

**SERVICES FOR PARENTS
TO REUNIFY FAMILIES
PROPOSED FINAL REPORT**

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STATE OF WASHINGTON
JOINT LEGISLATIVE AUDIT AND
REVIEW COMMITTEE

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Report Summary

Background: Why Do Parents Need to Participate in Services to Reunify Their Families?

Families can be split up when children are removed from their parents' custody by the state. Under Washington State law, children may be placed in the state's care if they have been: abandoned, abused or neglected, or have no one who can care for them.

In legal terms, this means that the child has been declared a "dependent" of the state. These children may be placed in a variety of settings, including, but not limited to, a foster family home, a relative's home, or in a group care facility.

A child may leave state care by one of the following paths:

- Reunification: the parent corrects his or her deficiencies, retains parental rights, and the child returns home;
- Adoption: the parent loses parental rights to the child and those rights are then granted to a third-party adoptive parent;
- Permanent legal custody: legal custody of the child is awarded to a third party without the parent having to lose parental rights; or
- Aging out: child reaches legal adulthood at age 18.

In order to be reunified with their children, parents may be required by the courts to complete services to correct their deficiencies. Examples of such services include substance abuse treatment, mental health services, and domestic violence services.

Federal law requires the state to take action to terminate a parent's parental rights once the parent's child has been in the state's care for 15 months. During that period of time, parents must be working to correct their deficiencies if they would like to be reunified with their children.

Both federal and state law requires the state to make "reasonable efforts" to reunify families. The meaning of "reasonable efforts" is unclear since it is not defined. However, federal law require states to develop case plans for each child that assure services are provided to the parents, child, and foster parents in order to: improve conditions in the parents' home; facilitate the return of the child to his or her home or another permanent placement; and address the needs of the child while in foster care.

Study Mandate and Approach

Substitute House Bill 1333 (2007) requires the Joint Legislative Audit and Review Committee (JLARC) to analyze gaps throughout the state in the availability and accessibility of services identified in the federal Adoption and Safe Families Act. In conducting this study, JLARC focused on the availability and accessibility of services to parents that the parents must complete in order to retain their parental rights and enable the state to return their children to their care.

There is no centrally accessible source of standardized data to identify: 1) the specific services that individual parents are required to complete; 2) whether those parents are able to participate in, and ultimately complete, those services; and 3) any reasons why parents are not able to participate in and complete those services.

In search of alternative sources of information, we conducted three surveys focusing on the availability and accessibility of services to parents:

- Survey of parents with children in dependency cases;
- Survey of service providers who may provide services to these parents; and
- Survey of Department of Social and Health Services' Children's Administration's Child Welfare Services social workers.

Due to the number and diversity of respondents to the surveys, we were able to reliably separate out the results by major geographical divisions. However, we were not able to separate the results out by individual communities without losing the integrity of the results.

What We Learned About the Availability of Services

By service *availability* we mean whether needed service providers physically exist, accept parents in dependency cases as clients, and have the capacity to serve the parents needing their services.

Statewide, the percent of service provider respondents who reported usually having a waiting list ranges from a low of 11 percent for domestic violence victim services to 54 percent for intensive inpatient chemical dependency treatment. The most commonly reported waiting period for each service ranges from one day to over two weeks.

Less than one-third of service provider respondents reported prioritizing parents in dependency cases over other individuals. The rates at which providers of chemical dependency assessments and treatment reported prioritizing parents was higher than the rates for providers of other services to parents.

The largest groups of service provider respondents reported that the payments they receive for parents in dependency cases are about the same as their agencies' usual and customary rates.

Social worker respondents to our survey reported variations between the rates of referrals for parents to specific services and the availability of those same services.

What We Learned About the Accessibility of Services

By service *accessibility* we mean whether parents are actually able to get to, participate in, and complete the services required of them.

Statewide, over 80 percent of parent respondents to our survey reported being able to participate in 17 of 19 specific services.

Some of the parent respondents who reported receiving cash assistance, medical assistance, food assistance, or housing assistance before their dependency cases reported losing those supports as a result of the cases.

Thirty-five percent of parent respondents reported losing their home or living arrangements as a result of the dependency cases.

Parents' Use of Services through DSHS Comparable to Survey Results

We saw that the rates at which parents actually received substance abuse and mental health treatment services through the Department of Social and Health Services (DSHS) are comparable to the rates at which parent respondents to our survey reported that the court required them to complete those services.

Federal and Independent Reviews of State's Services for Parents

The federal government has found the state in compliance with requirements relating to services for children and families. The independent review by the nonprofit Council on Accreditation is not yet complete, but has preliminarily raised concerns about compliance with some of the standards relating to services for parents in certain areas of the state.

Statutory Compliance Issues

In the course of conducting this study, we discovered two related statutory compliance issues:

New DSHS Statutory Requirement to Notify Court of Parent's Inability to Access Services

As of July 2007, DSHS must promptly notify the court that a parent is unable to engage in treatment due to inability to access services if court-ordered remedial services are unavailable to the parent for any reason, including lack of funding, lack of services, or language barriers. DSHS currently does not centrally track information on individual parents' ability to access services.

Recommendation #1:

DSHS should develop a plan for how it will report on its performance in meeting the new statutory requirement to promptly notify the court that a parent is unable to engage in treatment due to the inability to access services if court-ordered remedial services are unavailable for any reason. The plan should include not only reporting on the number of instances when parents are not able to access services, but also the reasons why the parents are not able to access services.

Parent-Child Visits May Be Limited in Conflict with State Law

State law prohibits limiting visitation as a sanction for a parent’s failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation. However, statewide, 33 percent of social worker respondents to JLARC’s survey reported that visits are always, often, or sometimes restricted or canceled *because* the parent is out of compliance with the service plan. We could not determine from these responses who (e.g., judicial officer, social worker) was actually restricting or canceling the visits for this reason.

Recommendation #2:

DSHS and the Administrative Office of the Courts must ensure that agency and court staff are adequately informed of the statutory restriction on limiting visitation as a sanction for a parent’s failure to comply with court orders or services.