

ANNUAL REPORT
OF THE
DEPARTMENT OF CHILD SERVICES INTERIM STUDY COMMITTEE



Indiana Legislative Services Agency
200 W. Washington Street, Suite 301
Indianapolis, Indiana 46204

December, 2012

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2012

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DEPARTMENT OF CHILD SERVICES INTERIM STUDY COMMITTEE

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Attorney for the Committee
Bill Brumbach
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I. STATUTORY AND LEGISLATIVE COUNCIL DIRECTIVES

In 2012, the Indiana General Assembly enacted legislation directing the Committee to do the following before its expiration on December 31, 2013:

- (1) Review and study the progress and improvements made by the department of child services (DCS) since its creation by Executive Order in 2005.
- (2) Review best practices concerning child welfare, child mental health, and delinquent children.
- (3) Receive and review status reports from the department of child services ombudsman.
- (4) Review and study the department of child services child abuse and neglect hotline, including the process used to refer a report to a local office.
- (5) Make legislative recommendations concerning the department of child services.

The Legislative Council assigned the following additional responsibilities to the Committee:

- (1) Conduct a study of the laws relating to:
 - (a) DCS procedures;
 - (b) funding of DCS;
 - (c) funding for the placement of children;
 - (d) DCS personnel issues;
 - (e) children in need of services;
 - (f) child support;
 - (g) procedures concerning the determination of placements of children inside and outside Indiana;
 - (h) homeless children;
 - (i) the youth service bureau;
 - (j) child welfare programs;
 - (k) family preservation services;
 - (l) the regulation of residential child care;
 - (m) termination of parent-child relationships;
 - (n) missing children; and
 - (o) the DCS ombudsman.
- (2) Study federal requirements or incentives for states to pass certain laws or establish specific programs.
- (3) Determine the long range needs of DCS and recommend policy priorities.
- (4) Identify critical problems in DCS and recommend strategies to solve the problems.
- (5) Propose plans, programs, and legislation for improving the effectiveness of DCS.
- (6) How it is determined whether a family and/or child is eligible for services by DCS.
- (7) The wrap-around services available to families involved in DCS proceedings.
- (8) The follow-up provided by DCS staff to determine whether services were provided and the adequacy of those services.
- (9) The communication between family court and DCS to collaborate on families' involvement in each entity.

II. INTRODUCTION AND REASONS FOR STUDY

Current Indiana law establishing the DCS was enacted in 2006. The law has been amended each subsequent year.

III. SUMMARY OF WORK PROGRAM

The Committee met six times during the 2012 Interim.

Meeting 1 - August 22, 2012

The Committee was provided information by DCS personnel concerning the following:

- (1) Progress and improvements made by DCS since its creation.
- (2) DCS personnel issues, including staff training and turnover.
- (3) Funding of DCS, including services provided.
- (4) Progression of a child in need of services case.
- (5) The centralized DCS child abuse and neglect call center.

Meeting 2 - September 5, 2012

The Committee received the following information:

- (1) Status report from the DCS Ombudsman.
- (2) Public testimony concerning the centralized DCS child abuse and neglect call center.

Meeting 3 - September 24, 2012

The Committee heard testimony concerning the following:

- (1) Resignation of the Executive Director of DCS.
- (2) Suggestions for addressing issues identified during the September 5, 2012, meeting of the Committee concerning the centralized DCS child abuse and neglect call center.
- (3) DCS provider issues.

Meeting 4 - October 11, 2012

The Committee heard testimony concerning the following:

- (1) The work of the Attorney General in connection with DCS cases.
- (2) Best practices of agencies and others serving children in need of services due to abuse or neglect.
- (3) Suggestions for addressing issues identified by those testifying and by the members during the interim, for discussion on November 8, 2012.
- (4) Follow up information concerning DCS issues raised during the previous meetings.

Meeting 5 - November 8, 2012

The Committee did the following:

- (1) Received follow up information concerning DCS issues raised during previous meetings.
- (2) Received additional information concerning best practices.
- (3) Considered and discussed a list of 40 issues (and possible solutions to those issues) raised during the 2012 Interim.

Meeting 6 - November 27, 2012

The Committee considered the following:

- (1) Proposed legislation for introduction during the 2013 session of the General Assembly.
- (2) The Committee's final report for the 2012 Interim.

IV. SUMMARY OF TESTIMONY

The Committee heard testimony from representatives of the following groups:

- (1) Alliance for Children and Families.
- (2) Ball State University.
- (3) Bedford Police Department.
- (4) Casey Family Programs.
- (5) Chaucie's Place.
- (6) Child and Parent Services.
- (7) Children's Coalition.
- (8) Child Welfare Policy and Practice Group.
- (9) Damar Services
- (10) DCS.
- (11) DCS Ombudsman Office.
- (12) DCS personnel.
- (13) Family Advocacy Group.
- (14) Family members of children who have been the subject of DCS child abuse and neglect reports.
- (15) Former DCS personnel.

- (16) Foster families.
- (17) IARCCA.
- (18) Indiana Attorney General.
- (19) Indiana Association of United Ways.
- (20) Indiana Coalition of Family Based Services.
- (21) Indiana Council of Community Mental Health Centers.
- (22) Indiana Juvenile Justice Task Force, Inc.
- (23) Indiana Juvenile Mental Health Screening, Assessment, and Treatment Project.
- (24) Indiana University School of Social Work.
- (25) Individual interested parties.
- (26) National Alliance on Mental Illness.
- (27) Pathways Youth Shelter and Family Services.
- (28) Public Consulting Group.
- (29) Safe Families.
- (30) Social Workers.
- (31) United Methodist Youth Home.
- (32) Villages of Indiana.
- (33) Wabash Valley Alliance.
- (34) Youth Villages.

The Chairpersons of the Committee organized the responsibilities of the Committee into the following four categories:

- (1) History and updates from DCS.
- (2) Centralized child abuse and neglect call center.
- (3) Service provider issues.
- (4) Best practices.

History and Updates from DCS

The Committee heard testimony concerning the history, progress, and changes to DCS since its creation, including the following:

- (1) Procedures and policies.
- (2) Funding.
- (3) Centralized call center.
- (4) Personnel issues.
- (5) The child welfare caseworker practice model.
- (6) Child in need of services case progression.
- (7) Data related to DCS performance.
- (8) Interaction between DCS and the juvenile courts.

The DCS Ombudsman reported on the activities of the Ombudsman Office.

Centralized Child Abuse and Neglect Call Center

The Committee heard testimony and discussed the centralized call center, including the following:

- (1) Call center procedures and development.
- (2) Personnel issues and activities of intake employees.
- (3) Call waiting times and reporting experiences of callers and call center employees.
- (4) Direct reporting to local DCS offices versus reporting to the centralized call center.
- (5) Determinations about whether a report is investigated or "screened out", and reviews of the determinations.
- (6) Effect of local knowledge and cultural differences throughout Indiana on evaluation of reports.
- (7) Concerns about retribution by DCS personnel related to disagreement with DCS actions with respect to children.
- (8) Experience serving as a guardian ad litem (Indiana and Illinois).

Service Provider Issues

The Committee heard testimony and discussed service provider issues, including the following:

- (1) Reports of intimidation of providers by DCS personnel related to complaints made by providers concerning DCS actions.
- (2) Placement determinations.
- (3) Shelter care.
- (4) DCS priority of placing children with relatives.
- (5) Payment rates and time frame for payments to providers.
- (6) Administration of the Child and Adolescent Needs and Strength assessment.
- (7) Use of outcomes and evidence based practices related to choice of provider.
- (8) DCS procedures for work with homeless children and delinquency prevention work of the Youth Services Bureaus.
- (9) Care and placement of children in need of services who are described in IC 31-34-1-6.
- (10) Child welfare funding changes.
- (11) Inclusion of provider comment in DCS policy and procedure adoption.
- (12) Concerns about DCS procedures in connection with home visits and final placement decisions.
- (13) Effect of DCS placement policies on residential and foster care providers and availability of needed services.
- (14) Consideration of evidence based practices and outcome data in connection with provider contracting.
- (15) DCS communication with providers.
- (16) Sufficiency and funding of follow up care for children and families following case closure.

Best Practices

The Committee heard testimony and discussed the following:

- (1) The provision of appellate legal services to DCS by the Indiana Attorney General.
- (2) DCS policy and functions related to state and federal law and policies.
- (3) Use of outcome data and quality improvement measures.
- (4) Comparison of other states' call centers with DCS's centralized call center.
- (5) Effect of follow up services for children and families following case closure.
- (6) Centralized call center data and tools.
- (7) Child protection and intervention as government's primary child protection function.
- (8) Development of a child welfare program based on best practices in a practice model that primarily addresses individualized family needs.
- (9) Involvement of communities in preventing child abuse and neglect.
- (10) Crisis intervention and provision of mental health services.
- (11) Communication between DCS and the courts concerning actions involving children.

Minutes and attachments containing more detailed information concerning the Committee's 2012 interim work may be found at <http://www.in.gov/legislative/interim/> .

V. COMMITTEE FINDINGS AND RECOMMENDATIONS

The Committee made the following findings of fact and recommendations:

- (1) DCS Call Center - The Committee recommends that legislation be drafted for introduction (by Rep. Mahan, Rep. Kubacki, and Rep. Riecken in the House and Sen. Yoder and Sen. Lanane in the Senate) during the 2013 session of the General Assembly to do the following:
 - (a) Require DCS to hire:
 - (i) 50 family case manager intake specialists;
 - (ii) 10 family case manager intake specialist supervisors;
 - (iii) 80 family case managers; and
 - (iv) 16 family case manager supervisors.
 - (b) Require local DCS offices to review all reports resulting from calls to the DCS centralized call center.
 - (c) Require DCS to assign reports resulting from calls to the DCS centralized call center to local DCS offices.
 - (d) Require local DCS offices to assign all reports of suspected child abuse or neglect from professional reporters.
 - (e) Grant emergency rulemaking authority to DCS to adopt rules to implement the requirements.
- (2) DCS Oversight Committee - The Committee recommends that PD 3640, as amended, (establishing a Committee on Child Services Oversight) be introduced during the 2013 session of the General Assembly.
- (3) Statewide Committee on Children - The Committee recommends that PD 3592, as amended, (establishing a Commission on Improving the Status of Children) be

introduced during the 2013 session of the General Assembly.

(4) DCS, law enforcement, and court communications - The Committee recommends that PD 3586, as amended, (concerning petitions to modify custody and visitation) be introduced during the 2013 session of the General Assembly.

(5) Prosecuting Attorney Filings - The Committee recommends that PD 3325, as amended, (concerning authorization for prosecuting attorneys to file CHINS petitions) be introduced during the 2013 session of the General Assembly.

(6) Child Fatality Review Teams - The Committee recommends that legislation be prepared for introduction during the 2013 session of the General Assembly to improve local and statewide child fatality review teams.

WITNESS LIST

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Gina Andrew
Regina Ashley, DCS
Donna Baxter
Matt Brooks, Indiana Council of Community Mental Health Centers
Char Burkett-Sims, DCS
Tamara Carpenter
Carol Certain
Rick Crawley, Wabash Valley Alliance
Tammy Crose
April Dach
Jim Dalton, Damar Services
Carole Davis
Krista Davis, Safe Families
Susan Dreyfus, Alliance for Children and Families
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