

**Department of Health and Human Services**

**OFFICE OF  
INSPECTOR GENERAL**

**OHIO ENSURED THAT ALLEGATIONS AND  
REFERRALS OF ABUSE AND NEGLECT OF  
CHILDREN ELIGIBLE FOR TITLE IV-E  
FOSTER CARE PAYMENTS WERE  
RECORDED AND INVESTIGATED IN  
ACCORDANCE WITH STATE  
REQUIREMENTS AS REQUIRED BY  
FEDERAL LAW**

*Inquiries about this report may be addressed to the Office of Public Affairs at  
[Public.Affairs@oig.hhs.gov](mailto:Public.Affairs@oig.hhs.gov).*



**Gloria L. Jarmon**  
Deputy Inspector General  
for Audit Services

**July 2017**  
**A-05-16-00020**

# *Office of Inspector General*

<https://oig.hhs.gov>

---

The mission of the Office of Inspector General (OIG), as mandated by Public Law 95-452, as amended, is to protect the integrity of the Department of Health and Human Services (HHS) programs, as well as the health and welfare of beneficiaries served by those programs. This statutory mission is carried out through a nationwide network of audits, investigations, and inspections conducted by the following operating components:

## *Office of Audit Services*

The 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. Audits examine the performance of HHS programs and/or its grantees and contractors in carrying out their respective responsibilities and are intended to provide independent assessments of HHS programs and operations. These assessments help reduce waste, abuse, and mismanagement and promote economy and efficiency throughout HHS.

## *Office of Evaluation and Inspections*

The Office of Evaluation and Inspections (OEI) conducts national evaluations to provide HHS, Congress, and the public with timely, useful, and reliable information on significant issues. These evaluations focus on preventing fraud, waste, or abuse and promoting economy, efficiency, and effectiveness of departmental programs. To promote impact, OEI reports also present practical recommendations for improving program operations.

## *Office of Investigations*

The Office of Investigations (OI) conducts criminal, civil, and administrative investigations of fraud and misconduct related to HHS programs, operations, and beneficiaries. With investigators working in all 50 States and the District of Columbia, OI utilizes its resources by actively coordinating with the Department of Justice and other Federal, State, and local law enforcement authorities. The investigative efforts of OI often lead to criminal convictions, administrative sanctions, and/or civil monetary penalties.

## *Office of Counsel to the Inspector General*

The Office of Counsel to the Inspector General (OCIG) provides general legal services to OIG, rendering advice and opinions on HHS programs and operations and providing all legal support for OIG's internal operations. OCIG represents OIG in all civil and administrative fraud and abuse cases involving HHS programs, including False Claims Act, program exclusion, and civil monetary penalty cases. In connection with these cases, OCIG also negotiates and monitors corporate integrity agreements. OCIG renders advisory opinions, issues compliance program guidance, publishes fraud alerts, and provides other guidance to the health care industry concerning 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 Web site.

## **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.

**TABLE OF CONTENTS**

INTRODUCTION ..... 1

    Why We Did This Review ..... 1

    Objective ..... 1

    Background ..... 1

        Federal Foster Care Program ..... 1

        Foster Care Program in Ohio ..... 2

        State Requirements ..... 3

    How We Conducted This Review ..... 3

RESULTS OF REVIEW ..... 4

APPENDIXES

    A: Audit Scope and Methodology ..... 5

    B: Types of Sample Allegations Reviewed ..... 7

## INTRODUCTION

### WHY WE DID THIS REVIEW

Congress, specifically The United States Senate Committee on Finance, outlined concerns about the safety and well-being of foster care children in an April 2015 letter addressed to State governors and sought information about the States' use of private entities or organizations to administer some or all of their foster care programs. The letter describes the child welfare system as a "complex structure consisting of overlapping Federal, State, County and Tribal laws and practices carried out by a mix of public and private entities. At times, this structure leads to finger pointing and confusion when it comes to the question of who is responsible when something goes wrong." These issues were highlighted in a media report<sup>1</sup> that provided several examples of children who died while in foster care. Accompanying the deaths were allegations of negligence as a contributing factor and evidence of sexual and physical abuse, sometimes after clear warning signs, according to the article. To determine whether vulnerabilities in the complaint and investigation process exist, we are performing reviews of foster care agencies in several States, including Ohio.

### OBJECTIVE

Our objective was to determine whether the Ohio Department of Job and Family Services (State agency) ensured that allegations and referrals of abuse and neglect of children eligible for foster care payments under Title IV-E of the Social Security Act, as amended (P.L. No. 74-271, Aug. 14, 1935) (the Act) were recorded, investigated, and resolved in accordance with State requirements, as required by Federal law.

### BACKGROUND

#### Federal Foster Care Program

Title IV-E of the Act established the Federal Foster Care Program, which helps States to provide safe and stable out-of-home care for children until they are safely returned home, placed permanently with adoptive families, or placed in other planned arrangements. At the Federal level, the Administration for Children and Families administers the program. The State agency is responsible for administering the program at the State level.

The Act requires a State to submit a plan that designates a State agency that will administer the program for the State (the Act § 471(a)(2)). Among other requirements, the plan must mandate that the State agency report and provide information to an appropriate agency or official regarding known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child receiving Foster Care Program

---

<sup>1</sup> Mother Jones, "The Brief Life and Private Death of Alexandria Hill." Available online at <http://www.motherjones.com/politics/2015/01/privatized-foster-care-mentor>. Accessed on January 18, 2017.

aid (the Act §§ 471(a)(9)(A) and (B)). The State plan also must provide for the establishment or designation of a State authority or authorities that will be responsible for establishing and maintaining standards for foster family homes and childcare institutions, including standards related to safety, and require that the State apply the standards to any foster family home or childcare institution receiving funds under sections IV-E or IV-B of the Act (the Act § 471(a)(10)).

### **Foster Care Program in Ohio**

Ohio operates its foster care program in a State-supervised, county-administered system. The State agency develops rules and guidelines to help Public Children Services Agencies (PCSAs) implement the foster care program. Each county has a PCSA responsible for administering the program. When a child is removed from a home, a court will grant temporary custody to a PCSA. The PCSA will then place the child with a relative, a nonrelative with whom the child or family has a relationship, or a licensed foster care setting. Some PCSAs operate their own residential programs, and others contract with private child-placing agencies for foster care services. Staff at child-placing agencies recommend foster homes for certification and place children in the homes.

A PCSA is required to assess and investigate reports of abuse, neglect, or dependency. A PCSA may be either a county children services board or a county Department of Job and Family Services office. In Ohio's 88 counties, 55 have a PCSA that is part of the county Department of Job and Family Services. The remaining 33 counties have their own children services boards.

County PCSAs are responsible for intake and investigation of abuse.<sup>2</sup> When a call is received, a Screening Decision Maker determines whether it is an emergency or non-emergency. A case worker then initiates the report. In an emergency situation, the case worker attempts to meet with the alleged child victim within 1 hour. For nonemergency investigations, the case worker attempts to meet with the alleged child victim, child's guardians, and anyone involved in the incident within 24 hours. The case worker documents the date, time, manner, and with whom the investigation or assessment was initiated in an activity log. After the investigation, the case worker will disposition the investigation as either substantiated, unsubstantiated, or indicated. "Substantiated" means that there was an admission or evidence of abuse or neglect. "Unsubstantiated" means that the case worker determined that there was no evidence to support the allegation. "Indicated" means that there was circumstantial evidence supporting abuse or neglect.<sup>3</sup>

In Ohio, the State agency and PCSAs use a comprehensive case management system called the Statewide Automated Child Welfare Information System (SACWIS). SACWIS is a fully Web-based system designed to help county caseworkers and managers with several functions,

---

<sup>2</sup> Ohio Administrative Code (OAC) §5101:2-36-1(A) and §5101:2-36-4

<sup>3</sup> Franklin County Intake Handbook Nos. 2A, 2O, 2Q. These terms and meanings are used in all PCSAs.

including eligibility, case management and the administration of adoption, foster care, and child protection cases. The system, which supports cases from intake to closure, is accessible to workers anywhere Internet access is available and includes alerts and reminders that help in day-to-day case management.

## **State Requirements**

The Ohio Administrative Code section 5101:2-36 provides basic intake, screening, and investigation procedures for PCSAs. It also provides requirements for conducting specialized assessments and investigations of abuse.<sup>4</sup>

In Ohio, investigators are required to arrive at a final case decision no later than 45 days from the date the PCSA screened in the referral as a child abuse and neglect report<sup>5</sup>. In the course of the investigation, the investigator is required to conduct a face-to-face interview with the alleged child victim, if possible, by the next working day after the allegation was made. In addition, State law requires that the investigator conduct a face-to-face interview with the alleged perpetrator, as well as conduct a face-to-face interview or telephone interview with any person who might be a possible source of information. Where applicable, the investigator will also secure relevant school or medical records, take photos of trauma to the child, or secure a medical exam or psychological evaluation.<sup>6</sup>

## **HOW WE CONDUCTED THIS REVIEW**

We obtained the State agency data on allegations and referrals of abuse and neglect of Title IV-E foster care children for which a PCSA assigned an investigation for the period January 1, 2014, through December 31, 2015. We sorted the universe of 546 cases by provider type and determined that 442 of these cases occurred in residential foster homes. We selected 128 cases that had one or more reported incidents of abuse or neglect during our audit period.<sup>7</sup>

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.

---

<sup>4</sup> Ohio Administrative Code (OAC) §5101:2-36-1(A) and §5101:2-36-4.

<sup>5</sup> The PCSA may extend the time frame by a maximum of 15 days if information needed to determine the report disposition and final case decision cannot be obtained within 45 days and the reasons are documented in the case record.

<sup>6</sup> Ohio Administrative Code (OAC) §5101:2-36-4.

<sup>7</sup> Our sample consisted of 95 residential foster homes. Some of these homes had multiple reported incidents made against them during our audit period, so the actual number of cases we reviewed was 128.

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

## **RESULTS OF REVIEW**

The State agency ensured that allegations and referrals of abuse and neglect for children in foster care covered by Title IV-E of the Act were recorded, investigated, and resolved in accordance with State requirements, as required by Federal law.

See Appendix B for the types of allegations reviewed.



## APPENDIX A: AUDIT SCOPE AND METHODOLOGY

### SCOPE

We obtained State data on reports of all allegations and referrals of abuse and neglect of Title IV-E foster care children for the period January 1, 2014, through December 31, 2015. We sorted the universe of 546 cases by provider type and determined that 442 of these cases occurred at a residential foster home. We selected 128 cases<sup>8</sup> from 5 different county PCSAs. Four of the PCSAs<sup>9</sup> were selected because they had the highest number of allegations and referrals of abuse and neglect during our audit period for Title IV-E foster care children who resided in a PCSA's residential foster family home at the time the incident occurred. We selected an additional PCSA<sup>10</sup> because it was in a rural county that had a disproportionately high rate of allegations. Each case file contained the details of the allegation, the time and method of the investigation's initiation, interviews with the potential victim(s) and the foster parent(s), notification to law enforcement, a supervisory review, an investigation completion date, and the supervisor's approval of the investigation.

We evaluated and tested the State agency's procedures for monitoring, tracking, and investigating those complaints by reviewing the State agency's case files. In addition, we reviewed State policies and procedures for handling allegations of abuse and neglect of foster care children.

We did not assess the State agency's overall internal control structure. Rather, we limited our review of internal controls to those applicable to our audit objective.

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.

We conducted fieldwork at the State agency's office in Columbus, Ohio, and received the investigation files electronically or in person from the county PCSAs.

---

<sup>8</sup> Our sample consisted of 95 residential foster homes. Some of these homes had multiple reported incidents made against them during our audit period, so the actual number of cases we reviewed was 128.

<sup>9</sup> Franklin County, Cuyahoga County, Hamilton County, and Montgomery County

<sup>10</sup> Fairfield County

## **METHODOLOGY**

To accomplish our objective, we:

- reviewed Federal and State laws, regulations, and the State agency’s licensing policy and procedures handbook related to reporting allegations and referrals of abuse and neglect;
- interviewed State agency officials regarding the State’s monitoring, tracking, and investigation of allegations or referrals of abuse and neglect cases involving Title IV-E foster care children;
- interviewed county PCSA officials regarding the reporting of allegations and referrals of abuse and neglect and the process for monitoring, tracking, and investigating those cases;
- obtained a computer-generated file from the State agency representing all allegations of abuse and neglect of Title IV-E foster care children during our audit period;
- selected 128 cases that had one or more reported incidents of abuse or neglect during our audit period;
- assessed the intake and investigation process and timeliness of the selected case files; and
- discussed the results of the review with State agency officials.

**APPENDIX B: TYPES OF SAMPLE ALLEGATIONS REVIEWED**

<b>Type of Allegation</b>	<b>Number of Cases</b>
Medical neglect	2
Neglect	33
Physical abuse	60
Sexual abuse	14
Two or more types of abuse	19
<b>Total</b>	<b>128</b>