

SUMMARY

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

INTRODUCTION

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 DSS's process for investigating and disciplining employees. We also reviewed DSS's internal quality control process for CPS.

The CPS program is designed to ensure the safety and health of children by protecting them from abuse and neglect. During FY 04-05, DSS received more than 25,000 reports of suspected child abuse and/or neglect and accepted 17,000 of these for investigation. Of those 17,000, approximately one-third were found to be cases where abuse, neglect, or some other type of child maltreatment likely occurred. The CPS program has 424 treatment and assessment positions statewide. Funding in FY 04-05 was approximately \$21 million.

August 2006



COMPLIANCE WITH STATE LAW AND DSS POLICY

We found a number of instances where DSS did not comply with state law or DSS policy in CPS cases. 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. We reviewed a non-statistical sample of 216 case files and other data from five counties (Bamberg, Kershaw, Lexington, Marlboro, and York) for the period January 2004 through June 2005.

30-Day Visit

DSS has not complied with policy requiring that children in in-home treatment cases be seen every 30 days. We reviewed 55 treatment cases where abuse and neglect was likely to have occurred and found 34 cases in our five sample counties where at least one visit was not made within 30 days.

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.

We found cases in our review where multiple visits were missed and, as a result, children were not seen for several months:

- 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 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).

Case Determinations

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 Lexington County, we estimate, based on a limited sample, that approximately 5% of the 1,458 reports investigated took longer than 60 days and, in some cases, the determination took over 100 days. In York County, we found 30 (2%) of the 1,543 reports investigated took longer than 60 days. Each of these occurrences is a violation of state law.

Delayed Decisions

It is questionable whether DSS's policy of delaying or "pending" an allegation of abuse and neglect is allowed by state law. DSS allows its employees to delay or "pend" a decision on allegations of abuse for up to 24 hours in order to allow DSS to gather additional information. We found that between January 2004 and June 2005, DSS delayed decisions in 2,306 (6%) of the 38,697 allegations of abuse and neglect. Of these, 335 (15%) were delayed more than 24 hours.

Additional Compliance Issues

In 3 (6%) of 48 cases reviewed in York County and 2 (5%) of 42 cases reviewed in Lexington County, there was no documentation showing supervisory approval of the decision to either screen out or accept the allegation for investigation.

DSS policy requires that a treatment plan be developed within 30 days of the case decision in 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.

DSS has not always held meetings between supervisors and caseworkers within five days after a report of abuse and neglect has been accepted, as required by policy.

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.

CENTRAL REGISTRY OF ABUSE AND NEGLECT

S.C. Code §20-7-680 established a Central Registry of Child Abuse and Neglect. This registry is separate from the Sex Offender Registry maintained by SLED. Certain acts of abuse and neglect can result in an individual being listed on the central registry. The 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. Individuals are placed into the central registry only by order of either the family court or criminal court.

DSS Cases of Sexual Abuse

S.C. Code §20-7-650(O) states DSS, "...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." We reviewed 77 cases and found 30 (39%) 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 the 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." 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.

After our inquiry, DSS instituted a centralized monitoring system to ensure that individuals are entered into the central registry in a timely manner.

Convicted Sex Offenders

Individuals who are convicted in criminal court of certain offenses involving 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 individuals had not been placed on the central registry, as required by law. In all of these cases, the judge had not included in the sentencing order the requirement that the person be placed on the central registry.

After our inquiry, 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. According to an Office of Court Administration official, information about the registry was also added to the clerk of court manual.

DATA ENTRY IN CHILD AND ADULT PROTECTIVE SERVICES SYSTEM (CAPSS)

DSS requires that case actions be entered in the CAPSS within 30 days. Our review found a lack of compliance with this policy in all the counties in our sample.

We 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 a 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 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 July 22, 2004.

CASES WITH AT LEAST ONE ENTRY IN CAPSS NOT MADE WITHIN 30 DAYS OF CASE ACTION	
COUNTY	NUMBER AND PERCENT
Bamberg	2 (50%)
Kershaw	15 (63%)
Lexington	26 (62%)
Marlboro	8 (100%)
York	39 (81%)

Source: LAC analysis of CPS files.

WORKER CASELOAD, EMPLOYEE DISCIPLINE, AND QUALITY CONTROL

We examined worker caseloads, DSS's process for disciplining employees, and DSS's quality control process for CPS. We found that DSS did not meet national caseload standards for treatment workers. We also found examples where DSS did not discipline workers for violations of DSS policy. We reviewed DSS's quality control process and found instances where the process had not been effective in improving underperforming counties.

STAFFING AND CASELOADS

Caseloads

We found that computing caseload standards is not an exact science, and there is currently no universally accepted formula for computing caseloads. To best determine caseload ratios, the Child Welfare League of America (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 CWLA has established recommended national standards for treatment caseloads to be 17 (cases) to 1 (worker). For FY 06-07, the General Assembly funded 91 additional treatment positions.

The table shows the number of positions in the five counties we reviewed and the number of additional treatment positions needed based on CWLA standards.

COUNTY	AUTHORIZED POSITIONS	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 Between Counties

We found that counties vary in their demographics and their caseloads and have specific staffing issues. For example, York County has lost staff to nearby Mecklenburg County in North Carolina because Mecklenburg County's pay scale for a caseworker is approximately \$7,500 to \$12,000 more per year than what South Carolina pays.

Child Welfare Staff Positions Lost

During the early 2000s, DSS began taking measures to reduce costs. 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). Three of our five sample counties were affected by the RIF. 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%.

DISCIPLINARY ACTIONS AGAINST CPS EMPLOYEES

AUDITS BY THE LEGISLATIVE AUDIT COUNCIL CONFORM TO GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS AS SET FORTH BY THE COMPTROLLER GENERAL OF THE UNITED STATES.

FOR MORE INFORMATION

Our full report, including comments from DSS, and this document are published on the Internet at

www.state.sc.us/sclac

LEGISLATIVE AUDIT COUNCIL
1331 Elmwood Ave., Suite 315
Columbia, SC 29201
(803) 253-7612

George L. Schroeder
Director

DSS's progressive disciplinary policy allows for the agency to take actions ranging from oral reprimands to terminations for violating rules, regulations, policies and/or laws. From FY 02-03 through FY 04-05, 42 disciplinary actions, including 8 terminations, were taken against CPS employees statewide.

We found many violations of policy where disciplinary actions were not taken. For example, in York County, we found that in 74% of the treatment cases we reviewed, at least one visit was not made within the required time frame. However, neither caseworkers nor supervisors were disciplined for this violation. 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.

Resignation Before Disciplinary Action

DSS allows 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 these individuals by documenting the facts in their personnel files. This would alert human resources that this employee's previous agency experience should be thoroughly investigated.

DSS QUALITY CONTROL PROCESS

We found that 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 found that actions taken by DSS to improve performance in these areas did not result in significant improvement.

One of the performance measures DSS uses to determine county performance is the timeliness of beginning investigations. DSS's standard is to initiate 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. The table below shows the percentage of cases in which the county initiated an investigation within 24 hours.

INVESTIGATIONS INITIATED WITHIN 24 HOURS (DSS STANDARD 99.44%)			
COUNTY	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%. 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 county reviews, county program improvement plans, reviews of child deaths by DSS's internal child fatality review committee, county visits, and meetings with managers.