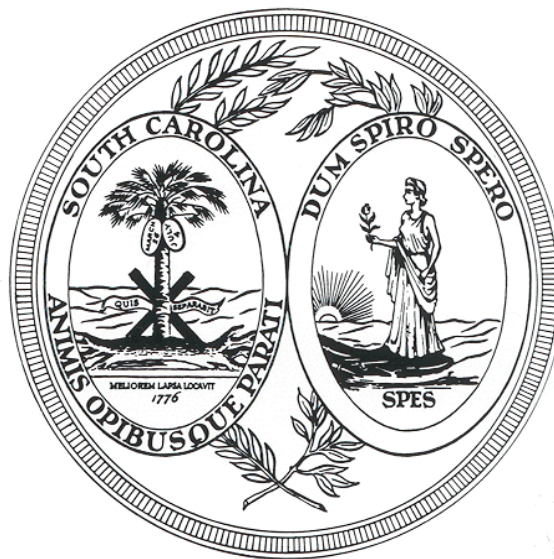


August 2006

A Review of the Child Protective Services Program at the Department of Social Services



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Report to the General Assembly

A Review of the Child Protective Services Program at the Department of Social Services

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Synopsis

Members of the General Assembly requested the Legislative Audit Council (LAC) to conduct an audit of the Child Protective Services (CPS) program at the Department of Social Services (DSS). Our review focused on DSS's compliance with applicable laws and policies. In addition we examined CPS staffing levels and the department's process for investigating and disciplining employees. We also reviewed DSS's internal quality control process for CPS. Our findings are summarized below.

- We found a number of areas where DSS was in violation of either state law or DSS policy. For example, DSS policy requires that in treatment cases the victim child and family be visited every thirty days. In our five sample counties, the percentage of cases where at least one visit was not made in accordance with policy ranged from 38% in Kershaw County to 83% in Marlboro County.
- DSS maintains the Central Registry of Abuse and Neglect, which is separate from SLED's Sex Offender Registry, and is used by agencies and businesses throughout the state to determine if prospective or current employees have a record of abuse and/or neglect. We found that individuals have not always been entered into the registry as required by law. We reviewed 77 cases of sexual abuse in 5 counties and found that in 30 (39%) of the cases, DSS had not followed the process for entering individuals into the central registry.
- Individuals who are convicted in criminal court of certain offenses involving the sexual or physical abuse of a child are also required to be placed on the central registry. We reviewed a sample of convicted sex offenders in Bamberg and Lexington counties and found 20 cases where the judge had not included in the sentencing order the requirement that the person be placed on the central registry, as required by law.
- Based on caseload information for 2005, the Department of Social Services needed additional staff to bring South Carolina more in line with the national standard for the number of treatment cases handled by a treatment caseworker. For FY 06-07, the General Assembly funded 91 additional treatment workers.
- From FY 02-03 through FY 04-05, there were 42 disciplinary actions, including 8 terminations, against CPS employees statewide. While disciplinary action should not be taken for all violations, we found significant violations of law and policy where no action was taken.

- DSS has a quality control process involving both external and internal reviews of CPS operations. We identified several instances where individual counties had consistently underperformed on certain CPS performance measures. We also found that actions taken by DSS to improve performance in these areas did not result in significant improvement.

Introduction

Audit Objectives

Members of the General Assembly requested the Legislative Audit Council to conduct an audit of the Child Protective Services (CPS) program at the Department of Social Services (DSS).

Our objectives for this audit were:

- Review DSS's compliance with applicable laws and policies in the child protective services program.
- Examine the effectiveness of DSS's process for investigating and disciplining employees who violate CPS laws and policies.
- Examine DSS's staffing levels in CPS.
- Determine the effectiveness of DSS's internal quality control program for CPS.

Our findings and recommendations are discussed in the report.

Scope and Methodology

The period of this review was generally January 1, 2004 through June 30, 2005. Information used in this report was obtained from the following sources:

- State laws and DSS policies concerning the child protective services program.
- Interviews with DSS staff.
- Interviews with other professionals involved in the CPS program.
- Reviews of individual CPS case files in five sample counties.
- Employee personnel records.

Victims of child abuse or neglect can be treated either in their own homes or be placed in foster care. Our audit focused only on in-home treatment cases.

We used some computer-generated data from the Child and Adult Protective Services System (CAPSS) in conducting this audit. During our audit, we found evidence to suggest that the information maintained in CAPSS was not entirely reliable (see p. 12). Where computer-generated data was material to our findings, we attributed it to the agency. In reviewing compliance with state law and DSS policy and evaluating DSS's process for disciplining employees, we relied primarily on our review of CPS case files and personnel files.

This audit was conducted in accordance with generally accepted government auditing standards.

Background

The Department of Social Services' child protective services program is designed to ensure the safety and health of children by protecting them from abuse and neglect. Under state law, "[a]ll child welfare intervention by the state has as its primary goal the welfare and safety of the child." In addition, one of the goals of the CPS program is to keep children in their own homes whenever possible and appropriate.

During FY 04-05, DSS received more than 25,000 reports of suspected child abuse and/or neglect. When a report is received, DSS evaluates the report to see if it meets the legal definition of abuse or neglect. The person committing the abuse has to be either a parent or someone acting "in loco parentis". If the person suspected of abuse and neglect is a non-parent, DSS would refer this to law enforcement. There must also be physical or mental injury to the child or the substantial threat of such injury. Abuse and neglect can consist of:

- Physical abuse.
- Sexual abuse.
- Physical neglect.
- Medical neglect.
- Educational neglect.
- Abandonment.

Types of cases include:

- Screened out reports which are referrals that DSS does not accept for investigation.
- Unfounded cases which are cases where there was not a finding of abuse or neglect.
- Indicated or treatment cases which are cases where the abuse or neglect was found to have likely occurred based on a preponderance of the evidence.

Once DSS evaluates the allegation, staff determine whether to accept it for investigation or “screen it out.” Once accepted for investigation, DSS has up to 60 days to complete its investigation to determine if the allegation of abuse and/or neglect occurred. Of the 17,000 reports accepted for investigation in FY 04-05, DSS found approximately one-third to be cases where abuse, neglect, or some other type of child maltreatment likely occurred.

If the allegation is indicated (i.e. found to have likely occurred), the case becomes a treatment case and DSS provides services to the child and family, if appropriate. Treatment can take place either in the home or in a foster care setting. In FY 04-05, DSS had 4,614 in-home treatment cases and 5,022 children in foster care.

The child protective services program has 424 authorized county treatment and assessment positions allocated statewide. The CPS program is funded through a combination of federal and state funds. Funding in FY 04-05 was approximately \$21 million.

Compliance with State Law and DSS Policy

We found a number of areas where DSS was in violation of either state law or DSS policy. We reviewed a non-statistical sample of case files and other data from five counties (Bamberg, Kershaw, Lexington, Marlboro, and York) chosen, based on their size, geographic location, and whether the county had been subjected to a review by either DSS or another entity. We reviewed 216 cases in these counties which were referred to DSS from January 2004 through June 2005. We focused only on in-home treatment cases, excluding any with foster care involvement.

Table 2.1 shows the number of cases reviewed by type of case in each county, as well as the total number of cases referred in that county during the 18-month period of our review.

Table 2.1: Referrals and Sampled Cases From Five Counties

COUNTY	REFERRALS 01/01/04 – 06/30/05	SAMPLED CASES		
		SCREENED OUT REFERRALS	UNFOUNDED	INDICATED*/ TREATMENT
Bamberg	160	10	2	2
Kershaw **	527	9	16	8
Lexington	2,284	41	26	16
Marlboro	240	3	2	6
York	2,083	27	25	23
TOTAL	5,294	90	71	55

* Indicated cases are cases where the preponderance of evidence indicates that the abuse or neglect has likely occurred.

** In Kershaw County, two case files could not be located and we relied strictly on the information in CAPSS when reviewing those cases.

Source: DSS Child and Adult Protective Services System (CAPSS) and LAC sample.

Compliance Issues

We found a number of instances where DSS did not comply with state law or DSS policy in CPS cases. This non-compliance varied significantly from county to county. When DSS does not follow state law and DSS policy, children who are victims of abuse and neglect may be at greater risk of additional harm. In addition, children and their families may receive inadequate treatment services.

DSS has not complied with policy requiring that children in in-home treatment cases be seen every 30 days. DSS also has not always complied with S.C. Code §20-7-650(F) requiring it to complete an investigation of alleged abuse within 60 days. In addition, we found that DSS's policy of delaying or "pending" an allegation of abuse or neglect may not be allowed by law. Further, DSS has not always held meetings between supervisors and caseworkers as required and has not developed treatment plans within 30 days of case decisions. Also, DSS has not consistently entered individuals into the Central Registry of Abuse and Neglect as required by S.C. Code §20-7-680. Finally, we found that caseworkers were not always entering case information into the CAPSS system in a timely manner.

30-Day Visit

For treatment cases, DSS policy requires that the victim child and family be visited at least once per month (defined as once every 30 days). We found various levels of compliance with this policy in the counties in our sample. Table 2.2 shows the number and percentage of cases in our sample where at least one monthly visit was not made in accordance with DSS policy.

**Table 2.2: Treatment Cases Where
At Least One Visit Was Not Made
Within 30 Days**

COUNTY	NUMBER AND PERCENTAGE OF CASES
Bamberg	1 (50%)
Kershaw	3 (38%)
Lexington	8 (50%)
Marlboro	5 (83%)
York	17 (74%)

Source: LAC review of CPS case files.

According to an agency official, most visits are unannounced and a caseworker may need to make several attempts at a visit before seeing a child. However, we found cases in our review where multiple visits were missed and, as a result, children were not seen for several months. For example:

- In a case of sexual abuse in Kershaw County, the child was not seen for almost three months (July 13, 2005 to September 30, 2005).
- In a case where a child was found at risk of physical abuse in Marlboro County, 3 of the 7 visits were not made within 30 days, ranging from 7 to 19 days late.

- In a case of physical neglect in Lexington County, the children in the family were not seen for over three months (October 4, 2004 to January 29, 2005).
- In a case in Lexington County where there was a threat of harm of physical abuse, the children were not seen for almost two months (January 25, 2005 to March 21, 2005) and then not seen again for three months (March 21, 2005 to July 1, 2005).
- In a case of sexual abuse and physical abuse in York County, a child was not seen for over four months (June 11, 2004 to October 21, 2004).
- In a case where there was the threat of harm of sexual abuse in York County, the children in the family were not seen for over five months (June 29, 2004 to November 9, 2004) and were not seen again for over five months (February 24, 2005 to July 29, 2005).

S.C. Code §20-7-764(B)(3) requires that children in foster care be seen at least once per month. As noted above, it is DSS policy, not state law, that children in CPS treatment cases be seen every 30 days. According to a directive issued in September 2004 from the state office, “The primary goal of each contact is to assess for the safety and well-being of the children. These assessments are critical because they will drive all other case-related decisions.” The directive further states, “Failure to make the minimum contacts and failure to provide oversight of these requirements may result in disciplinary action.”

Recommendations

1. The General Assembly should amend S.C. Code §20-7-650 to require that children in child protective services treatment cases be seen at least once every 30 days.
2. The Department of Social Services should establish a system for ensuring compliance with the requirement that children in child protective services treatment cases be seen every 30 days.

Case Determinations

According to S.C. Code §20-7-650 (F), DSS has up to 60 days to make a determination as to whether abuse or neglect has occurred in a case. Based on a limited sample, we estimate that in Lexington County approximately 5% of the 1,458 reports investigated between January 2004 and June 2005 took

longer than 60 days to make a determination. In some cases, the determination took over 100 days. In York County, we found 30 (2%) of the 1,543 reports investigated during the same time period took longer than 60 days. Each of these occurrences is a violation of state law.

Recommendations

3. The Department of Social Services should establish a policy outlining how counties will be held accountable for not completing investigations within 60 days. The department should also take corrective action when counties do not comply.
 4. The Department of Social Services should include, in its annual accountability report, performance measures for the percentage of cases in which children were not seen every 30 days and the number of case determinations which exceeded 60 days.
-

Delayed Decisions

According to an agency official, in most cases, DSS makes a decision on whether to accept for investigation an allegation of abuse or neglect based on information gathered during the initial contact. S.C. Code §20-7-650 requires that DSS initiate an investigation within 24 hours of a receipt of a report of abuse and neglect. However, DSS policy allows employees to delay or “pend” a decision on allegations of abuse for up to 24 hours to allow DSS to gather additional information from professional contacts such as teachers, doctors, or law enforcement. It is questionable whether state law allows DSS to delay this decision.

According to information from the DSS Child and Adult Protective Services System (CAPSS), between January 1, 2004 and June 30, 2005, DSS delayed decisions in 2,306 (6%) of the 38,697 allegations of abuse and neglect. Of these, 335 (15%) were delayed over 24 hours, in violation of DSS policy. Also, according to CAPSS data, in 766 cases (including cases both formally pending and not pending) DSS took 24 hours or more to make the decision about whether to investigate a case. In 220 of these, the decision took over 7 days.

Recommendations

5. The Department of Social Services should stop delaying or “pending” cases unless state law is amended to expressly authorize the department to delay the initiation of an investigation.

6. If the law is amended, the department should establish, through regulation, its policy and criteria for pending allegations of abuse and neglect. The regulation should specify that decisions to accept or reject a report are not to be delayed more than 24 hours.

Additional Compliance Issues

Table 2.3: Cases Where Meetings Were Not Held Within Five Days

COUNTY	NUMBER AND PERCENTAGE
Kershaw	1 (4%)
Lexington	23 (55%)
York	16 (33%)

Source: LAC analysis of CPS case files.

DSS policy requires that a supervisor review an allegation of abuse or neglect before it is accepted for investigation. In 3 (6%) of the 48 cases in York County and 2 (5%) of the 42 cases in Lexington County, there was no documentation showing supervisory approval of the decision to either screen out or accept the allegation for investigation. Without supervisory review, the likelihood of rejecting an actual case of abuse or accepting a false report increases.

DSS policy requires that a treatment plan be developed within 30 days of a case decision in indicated cases of abuse and neglect. In 5 (83%) of 6 cases in Marlboro County and in 10 (43%) of the 23 cases in York County, the treatment plan was not completed within 30 days of the case decision.

Recommendation

7. The Department of Social Services should ensure that allegations of abuse and neglect are reviewed by a supervisor and that a treatment plan is developed within 30 days of the case decision.

Central Registry of Abuse and Neglect

S.C. Code §20-7-680 requires that DSS maintain a Central Registry of Child Abuse and Neglect. This registry is separate from the Sex Offender Registry maintained by the State Law Enforcement Division which contains the names of individuals convicted in criminal court of certain sexual offenses. The central registry contains names of individuals with indicated cases of abuse and neglect.

The central registry is used by agencies and businesses throughout the state to determine if prospective or current employees have a record of abuse and/or neglect. Certain acts of abuse and neglect, particularly sexual abuse, can result in an individual being listed on the registry. Individuals are placed into the central registry only by order of either the family court or criminal court. Between August 2004 and July 2005, DSS performed almost 50,000 checks of the registry. In our review of the central registry, we found that individuals have not always been entered as required by law.

Individuals can be entered into the central registry in two ways.

- In all indicated cases of sexual abuse, DSS is required to petition the *family* court to have the perpetrator added to the registry.
- Persons convicted in *criminal* court of certain kinds of sex offenses are required to be included on the central registry.

Cases of Sexual Abuse Indicated by DSS

S.C. Code §20-7-650(O) states, “The department must seek an order placing a person in the Central Registry...in all cases in which...there is a preponderance of evidence that the person committed sexual abuse.” (Emphasis added.) DSS county staff are responsible for entering names into the central registry where there is a family court order. We reviewed 77 cases of sexual abuse in our 5 sample counties to determine if the perpetrator had been entered into the central registry. We found 30 (39%) cases where DSS had not properly followed the process for entering individuals into the central registry. For example:

- In Marlboro County, we found one case where, on June 21, 2004, the family court had ordered the individual be placed on the central registry. However, DSS did not place the individual on the central registry until November 2005, almost 18 months after the order and after we inquired about this case.

- In York County, as of December 2005, we found eight cases where DSS had not yet gone to court because the county was “waiting on paperwork from (the) treatment worker.” According to DSS staff, paperwork for family court cases should be filed as soon as possible after the case decision. Four of the cases had been substantiated for sexual abuse in 2004, with the earliest being June 5, 2004. The most recent case had been substantiated on July 14, 2005.
- In Lexington County, we found ten cases of sexual abuse where DSS did not go to court because the county thought the law left DSS the option to decide whether to go to court.

As a result of our inquiry, DSS instituted a centralized monitoring system to ensure that individuals are entered into the central registry in a timely manner. According to officials, DSS has taken the following steps:

- Examined individuals with substantiated cases of sexual abuse to determine if the family court had been petitioned in all cases.
- If the family court had not been petitioned, determining why the petition was not filed.
- Where a petition was filed, updating the status of the case.
- Clarifying agency policy and responsibilities related to the central registry and sent these clarifications to the county offices.

Sex Offenders Convicted in Criminal Court

S.C. Code §17-25-135 requires that when a person is convicted in criminal court of certain offenses, and the offense involves sexual or physical abuse of a child, the court is to order that person’s name be placed in the central registry. The law further provides that the county clerk of court shall forward the information to DSS in accordance with DSS guidelines. DSS state office staff are responsible for entering names when the criminal court issues the order. We reviewed a sample of convicted sex offenders in Bamberg and Lexington counties and found 20 cases where the individuals had not been placed on the central registry, as required by law. In all 20 cases, the judge had not included in the sentencing order the requirement that the person be placed on the central registry.

After our inquiry into these cases, DSS and the Office of Court Administration revised the sentencing form used by judges to include a specific reference to whether or not the person is to be placed on the central registry. In addition, according to an Office of Court Administration official, information about the registry was added to the clerk of court manual.

Recommendations

8. The Department of Social Services should continue its efforts to ensure that the Central Registry of Abuse and Neglect is properly maintained, including:
 - Taking all indicated cases of sexual abuse to family court in a timely manner, as required by S.C. Code §20-7-650(O).
 - Adding all individuals convicted of sex offenses against minors by a criminal court as required by S.C. Code §17-25-135.
9. The Office of Court Administration should monitor judges and county clerks of court to ensure they carry out their duties related to the Central Registry of Abuse and Neglect.

Data Entry in CAPSS

DSS has not adequately complied with its requirement that entries into the Child and Adult Protective Services System (CAPSS) be made within 30 days of the case action. A long-time lag between case action and data entry increases the likelihood of inaccurate data in CAPSS. Without timely entry of case actions into CAPSS, supervision of casework and management by the state office is made more difficult. There are various types of case actions that are entered into CAPSS, including:

- Monthly visits with children/family.
- Telephone contacts with other involved parties.
- Educational contacts.
- Case meetings with supervisors.
- Completion of DSS standardized forms.

If even one of these CAPSS entries is made on the 31st day after the case action, it is a violation. Our review found a lack of compliance in all the counties in our sample. Table 2.4 shows the number and percentage of cases where at least one of the case actions was entered late.

Table 2.4: Cases With At Least One Entry in CAPSS Not Made Within 30 Days of Case Action

COUNTY	NUMBER AND PERCENT OF ALL CASES*
Bamberg	2 (50%)
Kershaw	15 (63%)
Lexington	26 (62%)
Marlboro	8 (100%)
York	39 (81%)

* Screened out cases would not be subject to this policy, since, by definition, they are not investigated.

Source: LAC analysis of CPS case files.

While a case may be in violation of this policy based on a single late entry being just one day late, we also found cases where multiple actions were entered beyond the 30-day window and where the length of time between case action and data entry into CAPSS was several months. For example:

- In a Kershaw County case, all 8 entries in the case were from 104 to 147 days late. The decision to close the case as unfounded was made in December 2004 but *none* of the entries into CAPSS were made prior to April 2005.
- In a Marlboro County case, 19 (40%) of the 48 entries were late, including a face-to-face visit with the family that was made on August 12, 2005, but not entered into CAPSS until October 28, 2005.
- In a Lexington County case, 8 (53%) of the 15 entries were from 113 to 211 days late. A telephone contact with the child's school was made on January 14, 2004, but not entered until September 11, 2004. A home visit made on January 15, 2004 was not entered until September 11, 2004.

DSS has also examined the number of treatment cases where *no actions* had been entered into CAPSS. In January 2006, it found that 17% of all treatment cases showed no CAPSS entries for three months. In Allendale County, 13 (65%) of 20 treatment cases showed no activity for 3 months.

Caseworkers are not prevented from entering dictation into CAPSS, no matter how much time has passed between the case action and entry into the system. In Marlboro County, we reviewed a case where, according to information in CAPSS, there had been no visits between January and April of 2005. When we inquired about the lack of visits, a county official responded that visits had been made in February and March of 2005. However, these visits were not entered into CAPSS until January of 2006, almost one year after they had taken place and after our inquiry.

DSS does not have a separate form documenting visits. Caseworkers keep handwritten notes of the visits and then make entries in CAPSS to document the visit. According to state office officials, a case is not considered closed until all the paperwork has been completed. However, we found no evidence that employees have been disciplined for failure to enter information on a timely basis (see p. 22).

Recommendation

10. The Department of Social Services should implement controls in the Child and Adult Protective Services System to require caseworkers to obtain the approval of their supervisors before entering data after a specified time period.
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Conclusion

We found areas of non-compliance with state law and DSS policy in every county in our sample. County officials have cited high caseload and lack of sufficient supervision as reasons for non-compliance. Other factors that may contribute to non-compliance include the failure to discipline employees (see p. 22) and the need for improvement in DSS's quality control process (see p. 24).

Caseworker Caseload, Employee Discipline, and Quality Control

We examined caseworker caseloads, DSS's process for disciplining employees, and the department's quality control process for CPS. Based on caseload information for 2005, we found that DSS did not meet national caseload standards. In addition, we found examples where DSS did not discipline workers for violations of DSS policy. Finally, we reviewed DSS's quality control process and found instances where the process had not been effective in improving underperforming counties.

Staffing and Caseloads

Based on caseload information for 2005, the Department of Social Services needed additional staff to bring South Carolina more in line with the national standard for the number of treatment cases handled by a treatment caseworker. The Department of Social Services requested approximately \$8.2 million for 350 new staff positions in its 2006 budget request. The General Assembly funded these positions for FY 06-07. Of those new staff, DSS requested 91 new treatment caseworkers.

Staffing and caseloads varied significantly between the counties. The agency has lost approximately 50 child welfare workers since 2001. However, the turnover rate for child protective services staff averaged 7% from July 2002 through June 2005, which is lower than the FY 04-05 overall average of 11.54% for DSS and 12.64% for all state agencies.

During 2005, DSS had 424 authorized county treatment and assessment positions allocated to the child protective services program statewide. These positions are allocated to the county offices as well as the state office, and the number varies by location.

Caseloads

We found that computing caseload standards is not an exact science, and there is currently no universally accepted formula for computing caseloads. It is difficult to compare worker caseloads from one state to another due to a variety of factors. Some agencies measure caseloads in families per worker while others measure it based on the number of children per worker. In South Carolina, each foster child is considered a case while each family is considered a case in CPS in-home treatment. In addition, some workers may handle only one type of case (i.e. investigation or in-home treatment) while others may handle more than one type.

We reviewed information from various national human services organizations, such as the Child Welfare League of America (CWLA) and the National Resource Center, regarding caseloads. The CWLA is the nation's oldest and largest membership-based child welfare organization with more than 900 public and private nonprofit agencies. One of its goals is to develop and disseminate practice standards as benchmarks for high-quality services that protect children and families.

To best determine caseload ratios, the CWLA recommends studying workloads of a state's CPS program. Workloads are best determined through careful time studies conducted within the individual agency. However, with the limitations cited above, the Child Welfare League of America has established recommended national standards for assessment and treatment caseloads. As of 2005, DSS's caseload for CPS in-home treatment cases exceeded the recommended national standards developed by the CWLA. The current caseload for CPS assessment cases is in line with national standards.

DSS's caseloads compare to CWLA standards as follows:

Intake/Assessment/Investigation – The average DSS caseload in this category is approximately seven cases for each caseworker. The CWLA standard for intake and investigation is 12 cases for each caseworker; therefore, DSS is better than the national standard. Only three counties are slightly above that standard.

In-Home Treatment – On average, each DSS treatment worker statewide has approximately 22 treatment cases. The CWLA standard for treatment cases is 17 cases for each treatment worker; therefore, DSS is worse than the national standard. However, the average number of treatment cases per worker varies dramatically between counties. For example, one county averages 3 treatment cases per caseworker while another county averages 54 cases per worker. Thirty-six of 46 counties have caseloads above the national standard.

As part of our audit, we reviewed CPS cases in five counties and found various levels of compliance with state law and DSS policy (see p. 5). According to county officials, the reasons for problems with compliance included lack of staff and staff turnover. Table 3.1 shows the number of treatment staff in the five counties reviewed and the number of additional positions needed based on CWLA standards.

Table 3.1: Additional Treatment Positions Needed in Sample Counties

COUNTY	AUTHORIZED POSITIONS AS OF NOVEMBER 2005	ADDITIONAL POSITIONS NEEDED
Bamberg	1	0
Kershaw	2	1
Lexington	9	4
Marlboro	4	0
York	16	6

Source: DSS CAPSS data and LAC analysis.

Differences in Counties

While we were reviewing cases in our sample counties, we found that counties had legitimate concerns about staffing issues which may be specific to individual counties. For example:

- York County has lost staff to nearby Mecklenburg County in North Carolina because the pay scale for a Mecklenburg County caseworker is approximately \$7,500 to \$12,000 more per year than what South Carolina pays. York County's population grew 25% from 1990 to 2000.
- Lexington County had the same number of allotted caseworkers in 2005 as it did in 1995, but its population had grown almost 30% from 1990 to 2000.

The counties vary in their demographics and their caseloads. In some smaller counties, staff allocated to one program may also work in other programs, as needed.

According to DSS officials, they have not conducted analyses or workload studies to determine specific caseload standards. This type of analysis would take into account the amount of time it takes for a CPS worker to complete specific duties. DSS staff also must consider employee absences due to required training, medical or military leave. Since no analysis has been done, the department relied primarily on the caseload standards outlined by the Child Welfare League of America when developing its budget request. Without some type of analysis, DSS cannot determine the best way to allocate any new staff funded by the General Assembly.

Child Welfare Staff Positions Lost

We attempted to determine if budget cuts had adversely affected the CPS program. During the early 2000s, DSS began taking measures to reduce costs. We asked DSS to provide us with information regarding the number of child welfare positions, which includes CPS staff, affected by hiring freezes or separations from the agency. The following is a chronology of hiring:

March 2001 — A hiring freeze was implemented, but front-line human services positions, such as child protective services caseworkers, were exempt.

August 2001 — The agency began implementation of a retirement incentive and voluntary separations. The hiring freeze remained in place and still did not apply to human services positions.

February 2003 — The director implemented an agency-wide hiring freeze on all positions, including human services.

June 2004 — Counties were allowed to hire up to 90% of front-line staff.

August 2005 — County directors were authorized to hire 100% of their caseworker positions.

Between 2001 and 2003, DSS lost 34 human services (child welfare) staff in the county offices due to voluntary separations, agency-driven separations of temporary and probationary employees, and retirement incentives. In addition, during FY 03-04, DSS had a mandatory furlough of ten days and implemented a reduction in force (RIF). The furlough, including some additional voluntary furlough time, accounted for 38,513 work hours. Human services personnel in 16 county offices were affected either by demotions or reductions in staff.

Three of our five sample counties were affected by the RIF. In those counties, five child welfare staff were demoted and nine were terminated. The RIF affected the state office more significantly than it did the county offices. Staff at the state office was reduced by 12.55% while the county offices were reduced by 5.09%.

Turnover

We examined the issue of turnover in CPS staff and found that the overall turnover rate for CPS was not excessive. However, some counties' turnover rates were significantly higher than others. From July 2002 through June 2005, the average turnover rate statewide for the child protective services program was 7%. Of our five sample counties, York had the highest average turnover rate of 17% (see Table 3.2).

Table 3.2: Turnover in Sample Counties

COUNTY	AVERAGE TURNOVER
Bamberg	7%
Kershaw	13%
Lexington	7%
Marlboro	4%
York	17%
Statewide	7%

Source: DSS CAPSS data.

The turnover rate for the entire Department of Social Services for FY 04-05 was 11.54%, compared to an average turnover rate for all state agencies of 12.64%. The average turnover rate for the child protective services program statewide was slightly higher at 8%. Therefore, the average turnover rate for child protective services, though it varies by county, was less than the overall turnover rate for the agency.

In 1999 DSS implemented a continuous hiring process for counties in constant need of human services personnel, such as York County. This process allows counties to have positions posted continually through the state employment website. DSS human resources also continually screens applications and forwards them to these counties. According to an agency official, this has helped reduce the time needed for hiring, especially for CPS caseworkers. Three counties, York, Greenville, and Anderson, had participated in the continuous hiring process. As of April 2006, the agency extended its continuous recruiting statewide for caseworkers.

Recommendation

11. The Department of Social Services should conduct a formal analysis to determine the number of cases a child protective services worker in South Carolina could manage successfully and where they should be allocated. In this analysis, DSS should consider county demographics, current caseloads, turnover, and other specific obstacles of individual counties.

Staff Qualifications and Salary

We did not conduct an extensive review of the qualifications and salary for CPS caseworkers due to an ongoing review by the Budget and Control Board's Office of Human Resources (OHR). Below is information regarding the minimum qualifications and salary for CPS caseworkers.

Minimum Requirements

The Department of Social Services requires a bachelor's degree of its CPS caseworkers, but does not require a social work background. We contacted officials in North Carolina and Georgia to determine what minimum qualifications were required for their CPS caseworkers. A social work degree is not required by all counties in North Carolina; however, if employees without social work degrees wanted to work as CPS caseworkers, they would have to work their way up from a lower level casework position at the agency. In Georgia, CPS caseworkers are required to have at least one year as a social services case management associate or a social work degree. Other categories of education or experience are also accepted.

Salary

Entry-level child protective services workers in South Carolina are paid a higher amount than other entry-level human services workers. We found that the starting pay for CPS workers in South Carolina is lower than the average minimum salary of 42 states responding to a 2005 national survey by the American Public Human Services Association. It found that the average minimum salary for CPS workers was \$29,797 and the average maximum salary for CPS workers was \$47,700. Based on the information collected in the survey, South Carolina pays its entry-level caseworkers \$1,270 less than the average minimum salary.

Salary difference can have a significant effect on certain counties. For example, in York County, the starting salary for a CPS caseworker is \$28,527. In Mecklenburg County, North Carolina, approximately 38 miles from the York County DSS office across the state border, the starting salary for a CPS caseworker is \$40,039. In addition, caseworkers in Mecklenburg County do not have to rotate "on call," but all York County caseworkers must take turns being "on call."

OHR Study

DSS contracted OHR in December 2005 to conduct a review of DSS staffing, qualifications, salary, and turnover for caseworkers. Although the report was to be completed by March 2006, DSS asked OHR to extend the scope of its review; therefore, we could not obtain written documentation of the results of this review.

Intake Worker

The department has determined that each county should have a specific worker assigned to intake. The department says that it wants to make the intake process more consistent. This individual would conduct the entry interview to determine if a report should be investigated for possible abuse or neglect or whether it should be screened out. There is no advanced-level training for the intake function.

How an intake worker screens incoming reports can have a significant effect on the caseload for that county. For example, between January 1, 2004 and June 30, 2005, Bamberg County accepted 41% of reports for investigation while Marlboro County accepted 93% of its reports. Table 3.3 shows the percentage of reports accepted for investigation in our five sample counties.

Table 3.3: Percentage of Reports Accepted in Sample Counties (January 2004 – June 2005)

COUNTY	REPORTS ACCEPTED
Bamberg	41%
Kershaw	80%
Lexington	64%
Marlboro	93%
York	74%

Source: DSS CAPSS data.

We do not disagree that having a specific worker assigned to intake would be beneficial in each county; however, new staff is not necessarily the best way to achieve this goal. Most counties we visited had a “dedicated” or “assigned” intake worker or workers; however, other CPS workers performed the intake function on a rotating basis, especially in the larger counties, to help with additional calls or to fill in when the “dedicated” worker was not available. A standard training for each person who handles intake is essential. Also, there should be adequate supervision over intake decisions to ensure proper decisions are being made.

Recommendation

Disciplinary Actions Against CPS Employees

12. All child protective services staff performing the intake function should receive specific training on the intake process.
-

One of our objectives was to examine the effectiveness of DSS's process for investigating and disciplining employees who violate Child Protective Services (CPS) laws and policies. DSS has taken disciplinary action in a few cases; however, we found many violations where no action was taken. While disciplinary action should not be taken for all violations, we found significant violations of law and policy where no action was taken.

We requested a list of all disciplinary actions taken against CPS employees, such as caseworkers and supervisors, from FY 02-03 through FY 04-05. For that period, there were 42 disciplinary actions, including 8 terminations, against CPS employees statewide.

In our five sample counties (Lexington, York, Bamberg, Kershaw, and Marlboro), there were eight disciplinary actions (seven in York and one in Lexington) taken against CPS employees. Disciplinary actions included written warnings, suspensions, and terminations for violations of policy, negligence, and poor work performance.

In our review of assessment and treatment files in the sample counties, we found significant violations by caseworkers. In these cases, no disciplinary action was taken against these individuals even though policy was violated.

- In York County, we reviewed a file in which a child was sexually and physically abused. Neither the child nor the family was seen for over five months. When asked about this case, a county official stated that she was unaware that services were not being given as required. Neither the caseworker nor the supervisor were disciplined for this significant violation of policy.
- State law requires DSS to seek a court order to place an individual on the Central Registry of Child Abuse and Neglect whenever there is an indicated case of sexual abuse. In York, Lexington, and Marlboro counties, we found cases from January 2004 through June 2005 where workers were not making timely efforts to document and request a court order to have these individuals placed on the central registry (see p. 10).

- DSS policy states that caseworkers must make face-to-face visits with all children of families of CPS cases every 30 days. In York County, we found that in 74% of the treatment cases we reviewed from January 2004 through June 2005, at least one visit was not made within the required time frame.
- State law requires that all CPS assessment cases have a determination within 60 days of intake. In Lexington County, based on a limited sample, we estimate that 5% of its cases (from January 2004 through June 2005) did not have a determination within the statutorily mandated 60-day time frame. In York County, 2% of its case determinations were not made in a timely manner (see p. 8).

DSS management may be reluctant to implement disciplinary actions in these instances because of the high workloads of caseworkers, turnover issues, and other difficulties of these positions. One county official explained that because of high turnover of caseworkers, at times supervisors did not know that visits, for example, were not being made in a timely manner. These violations were never communicated to the supervisor, program coordinator, or program director prior to the employee's resignation. Problems within a case file may be discovered long after a caseworker and/or supervisor has left the agency. Also, when there is high caseworker turnover, supervisors have had to take on cases themselves. This limits the amount of time a supervisor can guide the caseworkers on their cases.

As part of its quality control program, DSS generates a report from its CAPSS computer system showing which open cases have not had any activity in three months. In other words, no visits or services have been made or provided for that time period. Although not the primary focus of the quality control program, counties could use this report to identify employees not performing to standard.

In all cases, the caseworker's supervisor should be involved in ensuring that the case is handled properly. According to DSS policy, a supervisor must "staff" or discuss the case with the caseworker within five days after the case is accepted, at the time the case determination is made, and every three to six months during treatment. If no action occurs over a three-month period, this is a significant violation of good case management practice.

Ensuring that children are visited and proper services are offered to families in a timely manner are the primary goals of the child protective services program. The agency needs to ensure that policies are adhered to in all cases and by all caseworkers and supervisors. In cases where there is a significant violation of these policies, disciplinary action should be taken.

Recommendation

13. The Department of Social Services should establish methods to identify employees with significant violations of law or policy so that the county may take appropriate disciplinary actions.
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Resignation Before Disciplinary Action

We reviewed DSS's human resources computer system and found that none of the employees terminated from FY 02-03 through FY 04-05 had been rehired by DSS as of December 2005. However, DSS does allow employees to resign before disciplinary action may be taken against them. In these cases, there may not be any documentation in the employee's personnel file indicating that the employee violated policy or had poor work performance. Employees allowed to resign under these circumstances could apply for positions in other counties and the new county may be unaware of previous performance issues.

DSS could track individuals allowed to resign before disciplinary action can be taken against them or while under investigation by documenting the facts in that employee's file. This indication would not prohibit the employee from ever being rehired by DSS, but it would alert human resources that this employee's previous agency experience should be thoroughly investigated. According to DSS staff, implementing this type of tracking system would not be difficult and would help DSS ensure that it does not rehire problem employees.

Recommendation

14. The Department of Social Services should ensure that its human resources system documents employees who are allowed to resign before disciplinary action is taken against them.
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DSS Quality Control Process

One of our audit objectives was to determine the effectiveness of DSS's internal quality control program for CPS. DSS has a quality control process involving both external and internal reviews of CPS operations. We identified several instances where individual counties had consistently underperformed on certain CPS performance measures. We also found that actions taken by DSS to improve performance in these areas did not result in significant improvement.

External Child Welfare Reviews

Federal Child and Family Services Reviews

External reviews of the CPS program have been conducted by both the federal government and by three citizen review panels. The federal government conducted a Child and Family Services Review (CFSR) of DSS in 2003. DSS was evaluated using seven outcome measures addressing a child's safety, well being, and permanency of living situation. DSS was also evaluated on seven systemic factors including training, quality assurance system, and its case review system. These measures and factors addressed both CPS in-home treatment cases and foster care cases. Overall, the state was found not to be in substantial conformity on six of the seven outcome measures relating to safety and two of the seven systemic factors.

Regarding in-home treatment cases, the review found that DSS had done well on the outcome measure relating to protecting children from abuse and neglect. This included initiating investigations in a timely manner and preventing multiple reports of abuse or neglect involving the same household within six months. However, the report noted that DSS had not made sufficient efforts to ensure the safety of children "...particularly when they remained in their homes."

The report also found that on the outcome measure relating to a family's capacity to provide for its child's needs that DSS:

"...was not consistent in assessing and addressing the service needs of children and their parents, in involving parents and children in the case planning process, and/or in establishing sufficiently frequent face-to-face contact between caseworkers and the children and parents in their caseloads."

Problems were particularly apparent for in-home treatment cases. The report stated this measure was a strength in only 25% of in-home treatment cases versus 60% of the foster care cases.

One of the seven systemic factors on which DSS was evaluated was the department's quality assurance system. The review found that DSS did maintain a "...quality assurance system that evaluates and measures program strengths and areas needing improvement." However, the review noted that counties are only required to undergo a performance review once every five years and that this "...may not be sufficient to ensure timely improvements in performance."

In response to the federal CFSR, the department had to develop a program improvement plan (PIP) which addressed many of the concerns raised in the CFSR. According to DSS staff, DSS had a deadline of June 2006 for implementation of the PIP and has completed eight quarters of the program improvement plan. DSS is awaiting the final report from the Administration for Children and Families (ACF). The next federal review should take place in approximately three years.

Citizen Review Panels

The federal Child Abuse Prevention and Treatment Act requires that citizen panels be created to oversee the child protective services programs in each state. These panels are made up of citizen volunteers who are concerned with child welfare issues. Participation is intended to represent the community. The panels currently consist of members from law enforcement, schools, state agencies, and advocacy groups. In South Carolina, there are three citizen review panels, with each panel in a different part of the state (upstate, midlands, and lowcountry). The panels focus on local priorities using statewide data to evaluate state and local operations. The panels monitor whether South Carolina is satisfying federal expectations for the child protection system. The panels' annual reports contain recommendations relating to staff training, morale, supervision, use of technology, and access to information.

Panel members have expressed some concern regarding communication between the panels and DSS staff. Panel members stated they felt that DSS has viewed the panels as adversarial and that DSS has been slow in providing requested information. However, one panel member noted that the relationship with DSS has improved.

Internal Quality Control

DSS's internal quality control process is composed of several elements. Under state law, DSS is required to conduct a review of every county's operations at least once every five years. In addition, DSS has a technical assistance unit which conducts quarterly reviews of the counties. Further, DSS has established performance measures for CPS which are used to evaluate county performance in areas such as timeliness of initiating investigations and risk of harm to children.

We examined county performance on four measures related to CPS and found several counties which had consistently underperformed on certain measures for an extended period of time. Actions taken by DSS to improve performance in these areas did not result in significant improvement.

Investigations Initiated Within 24 Hours

One of the performance measures DSS uses to determine county performance is the timeliness of beginning investigations. DSS has set a standard of initiating an investigation within 24 hours in 99.44% of all cases. We identified four counties which had consistently underperformed on this measure during the last three quarters of 2004. Table 3.4 shows the percentage of cases in which the county initiated an investigation within 24 hours.

Table 3.4: Percentage of Investigations Initiated Within 24 Hours

COUNTY	INVESTIGATIONS INITIATED WITHIN 24 HOURS (DSS STANDARD 99.44%)		
	JUNE 2004	SEPTEMBER 2004	DECEMBER 2004
Berkeley	58.20%	84.97%	80.45%
Fairfield	98.06%	98.78%	85.71%
Florence	72.14%	91.41%	86.05%
Oconee	72.14%	66.05%	68.90%

Source: DSS CAPSS data.

We then examined each county's performance for the period of February 2005 through November 2005. In none of these months did any of the four counties meet the state objective. In Berkeley County, the highest percentage achieved during those months was 85.5%.

In October 2004, DSS's state office performed a review of Berkeley County and found that 35% of all investigations had been initiated late. In January 2005, the county developed a program improvement plan to address concerns raised in the October 2004 review. The county stated that it would raise its percentage of investigations initiated timely to 85% by October 2005 and to 100% by June 2006. Thus, the county was given 18 months to bring itself into compliance with DSS's standard.

Subsequent Reports of Abuse or Neglect

DSS also measures county performance based on the number and percentage of unsubstantiated reports in which there was a subsequent report within six months. DSS's standard is that in no more than 8.5% of the unfounded reports will there be a subsequent report of abuse and neglect within six months. We identified seven counties (Aiken, Cherokee, Clarendon, Horry, Lancaster, Oconee, and York) which had consistently underperformed on this measure. For example, during the period February 2005 through November 2005, Cherokee County's percentage of cases with subsequent reports was

never lower than 13% and rose as high as 18%, more than twice the DSS standard.

No Activity Reports

DSS also prepares monthly human service management reports which include a section measuring how many CPS treatment cases have had no activity in CAPSS for at least three months. DSS policy requires that children in in-home treatment cases be seen at least every 30 days; thus, if a case had no activity for three months, this would be a serious violation of DSS policy. We identified four counties (Allendale, Charleston, Florence, and Jasper) that had significantly high percentages of cases with no CAPSS activity for the period May 2005 through January 2006. For example, in Allendale County, the percentage of cases with no activity for at least three months ranged from 46% to 74%.

We asked DSS officials what actions had been taken by the state office to encourage counties that are underperforming to improve. DSS stated that it does not do an annual statistical evaluation of each county based on data. However, DSS does measure the effectiveness of county operations. Among the methods DSS cited are the county reviews, county program improvement plans, reviews of child deaths by DSS's internal child fatality review committee, county visits, and meetings with managers.

An important function of any quality control process is the identification of areas needing improvement. A system should be in place to correct deficiencies identified as a result of the quality process. This system could include both incentives for meeting standards and penalties for failure to meet them. Counties should not be allowed to consistently underperform on measures without action being taken to correct the situation.

Recommendation

15. The Department of Social Services should ensure that counties are held accountable for their effectiveness in meeting agency performance measures. This could include incentives for counties that consistently meet agency standards and penalties for those that do not.

Agency Comments

**Appendix
Agency Comments**

DSS

Serving Children and Families
KIM S. AYDLETTE, STATE DIRECTOR

August 9, 2006

Mr. George L. Schroeder, Director
SC Legislative Audit Council
1331 Elmwood Avenue, Suite 315
Columbia, SC 29201

Dear Mr. Schroeder:

Thank you for the opportunity to respond to the issues and recommendations addressed in your audit of the South Carolina Department of Social Services' Child Protective Services Program (CPS). As you know, when I met with your staff, led by Mr. Perry Simpson, before the audit began, I made them aware of the issues that concerned me in the CPS program, many of which are reflected in the report. Another few, most notably the central registry issue, were brought to my attention by your staff for which I am very grateful. I want to take the opportunity to provide some context for your report and my response, for readers who may not be as familiar with CPS or state government. As the Governor noted in his 2004-05 veto message, DSS had sustained a 35% reduction in its budget from FY 2001-02 through 2004-05, the majority of the time period that your audit covers. Specifically, there were buy-outs, a reduction in force, and a full two-week mandatory furlough for every employee within the agency to avoid running a deficit. In total, DSS had reduced its workforce by 1,300 employees since FY 2001-02, roughly 27%. Additionally, while the scope of your audit is from January 2004 through June 2005, it is important to note that many of the issues addressed have been problems historically in the program, and many issues are, according to the 2003 Federal Child and Family Services Review (CSFR) challenging states around the country.

In addition to pointing out the program problems to your staff, I and my staff made available to them extensive data, collected centrally at the state office which measure numerous key program indicators in each county on a monthly basis. As you know, most of this data would not have been available to your staff under previous administrations. Your staff then chose five sample counties to visit. The five counties selected all reflected some program problems both in their data and in the review, but York County (the origin of the audit request) in particular, reflects the array of challenges facing the agency. In addition, your report notes the fact that the cases sampled in those counties are "non-statistical." Therefore evaluating your findings in addition to other reviews, such as our quality reviews, and the CSFR may help provide the most comprehensive statewide picture. (Both those reviews will be discussed further). Having said that, I do feel your findings are independently helpful in that they do provide some illustration of problems, and suggest areas for improvement.

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In that initial meeting with your staff, I shared my opinion that in order to make real and sustainable improvement in CPS, and child welfare in general, a three-fold approach is necessary. First, resource needs in the agency must be addressed. This is something that was confirmed by your audit. For example, your report states, "The Department of Social Services needed additional staff to bring South Carolina in line with the national standard for the number of treatment cases handled by a treatment worker." In fact the five counties sampled, according to your findings, we need 34% more staff. I am pleased to note that the Governor included in the 2006-2007 Executive Budget new monies for SCDSS to bring staffing in all areas of child welfare to nationally recognized levels recommended by the Child Welfare League of America. This part of the Executive Budget was funded by the General Assembly, and we are beginning the process of hiring and training 350 new staff in child welfare.

Second, policies and laws must be reviewed and updated to reflect the changing needs of the program and clients. This is being accomplished in great part through the CSFR, which was a detailed federal audit of all aspects of child welfare, including CPS, completed in 2003. The review consisted of multiple measure of effectiveness, including six national data standards (dealing with recurrence of maltreatment, incidence of child abuse and neglect in foster care, foster care re-entries, stability of foster care placement, length of time to achieve reunification with a child's family, and length of time to achieve adoption). The review examined seven systemic factors (statewide information system, training, quality assurance, service array, agency response to the community, foster parent recruitment, and case review system i.e., the Foster Care Review Board and court process). Additionally, reviewers conducted an on-site case review process based upon 23 performance indicators.

During the federal review, South Carolina met four out of six of the national standards, and five out of seven systemic factors, including our quality assurance process. No state in the country passed all standards during the review. SCDSS and federal authorities arrived at a program improvement plan with specific goals to correct deficiencies. We have just completed the two year program improvement plan and have been informed that South Carolina has met all national standards required under the plan, and has additionally met 20 of 23 performance indicators. We have until June 2007 to meet the remaining three. I feel the agency, and the counties and regional offices in particular, have shown outstanding effort in reaching these goals during a period when our resources were reduced, not increased. Your report indicated a couple of areas where statutory clarification might also be beneficial, and those will be addressed below.

Finally, the third part of the approach must deal with an array of management issues in the agency. As I have said before in different public forums, it is quite true that the agency has been hit hard these last budget years and that obviously affects performance. However, I can not ignore, and your report suggests, some areas needing improvement that are more properly addressed through new and better management policies, and increased accountability between the local and state offices. One example would be the fact that our caseworkers are paid below the Southeastern average salary according to a just completed salary study by the State Office

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of Human Resources. You note that in York there is a significant pay disparity between the county and North Carolina. I hope to address salaries in some way in this year's budget request. Another example, among many, would be insufficient supervision in some instances of the caseworkers. While some of this problem may be alleviated by lower caseloads and more staff, we are also reevaluating and revamping our process for identifying, hiring, and training staff, including supervisors and other managers. Through internal work and a contractual relationship with the State Office of Human Resources, I am trying to find ways, including salary, training, more supportive supervision, and possible incentives, to create a true "career path" for child welfare workers, something that has never really existed in the agency. The work they do is so important. Thank you again for allowing me to respond, and below please find my specific responses to your recommendations.

There are fifteen total recommendations. The first two address the issue of SCDSS policy requiring CPS workers to make monthly face to face visits with children. In my opinion the single most important action in a CPS treatment case is the monthly visit because it allows the worker to best gauge the well-being of the child. You note in your report that in September 2004, in order to emphasize the importance of this particular policy, a directive was sent to the counties by the Deputy Director for Operations and me, stressing the importance of using the visits to assess for the safety and well-being of children. The directive did state that failure to make minimum contacts or to provide oversight of this requirement may result in disciplinary action. Unfortunately, as your findings suggest this directive has not been implemented consistently. Your first recommendation is to put in statute the requirement of the monthly visit in CPS. We believe that your second is more likely to achieve the result we all desire. You recommend that DSS should establish a system for ensuring compliance with the requirement that children in CPS cases be seen every 30 days. While I hope that there will be a natural improvement of compliance as caseloads become more manageable, I agree with the recommendation, and my program and legal staff are working on the drafting of a written disciplinary policy, to be implemented as soon as possible, which outlines the mandatory disciplinary actions to be taken when a visit is not made.

The third and fourth recommendations address the issue of failure to follow the statutory requirement to complete investigations within sixty days. Recommendation 3 asks DSS to establish a policy for holding counties accountable for failure to comply. As with the monthly visit issue discussed above, I agree that this requirement, besides being state law, is vital to the safety and well-being of children, and I have asked staff to develop policy on this issue as well, to be implemented as soon as possible.

Recommendation 4 requests that we include in our annual accountability report, performance measures for the monthly visits and 60 day case determinations, and we are glad to do that.

Recommendations 5 and 6 address the issue of pending a case's status during initial intake. We disagree that a statutory change is necessary as suggested in recommendation 5. Although the audit questions whether state law allows us to place a report in pending status for 24 hours while we gather additional information necessary to make the best possible screening decision, state law does not prohibit it. Of course, should the General Assembly wish to seek clarification

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in the matter to ensure that we have that flexibility, we would not be opposed. Recommendation six suggests that if the law is clarified we should establish policy for implementation through regulation. This would be inconsistent with normal practice. Normally, if the law changes, our agency policy is amended to reflect the change and outline proper practice. In fact we already have policy and criteria pertaining to pending intakes, and they specify that decisions are not to be delayed for more than 24 hours. If information at intake indicates imminent risk of harm, current policy prohibits pending the report. Pending a report is helpful when it allows investigators to gather collateral information from teachers, physicians, etc., to prevent reports from being inappropriately screened out. During the time period of your audit, according to your findings, less than 6% of more than 38,000 allegations of abuse or neglect made to county offices were pending.

Recommendation 7 states that DSS should ensure that allegations of abuse and neglect are reviewed by a supervisor and that a treatment plan is developed within 30 days of the case decision. These requirements are in current agency policy, and supervisors are provided checklists to assist in their review of case records. These issues will be addressed at the next county directors' meeting, with follow-up with individual counties as deemed necessary based on monthly data reports.

Recommendations 8 and 9 address the issue of entry of certain individuals onto the Central Registry of Abuse and Neglect. You correctly note that DSS only has authority to make an entry when a court order exists to do so. As you know, the entry of individuals onto the Central Registry was managed in each county at the local level. After you brought your concerns to my attention, our staff worked closely with your auditors to ensure that any shortcomings concerning the registry would be corrected quickly. As referenced in your report, we immediately instituted a central monitoring system to ensure ongoing consistent compliance, and sent clarifying policy to the counties. In addition, in an abundance of caution, we are completing a review with every county on all cases of sex abuse from January 1998 to present to ensure we are in full compliance. Recommendation 8 in essence asks us to continue our efforts in this regard, and we intend to do so. Recommendation 9 is directed to the Office of Court Administration, and asks them to monitor judges and Clerks of Court to ensure they carry out their duties related to the Central Registry in criminal cases. We have already communicated with the Office of Court Administration on this issue.

Recommendation 10 addresses your concern about entry of data by caseworkers into the Child and Adult Protective Services System (CAPSS). CAPSS is our management information system for child welfare, and we agree that data should be entered in a timely fashion to preserve the accuracy of the information entered. Current policy requires that information be entered within 30 days of the case action. Your findings, and our own, confirm that this policy has not always been followed. I do believe that as caseloads begin to lower, workers will have more time to transfer data into the system. However, in order to ensure data integrity I have asked staff to prepare to implement a policy, as recommended in Recommendation 10, requiring supervisory approval to enter data after a specified time period. In order to stress the

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importance of data integrity we will be requiring county directors to make the approvals rather than direct supervisors.

Recommendation 11 is related to caseload and staffing concerns. You suggest that DSS conduct an analysis to determine appropriate caseloads taking into account various factors. While there is no exact science, the work done by the Child Welfare League of America in this regard is considered by states and our federal counterparts to be the most reliable information available on the subject. Therefore, we used their information in crafting our 2006-2007 budget and staffing request to the Governor and General Assembly.

Recommendation 12 suggests special training for workers performing intake. Intake is the initial process of receiving and screening reports of abuse and neglect. In 2004, I convened an intake study group that consisted of staff and stakeholders to determine how to improve the intake process and to address perceived problems of inconsistency among county offices. As a result, recommendations concerning training were made, and the National Resource Center on Child Maltreatment designed and delivered intake training to all supervisors. Supervisors were then tasked to train county staff with intake responsibilities. In addition, we contracted with the Children's Law Office to provide training to persons mandated by law to report suspected abuse and neglect. In addition to training, however, the study group noted that not all counties have staff who are dedicated full-time to intake, and that this would be beneficial to counties. We requested sufficient new positions and staffing in our 2006-2007 to accomplish this. The fact that the FTEs are new, should not imply they we intend to hire inexperienced workers to perform this function. We hope to fill the positions, ideally, with workers who have previous experience and training in child welfare, and to continue to train and support our intake workers as a specialized function.

Recommendation 13 and 14 address disciplinary action/human resource issues in CPS. Your report expresses concerns that staff have not always been disciplined for violations of policy and/or law. Let me first state that we acknowledge that is important to comply with policy and law, because this enhances the likelihood of a successful outcome for children. However, I believe the agency will be in a position to more consistently discipline workers when their caseloads are at a level that lends itself to more consistent evaluation, despite possible differences in local management styles. As mentioned earlier, we are working on some specific written mandatory disciplinary policies. In addition, we will work with county directors to help them track trends with individual employees through our centralized data. At that point, our legal staff and state office management are available and willing to provide guidance to the local appointing authority (county).

Recommendation 14 stems from a concern that employees have resigned from DSS before being terminated. Please allow me to clarify that DSS has only occasionally allowed an employee to resign before disciplinary action is taken against them. This is not a standard practice, but an action that is used from time to time when we believe it is in the best interest of the agency. This practice is also occasionally used in the private sector and other state agencies when it is cost effective and avoids costly grievances or litigation. You recommend that DSS ensure that its human resources system documents employees in this situation. I believe we can take certain steps without violating the employee's rights. We can and will

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make sure that managers understand the need to document poor performance and disciplinary actions throughout the employment history. We will also notify managers that when former DSS employees apply for a job with the agency, they must check with previous supervisors to ensure that the former employee had an acceptable work history.

Recommendation 15, your final recommendation states that DSS "should ensure that counties are held accountable for their effectiveness in meeting agency performance measures. This could include incentives for counties that consistently meet agency standards and penalties for those who do not." Your report acknowledges that DSS has extensive internal and external quality control processes, some of which were enacted during the last three years. For example, although state law requires an on-site review in each county every five years, with the addition of two new quality review staff in the 2006-2007 budget, we will be implementing our plan to perform the reviews every two years. During these reviews, we interview county stakeholders, including family court judges, foster parents, foster children, law enforcement officials, and others who have an interest in our work. We also physically review case files, and provide technical assistance. The results of these reviews are reported to the appropriate legislative delegation. New to this administration is the requirement that county directors implement a program improvement plan that outlines how issues and concerns identified in the review will be corrected. As discussed in the report, we also created outcome measures to evaluate how well our counties perform based on data collected centrally on a monthly basis which is reported back to the counties in a "report card" format. However, it seems to me that the real problem you note is that once we have information that a county is underperforming in a certain area of CPS, improvement does not necessarily occur in a timely fashion. In other words, we need to find a way to hold counties accountable for poor performance, and encourage swift improvement. You suggest incentives and penalties, although as we discussed with your staff, financial penalties are difficult in reality to implement since each county and program are funded based on zero budgeting principles. I would be reluctant, for example, to take money away from a county which is directed towards either personnel or client benefits, as punishment for poor performance. Nor do we, at this writing, have a pool of money available for incentives at the county or individual level. However, individual performance incentives are under consideration, as discussed previously. Finally, as our staffing and caseloads improve, I would expect county performance to naturally improve.

Thank you for including this response as an appendix to your report. We look forward to using your work as another tool in our efforts to improve child welfare. With kindest regards, I am,

Sincerely,

Kim S. Aydlette
State Director

KSA/cbs



South Carolina Court Administration

*South Carolina Supreme Court
Columbia, South Carolina*

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August 8, 2006

Mr. George L. Schroeder
Director
South Carolina Legislative Audit Council
1331 Elmwood Avenue, Suite 315
Columbia, SC 29201

Dear Mr. Schroeder,

Thank you for the opportunity to comment on the portion of the draft Legislative Audit Council report entitled *A Review of the Child Protective Services Program at the Department of Social Services* which relates to the South Carolina Office of Court Administration.

We appreciate your staff bringing to our attention the need for revision to our sentencing sheet. We take seriously the Judicial Department's role regarding the Central Registry of Child Abuse and Neglect. As recommended, we will monitor judges and county clerks of court to ensure they carry out their duties related to the Central Registry.

Sincerely,

Rosalyn W. Frierson