

Department of Health and Human Services

**OFFICE OF
INSPECTOR GENERAL**

**KENTUCKY EXPERIENCED CHALLENGES
IN MEETING FEDERAL AND STATE
FOSTER CARE PROGRAM REQUIREMENTS
DURING THE COVID-19 PANDEMIC**

*Inquiries about this report may be addressed to the Office of Public Affairs at
Public.Affairs@oig.hhs.gov.*



Amy J. Frontz
Deputy Inspector General
for Audit Services

November 2023
A-06-22-07001

Office of Inspector General

<https://oig.hhs.gov>

The mission of the Office of Inspector General (OIG) is to provide objective oversight to promote the economy, efficiency, effectiveness, and integrity of the Department of Health and Human Services (HHS) programs, as well as the health and welfare of the people they serve. Established by Public Law No. 95-452, as amended, OIG carries out its mission through audits, investigations, and evaluations conducted by the following operating components:

Office of Audit Services. OAS provides auditing services for HHS, either by conducting audits with its own audit resources or by overseeing audit work done by others. The audits examine the performance of HHS programs, funding recipients, and contractors in carrying out their respective responsibilities and provide independent assessments of HHS programs and operations to reduce waste, abuse, and mismanagement.

Office of Evaluation and Inspections. OEI's national evaluations provide HHS, Congress, and the public with timely, useful, and reliable information on significant issues. To promote impact, OEI reports also provide practical recommendations for improving program operations.

Office of Investigations. OI's criminal, civil, and administrative investigations of fraud and misconduct related to HHS programs and operations often lead to criminal convictions, administrative sanctions, and civil monetary penalties. OI's nationwide network of investigators collaborates with the Department of Justice and other Federal, State, and local law enforcement authorities. OI works with public health entities to minimize adverse patient impacts following enforcement operations. OI also provides security and protection for the Secretary and other senior HHS officials.

Office of Counsel to the Inspector General. OCIG provides legal advice to OIG on HHS programs and OIG's internal operations. The law office also imposes exclusions and civil monetary penalties, monitors Corporate Integrity Agreements, and represents HHS's interests in False Claims Act cases. In addition, OCIG publishes advisory opinions, compliance program guidance documents, fraud alerts, and other resources regarding compliance considerations, the anti-kickback statute, and other OIG enforcement authorities.

Notices

THIS REPORT IS AVAILABLE TO THE PUBLIC
at <https://oig.hhs.gov>

Section 8M of the Inspector General Act, 5 U.S.C. App., requires that OIG post its publicly available reports on the OIG website.

OFFICE OF AUDIT SERVICES FINDINGS AND OPINIONS

The designation of financial or management practices as questionable, a recommendation for the disallowance of costs incurred or claimed, and any other conclusions and recommendations in this report represent the findings and opinions of OAS. Authorized officials of the HHS operating divisions will make final determination on these matters.



Why OIG Did This Audit

In response to the declaration of a public health emergency for COVID-19, the Administration for Children and Families (ACF) provided flexibilities to States charged with administering the Federal foster care program. These flexibilities allowed for name-based criminal records checks for prospective foster parents until fingerprint-based checks could safely be done and for videoconferencing visits to count toward the requirement that caseworker visits take place in a child's home. We performed this audit because Kentucky adopted flexibilities and faced numerous challenges within its foster care program during the COVID-19 pandemic.

Our objective was to determine whether Kentucky complied with Federal and State foster care program requirements related to background checks and caseworker visits during the COVID-19 pandemic and to identify any vulnerabilities or gaps in policies or procedures that could place children at risk.

How OIG Did This Audit

Kentucky approved 454 foster care homes from January 1 through December 31, 2020. We randomly selected 50 foster homes for review that were approved from April 1 through December 31, 2020. We reviewed documentation of background checks for foster parents and other household members, caseworker visits, and home studies.

Kentucky Experienced Challenges in Meeting Federal and State Foster Care Program Requirements During the COVID-19 Pandemic

What OIG Found

Kentucky did not always comply with State and Federal requirements related to background checks and caseworker visits to foster homes during the COVID-19 pandemic, even when those requirements had been modified to provide flexibility. Specifically, Kentucky did not conduct required background checks on all applicants and other household members for the 50 foster care homes and did not return to fingerprint-based checks when it was safe to do so. In addition, Kentucky did not document all the required monthly caseworker visits. These issues occurred because Kentucky did not consistently follow its policies and procedures for ensuring that background checks were conducted before approving foster homes, experienced technical issues that delayed implementation of its system for completing background checks, and had challenges performing monthly caseworker visits due to insufficient caseworker staffing levels. Kentucky completed and documented home studies in accordance with State regulations.

What OIG Recommends and Kentucky's Comments

We recommend that Kentucky (1) conduct the name-based checks on the one applicant and one adolescent household member identified by our audit as lacking the required checks and reiterate to staff the importance of adhering to the policies and procedures requiring background checks to be completed before approving foster homes; (2) conduct FBI fingerprint checks on the five applicants and other household members identified by our audit as lacking completed checks; and (3) identify ways to address the challenges related to meeting the requirements for conducting monthly caseworker visits, including consulting with ACF.

In written comments on our draft report, the State agency did not indicate concurrence or nonconcurrence with our recommendations. The State agency did concur with our findings and provided information on actions that it had taken or planned to take to address them. The State agency stated that our audit findings on the two name-based checks and five FBI fingerprint checks for applicants and household members have been resolved. The State agency has planned regulatory changes to ensure that required checks are completed at the time of the initial placement with relatives. The State agency also indicated that training on how to use the new background check system was provided in March 2023 and education of staff on background check requirements was ongoing. The State agency also described steps taken to address challenges in completing caseworker visits.

TABLE OF CONTENTS

INTRODUCTION.....	1
Why We Did This Audit.....	1
Objective.....	1
Background.....	2
Federal Foster Care Program.....	2
Federal Flexibilities.....	3
Survey of States on Implementation of Flexibilities.....	3
The Foster Care Program in Kentucky.....	4
State Requirements.....	4
How We Conducted This Audit.....	6
FINDINGS.....	6
The State Agency Did Not Complete Required Name-Based Background Checks.....	7
The State Agency Delayed the Return to Fingerprint-Based Background Checks.....	7
The State Agency Did Not Document All Required Caseworker Visits.....	8
RECOMMENDATIONS.....	9
STATE AGENCY COMMENTS AND OFFICE OF INSPECTOR GENERAL RESPONSE.....	9
APPENDICES	
A: Audit Scope and Methodology.....	11
B: Summary of Monthly Caseworker Visits.....	13
C: State Agency Comments.....	16

INTRODUCTION

WHY WE DID THIS AUDIT

On January 31, 2020, the Department of Health and Human Services (HHS) declared a public health emergency for COVID-19.¹ In response, the Administration for Children and Families (ACF) provided flexibilities to State agencies charged with administering the Federal foster care program. These flexibilities allowed for name-based criminal records checks for prospective foster parents until fingerprint-based checks could safely be done and for videoconferencing visits to count toward the requirement that at least half of caseworker visits take place in the child's home.²

COVID-19 has created extraordinary challenges for the delivery of health care and human services to the American people. As the oversight agency for the Department of Health and Human Services (HHS), the Office of Inspector General (OIG) oversees HHS's COVID-19 response and recovery efforts.

This audit, which is part of OIG's COVID-19 response strategic plan,³ is the second audit that focuses on States' efforts to ensure the safety and well-being of children in foster care during the COVID-19 pandemic.⁴ We performed this audit of the Kentucky Department for Community Based Services (DCBS), Division of Protection and Permanency (State agency), because it adopted flexibilities and faced numerous challenges within its foster care program during the COVID-19 pandemic.

OBJECTIVE

Our objective was to determine whether the State agency complied with Federal and State foster care program requirements related to background checks and caseworker visits during the COVID-19 pandemic and to identify any vulnerabilities or gaps in policies or procedures that could place children at risk.

¹ Administration for Strategic Preparedness & Response, "Determination That A Public Health Emergency Exists." Available online at <https://aspr.hhs.gov/legal/PHE/Pages/2019-nCoV.aspx> (accessed on Jan. 31, 2023). Accessed on Jan. 31, 2023. (The public health emergency ended May 11, 2023.)

² The Apr. 15, 2020, ACF letter providing Stafford Act flexibilities (additional details addressed on page 3 in the "Federal Flexibilities" section) is available online at https://www.acf.hhs.gov/sites/default/files/documents/cb/stafford_act.pdf. Accessed on Jan. 31, 2023.

³ "HHS-OIG's Oversight of COVID-19 Response and Recovery." Available online at [HHS-OIG's Oversight of COVID-19 Response and Recovery | HHS-OIG](#).

⁴ OIG, *Alaska Experienced Challenges Meeting Federal and State Foster Care Program Requirements During the COVID-19 Pandemic*, A-06-21-07006, June 2023. Available online at <https://oig.hhs.gov/oas/reports/region6/62107006.asp>.

BACKGROUND

Federal Foster Care Program

Title IV-E of the Social Security Act (the Act) established the Federal foster care program, which helps States provide safe and stable out-of-home care for children who meet certain eligibility requirements until they are safely returned home, placed permanently with adoptive families, or placed in other planned arrangements. Title IV-B of the Act authorizes Federal funding to States to promote flexibility in the development and expansion of coordinated child and family services programs that utilize community-based services, family support services, family preservation services, adoption promotion and support services, and time-limited family reunification services until a child may safely return home. These programs are implemented under Federal regulations (45 CFR §§ 1355, 1356, and 1357).

At the Federal level, ACF administers the Title IV-E foster care program. To be eligible to claim Federal support under the Title IV-E program, a State, territory, or Tribe must have a Title IV-E plan that contains the official policies and procedures established to fulfill the funding requirements of the program. The State must designate a State authority, or authorities, responsible for establishing and maintaining standards for foster family homes and child care institutions, including standards related to safety, and must apply the standards to any foster family home or child care institution receiving funds under sections IV-E or IV-B of the Act.⁵ The State must also develop and implement standards to ensure that children in foster care placements in public or private agencies receive quality services that protect their health and safety.⁶

States may claim Federal financial participation for payments under Title IV-E only if an eligible child is placed in a foster family home, adoptive home, legal guardianship home, or child care institution, and if the Title IV-E agency has completed fingerprint-based checks of national crime information databases (NCIDs)⁷ on foster or adoptive parents, legal guardians, or adults working in a child care institution.⁸ Additionally, the Act requires that, to receive Title IV-B funding, each State must ensure that not less than 50 percent of the total number of monthly caseworker visits during a Federal fiscal year occur in the residence of the child.⁹

⁵ The Act § 471(a)(10).

⁶ The Act § 471(a)(22).

⁷ As defined in Title 28 U.S.C. § 534(f)(3)(A).

⁸ The Act §§ 471(a)(20)(A), (C), and (D).

⁹ The Act § 424(f)(2)(A).

Federal Flexibilities

On April 15, 2020, ACF issued a letter to child welfare leaders notifying them that administrative conditions of Federal assistance programs could be modified or waived during the COVID-19 pandemic, based on the Secretary's declaration of a public health emergency on January 31, 2020, and subsequent trigger of authorities in the Robert T. Stafford Relief and Emergency Assistance Act (42 U.S.C. § 5121 et seq.) (Stafford Act). Specifically, Title IV-E agencies were given flexibility to perform name-based criminal background checks until fingerprint-based checks could safely be done and allowed video conferencing visits to count toward the requirement that 50 percent of caseworker visits occur in the child's home.¹⁰

On April 27, 2020, ACF issued a second letter, reminding States of already existing flexibilities in the Title IV-E statute, including the ability of States to modify their licensing standards as long as the standards continue to comply with statutory requirements.¹¹

Survey of States on Implementation of Flexibilities

We sent surveys to each State and the District of Columbia to identify States that adopted flexibilities in response to the COVID-19 pandemic. We received and reviewed responses from 43 States, gaining an understanding of the flexibilities that the States adopted, the policies and procedures implemented by the States to ensure the health and safety of the children in foster care, and an understanding of the challenges the States faced within their foster care programs because of the COVID-19 pandemic.¹²

Of the 43 respondent States, 28 implemented flexibilities related to fingerprint-based criminal record checks for foster care providers, allowing for name-based checks to be conducted, and 39 States implemented flexibilities that allowed the use of virtual platforms for conducting monthly caseworker visits with the children. In addition, 34 of the 43 States modified foster home licensing standards, primarily to allow for virtual home inspections. States cited facing various challenges within their foster care programs during COVID-19, including recruiting and training prospective foster parents, the ability to conduct required face-to-face home studies, and the ability of foster parents to obtain certain required documents (i.e., vital records such as birth certificates and marriage licenses) due to the closure of many offices or businesses because of COVID-19.

¹⁰ In ACYF-CB-PI-20-10, issued on May 8, 2020, ACF addressed additional flexibilities afforded to State agencies by the Stafford Act ([ACYF-CB-PI-20-10 \(hhs.gov\)](https://www.hhs.gov/ACYF-CB-PI-20-10)).

¹¹ The April 27, 2020, ACF letter providing followup guidance on Stafford Act flexibilities, is available online at [Children's Bureau Letter on Title IV-E Flexibility \(hhs.gov\)](https://www.hhs.gov/childrens-bureau/letter-on-title-iv-e-flexibility). Accessed on Feb. 3, 2023.

¹² We sent test surveys to four States during June and July 2020, and once we finalized the survey, sent it to the remaining States during September and October 2020. State responses covered the period from the beginning of the pandemic to the date of the response, which ranged from August 2020 to May 2021.

We selected Kentucky for audit in part because of the extended time the State allowed the flexibility to complete fingerprint-based background checks as well as challenges identified by Kentucky regarding COVID-19 issues and limited technology and connectivity for accessing web-based platforms in rural areas of the State.¹³

The Foster Care Program in Kentucky

The State agency administers Kentucky's Title IV-E program and protects children from abuse and neglect by partnering with families, the community, and caregivers to deliver quality services to enhance and promote the health, safety, and well-being of families across Kentucky. As of June 4, 2023, the State agency had 2,787 children placed in foster homes.

State Requirements

Background Check Requirements

State law requires background checks for applicants seeking to provide foster care services. The background check requirement applies to all individuals aged 18 or older who reside in the home. In addition, adolescents aged 12 to 17 who reside in the home and are not receiving services require a child abuse or neglect check.¹⁴

The State agency performs several fingerprint-based criminal record and name-based registry checks, including:¹⁵

- a criminal records check conducted by means of a fingerprint check of the Criminal History Record Information administered by the Federal Bureau of Investigation (FBI fingerprint check),
- a criminal records check of the Kentucky Justice system,
- a child abuse or neglect check conducted for Kentucky and for each State of residence during the past 5 years,
- a name-based check by the Kentucky State Police, and

¹³ We considered States that had not returned to fingerprint-based background checks at the time of our survey as allowing the fingerprint-based flexibility for an extended period, ranging from 5 to 14 months after the pandemic began, with Kentucky's extended period of 7 months.

¹⁴ Kentucky Administrative Regulations (KAR), Title 922, Chapter 1, Regulation 490, section 2(2).

¹⁵ 922 KAR 1:490 section 2(1).

- an address check of the Sex Offender Registry.

The background checks are required annually, prior to or in the anniversary month of initial approval of the individual.¹⁶

Approval Visit and Caseworker Visit Requirements

Under Kentucky law, the State must establish procedures for approving foster homes. The approval requirements are detailed in the *DCBS Standards of Practice Manual*. Approval requirements include ensuring applicants and household members:

- complete required background checks without disqualifying results,
- document they do not have any physical or mental health issues that would present a health or safety risks to a child placed in the home,
- complete minimum training requirements, and
- have a source of income sufficient to meet the applicant's household expenses and to ensure stability of the family unit that is separate from the foster care reimbursement.¹⁷

Before approving a foster home, a recruitment and certification worker is required to conduct three in-person home visits to assess the family. The worker uses the Structured Analysis Family Evaluation (SAFE) tool, a standardized, uniform home study methodology used to assess individuals applying to become a foster parent. During the home visits, the worker also ensures the home environment meets the requirements of the *DCBS Standards of Practice Manual*, 12.3.

The State requires monthly in-person caseworker visits by a social services specialist. The visits must assess progress toward case plan goals and objectives and assess potential adjustment to the out-of-home care placement.¹⁸

State Flexibilities

In response to the COVID-19 pandemic, the State agency issued Protection and Permanency Information Memorandum (PPIM) 20-05, dated May 12, 2020, which cited the Federal flexibility granted to States allowing them to conduct all available name-based criminal background

¹⁶ 922 KAR 1:490 section 7(1).

¹⁷ *DCBS Standards of Practice Manual*, 12.3.

¹⁸ *DCBS Standards of Practice Manual*, 4.24.

checks for applicants during the emergency and postpone fingerprint-based checks until it is safe to perform them. The PPIM also stated that fingerprint-based checks should be completed within 90 days of the State agency resuming fingerprinting.

The State agency also issued PPIM 20-02, dated March 18, 2020, which requested that staff minimize person-to-person interaction and spread of COVID-19 by suspending normal face-to-face contacts and home visits until further notice, unless there was concern regarding an immediate safety issue. The PPIM stated that frequent contact with families and children via telephone, Skype, or similar platforms is required to ensure all necessary supports and services continue to be provided.

The State agency issued PPIM 22-05, dated May 3, 2022, which relied upon the extension of the Federal emergency declaration until July 15, 2022, to extend its policy of delaying fingerprint-based checks and face-to-face caseworker visits until further notice.

HOW WE CONDUCTED THIS AUDIT

The State agency approved 454 new foster care homes from January 1 through December 31, 2020. We randomly selected for review 50 foster care homes that were approved from April 1 through December 31, 2020. Across the 50 providers, we reviewed background checks for 121 foster parents and other household members. For each of the 86 foster children placed in the 50 selected foster homes, we reviewed documentation of caseworker visits with the child for calendar year (CY) 2020, even if the child's placement changed. We also reviewed the supporting approval documentation for home studies.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix A contains the details of our audit scope and methodology.

FINDINGS

The State agency did not always comply with State and Federal requirements related to background checks and caseworker visits to foster homes during the COVID-19 pandemic, even when those requirements had been modified to provide flexibility. Specifically, the State agency did not conduct required background checks on all applicants and other adult household members for the 50 foster care homes and did not return to fingerprint-based checks when it was safe to do so. In addition, the State agency did not document all the required monthly caseworker visits. These issues occurred because the State agency did not consistently follow its policies and procedures for ensuring that background checks were conducted before approving foster homes, experienced technical issues that delayed the

implementation of its system for completing background checks, and had challenges performing monthly caseworker visits due to insufficient caseworker staffing levels. These vulnerabilities could jeopardize the safety and well-being of children.

The State agency completed and documented home studies in accordance with State regulations.

THE STATE AGENCY DID NOT COMPLETE REQUIRED NAME-BASED BACKGROUND CHECKS

State regulations require the State agency to conduct fingerprint-based criminal record and name-based registry checks on applicants seeking to provide foster care services. During the COVID-19 pandemic, the State agency modified its background check requirements for adults to waive the requirement for fingerprint-based checks and allow for only name-based checks of in-State criminal records, child abuse or neglect checks for each State of residence during the past 5 years, and an address check of the Sex Offender Registry. For adolescent household members aged 12 to 17, State regulations require a name-based child abuse or neglect check.

For one adult applicant and one adolescent household member, the State agency did not complete the required name-based checks. According to State agency officials, the adult household member was a college student who resided in the home only during the summer months and had not been in the home when the State worker visited. According to State agency officials, the workers were not able to locate the background check documentation for the adolescent. In addition, the State agency did not have documentation to support that name-based checks for 13 adult applicants and 3 adolescent household members were conducted before children were placed in the foster homes.

THE STATE AGENCY DELAYED THE RETURN TO FINGERPRINT-BASED BACKGROUND CHECKS

As described previously, on May 12, 2020, the State agency availed itself of the Federal flexibility to delay fingerprint-based checks, stating that these checks would be completed within 90 days of the State resuming fingerprinting. On August 26, 2021, the State agency implemented agency regulation 922 KAR 1:490, which required an applicant who had been approved with only name-based checks under the Federal flexibility to complete fingerprint-based background checks through the Kentucky National Background Check program using the Kentucky Applicant Registry and Employment Screening (KARES) system.¹⁹

The State officially terminated its state of emergency for COVID-19 on March 22, 2022. However, the State agency issued PPIM 22-05 “*Updated guidance related to the end of Kentucky’s State of Emergency*,” dated May 3, 2022, which relied upon the extension of the Federal emergency declaration until July 15, 2022, to extend its policy of delaying fingerprint-

¹⁹ The KARES system had been used by the State to support the child care program. The State contracted with system developers to modify the system for use in the foster care program.

based checks until further notice. As such, the State agency continued performing only name-based checks until March 15, 2023 – almost a year later – because of delays related to modifying the KARES system for completing and tracking fingerprint-based checks for the foster care program.^{20, 21} According to State agency officials, they had ongoing challenges with implementing the modifications to the KARES system, including staff turnover at the vendor developing the modifications. Thus, the delay in resuming fingerprinting was not due to safety concerns but was instead due to staffing and implementation issues. Consequently, 30 adult applicants and other household members for the 50 providers we reviewed had not completed fingerprint-based checks at the time of our onsite review.

In July 2023, the State agency provided documentation to support that fingerprint-based checks for 11 of the 30 adult applicants and other household members were conducted in the KARES system, with completion dates ranging from January 27, 2023, through June 5, 2023, and that the foster homes for 14 of the 30 individuals were closed before fingerprint-based checks were conducted, with closure dates ranging from December 28, 2020, to May 23, 2023. The State agency had not conducted fingerprint-based checks on the remaining five individuals.

Background checks are a critical component of the screening process for prospective foster parents. Failure to conduct these checks creates a vulnerability that could jeopardize the safety and well-being of children.

THE STATE AGENCY DID NOT DOCUMENT ALL REQUIRED CASEWORKER VISITS

According to Federal and State requirements in place before COVID-19, children in out-of-home care must be visited by a caseworker monthly, and the visits must assess progress toward case plan goals and objectives and assess potential adjustment to the out-of-home care placement. The visits must take place in the home or institution where the child is placed and should be in person. The State issued internal guidance PPIM 20-02, “Reporting Novel Coronavirus (COVID-19),” effective March 18, 2020, which allowed caseworkers to conduct the visit by speaking to each foster child privately and alone through FaceTime, Zoom, or some other video conference method.

The State agency did not document all required monthly caseworker visits for 48 of the 86 sampled children, regardless of whether they were to be conducted in-person or virtually; thus, there is no assurance these visits actually occurred. In some cases, the caseworkers documented attempted visits, but the foster parents were not available. State agency officials

²⁰ According to State agency officials, they began some fingerprint testing of the KARES system in October and November of 2022 and performed widespread fingerprint testing in March 2023.

²¹ According to officials at ACF’s Children’s Bureau, they were aware that Kentucky had implemented name-based checks during the pandemic but were not aware of the issues the State had with implementing its new system and not returning to fingerprint-based background checks until February 2023, when we asked ACF if it was aware of the State’s issues. ACF subsequently contacted the State.

explained that the State agency experienced staffing shortages due to resignations and difficulty hiring new staff, which resulted in high caseloads and difficulty meeting caseworker visit requirements.

See Appendix B for a summary of the monthly caseworker visits.

RECOMMENDATIONS

We recommend that the Department of Community Based Services:

- conduct the name-based checks on the one applicant and one adolescent household member identified by our audit as lacking the required checks and reiterate to staff the importance of adhering to the policies and procedures requiring background checks to be completed before approving foster homes;
- conduct FBI fingerprint checks on the five applicants and other household members identified by our audit as lacking completed checks; and
- identify ways to address the challenges related to meeting the requirements for conducting monthly caseworker visits, including consulting with ACF.

STATE AGENCY COMMENTS AND OFFICE OF INSPECTOR GENERAL RESPONSE

In written comments on our draft report, the State agency did not indicate concurrence or nonconcurrence with our recommendations. The State agency did concur with our findings and provided information on actions that it had taken or planned to take to address them.

The State agency stated that our audit findings on the two name-based checks and five FBI fingerprint checks for applicants and household members have been resolved. The State agency indicated that the noncompliance with name-based checks was associated with relative placements. To address challenges surrounding relative placements, the State agency has planned regulatory changes to ensure that checks are completed at the time of the initial relative placement. With respect to the FBI fingerprint checks, the State agency stated that the three household members were no longer residents of the homes, and that fingerprint checks had been completed for the other two individuals in late July 2023. The State agency also indicated that training on how to use the new background check system was provided in March 2023 and education of staff on background check requirements was ongoing.

With respect to our caseworker visits finding, the State agency pointed out that it has trainings, management reports, and consultation models in place to assess the frequency of workers' visits. The State agency also mentioned that specific plans are developed regionally to address challenges with completion of caseworker visits.

We commend the State agency for the actions it has taken. The State agency's comments are included in their entirety as Appendix C.

APPENDIX A: AUDIT SCOPE AND METHODOLOGY

SCOPE

The State agency approved 454 new foster care homes from January 1 through December 31, 2020. We randomly selected for review 50 foster homes that received license approval from April 1 through December 31, 2020. Across the 50 homes, we reviewed background checks for 121 foster parents and other household members. For each of the 86 foster children placed in the 50 selected foster homes, we reviewed documentation of caseworker visits with the child for CY 2020, even if the child's placement changed. We also reviewed the supporting approval documentation for home studies.

Our audit focused on the flexibilities offered during the COVID-19 pandemic with respect to provider background checks, caseworker visits, and provider approval. We limited our assessment of the State agency's internal controls to those related to determining whether the requirements for approving providers were met and whether monthly caseworker visits were conducted.

METHODOLOGY

To accomplish our objective, we:

- reviewed relevant Federal laws and regulations, ACF policies and procedures for COVID-19 pandemic flexibilities, and State laws and regulations and COVID-19 flexibilities utilized;
- met with State agency officials to determine what procedures the State used to ensure that name-based criminal history checks were completed for potential foster parents and that fingerprint-based checks were completed as soon as it was safe to do so and to determine the procedures for ensuring that checks were made of applicable child abuse and neglect registries;
- identified the options the State agency utilized for caseworker visitation to ensure the health and safety of caseworkers, foster children, and foster families;
- determined whether the State changed foster home approval requirements during CY 2020;
- obtained a list of foster homes that were newly approved during CY 2020;
- used random numbers to select a sample of 50 foster homes and determined whether background checks were completed as required for providers and any other individuals residing in the home;

- reviewed caseworker visits for all of CY 2020 for children placed in our 50 sampled foster homes;
- reviewed documentation of home inspections required for the approval process;
- met with State agency officials to gain insights on the necessity of the ACF waivers for background checks, visitation requirements, and any modification to approval standards; and
- discussed our findings with State agency officials.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

APPENDIX B: SUMMARY OF MONTHLY CASEWORKER VISITS

No.	Months in Placement	Visits Required	Total Visits	Missing Visits
1	9	9	8	1
2	9	9	8	1
3	12	12	12	0
4	12	12	12	0
5	12	12	12	0
6	12	12	9	3
7	5	5	5	0
8	4	4	0	4
9	4	3	3	0
10	12	12	10	2
11	12	12	10	2
12	12	12	12	0
13	7	7	7	0
14	1	0	0	0
15	1	0	0	0
16	12	12	12	0
17	12	12	12	0
18	12	12	8	4
19	4	4	2	2
20	4	4	2	2
21	12	12	12	0
22	6	6	6	0
23	6	6	6	0
24	12	12	12	0
25	12	12	9	3
26	2	2	1	1
27	2	2	1	1
28	6	6	5	1
29	12	12	12	0
30	9	9	7	2
31	1	1	1	0
32	3	3	2	1
33	3	3	2	1
34	5	5	5	0
35	5	5	5	0

No.	Months in Placement	Visits Required	Total Visits	Missing Visits
36	12	12	11	1
37	3	2	2	0
38	12	12	12	0
39	9	8	6	2
40	12	12	10	2
41	11	11	7	4
42	11	11	7	4
43	11	11	7	4
44	7	6	6	0
45	2	2	2	0
46	3	3	3	0
47	7	7	6	1
48	10	10	8	2
49	10	10	8	2
50	4	4	4	0
51	4	4	4	0
52	12	12	11	1
53	12	12	11	1
54	12	12	12	0
55	12	12	12	0
56	12	12	4	8
57	12	12	6	6
58	12	12	6	6
59	12	12	6	6
60	12	12	10	2
61	12	12	10	2
62	12	12	12	0
63	2	2	2	0
64	4	4	4	0
65	3	3	0	3
66	1	1	1	0
67	8	8	7	1
68	8	8	7	1
69	11	11	8	3
70	11	11	8	3
71	11	11	8	3
72	8	8	5	3

No.	Months in Placement	Visits Required	Total Visits	Missing Visits
73	8	8	5	3
74	10	10	9	1
75	10	10	9	1
76	5	5	4	1
77	1	1	1	0
78	1	1	1	0
79	3	3	2	1
80	3	3	2	1
81	2	2	2	0
82	2	2	2	0
83	2	2	2	0
84	2	2	2	0
85	11	11	10	1
86	11	11	10	1
Total	662	656²²	544	112

²² The number of months in placement did not always match the number of visits required because a caseworker visit was required within 10 days of placement. Placements made within 10 days of month-end did not require a monthly visit.

APPENDIX C: STATE AGENCY COMMENTS



Andy Beshear
GOVERNOR

CABINET FOR HEALTH AND FAMILY SERVICES DEPARTMENT FOR COMMUNITY BASED SERVICES

Division of Protection and Permanency
275 East Main Street, 3E-A
Frankfort, KY 40621

Eric Friedlander
SECRETARY

Lesa Dennis
COMMISSIONER

October 19, 2023

Report Number: A-06-22-07001

Ms. Patricia Wheeler
Regional Inspector General
Office of Audit Services, Region IV
1100 Commerce St. Room 632
Dallas, TX 75242

Dear Ms. Wheeler:

KY implemented flexibilities related to fingerprint-based criminal records check for foster care providers, allowing for name-based checks to be conducted during the COVID-19 Pandemic. The Protection and Permanency Information Memorandum (PPIM) 20-05, dated May 12, 2020, cited the Federal flexibility, and permitted staff to conduct name based criminal background checks. The same PPIM stated that fingerprint-based checks would be completed within 90 days of the state resuming fingerprints.

KY concurs that the state did not consistently follow its policies and procedures for ensuring the name-based checks were routinely followed and that the implementation of fingerprint checks was delayed due to technical issues of developing a new live-scan fingerprinting system. After reviewing the audit, the specific cases that were not in compliance with the name-based checks, were those being approved for relative/fictive kin foster care approval where the child was placed with the family at the time of removal. To address this challenge surrounding relative placements regulatory changes will be made to ensure more timely checks occur at the time of the initial relative placement.

On March 15, 2023, the fingerprint-based check for foster parents launched through the KARES system. An online training was provided to department staff along with written guidance. The audit conclusion found 5 individuals of the initial 30 that still needed to be fingerprinted. 3 of those individuals were adult children of the foster parents and no longer reside in the foster home and the other 2 were printed in late July 2023. The name-based and the FBI fingerprint checks that the audit found deficient have since been resolved. An online training about how to use the background check system and the policies and procedures of the department was completed in March 2023 during the launch of KARES. Educating staff on the policies and procedures of the background checks requirements took place by the department during a statewide supervisory meeting on June 6, 2023, and again on October 11, 2023 and will continue to take place as staff familiarize themselves with the new process.

@chfsky | CHFS.KY.GOV

TEAM
KENTUCKY.

An Equal Opportunity Employer M/F/D

KY concurs that the state did not consistently follow its policies and procedures for ensuring caseworker visits occurred. KY Standard of Practice requires caseworkers to conduct face-to-face visits with children placed in out-of-home care (OOHC) in all placement settings at least one (1) time every calendar month. During the COVID-19 pandemic virtual homes visits were an acceptable form of contact in some instances. Virtual visits are no longer an acceptable form of contact for youth in Out-of-Home Care as the Covid-19 provisions have ended. Ky Standards of Practice states that the caseworker uses face-to-face contact to assess safety threats and risk factors surrounding the child's placement and to ensure the child's assessed needs are being served appropriately through correct services referrals.

KY experienced high caseloads, worker turnover, and staffing shortages that resulted in the visits not occurring as required. The agency has trainings, management reports, and consultation models in place to assess the frequency of worker's visits. Specific plans are developed regionally to address challenges with completion of caseworker visits.

Thank you for the opportunity to provide a response.

Sincerely,

Melanie Taylor

Melanie Taylor, MSW, CSW
Director, Division of Protection and Permanency