

Testimony Prepared for the
Legislative Audit and Fiscal Review Committee

January 9, 2025

By: Rhonda Allery, Mountain Lakes Human Service Zone Director

**RE: State Auditor Report relating to Child Protection Services (CPS)
Response Times**

Chair O'Brien, and members of Legislative Audit and Fiscal Review Committee, my name is Rhonda Allery. I am the Director for the Mountain Lakes Human Service Zone, which includes the counties of Ramsey, Towner, Benson, and Rolette. In addition, I am a member of the North Dakota Human Service Zone Director Association. I am here today to provide testimony in response to the State Auditor's report relating to Child Protection Service (CPS) response times.

Human Service Zones are legally designated to provide child welfare services, including child protection, foster care, and in home case management. The provision of child welfare services in North Dakota are provided in a "state supervised-locally administered" model. The Department of Health and Human Services provides programmatic supervision, policy development, technical assistance and compliance monitoring. Human Service Zones roles include Child Protection Intake, CPS Assessment, safety planning/monitoring and court referrals, when necessary. *[Attached One Pager: Who's Who in Child Welfare.]* In recent years, the State Auditor's Office has examined compliance to policy, as it relates to Child Protection Service timelines, focusing on completion times for initial face-to-face contacts with reported victims of child abuse/ neglect.

Child Protection response times and workflow are outlined in the attached handout *[CPS Process]*, and include:

Reports of suspected child abuse/neglect are forwarded to the local Human Service Zone from the CPS Central Intake Unit. The Intake Unit will make a determination of which Category (A, B, or C) resulting in the correlating response time.

In Category A cases, Central Intake contacts a human service zone child welfare supervisor, or other child welfare team member immediately and forwards what information they have gathered at that point. This supports a quick initial response on the highest risk level cases. Additional information may be gathered by the intake worker and a fully completed CPS Intake will be sent to the zone upon completion. For non-emergent reports, CPS Intake sends the full Intake to the Human Service Zone within 24 hours of receiving the report.

- Category A: Emergency- Immediate: within 24 hours. This means there is existing present danger and safety threats reported. Examples are: no protective caregiver is available; an abandoned infant/young child; a critical incident involving serious injury, death, or sexual abuse and substance exposed infants. These are often incidents where law enforcement is involved or requesting assistance from Child Protection Services in responding.
- Category B: Potential Impending Danger: within 72 hours. Impending danger is a situation where there is a threat to child safety that may happen at any time, is observable and has potential to become out of control. Examples include reports of parental substance use, unsafe home conditions. In North Dakota, most reports of suspected child abuse/neglect are Category B cases.
- Category C: Suspected Maltreatment with no report of Impending or Present Danger: within 14 calendar days. Typically, this type of report is the least common. An example would be educational neglect.

Once the report is received from Central Intake, a local Child Protection Assessment worker is assigned and must assess the safety of the child within the designated timelines. This initial

safety assessment involves determining if there is an imminent threat to the child's safety, and if so, the CPS worker will develop a Present Danger Plan to ensure child safety while the assessment proceeds. A Present Danger Plan may include staying with a friend or relative temporarily, having another adult move into the home of the vulnerable child, or other out of home arrangement, which may include a relative placement or foster care placement. CPS Workers must also assess and determine if there are factors that may lead to Impending Danger, and if so, an Impending Danger Plan must be put in place and monitored throughout the life of the assessment. Other information assessed includes the caregiver's protective, cognitive, and behavioral strengths and limitations. Observations from collateral contacts and supporting facts relating to the reported incident are collected during this time as well.

Once the relevant supporting information is gathered, a safety determination is made and a decision as to whether or not maltreatment has occurred, as defined by North Dakota Century Code. At this point, HHS Field Service Specialists review the assessment information and provide a final determination on whether a case has "Confirmed" or "Unconfirmed" findings that child abuse or neglect has occurred in alignment with NDCC definitions. If child abuse/neglect is determined and additional services are warranted to control the potential danger to the child, a referral to Human Service Zone Case Management would occur. It is important to know that child safety and present or impending danger threats are assessed and monitored routinely throughout the life of a family's involvement in Human Service Zone provided child welfare services.

Ms. Thomasson, HHS Executive Policy Director, has provided testimony and data resulting from an internal audit of CPS timeliness. The North Dakota Human Service Zone Director Association would also like to highlight some additional information that may be valuable to the committee. North Dakota Child Protection Policy (640-01-10-10-05 Response

Time Exceptions) allows for exceptions to completing the initial face to face contact within the Category A, B, and C timelines. Allowable exceptions include:

1. Law Enforcement assistance is necessary because the report indicates a crime may have been committed, or worker safety is in question and no law enforcement is immediately available.
2. Law Enforcement requests a delay
3. Due to the child's location, access to the child is not possible (roads are closed to extreme weather, or the child is out of jurisdiction)
4. Needed time and demand for planning logistics of the intervention (child needs to be interviewed separately from parent but has left school for the day)

Any exception to the designated time frame must be staffed with a child welfare supervisor and thoroughly documented in the Case Activity Log in the FRAME child welfare data system. It should be noted that the current data system is outdated and does not have the ability to run an exception report. To glean that information, the reviewer must go into each child abuse/neglect report, read the narratives relating to the exception, and then interpret if it falls into a category of allowable exceptions. Additionally, if a second report of suspected child/abuse neglect is received on the same case, while it is currently open for assessment, there is no other place than the case narrative to enter the subsequent date/time of the face-to-face contact. In fact, with subsequent reports, the FRAME data reporting system will misleadingly indicate that there was no contact made as the face-to-face contact notation is only made in narrative format. To accurately determine timeliness consistent with policy, the reviewer would again need to review the case narrative and search out the required information. To our knowledge, the State Auditor did not consider the long-standing policy related to exceptions, nor did they review case narratives in FRAME while performing this policy compliance audit.

Human Service Zones have worked diligently to identify barriers and/or causes contributing to untimely responses to CPS reports. There are challenges of time and distance when providing child welfare services in a state classified as not just rural, but “frontier.” Some complications to timely face to face response include being unable to locate children. They may not be in school or day care that day. They may be out of the community. Parents may be evading contact with the CPS Assessment Worker. In addition, if a human service zone is understaffed, there may have been a lack of trained team members to provide a timely response.

Another example of an untimely response may be a matter of minutes: If a Category A report (24-hour response) was received at the local Human Service Zone office at 10:15 AM on a Tuesday, and the child is seen at 10:35 AM on Wednesday, this would be untimely despite only being a few minutes late.

If there are three children in a family, and two children are school aged, and seen at the school, but the third child is not able to be located at that same time, this case “fails” as untimely as all three children did not receive an initial face to face visit within the set timeline.

In the past two years, Human Service Zones have prioritized timely response to assess the safety of children reported as suspected victims of abuse/neglect. Recent data indicates that tremendous progress has been achieved in ensuring child safety and increased compliance with applicable as outlined by Ms. Thomasson. Human Service Zone Team members are actively collaborating internally and externally to achieve these timeframes for the protection of those most vulnerable.

In closing, the North Dakota Human Service Zone Director Association offers the following recommendations for the committee to consider:

1. Continue funding support for the development of the new child welfare system known as OCEANS. This is critical to supporting the case management and accurate reporting requirements of child welfare response and activities.
2. Request for HHS – CFS Division to perform random audits of CPS assessment while applying full policy, and report outcomes to the legislative body at designated intervals.

Thank you for your consideration. I stand for questions from the committee.

Who Does What in Child Welfare?

ROLES IN NORTH DAKOTA'S HUMAN SERVICE SYSTEM

HUMAN SERVICE ZONES (HSZ) TEAM MEMBERS



Child Protection Services (CPS) Workers: Provide protective services for children under age 18, including child protection assessments in response to reports of suspected child abuse or neglect and follow-up services to families.



CPS Central Intake Unit: (Statewide HSZ team) Is the intake point for reports of suspected child abuse or neglect. Collects facts and provides details to CPS workers at the local HSZ level.



Child Welfare/CPS Supervisor: Supervise and support child welfare staff in HSZs.

Foster Care Case Manager: Manages case and is main point of contact for child, parents and foster care provider. *Child is not in the home.*

Child Welfare Case Manager: (Also called Family/In-Home/ Wrap-around/Family Preservation Case Manager) Focuses on internal family stability, parental capacities, and identifying needed supports and services. *Child is in the home.*

Family Support/Parent Aide: (Also called Human Service Aide /Transportation Aide) Assist parents in building parental capacities and skills to maintain

or reunify child with family. Not located in all HSZs. Some only provide transportation to support child and family connections and visits. ■

ND HEALTH AND HUMAN SERVICES (HHS) TEAM

Foster Care Licensing Specialist:

Recruits, supports, guides and assesses foster parents through the licensing and renewal process. Works in the HHS Children and Family Services (CFS) Licensing Unit.



Field Service Specialist:

Monitors fidelity and quality of work related to the Safety Framework child welfare practice model and ND policy, in addition to providing technical assistance to the foster care, child protection and in-home case management units within the Human Service Zones and Division of Juvenile Services (DJS). Is employed by HHS – CFS. ■

Other Non-Child Welfare Support to Families

Children in Need of Services (CHINS): HSZ team connects families and children (whose behaviors include truancy, disobeying parents, running away and/ or using tobacco products) to local services. hhs.nd.gov/cfs

OTHER INFORMATION

- ☆ **OUT OF HOME PLACEMENT:**
- Legal authority to remove a child is authorized by Juvenile Court or Law Enforcement and affirmed by the Courts.
 - Deprivation matters are brought forth by the HSZ CPS workers to the removing authorities.
 - Out-of-home placements could occur with relatives, kinship care, foster homes, therapeutic foster homes, or QRTP/PRTFs.

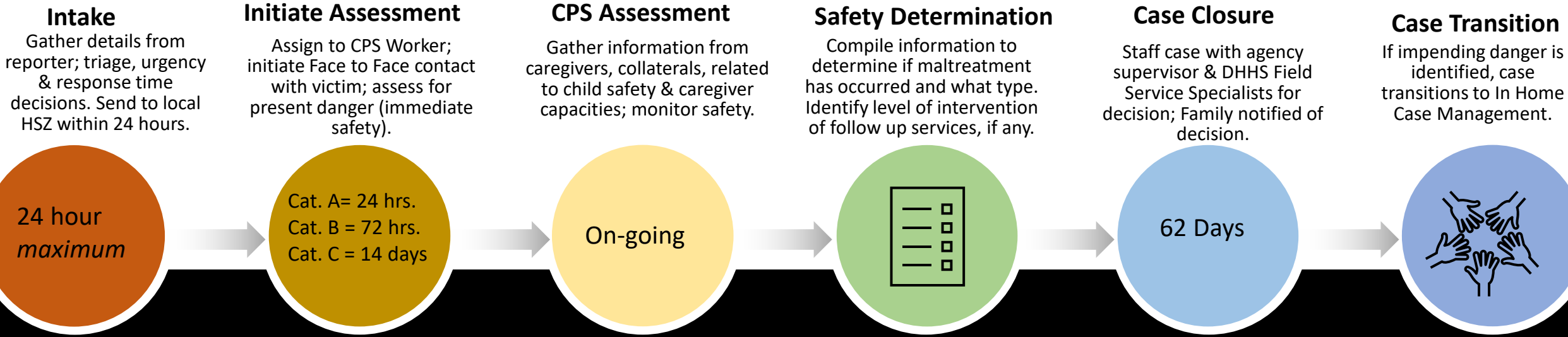
CUSTODIAL AGENCY:

In ND, foster children are placed under the public custody of three public agencies:

- **Human Service Zones:** ND's 19 Human Service Zones that represent 53 counties serve the greatest volume of foster children in ND's foster care system.
- **Division of Juvenile Services**
- **Tribal Social Services:** North Dakota has a formal State-Tribal Title IV-E agreement with four Tribal Nations: Standing Rock Sioux Tribe, Spirit Lake Nation, Turtle Mountain Band of Chippewa and MHA Nation.

GUARDIAN AD LITEM:

Appointed by the court to advocate for the best interests of a child in a juvenile court proceeding.



Exceptions to response times, per policy:

- Law Enforcement assistance is necessary due to the nature of reported concerns, or worker safety is in question and no law enforcement is available.
- When an assessment involves criminal charges, Law Enforcement directs the investigation and may direct CPS to delay face to face contact to prevent hindering investigation.
- Needed time and demand for planning and logistics. For example: CAC Interview outside policy allowances.
- Unable to locate child, despite concerted attempts.

Considerations/Complicating Factors:

- Dated data system does not track allowable exceptions; justifications are located in case narrative.
- Difficulty locating children; parents may be attempting to evade CPS.
- Travel time/distance; inclement weather.
- Not ALL children in a family unit (2 of 3 may have been seen).
- If a report comes in at 10:15 AM on Tuesday, and the child is seen at 10:35 AM on Wednesday, this is counted as “missed.”