

JOINT COMMITTEE ON GOVERNMENT AND FINANCE
WEST VIRGINIA OFFICE OF THE LEGISLATIVE AUDITOR

POST AUDIT DIVISION

LEGISLATIVE AUDIT REPORT

Department of Health & Human Resources' Child Protective Services

Legislative Auditor: Aaron Allred
Post Audit Division Director: Justin Robinson



GENERALLY ACCEPTED GOVERNMENT
AUDITING STANDARDS STATEMENT

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards (**GAGAS**). 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.

POST AUDIT DIVISION
Justin Robinson, Director

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Post Audit Report -

The Department of Health & Human Resources' Child Protective Services

November 19, 2019

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Executive Summary

The Legislative Auditor conducted this audit of the Department of Health and Human Resources' Bureau for Children and Families' (BCF) Child Protective Services (CPS) pursuant to W.Va. Code §4-2-5. The objectives of this audit were:

Objective 1: Determine if CPS's processes and procedures for receiving and responding to child abuse and neglect allegations are adequate and efficient in meeting its statutory requirements for responding to those allegations.

Objective 2: Determine if staffing levels at CPS are adequate to efficiently and effectively manage abuse and neglect cases.

Objective 3: Determine if the hiring, training, and evaluation practices of the Department of Health and Human Resources regarding CPS workers are adequate to ensure the quality and integrity of CPS workers dealing with child abuse and neglect cases.

Frequently Used Acronyms in This Report

BCF: Bureau for Children and Families

CIB: Criminal Identification Bureau

CIU: Centralized Intake Unit

CPS: Child Protective Services

DHHR: Department of Health and Human Resources

HHS: U.S. Department of Health and Human Services

DOP: Division of Personnel

NCANDS: National Child Abuse & Neglect Data System

OHRM: Office of Human Resources Management

PERD: Performance Evaluation & Research Division

Report Highlights

Issue 1: CPS Did Not Meet the Statutorily Required Time Frame for Investigating Child Abuse and Neglect Allegations in 50% of Cases During Federal Fiscal Year 2018.

- W.Va. Code §49-2-802(c)(3-4) establishes statutory time frames for the investigation of all reports of child abuse and neglect. Based on the numbers provided by BCF for federal fiscal year¹ 2018, CPS only met the required time frame approximately 50% of the time.

¹ The federal fiscal year is October 1 – September 30.

- CPS staff cite factors such as not being able to track down the family due to missing or incorrect information, the family not being home when the CPS worker arrives, as well as staffing issues.
- According to multiple audits and reviews, CPS has struggled for over 20 years with meeting statutory time frames for making initial contact with alleged child victims of abuse and/or neglect.

Recommendation

1. The Legislative Auditor recommends CPS develop and implement processes and procedures that will ensure that it is able to meet the statutorily required response times to reports of child abuse and neglect as established in W.Va. Code §48-2-802(c)(3-4). Further, CPS should report back to the Post Audits Subcommittee in six months from the release of this report and provide an update on the status of this plan and its effectiveness in meeting the statutorily required response times.

Issue 2: Employee Retention and Staffing Levels Have Been Significant Issues for CPS and Are Causes for Its Inability to Respond to Reports of Abuse and Neglect Timely and Efficiently.

- The limited number of social work graduates in the State of West Virginia, as well as past licensure requirements, could have contributed to CPS's struggle to find enough qualified people for CPS worker positions. However, beginning in 2015, an alternative license allowing other degrees was created for CPS workers through DHHR.
- High turnover rates and lack of retention continue to be an issue within DHHR. Although it appears that turnover rates may be improving overall, certain areas of the State continue to have difficulties retaining staff.
- The drug epidemic has impacted caseloads and increased the workload of CPS workers. Since 2015, the number of substance related referrals has increased by 79%.
- BCF has taken steps to improve hiring and retention of CPS workers; however, staffing issues remain a problem for the agency.

Recommendations

2. The Legislative Auditor recommends BCF update its retention plan by developing new retention goals that are measurable and attainable.
3. The Legislative Auditor recommends BCF consider options for making CPS worker starting salary more competitive in an effort to increase recruitment numbers.
4. The Legislative Auditor recommends BCF develop strategies to decrease overtime, such as designated shifts, to address the issue of employees having to work later hours to meet with families.

Issue 3: BCF Could Use Currently Tracked Data Throughout the Year to Better Effectuate Staffing and Case Management Solutions.

- BCF reports information to the Federal Government which is used to compile yearly reports on each state for child abuse and neglect trends. BCF only uses a small portion of this data to calculate percentages to compare and track progress in each district.
- Although this is relevant data, the percentages are not comparable between districts and can be deceiving without considering all factors.
- It may be beneficial for BCF to use the data collected for the Federal Government to evaluate the differences between each region to establish a better idea if and why one district may be performing better than the others.
- BCF has provided consistency in screening decisions related to child maltreatment intake referrals by establishing the centralized intake unit. Additionally, it has allowed CPS workers to devote all their time to investigations and casework.
- Some states have found that recording intake calls provides quality assurance and protection to the agency. The states noted the intake workers find it very helpful to have the recorded calls available to replay for missed information.

Recommendation

5. The Legislative Auditor recommends BCF use the detailed data it is already collecting to better effectuate staffing and case management solutions.
6. The Legislative Auditor recommends that BCF consider recording and storing phone calls in encrypted files for quality and training purposes to produce better outcomes for child abuse and neglect cases.

Issue 4: BCF Does Not Have a Formal Process in Place to Monitor Social Worker Licensing Status nor Does It Perform Criminal Background Checks for CPS Workers After Being Hired.

- W.Va. Code requires any person practicing social work to be licensed through the West Virginia Board of Social Work. Therefore, CPS workers are required to maintain a social work license; however, DHHR does not appear to have a mechanism to monitor licensure status.
- DHHR has policies for screening new hires that are comparable to the Federal Government and surrounding states, such as completing criminal background checks; however, BCF could not provide proof of background checks being completed for all hired employees.
- According to representatives from DHHR, the practice of completing a criminal background check at least every five years occurs for foster parents, but not for employees. Additionally, no evidence was provided by DHHR that a *Statement of Criminal Record* is completed after an employee is initially hired.

Recommendations

7. The Legislative Auditor recommends DHHR ensure that all employees practicing social work are currently licensed per W.Va. Code §30-30-1(a) by developing a consistent means of monitoring social worker licenses.
8. The Legislative Auditor recommends DHHR's OHRM update personnel files in a timely manner to ensure all documentation is as up to date as possible. Further, these personnel files should at all times have record of CPS workers' current license to practice social work in compliance with W.Va. Code.
9. The Legislative Auditor recommends DHHR adhere to the *Bureau for Children and Families Policy 2000* and complete subsequent CIB background checks at least every five years on all CPS workers, as well as all other employees responsible for the care or welfare of vulnerable populations.
10. The Legislative Auditor recommends DHHR adhere to the *Bureau for Children and Families Policy 2000*, requiring all CPS workers to sign a *Statement of Criminal Record* every two years and maintain this document within their personnel file.
11. The Legislative Auditor recommends DHHR consider whether its current procedure for performing background checks every 5 years subsequent to employment is adequate to ensure those workers are appropriate for the nature of the work they will be performing.

Background

Chapter 49 of the West Virginia Code, otherwise known as the “West Virginia Child Welfare Act,” delegates responsibility of “child welfare services” to the Department of Health and Human Resources (DHHR). Further, W.Va. Code §49-2-802 establishes Child Protective Service offices to investigate all reports of child abuse or neglect. These offices are managed by DHHR’s Bureau for Children and Families (BCF). Child Protective Services (CPS), within BCF, has the responsibilities of:

- Investigating reports of abuse and neglect of children;
- Providing social services to children and families in their home;
- Providing a bridge to family assistance such as SNAP, Medicaid, clothing allowances and other economic services;
- Placing children in foster care if they are unsafe in their own homes or the community is not safe for them;
- Finding permanent homes for children who cannot return to their own homes; and
- Providing services to children transitioning into adulthood while in foster care placement.

The State has a Duty to Assure that Proper and Appropriate Care is Given and Maintained to the Children of West Virginia.

W.Va. Code §49-1-105 provides the framework for the Child Protection System in West Virginia by outlining the duty of the State through the child welfare system. Specifically, it states in part, that the child welfare system shall:

... (1) Assure each child care, safety and guidance; (2) Serve the mental and physical welfare of the child; (3) Preserve and strengthen the child family ties; (4) Recognize the fundamental rights of children and parents; ...

Thus, the mission of CPS is to assure that children are protected. The overall philosophy in the practice of child protection is in providing services so that families can ultimately become able to protect and effectively parent their children. However, there are situations when keeping the family together is not possible, and the safety needs of the child require another alternative.

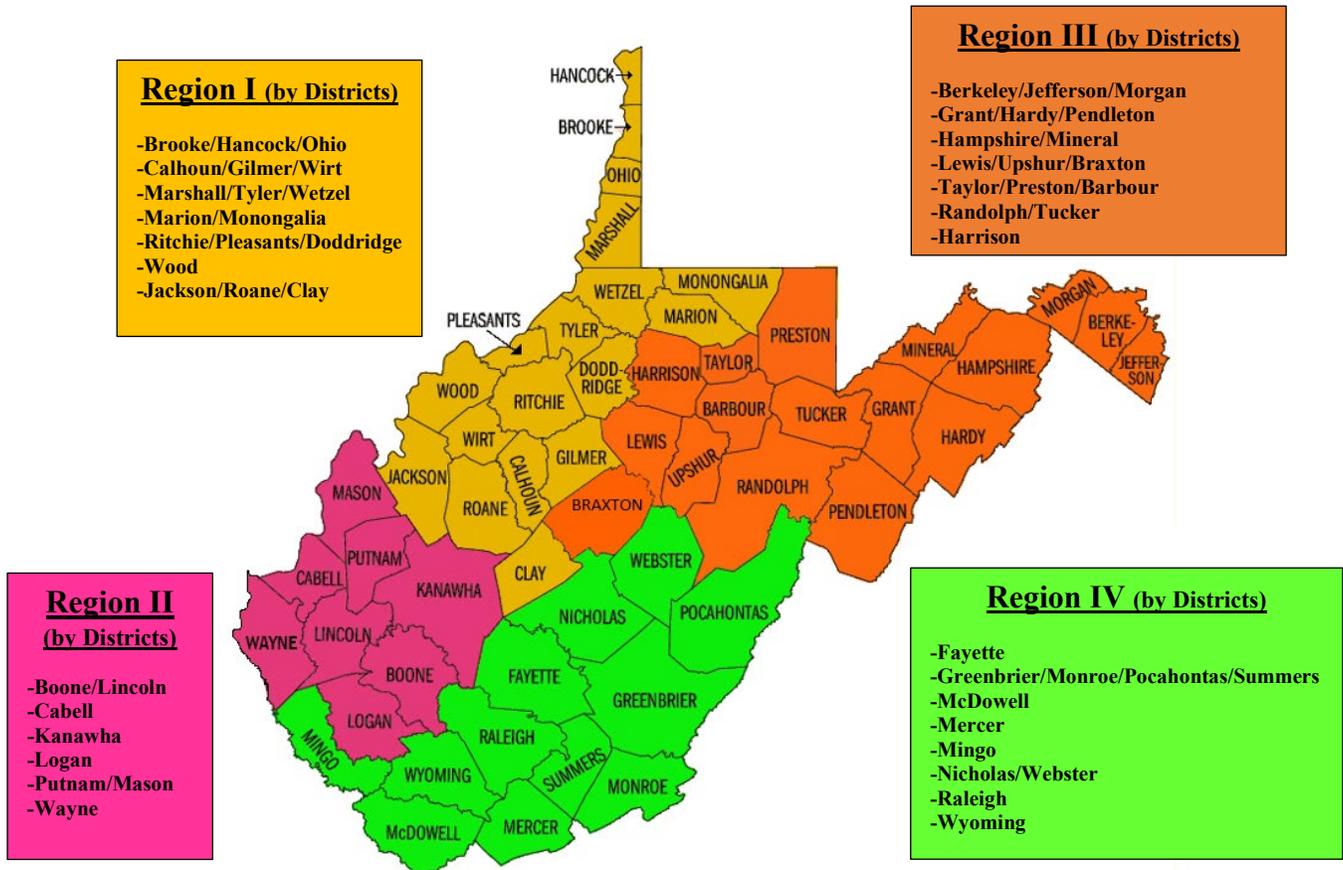
CPS workers are responsible for identifying problems within a family, offering help to families in which safety threats are identified, and securing the safety of the child if necessary. Further, CPS workers assess family problems and dynamics which contribute to safety threats and develop strategies to eliminate impending dangers and strengthen caregiver protective capacities. They work directly with families in helping them to stop abusive behavior and to learn new ways of relating to and being responsible for their children.²

² Child Protective Services Manual, effective February 2019.

CPS Organizational Structure

CPS offices are grouped by district and then by region for reporting and support purposes. BCF has designated 28 districts within four regions as shown on the map below. All counties in West Virginia have a physical office except Brooke County, with the offices of Hancock County and Ohio County providing service to Brooke County.

West Virginia Department of Health & Human Resources Bureau For Children & Families Regions and Districts



Source: Adapted from BCF's Regional Map

Issue 1: CPS Did Not Meet the Statutorily Required Time Frame for Investigating Child Abuse and Neglect Allegations in 50% of Cases During Federal Fiscal Year 2018.

Child abuse and/or neglect is defined by West Virginia Code §49-1-201 as “*any act or omission that creates an abused child or a neglected child...*” Further, Code defines in part, an abused child as:

A child whose health or welfare is being harmed or threatened by: a parent, guardian, or custodian who knowingly or intentionally inflicts, attempts to inflict, or knowingly allows another person to inflict, physical injury or mental or emotional injury, upon the child or another child in the home.

A neglected child is defined, in part, as a child:

Whose physical or mental health is harmed or threatened by a present refusal, failure or inability of the child’s parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, supervision, medical care, or education...

The consequences of child abuse and neglect can have devastating, long-lasting effects on the child, family, and society such as increased involvement in the criminal justice system, a higher incidence of substance abuse, higher costs for social services and interventions provided by the State, and, in the most unfortunate of cases, death.

In 2017, the Federal Government reported over 3.5 million children received an investigation or alternative response from CPS, with approximately 674,000 being defined as *victims* of child abuse and/or neglect, of which over 25% were under the age of one year. A *victim* is defined as a child for whom the State determined at least one maltreatment is substantiated or indicated.³ Also reported in 2017 was the national estimate of child fatalities of 1,720 due to abuse and/or neglect. Therefore, timely intervention is paramount in reducing the incidence of child abuse and neglect.

Statutory Time Frames have been Established to Minimize Risk to the Child.

Reports of alleged child abuse and/or neglect are made to a CPS central intake unit and dispersed to county offices throughout the State. When CPS receives a report, it is assigned a mandated time frame for face-to-face contact to be made with the alleged child victim to minimize risk to the child’s wellbeing. W.Va. Code §49-2-802(c)(3-4) establishes statutory time frames for the investigation of all reports of child abuse and neglect, as follows:

(c) Each local child protective services office shall:

(3) Upon notification of suspected child abuse or neglect, commence or cause to be commenced a thorough investigation of the report and the child's environment. As a part of this response, within fourteen days there shall be a face-to-face interview

³ From the 2017 Child Maltreatment report issued by the US Department of Health and Human Services.

with the child or children and the development of a protection plan, if necessary for the safety or health of the child, which may involve law-enforcement officers or the court;

(4) Respond immediately to all allegations of imminent danger to the physical well-being of the child or of serious physical abuse. As a part of this response, within seventy-two hours there shall be a face-to-face interview with the child or children and the development of a protection plan, which may involve law-enforcement officers or the court;

When a report of child abuse and/or neglect goes without being investigated in a timely manner, the risk that further harm or possibly death may occur to the child increases. Therefore, CPS continues to focus on meeting these timeliness requirements, but these requirements are not always met.

CPS Has Difficulties Meeting Its Statutorily Required Response Time to Reports of Child Abuse and/or Neglect.

BCF voluntarily tracks and reports data to the National Child Abuse and Neglect Data System (NCANDS) through U.S. Department of Health and Human Services (HHS) each federal fiscal year. Included in that information is data for the timeliness of initial contact with alleged child victims of reports of abuse/neglect. **Based on the numbers provided by BCF for federal fiscal year 2018, CPS only met the required time frame for a face-to-face meeting with a child involved in alleged abuse or neglect cases approximately 50% of the time.** While staffing issues have been cited by CPS as a factor in not meeting these requirements, CPS staff also cite other factors that are beyond its control that have been a cause. These factors include not being able to track down the family due to missing or incorrect information or the family not being home when the CPS worker arrives.

Historically, there have been consistent reports of a lack of timeliness in CPS initiating investigations of child abuse and/or neglect and having face-to-face contact with children involved in reports. In 1996, the Legislative Auditor reported a response rate of only 33% for face-to-face contact with the alleged victim within 14 days. This number jumped to 72% in 1997 and 75% in 1998 as noted in follow-up reports released by the Legislative Auditor. In these audit reports, DHHR has stated that staff shortages have been a consistent factor in its inability to meet the required response times.

Additionally, HHS noted in its 2017 *Child and Family Services Review* for the State of West Virginia that the requirement of initiating investigations of reports of child maltreatment was unmet at 56%. To be rated as a strength by HHS, the requirement has to be met 95% of the time in the cases reviewed. To add perspective, HHS reported on 38 states in its most recent round of reviews.⁴ Only three states were rated as achieving strength ratings for this area of the assessment. In aggregate, 72% of all cases reviewed over the 38 states were rated as a strength, with the lowest state rating being 31%. Previous assessments by HHS reported West Virginia's percentage of cases

⁴ Information obtained from the *Child and Family Services Reviews Aggregate Report* for FYs 2015-2017.

responded to timely as 89% in 2002 and 37.5% in 2008. The 2017 assessment indicated “greater demand on limited resources” as a cause for not meeting its timeliness mandate. Also, noted was DHHR’s “limited success in its efforts to recruit and retain [CPS] staff.”

Therefore, it is apparent that CPS has struggled for over 20 years with meeting statutory time frames for making initial contact with alleged child victims of abuse and/or neglect. As stated above, not meeting these time frames increases the risk to the child that further abuse and/or neglect will occur. Thus, it is imperative that CPS further address this issue by determining the specific causes for not meeting the statutory requirements and develop and implement a plan to increase its effectiveness in meeting such time frames.

Recommendation

1. The Legislative Auditor recommends CPS develop and implement processes and procedures that will ensure that it is able to meet the statutorily required response times to reports of child abuse and neglect as established in W.Va. Code §49-2-802(c)(3-4). Further, CPS should report back to the Post Audits Subcommittee in six months from the release of this report and provide an update on the status of this plan and its effectiveness in meeting the statutorily required response times.

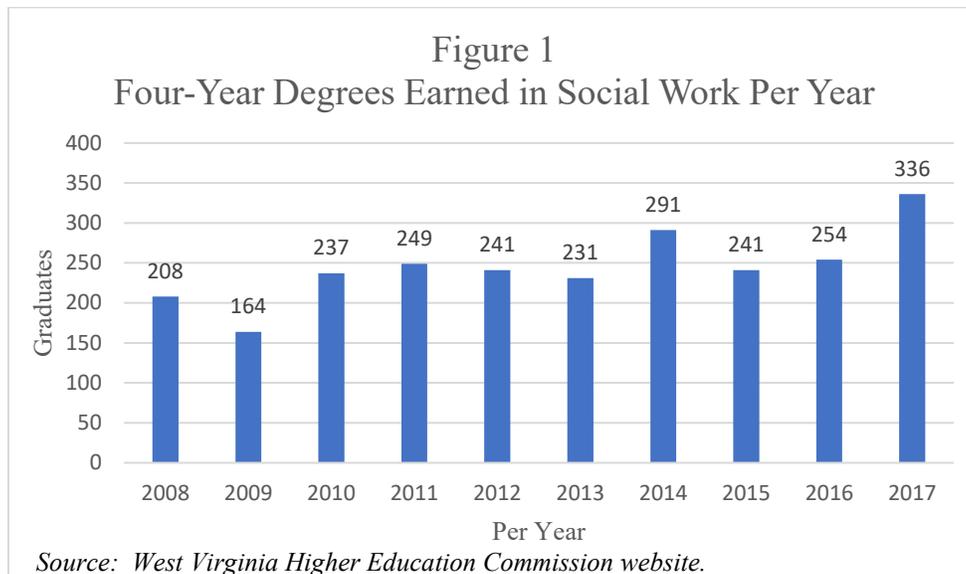
Issue 2: Employee Retention and Staffing Levels Have Been Significant Issues for CPS and Are Causes for Its Inability to Respond to Reports of Abuse and Neglect Timely and Efficiently.

Staffing issues have been an ongoing problem within CPS offices across West Virginia and have contributed to CPS's inability to meet statutory time frames when investigating reports of child abuse and/or neglect. Limited qualified candidates, stringent licensure requirements, high turnover, low salaries, and increased workloads are many of the factors contributing to CPS's staffing issues.

The Limited Number of Social Work Graduates in the State of West Virginia, As Well As Past Licensure Requirements, May Have Contributed to CPS's Struggle to Find Enough Qualified Candidates for CPS Worker Positions.

According to a 2013 Performance Evaluation & Research Division (PERD) report, BCF previously struggled with finding enough qualified people for CPS positions due to the State not producing enough social work graduates each year for open social work positions. Additionally, increased licensure requirements through the Board of Social Work allowing only candidates with a four-year degree in either social work, sociology, psychology, counseling, or criminal justice to be licensed contributed to a shortage of available qualified candidates. However, beginning in 2015, an alternative license allowing other degrees was created for CPS workers through DHHR. This is discussed further on page 17.

West Virginia's Higher Education Data Portal⁵ shows the number of social work degrees graduating from West Virginia universities was as low as 164 in 2009. As the chart below indicates, that number has gradually increased over the subsequent years with 336 social work graduates in 2017.



⁵ Maintained by the West Virginia Higher Education Policy Commission.

Although there is no data on how many social work graduates would be needed to maintain the CPS workforce within BCF, it is apparent that many of these graduates have not pursued careers within CPS offices. Upon reviewing a sample of personnel files, approximately 31% of the CPS workers had a four-year social work degree.⁶ Approximately 36% of the degrees reviewed were in a related field of study such as sociology, psychology, counseling, or criminal justice, with the remaining 33% of degrees being in unrelated fields of study.

High Turnover Rates and Lack of Retention Continue to be an Issue within DHHR.

Using data provided by BCF, the Legislative Auditor analyzed the turnover rate for CPS workers for fiscal year 2019. The allocated positions, number of vacant positions, average percentage of vacant positions, and turnover rates for each CPS region and the totals for the State are noted in the table below:

Figure 2				
CPS Turnover and Vacancy Rates as of June 2019				
Region	Allocated Positions	# of Vacant Positions	Average Percentage of Vacant Positions	Turnover Rate*
I	121	26	21%	24%
II	150	20	13%	20%
III	97	16	16%	37%
IV	116	24	21%	30%
Total	484	86	18%	27%

**Turnover Rate was calculated as the number of employees who left divided by the average number of employees within a specific timeframe.
Source: Data provided to Legislative Auditor by BCF; Calculations performed by audit team.*

Additionally, the Legislative Auditor calculated fiscal years 2017 and 2018 to compare with 2019 numbers. Those numbers for each region and statewide are noted in the following table:

Figure 3			
CPS Turnover Rates 2017 - 2019			
Region	2017 Turnover	2018 Turnover	2019 Turnover
I	56%	48%	24%
II	47%	46%	20%
III	30%	33%	37%
IV	27%	37%	30%
Total	40%	41%	27%

Source: Data provided to Legislative Auditor by BCF; Calculations performed by audit team.

⁶ Of the 66 files reviewed, 17 had social work degrees, 20 had related degrees, 18 had unrelated degrees, 2 were misclassified in the sample and were not CPS workers, and 9 individual's degrees were not available to review but were verified as licensed through the Board of Social Work.

It appears that turnover rates may be improving overall, particularly in Regions I and II; however, certain counties continue to have difficulties retaining staff. Over the three years, Region III's turnover rate has increased from 30% to 37%. Further, Region III has a higher 2019 turnover rate, at 37%, than the other three regions, which BCF has stated may be due to losing employees to higher paying positions across state lines.

In the fiscal year 2018 *Child Protective Services Exit Survey*, BCF reported that over the past three years, exiting child protective services staff consistently noted wages, caseloads, and job stress as their top reasons for leaving their positions. To increase retention rates by reducing caseloads, BCF added 48 new positions as of March 2018 and reallocated 12 additional positions from other areas of BCF. Additionally, pay increases of 5% at 2 years and at 5 years of service have been added. Also, BCF has added a \$1,500 increase to the 15 counties with the highest caseloads and turnover. While these efforts are being made to improve staff retention and outcomes at CPS, they have not fully solved the problems with its staffing levels.

Salaries for CPS Workers are Not Competitive, Which Contributes to High Turnover.

As noted in the exit survey and during an interview with management, DHHR acknowledged that many CPS workers are lost to higher paying jobs, particularly in counties bordering other states in the northern part of West Virginia (Region III). Therefore, the Legislative Auditor looked at the five surrounding states to compare not only pay, but educational requirements, licensure requirements, and comparative job descriptions for CPS workers. With job descriptions being comparable, the only real differences appeared to be with education, licensure, and salary. The following table gives an overview of the requirements of other states as compared to West Virginia, ranked in order of highest to lowest starting salary.

Figure 4
CPS Worker Requirements per State

State	Education	License Required	Starting Salary
Ohio	Bachelor's	Yes	\$42,536
Maryland	Master's	Yes	\$41,358
Kentucky	Bachelor's	No	\$34,178
Pennsylvania*	Bachelor's	No	\$32,848
West Virginia	Bachelor's	Yes	\$31,164
Virginia	Bachelor's	No	\$29,930

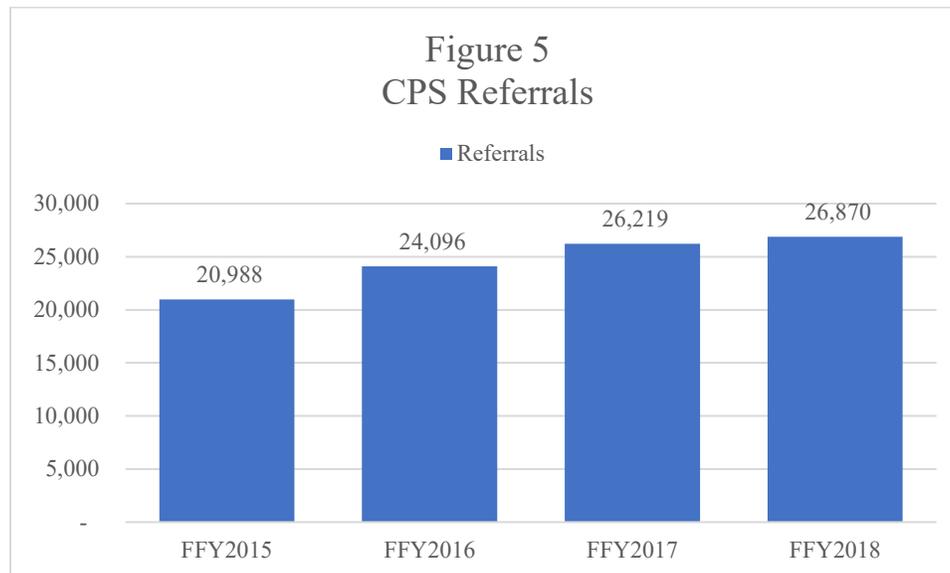
Source: Information acquired from state websites and job postings.

*Average starting salary based on salaries by county.

The collected information shows that the starting salary of CPS workers in West Virginia is second lowest in the region. Further, the states where starting salary is comparable do not require licensure whereas West Virginia does require licensure. Those states requiring licensure have starting salaries over \$10,000 more than that of West Virginia. However, it should be noted that Maryland does require a master's degree, unlike West Virginia which only requires a bachelor's degree.

The Increased Number of Referrals, Coupled with Staff Shortages, Contributes to Not Meeting Time Frames and Causing Backlogs.

There has been a steady increase in the number of referrals of child abuse and neglect from federal fiscal year 2015 through federal fiscal year 2018, as demonstrated in the figure below.



Source: Obtained from Child Maltreatment Reports (2015-2017) and data provided by BCF.

The increase in referrals has increased the amount of work each CPS worker is responsible for and has only complicated issues with an already overtaxed workforce. Only as recent as March 2018 has the number of allocated CPS worker positions increased, however, BCF continues to have difficulty retaining staff and has been unable to maintain a full staff. As noted above, at the end of State fiscal year 2019, there were 86 vacant positions, with only 82% of CPS worker positions being filled.

The Drug Epidemic Has Impacted Caseloads and Increased the Workload of CPS Workers.

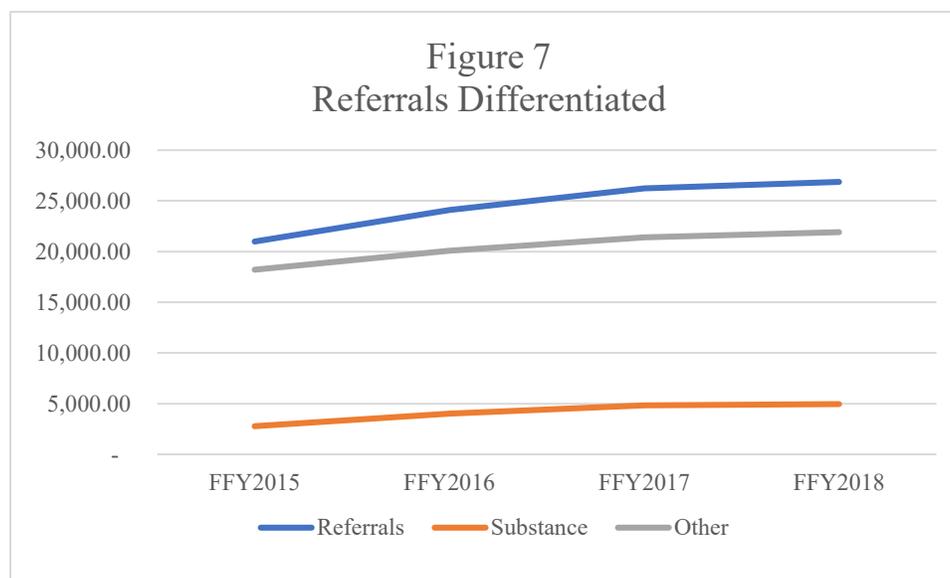
While staffing issues have been a contributing factor to CPS's inability to meet the required response time to reports of child abuse and neglect, an increase in caseloads has also contributed to this issue. While a much more difficult contributing factor to track, the current drug epidemic facing the country and particularly West Virginia may also have increased the number of cases of child abuse and neglect being reported to CPS. The Legislative Auditor received substance abuse related case data from BCF for calendar years 2015 through 2018. BCF labels any report involving drugs or alcohol as a substance abuse involved report, however the specific types of drugs involved in the cases are not tracked and alcohol related cases are not separated out. Thus, the following data cannot be directly related to the drug epidemic West Virginia is dealing with, but does show the impact it may potentially have on CPS caseloads. The table below shows the increase in the number of substance abuse involved reports for 2015 through 2018.

Figure 6 Substance Abuse Involved Reports for 2015 through 2018					
Region	CY2015	CY2016	CY2017	CY2018	% Increase From 2015 to 2018
Region 1	620	970	1243	1198	93%
Region 2	766	1100	1346	1314	72%
Region 3	531	863	882	1002	89%
Region 4	784	975	1178	1322	69%
Other*	8	1	11	4	-50%
Total	2709	3909	4660	4840	79%

Source: Information provided by BCF; calculations performed by audit team.

*Includes out of state referrals and those with no location noted.

Since 2015, the number of substance related referrals has increased by 79%, with the highest increases in Regions I and III. When compared to the number of referrals that DHHR reported to the Federal Government for federal fiscal years 2015 through 2018, there is an obvious correlation as shown by the figure below, however, the reported numbers indicate that the referrals that are not substance related are increasing as well, thus indicating that the drug epidemic is not the only issue.



Source: Child Maltreatment Statistics reported to the Federal Government by BCF; substance related numbers provided by BCF.

Overall, case referrals have increased by approximately 28% from 2015 through 2018, while substance related referrals have increased by approximately 79%. Although more data is needed for a definitive result, it does appear that the increase in substance abuse in West Virginia, combined with DHHR’s recruitment and retention issues, has impacted CPS’s ability to efficiently meet deadlines. Although not definitive, these numbers correlate with what DHHR has noted as a problem with not having enough staff to meet deadlines and manage cases.

CPS Employees Find It Necessary to Work Overtime in Order to Complete All Their Job Duties.

CPS workers often must work during non-business hours to complete job duties, such as meeting with children face-to-face and performing interviews with families. In a report released by PERD in August 2013, the Legislative Auditor noted that overtime payments had increased 110 percent from fiscal year 2008 to fiscal year 2012.⁷ Since that time, overtime has continued to increase. The table below shows the overtime expenditures for fiscal years 2015 through 2019 per CPS related department. Over these five years, overtime expenditures have increased by approximately 40 percent in total, a much slower pace than before, but is still a significant issue.

Figure 8 CPS Worker Overtime Earnings for FY 2015 Through FY 2019					
Department	2015	2016	2017	2018	2019
CIU	\$70,216	\$45,900	\$35,283	\$5,937	\$9,806
Crisis Team	---	---	\$80,896	\$120,947	\$126,006
Region I	\$301,490	\$306,162	\$384,457	\$535,268	\$574,799
Region II	\$497,691	\$405,345	\$593,951	\$596,646	\$649,470
Region III	\$243,993	\$370,779	\$387,660	\$382,369	\$389,188
Region IV	\$412,233	\$432,962	\$440,070	\$320,249	\$386,084
Totals	\$1,525,623	\$1,561,148	\$1,922,317	\$1,961,416	\$2,135,353

Source: Data retrieved from wvOASIS and calculated by audit team.

By reviewing the overtime pay per department it appears that some of the overtime has been absorbed by the *Crisis Team*, which officially began in fiscal year 2017⁸ as part of an effort to address case backlogs. Once a case has been open for over 30 days, it is considered part of the backlog. Additionally, the *Centralized Intake Unit* (CIU) was established in 2014 and accounts for part of the overtime, although the amounts have decreased significantly now that the program is established and successfully operating (see page 20). However, within each of the CPS Regions, overtime continues to increase with some fluctuation because the work is case driven and unpredictable.

Due to the nature of CPS work, there is no way to eliminate all overtime. Logically, the best way to decrease overtime would be to hire more CPS workers and decrease the workload. However, as the workload continues to increase with more reports being made, equating to more investigations, these numbers may continue to rise. With the addition of the CIU and the Crisis Team, these numbers appear to have stabilized over the last two years although referrals continue to increase. The approximate number of overtime hours in fiscal year 2018 was 79,922, only increasing by 6 hours in fiscal year 2019 to 79,928.

⁷ FY2008 overtime payments were \$600,413, increasing to \$1,258,506 during FY2012.

⁸ According to DHHR, BCF began using crisis teams on an ad hoc basis as early as 2004 or 2005.

BCF Has Taken Steps to Improve the Hiring and Retention of CPS Workers; However, Staffing Issues Remain a Problem for the Agency.

In 2013, DHHR released the *Office of Human Resources Management (OHRM) Transition Report*. The report was an update concerning its plan to address the underlying human resources deficiencies driving DHHR's personnel problems. Noted in this plan was the Recruitment and Retention Division, which was established in 2011 but later dissolved in February 2016. However, in 2017, the current Cabinet Secretary reinstated the Division of Recruitment and Retention within the OHRM. Since that time, BCF and OHRM have worked to fill positions. Below is a list of some of the initiatives the DHHR's OHRM has implemented for the BCF since the reinstatement of the Recruitment and Retention Division:

- Hosted hiring events within specific counties;
- Actively recruited for CPS via Indeed;
- Shared posts through social media of open CPS positions through multiple universities and organizations;
- Connected with veterans and military spouses to advertise CPS open positions available;
- Increased college recruitment efforts such as job postings and classroom visits;
- Created new CPS video to use for recruiting purposes; and
- Developed retention incentives and pay increases, beyond statewide raises.
 - As of September 28, 2017, provided for an appointment incentive of \$1,500 for specified counties;
 - As of August 4, 2018, provided a 2% increase for all CPS workers;
 - On September 1, 2018, repealed the previous 3% retention incentive established in 1996, and replaced with 5% for two years of continuous service for CPS and an additional 5% for five years of continuous service in CPS (Worker and Trainee only);
 - On April 27, 2019, increased CPS worker pay by 5%; and
 - As of August 2019, provided a 3% across the board increase for all CPS workers.

Opportunities for Growth Have Been Developed Through the Creation of a “Career Ladder.”

DHHR and DOP have worked together to create a career ladder for those employed in CPS. The stated goal of this creation is to give employees the opportunity to advance professionally. A person can start a career at DHHR as a Child Protective Service Aide, which requires a written test but does not require a degree of any kind. A Child Protective Service Aide has the opportunity to advance to the CPS Case Work Coordinator position, and eventually, with higher education assistance, become a CPS Worker if desired. The position of Case Work Coordinator was created in 2018 to address the enormity of paperwork that must be completed by CPS workers, freeing the worker to focus more on completing casework. There is some tuition reimbursement available from CPS for individuals to complete higher education in pursuit of becoming a CPS worker. CPS

and the Division of Personnel (DOP) hope that employees will earn a degree, move up to the CPS worker position, and stay with CPS. The idea is to “grow their own workforce.”

DOP Assists DHHR With the Recruiting Process Through Job Fairs.

When a local CPS office has 20 percent or more vacancies, DHHR, with the assistance of DOP, sets up a job fair in that area. DHHR and DOP have an expedited process for applicants who are not already registered with DOP. The expedited process involves the applicant becoming a temporary worker for CPS while the DOP registration process is being completed. DOP has a representative present at any job fair for state agency employment. A job fair serves as a one-stop shop for candidates and can serve to expedite the hiring process. The candidate’s application receives a rating that day, and the applicant is often able to speak with a current employee who may conduct a pre-interview and give the applicant an idea of what the job entails.

Optional Tracts for CPS Worker Eligibility

In West Virginia, a CPS worker is required to have an active social work license. To obtain a license, one must have graduated with at least a four-year degree in social work and pass a licensure exam. For those individuals that do not have a social work license, or are not license eligible under the traditional method, there are two options. If a candidate has a related degree, such as a bachelor’s degree in Psychology or Criminal Justice, they can take an additional, specified 12 hours of college credit to become license eligible with the Board of Social Work. The 12 hours can be obtained after being hired; however, the candidate will work under a Provisional Social Work License until they meet the standard. Additionally, a candidate with a non-related degree can work under a Restricted Provisional Social Work License but must undergo an extensive four-year training program coordinated by BCF; however, this license is only valid for DHHR employees. According to CSR both alternative licenses require the candidate to pass the same licensure exam; however, this is a process that is still being effectuated for the Restricted Provisional License.

It should be noted that the latter Restricted Provisional License has only been available since 2015, thus the impact has not been evaluated. However, based on a review of employee personnel files, it appears DHHR has successfully recruited several employees through this new program. As with any new CPS worker, these individuals undergo an extensive nine-week training program through DHHR in addition to the 12-hours of college coursework in order to be better prepared for their new positions.

Conclusion

Although BCF has continued to struggle over the years with adequate staffing of CPS workers due to a lack of qualified staff, licensing restrictions, high turnover, low salaries, and continually increasing workloads, it has been proactive in its efforts to address these issues. With the implementation of the Restricted Provisional License it has opened positions up to other four-year degrees, ultimately increasing the number of eligible candidates for employment. Additionally, working with DOP to increase recruiting efforts has assisted with expediting the hiring process. More recently, BCF has increased the salaries of CPS workers as an incentive to

reduce turnover. Although low salary was noted as one of the main reasons employees left CPS, more data is needed to determine if this will be an effective step in improving retention of CPS workers.

Recommendations

2. The Legislative Auditor recommends BCF update its retention plan by developing new retention goals that are measurable and attainable.
3. The Legislative Auditor recommends BCF consider options for making CPS worker starting salary more competitive in an effort to increase recruitment numbers.
4. The Legislative Auditor recommends BCF develop strategies to decrease overtime, such as designated shifts, to address the issue of employees having to work later hours to meet with families.

Issue 3: BCF Could Use Currently Tracked Data Throughout the Year to Better Effectuate Staffing and Case Management Solutions.

While low staffing is a significant factor in BCF’s ability to respond efficiently and timely to reports of child abuse and neglect, the audit found that the agency does not have a strategic plan to utilize case management data to improve its processes. BCF reports information to the Federal Government through the National Child Abuse & Neglect Data System. The Federal Government uses this data to compile yearly reports on each state for child abuse and neglect trends, which is published in the annual *Child Maltreatment Report*. The data collected and compiled includes case level data on each referral, as well as the following:

- The number of referrals for child abuse or neglect, including the number of children who received an investigation;
- The number of cases substantiated, unsubstantiated, or false;
- The number of child protective personnel who are responsible for intake, screening, assessment, and investigation, and the average caseloads for these workers;
- Agency response times for initiation of services;
- Demographics on child victims and their abusers;
- If drugs, alcohol, or domestic violence were involved; and
- Information about the characteristics of the reports of abuse and neglect, the children involved, the types of maltreatment, the CPS findings, the risk factors of the child and the caregivers, the services provided, and the perpetrators.

Using a small portion of the same yearly data, BCF calculates the percentage rate of meeting face-to-face time frames to compare and track progress in each district. Although this is relevant data, the percentages are not comparable between districts. For example, the table below shows how one factor such as the number of CPS workers performing the work can provide a different perspective on the data.

Region	Number of Reports	Face-to-Face Contact Made Timely	% of Time Frames Met	# Referrals per Worker	Face-to-Face Met per Worker
I	6,797	2,798	41%	77	32
II	7,230	4,262	59%	68	40
III	6,756	2,707	40%	90	36
IV	6,069	3,648	60%	61	36
Total	26,852	13,415	50%	73	36

Source: Data provided by BCF; calculations performed by audit team.

When considering the number of referrals and face-to-face contacts made timely per CPS worker, the data shows that although Region III had the *lowest percentage rate of meeting face-to-face time frames* (40%), the CPS workers in that Region actually had a *significantly higher*

number of referrals per worker (90) and averaged about the same number of face-to-face contacts made as the other regions. This is just one example of how using only percentages can be deceiving without considering all other factors.

Because much of the data is already collected by BCF to report to the Federal Government, it may be beneficial for BCF to use the data to evaluate the differences between each region to establish a better idea if and why one area may be performing better than the others. For example, BCF reported average response times for federal fiscal years 2014 and 2015, as 27 hours and 71 hours, respectively. These numbers are dependent on the assigned response times for the reports investigated during those years and by themselves are not an effective measure of meeting time frames. However, this data, coupled with types of cases and broken down by region or district, could be used to help identify trends contributing to increased caseloads and the difficulties in meeting investigatory time frames. Using the information could give BCF a better idea of what issues are occurring within each region and help establish more relevant performance measurements to improve quality and timeliness of services.

BCF Has Provided Consistency in Screening Decisions Related to Child Maltreatment Intake Referrals by Establishing the Centralized Intake Unit.

In 2014, BCF established the Centralized Intake Unit, comprised of two call centers designated to receive reports of abuse and neglect. This decision has allowed for more consistency in screening decisions and allowed CPS workers to devote all their time to investigations and casework. Instead of over 120 CPS workers and hotline employees throughout the State being devoted to receiving reports of abuse/neglect over the telephone at the local offices, reports are received by approximately 35 intake workers through the CIU. The CIU is available to receive calls 24 hours per day, 7 days a week, and averages approximately 200 calls per day.

When a call is made to the CIU, a CIU worker conducts an interview with the caller, obtaining specified information, and documents the call in the FACTS system, a statewide data processing hub used by CPS. Supervisors can listen in on these calls while in progress to ensure the quality of the interview, to assist the worker, or to provide feedback or training. Once the call information has been entered into the FACTS system, the supervisor screens the referrals. The purpose for screening is to eliminate duplicate reports and reports that do not meet the legal definition of abuse or neglect.⁹ Accepted reports are forwarded to a local office in the alleged victim's county of residence where they will be assigned for investigation. To add an additional layer of quality control, a separate supervisor peer reviews approximately 50% of all screening decisions from the previous day. The goal of the peer review is to ensure the decision to forward a case for investigation to the local office, or to screen it out, is being performed in accordance with internal policy and W.Va. Code. These cases are reviewed based on the information that is input into the FACTS system by the CIU worker and the screening decision made by the supervisor.

⁹ See Appendix C for legal definition per W.Va. Code.

Some States Have Found that Recording Intake Calls Provides Quality Assurance and Protection to the Agency.

Upon reviewing best business practices of other states with established centralized intake call centers for abuse and neglect allegations, the Legislative Auditor found that three states presented their experiences with recording intake calls through a webinar on behalf of the Health and Human Services Administration for Children and Families, Children's Bureau. The three states, Colorado, Iowa, and New Jersey are experiencing success with regards to recording and storing calls at their respective centralized intake call centers. Each state cites quality assurance and protection as primary reasons for deciding to record intake calls.

These states noted the intake workers find it very helpful to have the recorded calls available to replay the call for missed information as they are completing their entry of the report information into the data processing system. Currently, the centralized intake unit in New Jersey attaches these calls to the report so that caseworkers can listen to the calls prior to going out on the investigations. It has allowed for clarification of information reported to the intake workers and proven to be very helpful according to representatives in that state. The manager of the New Jersey centralized intake hotline indicated everything the caller says cannot be captured by just taking notes, but having the call linked to the case record allows the caseworker to have a more holistic view of the allegations.

In Iowa, lead workers pull a sample of intake calls at the centralized intake, perform call reviews, and provide feedback to supervisors to use for staff development purposes. In New Jersey, supervisors are required to listen to a set amount of calls each week for quality assurance and training purposes. This is to ensure good customer service is provided, that the workers are engaging and professional, and that the calls are coded correctly. In Colorado the recordings are used for quality control and review purposes.

Additionally, Iowa and Colorado noted that by recording calls they were providing protection to their agencies against allegations that incorrect actions were taken. Other reasons recording intake calls were found to be beneficial by these states include minimizing the number of callbacks from the local office staff to the hotline, and verifying allegations, such as domestic violence, that are later denied by the informant.

The CIU is Missing Opportunities for Protection, Quality Assurance, Training, and Improved Workflow by Not Recording Intake Calls.

Currently, the CIU has noted confidentiality concerns with recording intake calls as a reason for not considering it as an option. However, CIU is potentially missing an opportunity to protect itself, and the State, from liability by not recording its calls. Recording the phone calls would give assurance that CIU staff are handling allegations of abuse and neglect as mandated by State statute. Recording calls would also give assurance that supervisors are making the correct screening decisions to investigate or screen out potential reports. Further, given the caseload and staffing issues CPS has and is still facing, the efficiency and improvements to be gained through reviewing these calls could possibly serve to improve the outcomes of child abuse and neglect cases.

In terms of quality assurance, CIU is missing out on the prospect of truly auditing the information input into the FACTS system. Supervisors and Quality Assurance¹⁰ have no way of evaluating the accuracy of the interview and screening decision without the ability to compare the information in the FACTS system to the original phone call. Additionally, the CIU could use call recording for training purposes.

Finally, there are missed opportunities for workers to have direct access to valuable and specific information about the allegations of abuse or neglect of a child. These include:

- The ability for CIU workers to replay the call to clarify information entered into the FACTS system;
- The ability for the CPS worker conducting the investigation to replay the call to understand the nature of the complaint in a more thorough way; and
- Allowing supervisors making the screening decisions to have the utmost confidence that their decisions are as accurate as possible in accordance with State statute.

In not recording intake calls, CIU is missing an opportunity, ultimately, to more positively affect the CPS investigative process. The outcome of services provided to an at-risk child can vary greatly depending on the information gathered in the initial phone call reporting abuse or neglect. By not recording this initial phone call, vital information in the investigative process may be lost, as is the ability to review the screening decision. In turn, this decreases the ability of CPS to fulfill its mission of protecting children from abuse and neglect and could ultimately impact child fatalities in the State of West Virginia, as well as appropriate services being administered to children and families.

Recommendations

5. The Legislative Auditor recommends BCF use the detailed data it is already collecting to better effectuate staffing and case management solutions.
6. The Legislative Auditor recommends that the Bureau for Children and Families consider recording and storing phone calls in encrypted files for quality and training purposes to produce better outcomes for child abuse and neglect cases.

¹⁰ DHHR has developed a Quality Assurance Department that conducts audits on the county offices and CIU to ensure quality of work.

Issue 4: BCF Does Not Have a Formal Procedure in Place to Monitor Social Worker Licensing Status nor Does It Perform Criminal Background Checks for CPS Workers After Being Hired.

DHHR, through CPS, is tasked with the responsibility of ensuring that children are protected from abuse and neglect. As such, hiring and maintaining a competent workforce is of the highest importance in order to carry out this mandate. DHHR recruits and hires individuals with a minimum of a bachelor's degree, who are eligible through the West Virginia Board of Social Work for a social work license or a provisional license. A provisional license can be given to individuals hired by DHHR for degree fields other than social work, with the requirement to complete 12 hours of specified college credit over a four-year time frame.¹¹ Additionally, prospective employees undergo a Criminal Identification Bureau (CIB) background check through the State Police and the National Crime Information Center, and verification of education and employment history.

DHHR and CPS Do Not Have Adequate Procedures to Ensure All CPS Workers are Currently Licensed Through the West Virginia Board of Social Work as Required by W.Va. Code.

As mentioned previously, West Virginia has higher employment requirements for social workers than other states in the region. It requires any person practicing social work to be licensed through the West Virginia Board of Social Work. The states of Ohio and Maryland also require a social work license for all social workers; however, a CPS worker is not required to have a social work license in Pennsylvania or Virginia, although a license is preferred in Virginia, and only clinical social workers are required to maintain a license in Kentucky.

West Virginia Code §30-30-1(a) states:

“It is unlawful for any person to practice or offer to practice social work in this state without a license or permit issued under this article, or advertise or use any title or description tending to convey the impression that the person is a social worker, unless the person has been licensed or permitted under this article, and the license or permit has not expired, been suspended or revoked.”

Therefore, the Legislative Auditor attempted to verify the licensure status of a sample¹² of currently employed CPS workers by reviewing personnel files provided by DHHR's OHRM.

According to DHHR, paper personnel files are kept at each local office while the official personnel files are kept electronically with DHHR's OHRM. The local office is responsible for updating the paper files and informing OHRM when changes are made. OHRM is responsible for updating the official personnel files and informing the local offices when changes are made. This policy provides for the completeness of all files to protect against broken policies, legal actions, and fraud, but should involve keeping files updated in a timely manner. The review of personnel files revealed multiple issues with missing documentation; however, the most notable is that out

¹¹ For more information on provisional licenses, see W.Va. Code of State Rules, Title 25, Series 1.

¹² See footnote 13 for more detail on the sample.

of the 66 files reviewed, only 9 files (less than 14%) had proof of a current social work license. Additionally, there were 35 personnel files that had expired social work licenses, leaving 22 files with no proof of licensure at all. These results show CPS and DHHR's OHRM are not keeping complete and up-to-date personnel files and potentially are allowing CPS workers to perform their duties without the statutorily required social work license.

Subsequently, the Legislative Auditor followed-up with the West Virginia Board of Social Work to verify whether or not the individuals were actively licensed; thus, determining this to be a record-keeping issue instead of a licensing issue. Fortunately, all but one individual held an active social work license. In the case of the one employee, she was a reasonably new employee who had been determined to be eligible for licensure but had not finished the licensing process. Once brought to DHHR's attention, this issue was soon rectified by prompting the employee to complete the licensing process.

Additionally, the Board of Social Work informed the Legislative Auditor of one individual who had previously allowed his social work license to expire but continued to work for an entire year. Because DHHR has left it to the employees to monitor their own licensure status, with no mechanism to verify licenses are up to date, this type of situation becomes possible. Since there were other instances where individuals allowed their license to expire, and were subsequently demoted until it could be renewed, it appears that different county offices may actually be tracking this information. However, without consistency in this regard, employees are left open to disparate treatment, like being demoted if caught without a license while others are not. Furthermore, the State could be left open to liability if an employee fails to be appropriately licensed since it is illegal to practice social work without a license in the State of West Virginia.

DHHR Could Not Provide Proof of Background Checks Being Completed for All Hired Employees.

The Federal Government requires employees that work with children under the age of 18 undergo a criminal background check (34 U.S. Code §20351). Further research confirmed that most states, including West Virginia and the surrounding states, also require a criminal background check for individuals working with children. As part of the hiring process for DHHR, a CIB background check through the State Police and the National Crime Information Center must be completed. According to BCF, CPS workers are not allowed to have a caseload until the background check is complete and the worker is considered "Cleared to Hire." The Legislative Auditor reviewed 67 CPS employees¹³ to determine if a timely background check had been completed. Of those, 44 employees (approximately 66%) were determined to have had a background check completed within a reasonable time of being hired. However, BCF was unable to provide any evidence that 14 of the 67 (21%) had ever had a criminal background check and 9 of the 67 (13%) had a background check completed within 60 days after being hired.

¹³ A statistical sample of 66 out of 565 was randomly selected using RAT-STATS. The sample size determination provided a 95% confidence level with a 5% desired precision range. One additional employee was added when reviewing background checks.

Background Checks for CPS Workers Are Not Performed During their Employment as Required by BCF Policy, Allowing Potentially Disqualifying Factors to Remain Undiscovered.

Another significant issue noted during the review was related to employees subsequent to being hired. The **Bureau for Children and Families Policy 2000, Section 4.3**, states in part:

*An applicant or employee shall complete a **Statement of Criminal Record every two (2) years** after the initial submission to the respective agency or Department. A subsequent CIB check shall be completed at least every five (5) years but may be submitted at any point if there is an indication that the CIB information may have changed. (Emphasis added)*

According to representatives from DHHR, the practice of completing a criminal background check at least every five years occurs for foster parents, but not for employees. Additionally, no evidence was provided by DHHR that a *Statement of Criminal Record* is completed after an employee is initially hired. **By not repeating the criminal background check every five years, DHHR increases its risk of continuing to employ a person that is not appropriate to be working with children and youth, and therefore, not suitable for the position of CPS worker.** Additionally, by not following its own policy of requiring the *Statement of Criminal Record* to be completed every two years, although not a guarantee of apprising DHHR of any criminal wrongdoing, sends a message that no one is being held accountable.

The completion of an initial criminal background check is of particular importance in assessing if a potential employee has committed a crime that would preclude them from being hired; however, it does not provide a mechanism to evaluate if an employee continues to be an appropriate hire. Multiple sources¹⁴ suggest background checks should be repeated every three to five years, particularly if an employee works with children. Because a typical background check only provides a one-time snapshot, meaning that even with repeated checks an employer could go years without knowing that its employee has possibly committed a crime it should be aware of, Kentucky, Ohio, and Virginia have instituted what is known as a “rap back” program, which enables update notifications for future arrests for active employees. The FBI, as well as many states, currently maintain and operate a criminal database system providing “rap back” services. For example, Kentucky refers to its system as *KARES*, whereas Ohio’s system is called *Rapback*.

Recommendations

7. The Legislative Auditor recommends DHHR ensure that all employees practicing social work are currently licensed per W.Va. Code §30-30-1(a) by developing a consistent means of monitoring social worker licenses.
8. The Legislative Auditor recommends DHHR’s OHRM update personnel files in a timely manner to ensure all documentation is as up to date as possible. Further, these personnel files

¹⁴ Administration for Children & Families’ Office of Child Care; U.S. Department of Justice; GlobalHR Research; and ChildCare Aware of America.

should at all times have record of CPS workers' current license to practice social work in compliance with W.Va. Code.

9. The Legislative Auditor recommends DHHR adhere to the *Bureau for Children and Families Policy 2000* and complete subsequent CIB background checks at least every five years on all CPS workers, as well as all other employees responsible for the care or welfare of vulnerable populations.
10. The Legislative Auditor recommends DHHR adhere to the *Bureau for Children and Families Policy 2000*, requiring all CPS workers to sign a *Statement of Criminal Record* every two years and maintain this document within their personnel file.
11. The Legislative Auditor recommends DHHR consider whether its current procedure for performing background checks every 5 years subsequent to employment is adequate to ensure those workers are appropriate for the nature of the work they will be performing.

Appendix A

WEST VIRGINIA LEGISLATIVE AUDITOR'S OFFICE *Post Audit Division*

1900 Kanawha Blvd. East, Room W-329
Charleston, WV 25305-0610
(304) 347-4880



Justin Robinson
Director

November 5, 2019

Bill J. Crouch, Cabinet Secretary
Department of Health & Human Resources
Office of the Secretary
One Davis Square, Suite 100 East
Charleston, WV 25301

Dear Secretary Crouch:

This is to transmit a draft copy of our report on the Department of Health and Human Resource's Bureau for Children and Families' Child Protective Services. This report is scheduled to be presented during the November interim meeting of the Post Audits Subcommittee. We will inform you of the exact time and location once the information becomes available, but at this time we anticipate the meeting will be held on Tuesday, November 19, 2019 in the Senate Finance Committee room, Room 451-M. We recommend that a representative from your agency be present at the meeting to respond to the report and answer any questions committee members may have during or after the meeting.

Also, we would like to schedule a meeting to discuss the draft report and address any concerns or questions you may have. Please contact Terri Stowers, Executive Administrative Assistant, at 304-347-4880 at your earliest convenience to schedule this meeting prior to the release of the report. In addition, should you choose to provide a written response to the report, we will need the response by 12:00pm on Thursday, November 14, 2019, in order for it to be included in the final printed report. Thank you in advance for your cooperation, and feel free to contact us with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Justin Robinson".

Justin Robinson
Director

Enclosure

C: Cammie Chapman, Associate General Counsel, WV DHHR
Brian Cassis, Director of Internal Control and Policy Development, WV DIHR

————— *Joint Committee on Government and Finance* —————

Appendix B

Objectives, Scope, and Methodology

The Post Audit Division within the Office of the Legislative Auditor conducted this audit pursuant to Chapter 4, Article 2, Section 5 of the *West Virginia Code*, as amended.

Objectives

The objectives of this audit were to determine if CPS's processes and procedures for receiving and responding to child abuse and neglect allegations are adequate and efficient in meeting its statutory requirements for responding to those allegations and to determine if the hiring, training, and evaluation practices of the Department of Health and Human Resources regarding CPS workers are adequate to ensure the quality and integrity of CPS workers dealing with child abuse and neglect cases.

Scope

The scope of this audit consisted of a review of current policies, procedures, and practices of Centralized Intake and Child Protective Services offices. Also included was an analysis of data regarding drug-related CPS referrals. The time frame of the review consisted of state and federal fiscal years 2015-2018.

Methodology

Post Audit staff gathered and analyzed several sources of information and assessed the sufficiency and appropriateness of the information used as evidence. Testimonial evidence was gathered through interviews with various agencies that oversee, collect, or maintain information. The purpose for testimonial evidence was to gain a better understanding or clarification of certain issues, to confirm the existence or non-existence of a condition, or to understand the respective agency's position on an issue. Such testimonial evidence was confirmed by either written statements or the receipt of corroborating or physical evidence.

Audit staff analyzed various source documents that were either provided to us by BCF, available within wvOASIS, or publicly available on the web.

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 objective.

Appendix C

Definitions Relating to Child Abuse and Neglect West Virginia Code §49-1-201

“Abused child” means:

(1) A child whose health or welfare is being harmed or threatened by:

(A) A parent, guardian, or custodian who knowingly or intentionally inflicts, attempts to inflict, or knowingly allows another person to inflict, physical injury or mental or emotional injury, upon the child or another child in the home. Physical injury may include an injury to the child as a result of excessive corporal punishment;

(B) Sexual abuse or sexual exploitation;

(C) The sale or attempted sale of a child by a parent, guardian, or custodian in violation of §61-2-14h of this code;

(D) Domestic violence as defined in §48-27-202 of this code; or

(E) Human trafficking or attempted human trafficking, in violation of §61-14-2 of this code.

(2) A child conceived as a result of sexual assault, as that term is defined in this section, or as a result of the violation of a criminal law of another jurisdiction which has the same essential elements: Provided, That no victim of sexual assault may be determined to be an abusive parent, as that term is defined in this section, based upon being a victim of sexual assault.

“Neglected child” means a child:

(A) Whose physical or mental health is harmed or threatened by a present refusal, failure or inability of the child’s parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, supervision, medical care, or education, when that refusal, failure, or inability is not due primarily to a lack of financial means on the part of the parent, guardian, or custodian;

(B) Who is presently without necessary food, clothing, shelter, medical care, education, or supervision because of the disappearance or absence of the child’s parent or custodian; or

(C) “Neglected child” does not mean a child whose education is conducted within the provisions of §18-8-1 et seq. of this code.

“Child abuse and neglect” or **“child abuse or neglect”** means any act or omission that creates an abused child or a neglected child as those terms are defined in this section.

Appendix D

Agency Response to Report



**STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES**

Bill J. Crouch
Cabinet Secretary

**Bureau for Children and Families
Commissioner's Office
350 Capitol Street, Room 730
Charleston, West Virginia 25301-3711
Telephone: (304) 558-0628 Fax: (304) 558-4194**

Linda M. Watts
Commissioner

November 18, 2019

Justin Robinson, Director
Post Audit Division
West Virginia Legislative Auditor's Office
1900 Kanawha Blvd. East, Room W-329
Charleston, WV 25305-0610

Dear Mr. Robinson:

Please find attached the response of the Department of Health and Human Resources, Bureau for Children and Families, to the November 5, 2019 post legislative audit report.

We appreciate the opportunity to respond to this legislative audit report and will be available to respond to any questions when it is presented during the interim meeting of the Post Audit Committee meeting on November 19, 2019.

Sincerely,

A handwritten signature in blue ink that reads "Linda M. Watts".

Linda M. Watts, Commissioner
Bureau for Children and Families

Issue 1: CPS Did Not Meet the Statutorily Required Time Frame for Investigating Child Abuse and Neglect Allegations in 50% of Cases During Federal Fiscal Year 2018.

Recommendation:

1. The Legislative Auditor recommends CPS develop and implement processes and procedures that will ensure that it is able to meet the statutorily required response times to reports of child abuse and neglect as established in W.Va. Code §48-2-802(c)(3-4). Further, CPS should report back to the Post Audits Subcommittee in six months from the release of this report and provide an update on the status of this plan and its effectiveness in meeting the statutorily required response times.

Response:

As part of the Child and Family Services Review, BCF is working with DHS to finalize WV Child and Family Services Review (CFSR) Program Improvement Plan (PIP) with an expected approval by the end of 2019. The PIP addresses the root cause of caseworkers not meeting the statutory time frames for initiating an investigation of reports of child maltreatment and outlines goals and strategies to improve requirements. Upon approval by DHS, BCF will provide the PIP to the Legislative Auditor. The PIP is to be conducted over two years. BCF's Division of Planning and Quality Improvement oversees progress on the goals and strategies on the PIP.

Issue 2: Employee Retention and Staffing Levels Have Been A Significant Issue for CPS and Is a Cause for Its Inability to Respond to Reports of Abuse and Neglect Timely and Efficiently.

Recommendations:

2. The Legislative Auditor recommends BCF update its retention plan by developing new retention goals that are measurable and attainable.
3. The Legislative Auditor recommends BCF consider options for making CPS worker starting salary more competitive in an effort to increase recruitment numbers.
4. The Legislative Auditor recommends BCF develop strategies to decrease overtime, such as designated shifts, to address the issue of having to work later hours to meet with families.

Response to Recommendations No. 2 through 4:

In October 2019, BCF updated its Recruitment and Retention Committee with specific goals and tasks that coordinate with the goals and strategies of the PIP. The goals and tasks include (i) compiling available data to determine potential recruitment and retention strategies for the workforce; (ii) collect data on the success of recruitment and retention strategies and modify as necessary; (iii) select and implement strategies to improve workforce recruitment and retention that will have a positive impact on CFSR outcomes; (iv) report on recruitment and retention efforts and their level of success in the CFSR Program Improvement Plan; (v) evaluate whether selected strategies will impact recruitment and retention in other program areas and implement if able. As part of the Recruitment and Retention Committee, BCF will consider the recommendations of the Legislative Auditor.

Over the past two years, the DHHR has worked to increase workforce and improve recruitment and retention for critical positions. In SFY2019, the DHHR provided a 2% (\$644) and in SFY2020 an additional 3% (\$1,037) salary increase to multiple adult and child welfare classifications to assist with the recruitment and retention of this critical staff serving the most vulnerable populations of the state. These increases were in addition to the two 5% increase received by all state employees in SFY2019 and SFY2020. In total these increases resulted in a 20% salary increase for these workers. DHHR has also implemented appointment incentives as well as retention incentives. A CPS career ladder was approved to allow for additional tiers (CPS Senior and CPS Case Coordinator). CPS Senior positions will carry a caseload, but additionally provide coaching to CPS trainees and workers, and assist CPS Supervisors. CPS Case Coordinator positions will provide advanced support to the CPS worker in case work practices like obtaining reports, visiting schools, documenting casework activity. In order to fully implement the career ladder and maintain Supervisor ratio of 1:6 or 1:7 to allow for effective management, the DHHR is working to add additional positions: 43 CPS Senior positions, 34 CPS Case Coordinators, 5 CPS Supervisors, 1 Social Service Coordinator, and 4 Adoption Workers (SSW III). Further, the DHHR is working on a one-time 5% increase for CPS Supervisor positions to address pay compression due to the retention plan that was implemented for CPS workers. The DHHR is also working to implement on call pay for CPS Workers.

Issue 3: BCF Could Use Currently Tracked Data Throughout the Year to Better Effectuate Staffing and Case Management Solutions.

Recommendation:

5. The Legislative Auditor recommends BCF use the detailed data it is already collecting to better effectuate staffing and case management solutions.

Response:

Through the Recruitment and Retention Committee, BCF plans better use of the data it collects to effectuate staffing and case management solutions. See Response to Issue 2.

Recommendation:

6. The Legislative Auditor recommends that BCF consider recording and storing phone calls in encrypted files for quality and training purposes to produce better outcomes for child abuse and neglect cases.

Response:

BCF appreciates the Legislative Auditor's recommendation and recognizes the benefits of recording and storing Centralized Intake phone calls. The cost associated with purchasing, operationalizing, and maintaining a new system is significant. The system would need to record the calls, encrypt the files, store the files, and be searchable. The cost is not only the initial start-up cost, but also the storage that exponentially increases each year. For calendar year 2018, Centralized Intake would have had to recorded approximately 1,500,000 minutes. Unless clarified by statute, these calls would need to

be stored for 99 years. Additional parameters also need to be placed in statute if this recommendation is accepted.

Currently, supervisors monitor phone calls and review intakes to assure the quality of the interview and the information collected. Recently, a new trainer position was created to monitor phone calls on a daily basis. This trainer will also provide in-house training of topics relevant to intakes and improving the skills of workers. The employee has an effective hire date of November 23, 2019.

Issue 4: BCF Does Not Have a Formal Process in Place to Monitor Social Worker Licensing Status nor Does It Perform Criminal Background Checks for CPS Workers After Being Hired.

Recommendation:

7. The Legislative Auditor recommends DHHR ensure that all employees practicing social work are currently licensed per W.Va. Code §30-30-1(a) by developing a consistent means of monitoring social worker licenses.

Response:

BCF will develop and implement a formal process for district managers to monitor social worker licenses.

Recommendation:

8. The Legislative Auditor recommends DHHR's OHRM update personnel files in a timely manner to ensure all documentation is as up to date as possible. Further, these personnel files should at all times have record of CPS workers' current license to practice social work in compliance with W.Va. Code.

Response:

In September 2019, OHRM created a new position to maintain personnel files and to ensure files are complete and accurate. The Personnel Records Manager will ensure that the personnel file has the most up to date social work license for those employees who are required to have a license.

Recommendations:

9. The Legislative Auditor recommends DHHR adhere to the *Bureau for Children and Families Policy 2000* and complete subsequent CIB background checks at least every five years on all CPS workers, as well as all other employees responsible for the care or welfare of vulnerable populations.

10. The Legislative Auditor recommends DHHR adhere to the *Bureau for Children and Families Policy 2000*, requiring all CPS workers to sign a *Statement of Criminal Record* every two years and maintain this document within their personnel file.

11. The Legislative Auditor recommends DHHR consider whether its current procedure for performing background checks every 5 years subsequent to employment is adequate to ensure those workers are appropriate for the nature of the work they will be performing.

Response to Recommendations No. 9 through 11:

BCF is currently transitioning the background check process to West Virginia Clearance for Access: Registry & Employment Screening (WV CARES). The Office of Inspector General oversees WV CARES. The utilization of WV CARES will provide for the use of the Rap Back service as well as impose regulations regarding maintenance of personnel files (W. Va. Code R. §§69-10-1, et seq.). DHHR anticipates the transition to be complete by January 1, 2020 and are currently scheduling training for BCF staff who will be facilitating the background check process for both current and prospective CPS staff.



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