

## **McIntyre v. Howard**

Progress of Kansas Department of Children and Families, Kansas Department of Aging and Disability Services, and Kansas Department of Health and Environment

### **Period 1 Assessment: Summary of Key Findings**

September 19, 2022

Compiled by Plaintiffs' co-counsel team

The Period 1 Assessment from the Center for the Study of Social Policy provides an important baseline for measuring Kansas's progress in meeting its obligations under the Settlement Agreement. In calendar year 2021 (January through December 2021), the neutral, third-party monitor found that Kansas has met five of the commitments; that there was not adequate data to assess whether Kansas had met two of the commitments; that one commitment is "in process"; and that Kansas has not yet met seven of the commitments.

Key findings include:

#### Placement Stability

- Kansas has made progress on improving placement stability for youth in foster care. It met its Year One goal regarding placement moves. The Year One goal was seven moves per 1,000 days, and Kansas exceeded that goal with 5.84 moves per 1,000 days. The exit target is 4.4 moves per 1,000 days (p. 61). Kansas also met its second placement stability goal, demonstrating that in 86% of cases reviewed, the child was in a stable placement. The year-one goal was 80%, and 90% is needed by Period 3 (p. 63-64).

#### Short-term Placements

- Kansas did not end the practice of relying on temporary overnight placements in 2021—data showed that 53 children experienced an overnight placement in an office or other inappropriate place for a total of 69 episodes. While this is disappointing, the greater transparency around these episodes should be instructive to end this harmful practice once and for all. The Department for Children and Families (DCF) now tracks each episode using a Critical Incident Report protocol to better understand the cause of the practice. In 72% of the episodes, the reason for the overnight placement was due to a same-day placement disruption where the provider was unable to find a placement that night and the episode lasted a single night (p. 45).
- 58 out of the 69 episodes lasted one night; 6 of 69 lasted two nights; and the remaining episodes lasted 4, 7, 14, 18 and 54 nights (p. 46). Further analysis by plaintiffs is needed to understand the cause for the lengthy office stays for a handful of youth.
- Cornerstones of Care in Kansas City accounted for 41 of the 69 episodes and KVC in Kansas City and Northeast accounted for 16 of the 69 episodes (p. 46).

- Kansas has not met the Settlement requirement to end its reliance on night-to-night placements. In 2021, there were 1501 night to night experiences by 801 children- which, notably, accounted for 11% of all placements in 2021 (p. 56). There were 1680 short term placements – which accounted for 46% of all placements in 2021 (p. 59).

#### Mental Health and Crisis Intervention Services

- The report demonstrates that Kansas must do better to ensure youth in foster care have access to mental health assessments and services. Only 65% of cases reviewed showed that children’s mental health needs were being met (p. 63); only 34% of cases reviewed showed that children were receiving a timely mental health screen from a qualified mental health professional (p. 65-66); and youth are still experiencing delays in accessing mental health services due to placement instability—24% of youth experienced a delay for this reason (p. 52).
- Kansas launched a youth crisis services hotline in October, but data from 2021 did not identify whether any of the 75 children served were in foster care (p. 54). Medicaid data indicates some foster youth are accessing crisis services, but more data analysis is needed to evaluate whether crisis services are available to youth in foster care statewide as required by the Settlement (p. 55).

#### Data

- Kansas lacks a Statewide Automated Child Welfare Implementation System (SACWIS). The lack of a statewide data system impeded the ability of the State to meet its data reporting requirements in the first year of settlement implementation, including measuring caseloads and evaluating placement moves (p. 9, 29, 33).
- There was not reliable data to evaluate the case worker and case worker supervisor caseloads, but a protocol is in place for 2022 to ensure consistency in data among the CMPs (p. 41-42). Available did show concerning caseloads at St. Francis Ministries—where 42% of case workers had caseloads of 30 or more cases as of December 31, 2021 (p. 42).

#### Contractor Accountability and Independent Advisory Board

- Kansas has met its commitments to amend its contracts with the 4 private Case Management Providers to increase accountability and to establish an independent advisory board—which has named itself the Kansas Foster Accountability Advisory Board (KFAAB) (p.34-36). With greater transparency on where contractors are falling short, the co-counsel team hopes that DCF will hold them accountable.
- The KFAAB has identified key areas in need of greater focus, including the need for more in-home supports to kinship and licensed foster care families, more accessible mental health services for children and youth in out-of-home placement, and a statewide child welfare data system (p. 35-36).