative Office of the Courts. (undated). *2004 annual report: Citizens Foster Care Review Board, Working in Kentucky’s future*. Frankfort, KY: Kentucky Administrative Office of the Courts, 11.

⁹¹ Jones, B. (2005, June 30). *Annual report, 2005: Kentucky Citizens Review Panels for Child Protective Services*. Lexington, KY: University of Kentucky, College of Social Work, 41.

At a time when the private sector relies so heavily on technology to reduce the paperwork burdens on their staff, DCBS appears to be decades behind private industry in its use of technology. Respondents described the problems with paperwork as being related to: (1) too few terminals, (2) outdated equipment, and (3) the inability to access a computer during long hours waiting at court.

Several respondents indicated that the available technology often was not “up,” or working. In a September 2004, letter from the then-DCBS Commissioner Mike Robinson, he reported that 2,270 pieces of equipment were being shipped in late 2004, and another replacement shipment was due in the Spring Quarter of 2005.⁹² To meet the demands of the 21st century, the Department has recently announced a pilot program in the Elizabethtown-Hardin County area to provide laptops, cell phones and the like to help workers complete their paperwork chores.⁹³

But in addition to 21st century technology, many respondents reminded the author that support staff are essential to meeting the paperwork burden as well. Workers with undergraduate and graduate degrees were routinely completing paperwork tasks like photocopying, and data entry instead of focusing on the families to whom they were assigned. Many jurisdictions reported that they had a more difficult time filling support staff vacancies than social work vacancies.

The recurring topic of paperwork led the author to conclude that at the end of each month, workers faced a critical decision: (1) to *not* complete their paperwork on time, which means that they would be graded-down by supervisors under pressure by their administrators, or (2) go into a “lockdown” mode, by not answering phone calls and stopping all client-centered work, to get the paperwork done on time. Of course, a worker going into lock-down mode risks that a client family may be in jeopardy and need the worker’s immediate attention. In this case, this paperwork dilemma is more than an academic or intellectual matter, it, quite literally, could be a matter of life or death.

“Then” and “Now: A Comparison of Case Records from a Veteran DCBS Supervisor...

[A social worker who reviewed 30-year-old case files for open records purposes compares those files with current files. She first starts with a description of records 30 years ago:]

“... I was amazed at how excellent the social work had been in the past, though the paperwork requirement and documentation was minimal. As I reviewed cases later, it seemed that I could read a case from start to finish and still have little clue as to what had really taken place with the family.... It was extremely disheartening to read a 6 inch case [file] and still not have a sense of what was going on.”

-veteran supervisor (It was unclear from her e-mail response whether she may be retired.)

[E-33]

Computers “Watching” the Paperwork, Not “the Work”

[the state’s new computerized “accountability system”:]

“...measures your paperwork, not your casework.... You know that you have to get at least a 70% to stay out of trouble.”

- DCBS employee [T-7]

⁹² September 23, 2004 letter from Commissioner Mike Robinson to Blake Jones, University of Kentucky, page 10.

⁹³ Issacs, B. (2005, December 3). 30 child protective services workers get new tool kits: Laptops, cell phones, digital cameras, facilitate investigations, provide safeguards. *The Lexington Herald-Leader*, B-4.

Delayed, protracted centralized disciplinary actions by the Department reward incompetence and lower the morale of good workers

The Fletcher administration instituted a new, informal policy on written reprimands for lesser misbehaviors, and “requests for major disciplinary actions” which are much more serious, which has had an effect on the quality of services provided children and their families – and on the morale of the good staff who are working hard to protect children and secure them permanent homes.

While they are relatively few in number, some social workers come to work and exhibit a wide variety of behaviors that are detrimental to families. These behaviors range from coming to work “impaired” by drugs and alcohol, to having marital, aging parent, or children’s problems within their own family, which may understandably distract social workers from their work. But sometimes these behaviors border on gross incompetence when a worker is ill suited or unprepared for this very special kind of work. As the author suggested in the “street bureaucrats” section of this report in Finding #3, workers have a good deal of discretion in their work, and an impaired worker can do a great deal of damage while he is involved in the lengthy disciplinary process currently under use.

How One Supervisor Sees the Current Disciplinary Procedure...

“...supervisors have a very difficult time with disciplinary action[s] and reprimands. I find this incredibly confusing, as our agency is ‘very high profile’ and our community expects us to be on task at all times, and to know what is going on in each case. [H]owever when a supervisor identifies a problem area with a social worker, he/she cannot discipline them without bureaucratic red tape. After a social worker is off of probation, it is nearly impossible for a supervisor to discipline them in any manner, or fire them. This places families at risk, specifically the children we are here to protect.”

-DCBS employee [E-16]

Prior disciplinary practices

The previous disciplinary protocol was for a supervisor to immediately prepare a letter of reprimand after an incident occurred. The next step would be for the supervisor to immediately bring the infraction to the attention of one of several regional administrators. Then, perhaps after some technical or substantive correction might be made, the disciplinary document was served on the employee, along with a notice of his rights to appeal. In this prior situation, the lapsed time was a matter of a few days.

With respect to the former requests for major disciplinary actions, which include more serious actions, they were forwarded to Central Office, and quite promptly returned to the local office for immediate action. In both instances, for lesser and serious incidents and behaviors, there was a priority on discipline, including in some cases the initiation of the termination process for employees who were involved in behaviors unethical, illegal, or contrary to state policy.

Current disciplinary practices

According to 18 respondents (7%) who explicitly mentioned this problem in their telephone calls or e-mails, and another eight respondents (3%) who implicitly or indirectly discussed disciplinary actions, the Fletcher administration amended this longstanding procedure by requiring all draft memos and reprimands – no matter how minor – to be forwarded to Central Office in Frankfort for review, a change in policy that dramatically elongates the disciplinary process. Often, the reviewers in Frankfort ask for clarifying information or question the preciseness of the language used in the original document and those Central Office comments are returned to the local office.

What One Supervisor Said of the Current Disciplinary Process...

“There is too much bureaucracy to get approval to even write a written reprimand...private industry would never put up with this. This [process] creates personnel issues that never go away. It is very evident to the ‘good’ staff that they are held to a different standard. This creates low morale for the rest of the staff. The good staff is dedicated and hard working. It is very inequitable.”

[T-10]

These questions require the supervisor and regional staff to seek more information or revise the memo again. After the supervisor and regional staff address “Central Office’s” concerns, they then have to submit the memo again. What makes this process worse, is that the Central Office personnel may request the local staff to amend the memo *again* and the process starts all over again, even further delaying the disciplinary process. During this period, the worker in question continues in his current position.

All-in-all this new process has had five unintended outcomes:

- some workers are involved in conflict-of-interest, illegal, unethical, or substance abuse issues, and their ability to perform their job is severely limited, or even impaired; *it is not uncommon for a supervisor or regional staff person to assign another employee to “shadow” the worker when he or she appears in court because the supervisory staff is so concerned about his or her behavior;*
- given all the work involved at the local level – along with the high caseloads that were discussed in Finding #2 – *an exhaustion factor* sets in among supervisors as they start to second-guess themselves and question whether they want to go through this protracted process the next time there is an incident with this – or another – employee; simply put, the process as it is, now, *actually discourages high performance and high expectations* among employees because a supervisor has to make a choice between battling the excessively bureaucratic disciplinary process, and doing the actual child protection work;

Conversation between Central Office Staff and Regional Staff

“Do you really want to pursue this? It’s gonna take an awful lot of work on your part.”

- one-on-one interview

- lower morale in local offices as good employees see no immediate action taken about an incident that is grist for the rumor mill; *this delay leaves good employees with the impression that certain employees can get away with practically anything before some corrective action is taken*; this elongated process further demoralizes the very qualified staff who are the backbone of the agency;
- an aggrieved employee who is left twisting in the wind as he or she awaits his or her letter of reprimand; this lengthier process breeds a sense of “*justice delayed is justice denied,*” as the employee in question awaits not only official notice of the reprimand, but elongates his or her possible appeal of the original personnel action, and
- *a sense that there are no immediate consequences for employee infractions when an employee can learn the most from his infraction.* The delay also makes the facts less fresh for the employee and his or her supervisor, making it harder to recollect exactly what occurred.

In conversations that representatives of the collaborating organizations had with the Cabinet’s Under Secretary Foster and Commissioner Emberton, which occurred prior to releasing this report, the authors found that both officials were well aware of this problem and had scheduled a training session in January of 2006 for regional and sub regional staff on the due process and written provisions of the disciplinary process. The collaborating organizations who produced this report appreciate these high-ranking officials’ understanding of the seriousness of changing this new process as it has negative effects on staff morale, and more importantly, ultimately puts children in danger.

Is state government playing the “vacancy credit” game, or does it really take that much time to process the paperwork to fill positions?

Twenty-five of 255 respondents, or 9.8% of the total, indicated that it was essential to fill vacancies more expeditiously. As child advocates with a 30-year history monitoring the CPS in Kentucky, we take note of a fiscal technique played by prior administrations: “the vacancy credit game.” As illustrated in Table 15 on the next page documents, high-level administrators have *purposely delayed* hiring replacement employees to save money. This vacancy credit technique is a longstanding procedure used by Governors and Budget Directors for years, especially during periods when Kentucky was encountering a budget shortfall or a future deficit. When each monthly vacancy credit is multiplied by the total number of vacancies that occur within the Department within a given year, the total savings that accrue can be enormous.

Table 15:

**“The Vacancy Credit Game”:
How Not Filling a Single Vacant Position Can “Save” the Department Money**

(using the hypothetical salary and fringe benefits for a single employee making a base salary of \$30,000, plus a 30% fringe benefit package, for a total of \$39,000 per year, or \$3,250 per month)

	Unfilled Vacancy Credit: Month One	Unfilled Vacancy Credit: Month Two	Unfilled Vacancy Credit: Month Three	Unfilled Vacancy Credit: Month Four	Unfilled Vacancy Credit: Month Five	Unfilled Vacancy Credit: Month Six
Monthly Saving	\$ 3,250	\$3,250	\$ 3,250	\$ 3,250	\$ 3,250	\$3,250
Cummulative Saving: One Employee	\$3,250	\$6,500	\$ 9,750	\$ 13,000	\$ 16,250	\$19,500
Times ten (10) Employees	\$32,500	\$65,000	\$97,500	\$130,000	\$ 162,500	\$195,000
Times one hundred (100) Employees	\$325,000	\$650,000	\$975,000	\$1,300,000	\$ 1,625,000	\$ 1,950,000

As Table 15 makes obvious, during tight fiscal periods, *intentionally* slowing down the hiring process can save the Department of Community Based Services a great deal of money to make up for any projected shortfall in federal or state funds. The collaborating agencies who produced this report cannot confirm that the current administration is playing the vacancy credit game, or whether a second explanation is more plausible.

The other explanation may be technological. For years, personnel administrators at the Departmental level and within the Kentucky Department of Personnel have explained that it is a far more complicated matter than what one would think to create a “register” (or list of prospective candidates). This register of prospective candidates is forwarded to local offices so that local supervisors can interview candidates, complete criminal records checks and check job or placement references. Using a corporate model as a standard, it is difficult to believe that it takes three months or more to create such a “register.”

To reiterate, the positions that are vacant and slow to be filled are not just caseworker positions, but also so-called “support and administrative staff” positions, employees who make line staff much more productive and focused on serving children and their families.

The general morale of staff is as low as other crisis periods in 1978, 1985 & 1995

As previously indicated in the Introduction of this report, child protection goes through cycles of public exposure, reform, quiet periods, and expose again. While quantifying morale problems is difficult, the comments made by respondents met our threshold level of 10%.

Remembering that morale comments are

A Kentucky Social Worker Describes Her Own Fatalistic Attitude...

"We're drowning and nobody cares."

- DCBS employee

Two Mothers' Concerns about Their Sons Who Are CPS Workers

"I see a significant increase in the stress he encounters. He feels under appreciated...."

[T-21]

"[My son] is very passionate and committed, but he gives up his weekends to 'catch up' on his work."

[T-62]

more likely to come from state employees, than outsiders, this report documented twenty-nine respondents of the 255 who participated in the e-mail and telephone survey who expressed concerns about their own – and their peers' – morale. A common theme was that their hard work was not appreciated. Like employees in any kind of work, one might expect them to raise concerns about salary issues, and some respondents did, but it was far more common for these DCBS employees to feel that they were overwhelmed and under appreciated by administrators and the public. It is important to recognize that this poor morale among

DCBS workers can have fatal consequences to children. So morale problems in DCBS are to be taken not just as whining, but also as being indicative of people who are fighting their work every day, an attitude that may place children in jeopardy.

All of these concerns and pressures contribute to a sense of burnout, another theme that was expressed by some DCBS employees. Veteran social workers describe morale as at one of its lowest points in years. A second theme that surfaced was the increased stress⁹⁴ in recent years due to: (1) increased caseloads, (2) higher expectations, especially in meeting paperwork goals, but also because the state is attempting to comply with the Council on Accreditation standards, (3) the sometimes hostile treatment that they

A Summary about Morale...

"We put our lives on the line everyday, but get no respect or recognition. You always hear about police and fireman doing that, but never about CPS workers." – DCBS employee [E-37]

⁹⁴ A 1998 study report from six focus groups of 40 female social workers from Ontario, Canada is informative because it gives some insight about the stress that frontline workers and supervisors encounter in their work. From a summary of that report, the workers described the expectations placed on them as being "impossible" to meet, "especially in terms of the workload." Because the work is unpredictable and workers have little sense of control over their work, left them feeling "disempowered." Stress was exacerbated by: (1) painful decisions, (2) fear of physical danger, (3) "double duty of having a stressful job and then going home to care for their own families, and (4) sexism in the courts, schools and agencies, with men given preference for promotions within the agency.

[**Secondary Source:** Zuckerman, D. (1999, December/January). Child welfare work: Hazardous to your health? a book review that appeared in *Youth Today*, 10. **Original Source:** Gold, N. (1998) Child welfare work: Hazardous to your health? Using participatory research to help promote the physical and mental health of female social workers in child welfare. *Child Welfare*, 77 (6).]

receive from biological parents with whom they meet, (4) bureaucratic impediments, and (5) a sense that their work will be examined under a microscope if something goes wrong.

What Two State Employees Said About CPS Morale...

“I have encountered CPS workers who have not been in the field for very long, but who are nevertheless very burned out.”

-state employee from another state agency [E-181]

“I hate it [the job] as much as I love it. I love the kids and hate the job. 80% of this job is so stressful that [sometimes] I can’t ‘function.’”

-DCBS employee [T-69 (C)]

Expectations of attitudes of caseworkers toward difficult or non-compliant clients

While the KYA-NICYF e-mail and telephone hotline did not include very many comments about the families they serve, in a break from the author’s internal threshold (10%) standard, the author offers the following quote from a CPS worker who reminds laypersons of the attitudes of *some* client-families toward the social workers in their homes. It is the expectation of the collaborating organizations that prepared this report that social workers would transcend these negative attitudes and behavior on the part of clients.



Some Families Are No Picnic to Work With...

“Not to mention the type of interactions we have with our clients and ‘collaterals’ [other family members, and even other professionals from whom investigators must get supplementary information]. Clients often berate and demean workers, yell and scream, verbally threaten and use a number of intimidation techniques. Workers are often at the brunt of the clients’ frustrations because we’re the ones in the home, explaining to them what the courts want them to do, and telling them what they need to do, so the case can close. Clients rarely see CPS [workers] as a positive force in their life able to help them and reunite their family, but they rather see us personally attacking their family and trying to make their lives more difficult. With these types of interactions, it makes one case feel like three because of the stress that is generated.”

- DCBS worker [E-167]

Turnover among staff (and its effect on child welfare)

Twenty-nine of the 255 respondents, or 11.5%, discussed the high turnover rate among staff. This turnover rate seems to be more concentrated in urban areas where there is some employment mobility, while in rural areas, where social work jobs with fringe benefits are scarce, the turnover rate seems to be lower. The author was able to document that the turnover rate was particularly high in the following counties: Fayette (Lexington), Hardin County and the Lincoln Trail area (Elizabethtown and other environs), and Jefferson (Louisville).

A Paraphrased Comment from a Social Worker in Jefferson County

“ I love my job and I work here [at the DCBS] by choice, but [I’m] very disappointed to see such a high turnover [rate] due to [poor] working conditions.”

[T-40]

In Fayette County, where turnover data was available from outside monitors as an example: “...20% of all front line staff ... have one year or less experience, and 11% have less than six months. The administration of the Cabinet has long recognized that Fayette County has a much higher than average rate of staff turnover and that Cabinet salaries are not competitive in Fayette County.”⁹⁵

To distinguish social services from other enterprises, high turnover rates affect children who may have no constant state employee to whom they can turn for help. Building rapport and a trusting relationship with children – and families – takes time and all the social capital that one social worker might build can be torn-down when that social worker goes on parental leave, retires, quits, or transfers to another state position.

A reminder: The danger of conducting investigations and doing on-going work with some families

Perhaps they take it for granted, but only eight e-mailers and telephone callers who worked for – and with – DCBS addressed the safety issue. Remembering that Paul T. Grannis died in May 1987 while doing a child abuse investigation in Fleming County,⁹⁶ the comments made by these eight DCBS staff need to be taken into account, particularly with respect to the need for technology. Workers are walking into potentially dangerous situations with regularity. In addition, just asking the questions that an investigator has to ask, can lead to explosive events in a family’s home. For example, a parent assaulted a social worker during an investigation in Louisville in 2003.⁹⁷

Danger

“.. we frontline workers are exposed to extremely dangerous conditions of angry and violent clients, meth labs, intoxicated, unpredictable armed clients, that are violent due to ‘baby snatching’ social workers....” [E-54].

⁹⁵ Jones, B. (2005, June 30). *Annual report, 2005: Kentucky Citizen Review Panels for Child Protective Services*. Lexington, KY: University of Kentucky, College of Social Work.

⁹⁶ This murder, and several others in other parts of the country, raised the public’s consciousness of the inherent danger of the investigations process. About a year after his death, Grannis was recognized by the U.S. Department of Health and Health Services with its “Commissioner’s Award.”(The Department of Community-Based Services honors a social worker every year in Mr. Grannis’ name.)

⁹⁷ Quay, C. (2003, January 26). Social worker assaulted, police say: Mother accused of attack during removal of children. *The [Louisville] Courier-Journal*, B-2.

Coping with Meth, other drugs & guns in homes

With the increase in the use of methamphetamine and “meth labs” in urban and rural areas of the state, the danger for social workers increases. It is important to remember that social workers are going into homes with no state-issued cell phones, no body armor, pepper spray, tazers, guns, or other forms of protection that law enforcement officers customarily have at their command. When one recognizes that drug abuse is a constant problem among DCBS clientele, and that one outcome of an investigative interview could be the removal of a parent’s child, it is easy to see why social workers are so vulnerable. Many urban and rural families have guns in their house out of necessity – to protect themselves from intruders. The availability of guns makes the social worker’s job even more problematic.

What One DCBS Worker Said About Urban Investigations:

“We are required to do home visits in areas of town that the police warn not to go alone. We are not provided cell phones. A new problem is the Meth labs. When a report is received, a worker has 1-48 hours to have a face-to-face interview with the child in question. For many reasons, this [standard] is often impossible. Now with the meth labs... [investigations] are HIGHLY DANGEROUS.... The old catch phrase for the Hotline was that ‘mom is on crack’. [The] new catch phrase [is] ‘they are cookin’ meth.’”

-DCBS worker [T-13]

The author would ask any layperson reading this report: what would they do if they were confronted by an angry parent, who was perhaps high on drugs, and who sees a DCBS worker as a threat to their children? While DCBS workers live by their wits and try not to put themselves in a situation in which they are in danger, there is no guarantee. Every investigator and on-going worker working for the state should be issued a state-financed cell phone. Many workers, despite their lower salaries, presently pay for these cell phones out of their own pocket. Danger is all about the investigator’s job, and the sad news is that – until very recently – the state was not equipping its employees with a relatively cheap method of protection that allows workers to have access to outside help. The cost of these phones is miniscule when weighing that cost against some unnecessary human and economic tragedy.⁹⁸ To its credit, the Fletcher administration recently created a model program in the Lincoln Trail area to provide cell phones, lap top computers, and other equipment for its DCBS employees.⁹⁹

Training

Forty-two of 255 (16.5%) of the respondents cited some improvement in training as being important to make the Kentucky CPS more responsive. While this number of

⁹⁸ Just as private employees often abuse the use of company-provided cell phones by making calls for personal use, it is undoubtedly going to be true that a select few workers may abuse the privilege.

⁹⁹ Issacs, B. (2005, December 3). 30 child protective services workers get new tool kits: Laptops, cell phones, digital cameras, facilitate investigations, provide safeguards. *The Lexington Herald-Leader*, B-4.

responses met the authors' threshold of ten percent, the recommendations for what should be included in the training were very scattered. The first pattern was general in nature, with seven respondents indicating that in-service training needed to be improved. The second pattern identified by respondents was that new workers were not trained sufficiently to be assigned new cases. It was not evident whether this comment referred to those BSW graduates who had been placed in a DCBS internship as part of their PCWCP training, or whether it applied to those without a BSW.

In their June 30, 2005 report, the federally supported "Kentucky Citizens Review Panels for Child Protective Services," made a recommendation that "the Cabinet provide 'culturally competent' training to both workers and foster parents so that children will receive services that are appropriate." The Cabinet responded that they were providing 11.5 hours of training called "Exploring Cultural Diversity and Prejudice" and that they were developing a new course to enable workers to be culturally competent with Hispanic/Latino clients.¹⁰⁰ The review panels also made other recommendations about training that raised the question of whether some social workers were competent in other skills areas.¹⁰¹

Exit interviews by highly trained & experienced volunteers

While only a few workers mentioned it, there has been quite a controversy in the last two years over the results of an exit interview process conducted by the Department. In Louisville and Jefferson County, the federally-sanctioned "Citizen Review Panels for Child Protective Services" (as opposed to the local foster care review boards supervised by the Kentucky Administrative Office of the Courts), have volunteered to conduct face-to-face exit interviews with DCBS staff who have left their jobs.

Rather than relying on these volunteer interviewers, the state Office of Human Resource Management (OHRM) mails surveys to DCBS staff who have left the agency to get exit information. According to one 2004 report, there was not a sufficiently high return rate using this mail-in procedure to draw conclusions from the survey.¹⁰² Several social workers indicated that employees who attempted to access the results of these mail-in interviews were either rebuked or outright discouraged, a form of intimidation that the author feels is unhealthy.

In a September 23, 2004 letter the then-Commissioner thought there might be "legal issues" related to volunteers' interviewing departing staff. According to Commissioner Robinson's letter, "It was the consensus of [administrators' names and titles redacted] that they would prefer the CRP [the Citizen Review Panel in Jefferson County] focus on supporting currently employed staff and assessing their perceptions of

¹⁰⁰ September 23, 2004 letter from DCBS Commissioner Mike Robinson to Dr. Blake Jones at the University of Kentucky, College of Social Work.

¹⁰¹ Jones, B. (2005, June 30). *Annual report, 2005: Kentucky Citizens Review Panel for Child Protective Services*. Lexington, KY: University of Kentucky, College of Social Work, 42-43.

¹⁰² Jones, B. (2004, June 30). *Annual report, 2004: Kentucky Citizens Review Panel for Child Protective Services*. Lexington, KY: University of Kentucky, College of Social Work, 11-13.

strengths and barriers in their jobs.”¹⁰³ This decision makes the Cabinet and Department seem unnecessarily defensive and not open to oversight. The author could not independently document whether current staff had been intimidated from sharing the exit interview information already collected with their peers, although that was an allegation made by several e-mailers and telephone callers.

¹⁰³ September 23, 2004 letter from then-DCBS Commissioner Mike Robinson to Dr. Blake Jones, 15.

FINDING # 7:

**A geographic “pocket” where unprofessional behavior seems to be accepted
and which calls into question the impartiality of workers
& the fairness of the system**

A “pocket” of unprofessional behavior

In every workplace and in every kind of work, there are disgruntled employees and the Department of Community-Based Services is no exception. So, the author was not surprised to find several local offices where there were complaints about the agency. But in one particular case, Hardin County, the complaints followed such a strong and consistent pattern from many different types of respondents, that the author concluded that they were valid. Because these responses were framed and phrased in such different ways, and came from people from *both within and outside* the state agency, the collaborating advocacy organizations decided to address them in a separate finding. Remembering that this same methodology has been used since 1978, the author also had confidence in the validity of the procedures used in this particular methodology.¹⁰⁴

A repeat of 2001?

These complaints were particularly surprising because they echoed some of the media coverage about the Hardin County office prompted by the 2001 report jointly released by Kentucky Youth Advocates and the National Institute on Children, Youth and Families, Inc.¹⁰⁵ The very last local office that the author expected to have unethical accusations lodged against it was Hardin County. The 2001 focus on Hardin County actually overwhelmed the larger findings of the 2001 *Warning Signs* report, which asked several policy-oriented questions about the status of

¹⁰⁴ The Hardin County DCBS office was referenced in 45 of the 255 responses – or nearly 17.6% – of the e-mails and telephone calls that Kentucky Youth Advocates received through its hotline.

¹⁰⁵ Richart, D., Miller, D. & Town, J. (2001). *Warning Signs: The current status of Kentucky’s services to abused and neglected children*. Louisville & Frankfort, KY: Kentucky Youth Advocates.

Kentucky's CPS during Governor Patton's administration.¹⁰⁷ It is important to note that the Hardin County office – along with the Fayette County office – was subject to much media scrutiny in the Elizabethtown, Lexington, and Louisville newspapers after the 2001 *Warning Signs* report was released.

The author sadly have concluded that the initial notoriety focused on Hardin County in 2001 only had a temporary effect on changing attitudes and behaviors of some of the staff in that office. The direct criticism and examples cited in 2005 were simply too overwhelming to be dismissed as anecdotal in nature. Just as this report indicates in Finding 3 that the Department of Community Based Services had “an organizational culture” problem that was evident in many offices, we found that the Hardin County office was indeed a “pocket”¹⁰⁸ whose problems are far worse than those in other jurisdictions.

Reminder: criticism of one local office does not include all social workers

**from the April 22, 2001 edition of
The[Elizabethtown] News
Enterprise:**

“The state agency has made several unsuccessful attempts to intervene and resolve problems since last spring.... Problems there range from in competency of some social workers to internal personnel conflicts including poor leadership according to the Cabinet. ‘We have come close to despair’ as intervention efforts have failed, Jennings [the Cabinet’s spokesperson] said. Top-level personnel from other offices have already been ‘parachuted’ into the local office to head up an effort to steer the office back on track, Jennings said.”¹⁰⁶

It is important for the collaborating advocacy organizations to repeat that the misbehavior of some staff at many different levels from line staff to administrative staff in Hardin County should not apply to ALL the staff in that area. In fact, workers at all levels within DCBS in Hardin County were among the most alarmed about the behaviors of their peers, supervisors and administrators. Without the sharpened comments from DCBS employees, non-DCBS professionals, and family members, the author would not have been able to document what was occurring in Hardin County.

¹⁰⁶ Ogle, L.L. (2001, April 22). ‘We have come close to despair’: Cabinet for Families and Children tries to address problems at E’town office. *The [Elizabethtown] News Enterprise*, A-1 & A-19.

¹⁰⁷ One historical note: while the 2001 *Warning Signs* report was criticized by state government officials and some legislators when it was released in April of that year as being invalid, untrue, and even fabricated, others documented that many of KYA’s and NICYF’s concerns were valid. For example, a Hardin County principal, Mike Beyers, was so concerned about the counter attacks against the KYA report, that in June 2001, he sent an e-mail to his peers about the KYA-NICYF report and asked his peers about whether DCBS employees were being responsive to child abuse and neglect allegations made by school officials. To his surprise, one day later, Myers had received more than 50 e-mails from other principals and school counselors validating KYA’s and NICYF’s principle claims. This spontaneous and informal survey seemed to silence some of the criticisms made about the original KYA-NICYF report issued two months earlier.

¹⁰⁸ The term “pocket” was used in 2001 by the Kentucky Youth Advocates’ Director of Case Advocacy, Jackie Town, who was quoted in the April 22, 2001 edition of *The [Elizabethtown] News Enterprise* who said: “You all have got a **pocket** there which tended to have some of the worst examples.”

Universality of comments

All of the people described above had similar complaints about the behavior of some DCBS workers and administrators.¹¹⁰ (The exception to that general conclusion would be law enforcement officers and members of the judiciary from whom we did not receive any comments.) It seemed to the author that a representative number of people had drawn similar conclusions about the attitudes and behaviors of some DCBS employees in the Hardin County office. These behaviors included such things as the staff's being disrespectful, deceitful, and judgmental. Again, it is important to repeat that these criticisms came from the professional community as well as biological families. While we cannot verify the authenticity of these allegations, some respondents went much further and made allegations of perjury and other activities of questionable legality. *Short of a conspiracy of huge proportions, it would be hard to envision that these widespread allegations are fabrications of a few, select malcontents who have joined into some kind of orchestrated campaign to discredit the Hardin County office.*

What The [Louisville] Courier-Journal Said in 2001:

“Cabinet officials learned of problems at the Hardin County office about a year ago when local employees wrote Frankfort officials about their concerns. The officials met with county staff and attempted to straighten out the problem according to a memo Jennings [the Cabinet’s spokesperson] provided.”¹⁰⁹

What the respondents alleged

“Fast tracking” adoptions

The most serious and most prominent allegation was that children – especially very young children – were being steered toward adoptive placements, a practice that the author earlier referred to as “fast-tracking.” From the e-mails and telephone calls that KYA and the National Institute received, there were a cluster of responses that indicated that the local office was promoting adoption over other placements, such as of relying on family preservation (with the child’s biological family), kinship care (with relatives or extended families), or family reunification (with their biological family).

Are Biological Parents Being “Set-Up” So That Adoptions Occur?

“Families are being required to meet monumental tasks set forth by the staff and management of the Cabinet. It is noted that families have case plans that include three to four-page prevention plans with objectives and tasks to be completed. The tasks are unrealistic.”

-veteran DCBS worker [E-64]

There were 20 (of a total of 45 responses about Hardin County) responses that formed this cluster, which included the following subcategories expressed as: (1) DCBS

¹⁰⁹ Yetter, D. (2001, May 6). State office in Hardin slow to address child abuse cases, some say: Agency says it is working to make changes. *The [Louisville] Courier-Journal*, A-1 & A-6.

¹¹⁰ The respondents included: (1) grandparents, n=2; (2) biological parents, n = 5; (3) kinship care providers, n = 3; (4) non-DCBS employees, n= 8; (5) attorneys, n = 3; (6) DCBS workers, n = 12; (7) other state employees, n = 1; (8) foster care review board members, CASA volunteers and other “external” people familiar with DCBS’ work, n= 2.

employees' failure to apply a weakened "reasonable efforts" federal standard to try to keep the family together, if possible, or to place them with a relative before the state agency removed the child from his biological home, (2) removing the child from his or her home too quickly without taking into account the traumatic effect that taking the children away from their homes would have on the children and the parents, (3) setting unrealistic standards for biological families to meet in order for them to keep – or get back – their children through the family preservation and family reunification process, which leads to: (4) fast tracking of adoptions in lieu of family reunification (keeping the family together with support services) or kinship care.

As the collaborating child advocacy organizations have pointed out throughout this report, some children need to be taken away from their families because their emotional, psychological, sexual or physical safety is in danger. In Finding 5, the author takes special pains to draw the public's attention to the increasing use of drugs, especially methamphetamine, which almost paralyzes parents and makes them incapable of properly parenting their children. But since the great majority of children removed from their homes are removed because of neglect (they were denied something essential like food, clothing or shelter) or because they are dependent (no one is caring for them), many children can remain – or be reunited – with their families. Safety is, of course, the paramount goal for Kentucky's child protection agency, but since removing a child from her own family is so emotionally wrenching to both the parent and the child, that permanent removal should proceed with an abundance of caution.

As the author previously indicated in Finding 4, the ideal system that Kentucky should be seeking is one in which families, where abuse and neglect is substantiated, receive services appropriate to their unique needs to keep the family intact. Failing that, or when the security of the child is at risk, the state agency may have to remove the child and place her in a quality kinship care placement as a first priority, and then foster care.

Once removed, the state has an obligation to provide services to both the child and the biological family with the goal of reunification being paramount. The plan for reunification developed by the family and the state should be reasonable and achievable. Only when the family fails to take advantage of these opportunities should adoption be pursued. The author agrees with the state's so-called "concurrent planning" efforts, which jump-start the adoptions process before the biological family fails to follow through by not meeting a realistic plan for keeping their child safe and well-nurtured. But, in the Hardin County case, the respondents to the KYA hotline indicate that this fair and orderly process was sometimes not being followed.

"Playing Games with Children's Lives?"

"... in the Lincoln Trail District at CPS have been playing games with children's lives for the past four years. They are constantly working toward increasing their adoptions goals each year. [Job title and employees name redacted] has regularly scheduled meetings designed to scrutinize each child that enters into [out-of-home] care to find potential cases that may lead [t]o foster adoptions. She refers to these as 'committee' meetings; thus, implying a group decision, but there is no such thing as a group decision when [state employee's name redacted] is in the room."

-veteran DCBS worker [E-66]

The respondents' e-mails or telephone comments led the author to conclude that efforts to keep families together were not a priority for the Hardin County office, and that some state employees were pressing for adoptions before they considered other alternatives. This report cannot determine whether there is a connection between the pressure to have children adopted, and the financial incentives offered to the state for adoption under the federal Adoption and Safe Families Act (*see Finding 4*). That conclusion will have to be left for some independent investigative body to review.

One Attorney's View On Family Preservation & Family Reunification in Hardin Co.

"In Hardin County, there is no focus on returning children to their parent. [Their] focus is on adoption."

- an attorney practicing in family court
[E-140]

Centralized power of the regional administrative staff that may reverse the information and conclusions drawn by line staff who have first-hand knowledge of the families they serve

Eleven of the 45 people, or 24.4% who called or e-mailed about Hardin County either implicitly or explicitly said that regional administrators might have reversed the decisions about child placements recommended by line workers who had more intimate knowledge about the families. These comments were made by a wide variety of respondents and seemed to indicate that even veteran social workers' judgment was questioned when they recommended some other placement other than adoption. While no respondent used the word micromanage, that was certainly the impression left by many of the eleven who questioned the need for such tight supervision.

Management Over Intervention?

"The Cabinet... consists of management staff who use children and especially infant children as bartering items. There is not a lot of difference in the system than the black market selling of children. Prospective adoptive families are chosen not by how the children will benefit from being in a current [biological] family situation. The family is handpicked by [general description of the DCBS' staff's job titles redacted]. Foster and adoptive families are chosen for placement of children, especially infants, by the fact that the agency 'owes' this family a favor... A white infant is a 'primo' token to be used to the best advantage to the [general description of the staff redacted] or the agency by [and] large."

-veteran DCBS employee [E-70]

(continued on the next page)

Perceived intimidation or fear of retaliation of DCBS employees or DCBS families

Another ten respondents, or about a quarter of those who focused their concerns on Hardin County, expressed concerns that they were being intimidated by regional administrators to make certain decisions. Some of the respondents were biological parents and grandparents who expressed that they too were intimidated to challenge any of the conclusions made by their social workers, supervisors, or administrators. In some extreme cases, these biological families said that they had been subject to retaliation for questioning decisions made about their families. But some social workers and supervisors admitted to feeling intimidated, too.

A Recommendation about How to Treat Families...

“Be less threatening to the parent and more of an advocate for them.”

-state employee from another agency [E-35]

Lack of communication with families & professionals in the community

Families and professionals rely on social workers to return their phone calls to keep them abreast of changing conditions in a child’s life. Nine respondents, or about 20% of those who called about Hardin County, complained that they could not get their phone calls returned. Several e-mailers volunteered that their calls were not returned because of high caseloads, while others were less charitable, citing employees’ indifference, or workers being burned-out due to the stress of their jobs. The workers’ failure to return telephone calls can have a fatal effect on children. These complaints came from biological family members *and* professionals.

An Ironic and Tragic Tale about the Failure to Return Phone Calls

“Calls are never returned – I had one ‘case’ with a foster child that was moved five (5) times without any consultation – when she disappeared [off the therapist’s professional radar and appointment book], I requested a call from her social worker, to no avail. Only when the client dropped in to see me (one year later), did I know what happened. I have learned to document well in my charts, i.e. calls not returned by [the] social worker!.”

-a clinician [E-7]

Continuity of care

Because of high turnover rates among social workers that resign or transfer to another office, or because of “cases” (clients) who were transferred from one worker to another, some families and their children were denied the continuity of care they deserve. As a result of these practices, some families never get to tell their stories, and some social workers do not get to know the complexities and intricacies of family life. Eight of the 45 respondents, or 17.8% of the total Hardin County respondents, indicated that turnover and transfers of both “cases” and staff was a problem for children.

Turning away referrals of possible allegations of abuse and neglect

As with the 2001 KYA-NICYF *Warning Signs* report, eight respondents expressed concern that their allegations of abuse and neglect were being turned away on technical grounds. People who legitimately believe that children were being abused and

neglected in Hardin County were asked to jump through extra hoops before the allegations were merited serious enough for the Department to pursue. This practice runs counter to state law and places the neglected and abused children in danger.

Remaining concerns about Hardin County

Because of low numbers, the author used the threshold of eight responses (out of a total of 43) as a way to register the most serious concerns about the Hardin County office. But the e-mails and telephone calls documented other issues that might – or might not – merit attention. Among the other issues raised – and the numbers of respondents raising them – were:

- conflict of interest violations (or perceived conflict of interest allegations), n = 6;
- lack of consultation with other professionals, n = 5;
- lack of coordination between other social agencies, n = 5;
- inappropriate handling of child sexual abuse allegations, n = 3;
- alleged violations of confidentiality statutes, n = 3;
- allegations of lying/alleged perjury, n= 3;
- allegations about discriminatory behaviors toward certain families, n = 2;
- misinformation provided to DCBS client-families, n = 2;
- falsifying paperwork, n =2;
- favoritism in the promotions process: effect on morale, n = 2;
- need for high expectations/standards for professional behavior, n =1; and
- failure to follow through, n =1.

Possible causes of the attitude, behavior and policy questions in the Lincoln Trail Area

While many callers and e-mailers had their own explanations as to why the Hardin County office had *some* workers, supervisors and administrators who were engaged in unethical or unprofessional behavior, the author could not determine exactly whom or what caused the unethical staff behavior to continue since it was first identified as problematic in 2001. It is for that reason we are not pointing a finger at one singular cause or one state employee who caused the child protection system in Hardin County to lose its credibility among some families and many professionals with whom some of the Hardin County staff came into contact.

There may be a number of reasons for the alleged unethical, unfair or unprofessional behavior that our respondents reported to us anonymously. For example, this report, in Finding 3, stressed the importance of organizational culture and how it can circumvent the laws, regulations, and policies created in Frankfort, which do not necessarily trickle down to actual practice at the local level. As this report indicates, the oral traditions and the perceived attitudes and behaviors of more experienced workers or administrators at the local level can play a more important role in shaping the views of new employees than state regulations and policy manuals. The author believes that there is an unethical organizational culture in the Elizabethtown area. The attitudes and

behaviors of some staff are choking the good will of the very good work of DCBS workers in the area who are trying to serve families and children in the Hardin County area as best they can.

A second possible explanation could be the leadership at the Regional office, which includes any number of administrators, as well as *some* – but not all – supervisors who oversee the social workers. It is very difficult for the collaborating child advocacy organizations to determine to what extent – if any – leadership problems are contributing to the current situation. The author also does not speculate on which particular administrators may be contributing to the situation in Hardin County.

A third possible explanation could be the lack of resources that are available in the Lincoln Trail area. While this may be possible, it is the weakest of the explanations, because there is no evidence to indicate that the Elizabethtown area has any less resources and services to provide its families than areas in the state similar in size.

A fourth possible explanation could be the line workers, themselves. They may be overwhelmed by their work, which may have created a fatalistic environment in which some of the workers cut ethical corners or are rude to the clients and professionals with whom they work. Some line workers may be ill-prepared for their job, or in other cases, ill-suited to their work given their academic background, or their unwillingness to internalize the training. Perhaps, a more thorough screening of workers is necessary, or a more rigorous disciplinary process is needed.

Finally, a fifth explanation may be the explicit or implicit message sent by the state’s participation in the federal Adoption and Safe Families Act (ASFA) that brings Kentucky more federal money when adoptions are finalized. Internal kudos to regional staff for placing children in adoptive homes may be the driving force behind the behaviors and attitudes that the author documented.

While there may be more possible explanations, one of our e-mailers reminded the author of what informal messages are sent through the promotions process. What behaviors, attitudes, “connections,” and other personal factors plot a career path upward? It is important to remember that Elizabethtown is about 45 miles from Louisville, but if a social worker from that area did not want to commute to Louisville for a job, the majority of social work jobs available in the Elizabethtown area are with the Department of Community-Based Services. So, there are some very strong motivations for going along or turning your head about the ethical violations of others who seem to be “well-connected.” (The term “well-connected” does not seem to refer to the Republican Party or the Fletcher administration since no one explicitly mentioned them, but discussed generalizations about favoritism.)

Promotions through Favoritism of the Non-Partisan Kind?

“There are more promotions made in Hardin Co...based on favoritism and family affiliations than any other agency in the state. Favorites are given lucrative jobs based on who knows who, and who meets on a social level outside of work.”

-DCBS worker [E-72]

Our request for a U.S. investigation

Since these are only allegations, the author is requesting that the U.S. Department of Health and Human Services' Office of the Inspector General conduct a more thorough investigation of the Hardin County and Lincoln Trail offices and their actions with respect to adoptions. The primary reason for this unusual request is that Hardin County was the subject of a 2001 external and internal investigation to which the Department responded with a plan for improvement that obviously did not work. (The author's understanding of the role of the Kentucky Office of Inspector General within the Kentucky Cabinet for Health & Family Services specifically does not allow them to investigate child abuse and neglect issues.¹¹¹)

The author-organizations are asking the federal government to intervene because the Hardin County office has been so intransigent. The collaborating child advocacy organizations that produced this report raise questions of such a serious nature as to justify an independent review of the actions taken by DCBS personnel with regard to children inappropriately being removed from their home and expediting the adoptions process to the point where biological parents were denied a fair chance to get their children back with the support of services provided with federal and state monies. In that respect, the independent investigators ultimately can determine whether the Hardin County Office is in violation of the weakened "reasonable efforts" provisions of the federal ASFA, but coincide with the federal government's call for the expedited adoptions for which Kentucky receives a federal "reward" for increasing the number of adoptions. (*see Finding # 4*)

A reminder about the state whistleblower law

The KYA Hotline project assured the confidentiality of the respondents' calls and e-mails. We would remind local officials in Hardin County of the state whistleblower statute and the consequences of intimidating or retaliating against anyone that people in leadership positions think communicated with Kentucky Youth Advocates or the National Institute on Children, Youth & Families, Inc.

¹¹¹ As authority for this conclusion, the author accessed the Kentucky Office of Inspector General's website, which includes the following caveat: "Please Note: Our investigative authority is limited to the areas discussed above. We do not investigate matters involving child or adult abuse."

CONCLUSION

A community of people, like the Commonwealth of Kentucky, ultimately is measured by how well it protects its most vulnerable people. This report is only the latest in a very long series of critical reports about child protection in our state. As one LRC report¹¹² suggested, the child protection system in Kentucky has long been under financed making it a crapshoot whether a dependent, neglected, or abused child is protected and secures a permanent home. Taking a historical approach, this report asks the question of Kentucky citizens, the Governor and his appointed officials, and the elected members of the Kentucky General Assembly: *Isn't it time, once and for all, for abused and neglected children to get the attention they deserve, to put their interests above those of adults?*

¹¹² Legislative Research Commission. (1998). *Final report of the Task Force on Children in Placement: The challenge of 1996 Concurrent Resolution 107, Research report 280*. Frankfort, KY: Legislative Research Commission, 17 and 25.