

**REGISTERED SEX OFFENDER ADDRESS COMPARISONS CAN  
STRENGTHEN THE MONITORING PROCESS FOR CHILD CARE AND  
OUT-OF-HOME PLACEMENT PROVIDERS**



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The Auditor Of Public Accounts Ensures That Public Resources Are Protected, Accurately Valued, Properly Accounted For, And Effectively Employed To Raise The Quality Of Life Of Kentuckians.

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CRIT LUALLEN  
AUDITOR OF PUBLIC ACCOUNTS

September 30, 2010

Janie Miller, Secretary  
Cabinet for Health and Family Services  
275 East Main Street, 5W-A  
Frankfort, Kentucky 40621

RE: Registered Sex Offender Address Comparisons Can Strengthen the Monitoring Process for  
Child Care and Out-of-Home Placement Providers

Dear Secretary Miller:

The enclosed report, *Registered Sex Offender Address Comparisons Can Strengthen the Monitoring Process for Child Care and Out-of-Home Placement Providers*, contains four findings and offers specific recommendations to strengthen the screening and monitoring process of homes and facilities approved by the Cabinet to provide these services. The audit process included determining: address matches between Kentucky's Sex Offender Registry and the addresses of state regulated child care homes and facilities, foster homes, adoptive homes prior to finalization, and homes of relative caregivers; and the effectiveness of the Cabinet's screening process for applicants, as well as their review process of potential address matches found during our audit.

We will distribute this report in accordance with the mandates of Kentucky Revised Statute 43.090. Additionally, the report will be distributed to members of the General Assembly committees with oversight authority, as well as other interested parties.

In accordance with Kentucky Revised Statute 43.090(1), the Department for Community Based Services must notify the Legislative Research Commission and the Auditor of Public Accounts of the audit recommendations it has implemented and of the recommendations it has not implemented, and reasons therefore, within sixty (60) days of the completion of the final audit.

Our Performance and Examination Audits Branch evaluates the effectiveness and efficiency of government programs as well as performs risk assessments and benchmarking of state operations. We will be glad to discuss with you at any time this audit or the services offered by our office. If you have any questions, please contact Brian Lykins, Executive Director of the Office of Technology and Special Audits, or me.

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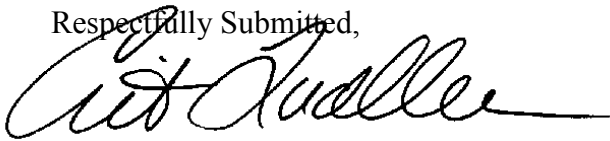
AN EQUAL OPPORTUNITY EMPLOYER M / F / D



Secretary Miller  
September 30, 2010  
Page 2

We greatly appreciate the courtesies and cooperation extended to our staff during the audit.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Crit Luallen  
Auditor of Public Accounts





## **Registered Sex Offender Address Comparisons Can Strengthen the Monitoring Process for Child Care and Out-of-Home Placement Providers**

### **Audit Objectives**

The Auditor of Public Accounts conducted this performance audit to determine the usefulness of comparing registered sex offender addresses to the addresses of state regulated homes or facilities that provide care to children, such as child care providers, foster care homes, adoptive homes prior to finalization, and the homes of relative caregivers. Background checks are required for licensed, certified, and registered child care providers, as well as foster, adoptive, and relative caregivers. However, the provider or caregiver could meet the requirements of a background check while still allowing a registered sex offender to live or work within the home or facility without reporting it to the regulating agency. Specifically, this audit was conducted to:

1. Determine whether the addresses of registered sex offenders matched the addresses of state regulated child care homes and facilities, as well as children placed in foster homes, adoptive homes prior to finalization, and the homes of relative caregivers.
2. Determine the effectiveness of the screening process for applicants, as well as the review process conducted of potential address matches resulting from our audit procedures.

### **Background**

#### **Requirements for Background Checks**

According to KRS 17.165, child-care centers will not employ any person who is a violent offender or was convicted of a sex crime for any position that involves supervisory or disciplinary power over a minor. In addition, child-care providers that are certified under KRS 199.8982 or receive a public child care subsidy or any adult that resides on the premises of the child-care provider and has direct contact with a minor cannot have been convicted of a violent crime or a sex crime. In addition, KRS 199.462 requires the Department for Community Based Services (DCBS) to conduct a criminal background review of any applicant and the applicant's adult household members before a person is approved to provide foster care, adoptive care, or relative caregiver services to a child.

#### **Sex Offender Registry Requirements**

KRS 17.510 and KRS 17.580 require the Justice and Public Safety Cabinet to maintain a computerized registration system for persons convicted of a sex crime or criminal offense against a victim who is a minor. Registrants also include persons who have been committed as a sexually violent predator.

Offenders must register on or before the date of his or her release with the appropriate local probation and parole office in the county in which he or she intends to reside. If a sex offender relocates to Kentucky from another state or territory, he or she must register with the appropriate local probation and parole office in the county of residence, employment, vocation, or schooling within five working days of relocation.

If the registrant changes residences, the new address must be reported to the local probation and parole office on or before the date of the address change. This information is then forwarded to the KSP for updating the offender's records on the Sex/Criminal Offender Registry Website.

To verify the addresses of registrants, KSP sends an address verification form to the offender's registered address, which must be signed by the offender and returned within ten days. If an offender fails to respond to the address verification form, they are deemed non-compliant and local law enforcement authorities are to be notified and the offender is subject to being charged with a Class D felony for the first offense and a Class C felony for each subsequent offense. Addresses are verified annually for 10 year and 20 year registrants, while lifetime registrants have their addresses verified every 90 days.

According to the records provided by the KSP, 7,867 people were registered as sexual offenders as of February 25, 2010. Of that number, 4,744 are lifetime registrants, 748 are 20 year registrants, and 2,375 are 10 year registrants.

#### **Facilities and Homes Included in Address Match**

Through the auditor's research and discussion with DCBS and others, certain homes and facilities were

chosen for review to perform an electronic address match. The homes and facilities are as follows: foster home caregivers, relative caregivers in the Kinship Care program, licensed and certified child-care providers, and registered in-home child-care providers.

Pursuant to KRS 199.011(9) and KRS 600.020(26) a Foster Family Home is a private home in which children are placed in foster care under the supervision of the Cabinet or a licensed child-placing agency. Foster care provides a temporary home and care to children that have been removed from their homes due to abuse or neglect.

Kinship Care was established to provide an alternative to foster care for children who have been or may be removed from their home when the State has substantiated abuse or neglect, or due to the death of both parents. Kinship Care is a program where family members or relatives by blood, marriage, or adoption must meet certain eligibility criteria and be willing to take temporary custody of the child.

There are three types of regulated child care providers: licensed, certified, and registered.

**Licensed Type I Child Care Center:** A non-residential site where four or more children are provided care; or where 13 or more children are provided care in a designated space separate from a primary residence.

**Licensed Type II Child Care Center:** Dwelling in which 7 to 12 children are cared for in the provider's home.

**Certified Family Child Care Homes:** Dwelling in which the provider cares for 6 or fewer children unrelated to the provider in the provider's home.

**Registered Providers:** Provides residential child care services for up to three children not related to the provider. Providers must meet the health and safety requirements to participate in the Child Care Assistance Program (CCAP), as outlined in 922 KAR 2:180.

### **Findings and Recommendations**

**Finding 1: 12 registered sex offenders were confirmed to be living in state regulated homes that provide care and placement services for children.**

The addresses of registered sex offenders were compared through an electronic data match to the addresses of homes and facilities that provide care and out-of-home placements for children, resulting in matches for 30 different homes. Follow-up reviews of the matched addresses performed by DCBS and KSP confirmed that sex offenders resided in 12 of the 30 homes. For the remaining 18 matches, the DCBS

review indicated that either the sex offender did not live at this address or that the residency status of the offender could not be determined using the procedures implemented by DCBS.

Because the types of homes included in the 30 address matches provide different services and have their own unique statutory and regulatory requirements, the results of the data matches for each type of home are provided in the following three sections.

#### **Registered sex offenders were found living in seven relative caregiver homes within the Kinship Care Program.**

A comparison of the addresses of relative caregiver homes to registered sex offender addresses resulted in 16 address matches to homes in the Kinship Care Program. The follow-up review conducted by DCBS confirmed that a registered sex offender was residing in seven of the 16 homes.

For the other nine matches where the review indicated no sex offender in residence or the residency was undetermined, DCBS did not contact the homes or conduct site visits. DCBS takes the position that Kentucky law does not mandate that it take action with respect to these homes. Further investigation would only occur if there was a specific allegation of abuse or neglect, as in the case with any other private home. However, the regulations pertaining to the Kinship Care program indicate that DCBS does retain the authority to determine the homes' continuing eligibility for the program, as well as the financial assistance provided by the program.

#### **Registered sex offenders were confirmed to be living in two foster homes.**

A comparison of the addresses of foster homes, adoptive homes prior to finalization, and independent living residences to the addresses of registered sex offenders resulted in six address matches. The follow-up review by DCBS confirmed that two foster homes included in the six address matches had sex offenders living in the homes.

#### **Registered sex offenders were confirmed to be living in three registered child care homes.**

A comparison of the addresses of licensed, certified, and registered child care homes and facilities to registered sex offender addresses resulted in matches with eight registered child care homes. The follow-up review by DCBS revealed that one registered child care home had a sex offender living at the residence. A further review by KSP revealed that two more of the matched registered child care homes also had registered sex offenders living in those homes. This resulted in a total of three confirmations that a sex offender was

living in registered child care homes from the eight address matches.

**Recommendations:**

DCBS should perform an address comparison between the Sex Offender Registry and:

- Homes that are licensed, certified, or registered to provide in-home child care services;
- Foster Homes;
- Independent Living Homes;
- Adoptive Home prior to finalization; and,
- Kinship Care Homes.

A match of the address data should be performed during any application process and during any renewal or reassessment process.

If any address matches are found during a comparison of the Sex Offender Registry and the addresses of the homes in these programs, DCBS should investigate to determine if the sex offender is living in the home. If a sex offender is confirmed to be living in a home the following procedures should be implemented:

- If confirmation is during the application process of the program, in accordance with 922 KAR 1:490, the application should be denied.
- If confirmation is found during the period a home has been licensed, certified, or registered to provide child care, the provider should have their status in the program revoked in accordance with the corresponding child care requirements.
- If confirmation is found after a home has already been certified as a foster home or independent living home for children, DCBS should take action to determine the risk to the child if the child remains in the home. If the risk is unacceptably high, DCBS should take action to remove the child from the home, or take steps, if necessary, to eliminate the risk of the sex offender living in the home. If there is a violation of 922 KAR 1:490, DCBS should determine whether the home should be removed from the foster care program.
- If confirmation is found at a home that has not yet finalized the adoption process, DCBS should determine the risk to the child if the child remains in the home, and take available steps to eliminate the risk to the child.
- If confirmation is found at a Kinship Care home that has not yet received permanent custody orders from the courts, DCBS should determine the risk to the child if the child remains in the home. If the risk is unacceptably high, DCBS

should find placement in a safer relative caregiver home or foster home.

- If confirmation is found at a Kinship Care home where permanent custody has been granted by the courts, DCBS should redetermine if the caregiver is eligible for the program and the related financial assistance until the risk of the sex offender living in the home has been assessed and eliminated.

For all programs where a sex offender is confirmed to be living in the home, a Risk of Sexual Harm Assessment should be conducted to determine whether potential sexual abuse has occurred.

If the review of address matches cannot confirm that a sex offender lives in the home, DCBS staff should contact the Criminal Identification and Records Branch within the Kentucky State Police for investigation of non-compliance by the sex offender. DCBS staff should continue communication with KSP to determine the results of any residency investigation by law enforcement officials.

**Finding 2: The DCBS review process was deficient in determining if a sex offender was residing at the address matched to the sex offender database.**

According to DCBS, the process used to determine whether sex offenders resided at the 30 matched addresses included a visit to only one of the 30 homes and a few instances of direct contact with the homes. Instead, DCBS relied on a review of various DCBS databases, food stamp information, driver's license information, case files, and contact with case workers in some instances. Given the serious implications of sex offenders potentially living in these DCBS regulated homes, the review process and procedures followed by DCBS appear to be insufficient to ensure the safety of the children placed in these homes.

DCBS staff stated that a data match was not considered a specific allegation of abuse or neglect that would have resulted in field staff conducting a Risk of Sexual Harm Assessment. DCBS staff also stated that a Risk of Sexual Harm Assessment may be conducted if there is a report that the offender is left alone with direct supervision of the children or has a history of harming children in the past. Though at least 21 of the 30 sex offenders with matched addresses were convicted of crimes against children under the age of 15, the DCBS review process did not include steps to make a definite determination as to whether the sex offender is or had been residing at the matched addresses.

**Recommendations:**

DCBS should consider a data match with Kentucky’s Sex Offender Registry as an indicator of possible risk of abuse that needs to be fully evaluated. The results of any match process should be used to conduct comprehensive reviews to determine if a sex offender lives at the matched address. Review procedures should be comprehensive to ensure children living or receiving services at the home are not at risk. This may include data searches and reviews of case files, but should also include site visits or direct contact with the homes when the results are inconclusive.

If the results of the review determine that the sex offender is not residing at the matched address, DCBS should contact the KSP Criminal Identification and Records Branch to report the possibility of a non-compliant sex offender. DCBS staff should continue communication with KSP to determine the results of any residency investigation by law enforcement officials.

**Finding 3: The physical address data field maintained by DCBS does not provide the physical locations for all homes and facilities.**

The address records for 3,266 DCBS regulated child care providers, foster homes, adoptive homes prior to finalization, and Kinship Care homes did not indicate a physical location. Without a physical location of these homes and facilities, it is not possible to use a simple data matching process to determine if registered sex offenders have reported living at the same address. This means there were 3,266 missed opportunities of determining whether a sex offender is living in a location not allowed by law or with a vulnerable child population.

**Recommendations:**

DCBS should ensure that the physical addresses of state regulated homes or facilities are recorded in the designated location within the databases. In addition, DCBS should periodically review that the physical address data is valid and complete by developing an automated review process to determine whether the address data has been entered correctly and completely.

**Finding 4: Statutes and policies related to background checks of potential child care providers, foster homes, and relative caregivers do not take advantage of the information maintained within the Sex Offender Registry.**

No statute, regulation, or policy requires an address comparison of registered sex offenders to the addresses provided by state regulated child care providers, foster care parents or relative caregivers within the Kinship Care Program. Currently, statutes and regulations ensure that criminal records checks and child abuse or neglect checks are performed on the providers, foster

parents, and relative caregivers. However, the employment or residency of staff and household members is self-reported by the applicant, which results in required screening checks possibly not being performed on all of the individuals that could be in contact with the children in the facility or home. If the provider or caregiver does not fully or accurately report the individuals living or working in the home, required screening procedures will not be conducted. Comparing the addresses of these providers and caregivers with the addresses of convicted sex offenders will provide additional controls within the screening process and alert state agencies that a sex offender is living at or associated with a facility or home.

**Recommendations:**

DCBS and other agencies that rely on self-reported household information should incorporate a comparison of the provided physical address to the addresses maintained within the sex offender registry database. This comparison should be conducted periodically, but at a minimum during the initial screening process and during any renewal or reassessment procedures.

**Agency Review Performed Subsequent to Receipt of the Draft Audit Report**

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The results of both address data matches were immediately provided to DCBS staff for review on June 23, 2009 and March 11, 2010. A draft audit report was provided to DCBS on May 25, 2010. DCBS requested several subsequent meetings that were held with audit staff to discuss the draft report. Additional research was conducted by DCBS as the agency response was developed. This research resulted in additional information that was provided to the APA. This information was reviewed and incorporated into the report if relevant and significant. However, the additional information did not change the number of confirmed address matches or the audit findings associated with the initial DCBS review.

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## Chapter 1

# Introduction and Background

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### Objective

The Auditor of Public Accounts conducted this performance audit to determine the usefulness of comparing registered sex offender addresses to the addresses of state regulated homes or facilities that provide care to children, such as child care providers, foster care homes, adoptive homes prior to finalization, and the homes of relative caregivers. Background checks are required for licensed, certified, and registered child care providers, as well as foster, adoptive, and relative caregivers. However, the provider or caregiver could meet the requirements of a background check while still allowing a registered sex offender to live or work within the home or facility without reporting it to the regulating agency. Specifically, this audit was conducted to:

1. Determine whether the addresses of registered sex offenders matched the addresses of state regulated child care homes and facilities, as well as children placed in foster homes, adoptive homes prior to finalization, and the homes of relative caregivers.
2. Determine the effectiveness of the screening process for applicants, as well as the review process conducted of potential address matches resulting from our audit procedures.

### State Requirements for Background Checks

According to KRS 17.165, child-care centers will not employ any person who is a violent offender or was convicted of a sex crime for any position that involves supervisory or disciplinary power over a minor. In addition, child-care providers that are certified under KRS 199.8982 or receive a public child care subsidy or any adult that resides on the premises of the child-care provider and has direct contact with a minor cannot have been convicted of a violent crime or a sex crime. Child care centers must request all conviction information from the Justice and Public Safety Cabinet or the Administrative Office of the Courts prior to employing any applicants.

KRS 199.462 requires the Department for Community Based Services (DCBS) to conduct a criminal background investigation of any applicant and the applicant's adult household members before a person is approved to provide foster care, adoptive care, or relative caregiver services to a child. The criminal background investigation could be done by means of a fingerprint check by Kentucky State Police (KSP) and the Federal Bureau of Investigation or through a request for all conviction information from the Justice and Public Safety Cabinet. During a certified foster home's annual reevaluation, DCBS may require a background investigation for each adult household member.

### Sex Offender Registry Requirements

KRS 17.510 and KRS 17.580 require the Justice and Public Safety Cabinet to maintain a computerized registration system for persons convicted of a sex crime or criminal offense against a victim who is a minor. Registrants also include persons who have been committed as a sexually violent predator. The information from the computerized system is used to provide sex offender information on the KSP Sex/Criminal Offender Registry Website.

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Offenders must register on or before the date of his or her release with the appropriate local probation and parole office in the county in which he or she intends to reside. If a sex offender relocates to Kentucky from another state or territory, he or she must register with the appropriate local probation and parole office in the county of residence, employment, vocation, or schooling within five working days of relocation. A person required to register under federal law or the laws of another state or territory is presumed to know of the duty to register in Kentucky.

### **What registration information is required of the registered offender?**

When registering, the local probation and parole office must obtain the person's fingerprints, DNA sample, and photograph along with a completed registration form. The registration form, fingerprint card, and photograph should be sent to the KSP's Information Services Center, where it is posted on the KSP Sex/Criminal Offender Registry Website. The DNA sample is sent to the KSP central laboratory.

If the registrant changes residences, the new address must be reported to the local probation and parole office on or before the date of the address change. If the registrant moves to a different county, he or she must register with the appropriate local probation and parole office in the county of the new residence. The offender should report address changes on an address change form prior to moving. This form is then forwarded to the KSP for updating the offender's records on the Sex/Criminal Offender Registry Website.

A post office box number is not considered an appropriate address according to KRS 17.510. Any person required to register who knowingly violates the requirements of KRS 17.510 and provides false and misleading, or incomplete information is guilty of a Class D felony for the first offense and a Class C felony for each subsequent offense.

### **How long are offenders required to be registered?**

Pursuant to KRS 17.520, the offender's period of registration, upon his or her release, will either be for a lifetime or for 20 years. A lifetime registration is required if the person was:

- convicted of kidnapping when the victim is under 18, except when the offense is committed by a parent;
- if the person has been convicted of unlawful confinement when the victim is under the age of eighteen (18), except when the offense is committed by a parent;
- any person convicted of a sex crime who has one or more prior convictions of a felony criminal offense against a victim who is a minor or prior sex crime convictions;

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- any person who has been convicted of two or more felony criminal offenses against a victim who is a minor;
- any person who has been convicted of rape in the first degree or sodomy in the first degree; and,
- any sexually violent predator.

All other registrants are required to register for 20 years following discharge from confinement or probation, whichever period is greater. The court is required to designate the registration period in its judgment and a copy of this judgment is required to be sent to the KSP's Information Services Center.

Prior to July 12, 2006, the two types of registrant periods were lifetime and ten years. Those that were ten year registrants prior to the 2006 change are still only required to be registered for 10 years.

### **How many offenders are currently registered?**

According to the records provided by the KSP, 7,867 people were registered as sexual offenders as of February 25, 2010. Of that number, 4,744 are lifetime registrants, 748 are 20 year registrants, and 2,375 are 10 year registrants.

### **Address Verification Process and Residency Restrictions**

To verify the addresses of registrants, KSP sends an address verification form to the offender's registered address, which must be signed by the offender and returned within ten days. If an offender fails to respond to the address verification form, they are deemed non-compliant and local law enforcement authorities are to be notified and the offender is subject to being charged with a Class D felony for the first offense and a Class C felony for each subsequent offense. Addresses are verified annually for the 10 year and 20 year registrants, while the lifetime registrants have their addresses verified every 90 days.

Registrants are prohibited from residing within 1,000 feet of a high school, middle school, elementary school, preschool, publicly owned playground, or licensed day care facility. They are also restricted from the clearly defined grounds of these facilities, except with advance written permission with the full disclosure as to the person's status as a sex offender.

It is the duty of the registrant to determine if their residence is in compliance with these restrictions. If a new facility opens within 1,000 feet, the registrant is presumed to know and must move within 90 days. Any registrant found in violation of these restrictions must move and comply with this statute within 90 days. A registrant who violates this requirement is guilty of a Class A misdemeanor for a first offense and a Class D Felony for the second and subsequent offense.

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### **Address Matching Process**

To determine if any of the addresses provided by the sex offender registrants matched the addresses of child care homes or facilities, children in foster care, or children placed in the homes of relatives, the Auditor of Public Accounts requested address information from DCBS within the Cabinet for Health and Family Services (Cabinet) and the Department for Juvenile Justice. The information provided by DCBS came from three different databases known as The Workers Information System (TWIST), Kentucky Automated Management Eligibility System (KAMES), and Kentucky Integrated Child Care System (KICCS). Sex offender addresses and data were requested from the KSP so that an address comparison could be made.

Upon receiving the data, the APA performed procedures to ensure data consistency to allow addresses to be accurately matched. Due to compatibility issues related to inconsistent abbreviations and incomplete address fields such as the city or zip code, the auditors manually reviewed address data from the different data sources and performed necessary edits to provide data that could be electronically matched.

This process was used to conduct an address match on June 22, 2009, as well as an updated match on March 10, 2010. Appendix I provides the details of the number of records involved in each of the matching procedures. All address matches were reported to DCBS for further review.

### **Facilities and Homes Included in the Address Match**

Through the auditor's research and discussion with DCBS and others, certain homes and facilities were chosen for review to perform an electronic address match. The homes and facilities are as follows: foster home caregivers, relative caregivers in the Kinship Care program, licensed and certified child-care providers, and registered in-home child-care providers.

### **Foster Home Caregivers**

Pursuant to KRS 199.011(9) and KRS 600.020(26), a Foster Family Home is a private home in which children are placed in foster care under the supervision of the Cabinet or a licensed child-placing agency. Foster care provides a temporary home and care to children that have been removed from their homes due to abuse or neglect. These homes must be approved prior to providing foster care. Pursuant to 922 KAR 1:490 and 922 KAR 1:350, before an applicant is approved to provide foster care services to a child, the applicant must submit to a child abuse or neglect check, a criminal records check, and complete two in-home consultations. According to DCBS, staff also conduct thorough evaluations of the homes to ensure they meet certain safety and space requirements. If the facility is considered to be a group home, it is limited to no more than eight (8) foster children and may not be adjacent to or part of an institutional campus. The Department of Juvenile Justice (DJJ) also has foster homes used to place committed and probated juveniles.



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### Relative Caregivers (Kinship Care)

Kentucky's Kinship Care program began in 2000. It was established to provide an alternative to foster care for children who have been or may be removed from their home when the State has substantiated abuse or neglect, or due to the death of both parents. Kinship Care is a program where family members or relatives by blood, marriage, or adoption must meet certain eligibility criteria and be willing to take temporary custody of the child. Pursuant to 922 KAR 1:130, before a relative caregiver is approved to provide services, the applicant must undergo a home evaluation, a child abuse or neglect check, and a criminal records check. The Division of Protection and Permanency within DCBS provides case management services to the child, parent, and relatives until the child is returned to their parents or permanency is established.

### Child Care Providers

There are three types of regulated child care providers: licensed, certified, and registered. Under licensed and certified, the three types of facilities are as follows:

- **Licensed Type I Child Care Center:** A non-residential site where four or more children are provided care; or where 13 or more children are provided care in a designated space separate from a primary residence.
- **Licensed Type II Child Care Center:** Dwelling in which 7 to 12 children are cared for in the provider's home.
- **Certified Family Child Care Homes:** Dwelling in which the provider cares for 6 or fewer children unrelated to the provider in the provider's home.

All types require that the director/staff and any adults in the household receive a criminal records check and a child abuse/neglect check. The Cabinet has regulatory compliance responsibility for licensed and certified child care facilities through the Office of Inspector General and the Division of Regulated Child Care. Both of the licensed facility types are inspected annually by the State Fire Marshal and the Type I facility is also inspected annually by the local Health Department.

- **Registered Providers:** Provides residential child care services for up to three children not related to the provider. Providers must meet the health and safety requirements to participate in the Child Care Assistance Program (CCAP), as outlined in 922 KAR 2:180. Providers must renew their registration annually; obtain 3 hours of documented training every year; verify that the provider and all household members are free of tuberculosis every year; and complete a criminal records check and a child abuse/neglect check for all adult household members every year. The required information is submitted by the provider for review, but there is no on-site visit.

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### **Disclaimer of Data**

In our matching process, we used five different data sources that were controlled by three different agencies within the Commonwealth. From the Cabinet, we received data on all of the described provider types from KAMES, KICCS, and TWIST. From the Department for Juvenile Justice, we received data for the foster homes used for committed and probated juveniles. The data from the sex offender registry was provided by KSP.

Throughout this process, we relied upon the agencies for the completeness and accuracy of their data. We developed procedures to correct misspellings or inconsistent abbreviations to ensure the accuracy and uniformity of the address data. However, the data from the Cabinet's databases and the KSP Sex Offender Registry could be described as having an undetermined reliability for purposes of this report because of invalid addresses and noncompliant sex offenders. Specifically, addresses listed as P.O. Boxes, unknown, noncompliant, or some other non-physical address limited the results of the address data match.

Findings and Recommendations

**Finding 1: 12 registered sex offenders were confirmed to be living in state regulated homes that provide care and placement services for children.**

The addresses of registered sex offenders were compared through an electronic data match to the addresses of homes and facilities that provide care and out-of-home placements for children, resulting in matches for 30 different homes. Follow-up reviews of matched addresses performed by DCBS and KSP confirmed that sex offenders resided in 12 of the 30 homes. For the remaining 18 matches, the DCBS review indicated that either the sex offender did not live at this address or that the residency status of the offender could not be determined using the procedures implemented by DCBS.

The following table provides the final results of the follow-up reviews of each of the matched addresses, as categorized by the APA. The matched addresses are the results of both data matches conducted on June 22, 2009 and March 10, 2010. Any repeated address matches were considered as a single matched address. Appendix I provides the details of the number of records involved in each of the matching procedures. Address matches from each data match were immediately provided to DCBS staff.

**Table 1: Results of the DCBS and KSP Review of the 30 Address Matches**

<b>Results of Reviews</b>	<b>Matched Addresses</b>
Confirmed Residence of Sex Offender	12 (a,b)
Sex Offender Not in Residence	10
Sex Offender Residency Undetermined	8
<b>Total Matches</b>	<b>30</b>

Source: Auditor of Public Accounts based on information provided by DCBS and KSP.

- a. One confirmed sex offender was an adopted juvenile who resided in the home of a certified foster parent. He was the only child in the home at the time of the review, but neither DCBS nor the private placement agency had placed the juvenile offender in the home or was aware of his sex offender status.
- b. One confirmed sex offender was not residing in the foster home at the time of the DCBS review, but it was determined he had resided in the home prior to the time of the review.

The APA provided a total of 30 address matches to DCBS staff to determine whether the sex offenders lived in the homes and what actions, if any, were necessary to protect the children in these homes. According to DCBS staff, their review process primarily included a review of case files within various DCBS databases and a review of the addresses provided by the offender for food stamp, driver’s license, or vehicle registration purposes. In some cases, DCBS central office staff contacted field staff for further information.

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The results of the DCBS review were provided to the APA. These results were classified by the APA and placed into the categories seen in Table 1. The APA then provided KSP with a list of sex offenders whose residency could not be determined by DCBS and those who DCBS determined were not living at the address. At the time of this report, KSP had confirmed that two of these offenders were living at the addresses reported on the Sex Offender Registry. The other addresses were still under review by local law enforcement agencies.

While the address data comparison process attempted to match registered sex offender addresses to both homes and facilities providing care to children, the 30 matches were only associated with homes that provide registered child care, foster care, or a kinship living arrangement for children. Because each of these homes provides different services and has its own unique statutory and regulatory requirements, the results of the address matches for each type of home are provided in the following three sections.

**Registered sex offenders were found living in seven relative caregiver homes within the Kinship Care Program.**

A comparison of the addresses of relative caregiver homes to registered sex offender addresses resulted in 16 address matches to homes in the Kinship Care Program. The follow-up review conducted by DCBS confirmed that a registered sex offender was residing in seven of the 16 homes. For the remaining nine homes, the DCBS review either indicated that there was no sex offender in the home or the procedures used could not determine the residency. The following table contains the final results of the DCBS review concerning the 16 address matches.

**Table 2: Results of the DCBS Review of Kinship Care Address Matches**

<b>Review Results</b>	<b>Matched Addresses</b>
Confirmed Residence of Sex Offender	7
Sex Offender Not in Residence	7
Sex Offender Residency Undetermined	2
<b>Total Kinship Care Home Matches</b>	<b>16</b>

Source: Auditor of Public Accounts based on information provided by DCBS.

Despite confirming that registered sex offenders were living in seven of the Kinship Care homes, DCBS determined no further action was required regarding these homes. For the other nine matches where the review indicated no sex offender in residence or the residency was undetermined, DCBS did not contact the homes or conduct site visits. Of the 16 Kinship Care homes included in the address match, 13 were matched to sex offenders convicted of crimes against children 15 or younger. Further discussion of DCBS review procedures can be found at Finding 2.

While additional review procedures may have been able to indicate whether a sex offender was living at the residence, DCBS takes the position that Kentucky law does not mandate that it take action with respect to these homes. Further investigation would only occur if there was a specific allegation of abuse or neglect, as in the case with any other private home. However, the regulations pertaining to the Kinship Care program indicate that DCBS does retain the authority to determine the homes' continuing eligibility for the program, as well as the financial assistance provided by the program.

Kinship Care homes are classified as "relative caregiver" homes and are regulated by 922 KAR 1:130. These homes provide an alternative to foster homes by giving family members, other than parents, temporary custody of related children when abuse or neglect has been substantiated or when both parents die. DCBS determines whether the relative caregiver is eligible for the Kinship Care program and the amount of financial assistance. If eligibility under the Kinship Care program is approved, a maximum of \$300 per child per month could be provided to the relative caregiver as financial assistance. To continue receiving the financial assistance payments through the Kinship Care program, the relative caregiver must pursue permanent custody. If permanent custody is given to the relative caregiver, financial assistance will continue until the child no longer meets the regulation's definition of "child."

According to 922 KAR 1:130(13), eligibility determination is an on-going process in which DCBS must review eligibility of Kinship Care homes every 12 months and when reported changes are received. This responsibility is further reinforced by section 1(i) of the *Kinship Care Program Statement of Rights and Responsibilities* signed by both the relative caregiver and a DCBS representative. It states that the caregiver shall, "report within ten (10) calendar days a change in circumstances, which may affect the child's safety, eligibility, or the amount of payment."

While DCBS has asserted that permanent custody granted by the courts limits its authority to take action towards Kinship Care homes, 922 KAR 1:130(13) requires DCBS to "redetermine eligibility if a report or information about a change in circumstance is received." In addition, this regulation requires that DCBS redetermine the eligibility of a caregiver in the Kinship Care program every 12 months. There is no requirement that either of these redetermination procedures should cease due to permanent custody being granted by the courts.

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Even if permanent custody is established by the courts, DCBS has the authority and responsibility to determine if the homes should remain in the Kinship Care program and continue receiving the financial assistance. Confirmation of an address match with a sex offender meets the criteria of 922 KAR 1:130(13) for DCBS to conduct a redetermination of eligibility. While suspending eligibility and financial assistance may not be the appropriate action for all identified matches, it should be considered to encourage a safe environment for the children in these homes. In those cases deemed appropriate, the loss of financial support may prompt the caregiver to request that the offender relocate.

**Registered sex offenders were confirmed to be living in two foster homes.**

A comparison of the addresses of foster homes, adoptive homes prior to finalization, and independent living residences to the addresses of registered sex offender resulted in six address matches. The follow-up review by DCBS confirmed that two foster homes included in the six address matches had sex offenders living in the homes. For one of the matched foster homes, the sex offender was an adopted juvenile not placed there by DCBS. While there were no foster children in the home at the time, neither DCBS nor the private placement agency overseeing the home was aware of the offender’s residency. For the second matched foster home, the adult sex offender was not residing in the home at the time of the DCBS review, but it was confirmed that he had resided at the address periodically. The offender’s location at the time of the review was unknown and reported as non-compliant on the Sex Offender Registry. The offender is currently listed as compliant at a different address.

For three of the six matches, the DCBS review indicated the sex offender did not live at the matched addresses. The residency status for one of the six address matches could not be determined. The following table contains the review results provided by DCBS concerning the six address matches.

**Table 3: Results of the DCBS Review of Sex Offender Address Matches to Foster Homes, Independent Living Homes, and Adoptive Homes**

<b>Review Results</b>	<b>Matched Addresses</b>
Confirmed Residence of Sex Offender	2
Sex Offender Not in Residence	3
Sex Offender Residency Undetermined	1
<b>Total Child Placement Matches</b>	<b>6</b>

Source: Auditor of Public Accounts based on information provided by DCBS.

## Findings and Recommendations

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According to DCBS, it is not a violation of the foster care program for the juvenile offender to be living in a foster home where no foster children have been placed; therefore, DCBS has undertaken no review of the certification status of the foster home. DCBS did contact the contracted private placement agency to advise them of the residence of the juvenile offender, but neither entity had been made aware of the sex offender's residency in the home until DCBS was informed through the address match procedure. The lack of knowledge that the child living in the home was a sex offender, whose victim was three years old, increased the risk to any child placed in the home.

In the second confirmed home, a foster child was present in the home at the time the sex offender was residing there. While no abuse was alleged, DCBS staff conducted interviews to determine if there was any risk of sexual harm. DCBS staff determined that there was no indication that sexual abuse had occurred. According to an intake report provided by DCBS, the private placement agency removed the child and closed the foster home.

In addition, DCBS took no actions on the other four homes in which their review indicated the sex offender was not living at the residence or could not determine the offender's residency with certainty. DCBS did not investigate these matches further, such as performing site visits to the home, to clarify the true household composition. For further discussion of the DCBS review process see Finding 2.

**Registered sex offenders were confirmed to be living in three registered child care homes.**

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A comparison of the addresses of licensed, certified, and registered child care homes and facilities to registered sex offender addresses resulted in matches with eight registered child care homes. The follow-up review by DCBS revealed that one registered child care home had a sex offender living at the residence. A further review by KSP revealed that two more of the matched registered child care homes also had registered sex offenders living in those homes. This resulted in a total of three confirmations that a sex offender was living in registered child care homes from the eight address matches. The DCBS review did not determine if any sex offenders lived in the other five registered child care homes that matched the addresses of registered sex offenders.

The registered child care program is established through 922 KAR 2:180. This program establishes basic safety criteria for an in-home child care provider. Registration in the program allows the provider to receive funds from families participating in the Child Care Assistance Program (CCAP). This is a child care subsidy program for families that meet low income standards or other qualifying events.

The following table illustrates the residency determinations of the address matches between registered child care providers and sex offenders.

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**Table 4: Results of the DCBS and KSP Review of Child Care Address Matches**

<b>Review Results</b>	<b>Matched Addresses</b>
Confirmed Residence of Sex Offender	3
Sex Offender Residency Undetermined	5*
<b>Total Child Care Matches</b>	<b>8</b>

Source: Auditor of Public Accounts based on information provided by DCBS and KSP.

\* One sex offender was incarcerated at the time of the DCBS review, but based on KSP information the offender had been released between April 2008 and June 2009. No determination was made by DCBS whether the sex offender had been living in the home at the time of the match or anytime during the registration period.

As stated, the DCBS review confirmed that one sex offender was residing in a registered child care home, and KSP confirmed the other two matches. For the three confirmations, the following provides additional details regarding how those determinations were made and the actions taken by DCBS.

- The first confirmation of sex offender residency was by the DCBS review process. Staff used the driver's license address reported by the sex offender to confirm that the address match was correct. The registration for this provider was revoked.
- The second confirmation of sex offender residency was by KSP, after a review of current Sex Offender Registry information. The KSP review was conducted after the DCBS review procedures had determined the sex offender did not live in the home. According to an email, initially DCBS was going to require the provider to update the application for the program and remind the provider of the statements agreed to in the application. Upon learning of the KSP determination, DCBS stated that it would be revoking the home's registration instead.
- The third confirmation was also determined by KSP. DCBS documents showed that the home did not care for CCAP subsidized children so the agency closed the registration of the home from the registered child care program. This action is different than revocation and is a method to remove the provider from the program without penalty. The DCBS review could not determine the residency of the sex offender.

As illustrated in Table 4, there was no determination of the residency of five sex offenders whose addresses matched the addresses of registered child care homes. The following actions were taken towards these five homes:

- For three of the homes with an undetermined residency, DCBS found that the homes were not providing child care to CCAP subsidized children. Based on this, DCBS decided to only close the registration of the homes.



## Findings and Recommendations

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- For one home with undetermined residency, DCBS had attempted to determine who lived in the home by contacting the registered provider. When cooperation with that provider failed, the registration was revoked.
- For the final home with undetermined residency, DCBS found the offender was residing in a county jail at the time of the review. No further effort was taken to determine if the sex offender had been living in the home during the period of registration, even though he had been released on probation from April 2008 to June 2009. Because the offender was not in the home at that time, no action was taken against the registered child care provider.

The following table contains the actions taken by DCBS for the eight registered child care homes investigated after matching the addresses of registered sex offenders.

**Table 5: DCBS Action After Review of Child Care Matches**

<b>DCBS Action</b>	<b>Matched Addresses</b>
Registration Revoked	3
Registration Closed	4
No Action Taken	1
<b>Total Matches</b>	<b>8</b>

Source: Auditor of Public Accounts based on information provided by DCBS.

Closing a child care home’s registration simply removes the provider from the program, while revoking a registration results in the provider not being eligible to apply, operate, or reapply for a one-year period. The reason provided by DCBS for closing the four homes’ registration, instead of revocation, was that the home did not care for children receiving the CCAP federal subsidy. A detailed review was not conducted to determine if a sex offender lived in the home during the registration period. Confirmation of a sex offender living in the home during the period of registration would have been a violation of the requirements of the program and required the revocation of the registration. Instead, the closed provider will be able to reapply for the registered child care program at any time. While a criminal records check would be required for the applicant and all household members for a new registration application, no onsite review is conducted and the applicant could withhold the names of certain residents without the knowledge of DCBS staff.

Children receiving services in registered child care homes could be at risk if DCBS does not conduct a sufficient review to determine the residency of a sex offender during the entire registration period. For example, one of the homes where DCBS only closed the registration was confirmed to have a sex offender living in the home by KSP. This indicates that the provider potentially violated program requirements, though without a proper review by DCBS it is not known if children in the program were being cared for while the offender was living there. For further discussion of the DCBS review process see Finding 2.

**Recommendations** DCBS should perform an address comparison between the Sex Offender Registry and:

- Homes that are licensed, certified, or registered to provide in-home child care services;
- Foster Homes;
- Independent Living Homes;
- Adoptive Home prior to finalization; and,
- Kinship Care Homes.

A match of the address data should be performed during any application process and during any renewal or reassessment process.

If any address matches are found during a comparison of the Sex Offender Registry and the addresses of the homes in these programs, DCBS should determine if the sex offender is living in the home. If a sex offender is confirmed to be living in a home the following procedures should be implemented:

- If confirmation is during the application process of the program, in accordance with 922 KAR 1:490, the application should be denied.
- If confirmation is found during the period a home has been licensed, certified, or registered to provide child care, the provider should have their status in the program revoked in accordance with the corresponding child care requirements.
- If confirmation is found after a home has already been certified as a foster home or independent living home for children, DCBS should take action to determine the risk to the child if the child remains in the home. If the risk is unacceptably high, DCBS should take action to remove the child from the home, or take steps, if necessary, to eliminate the risk of the sex offender living in the home. If there is a violation of 922 KAR 1:490, DCBS should determine whether the home should be removed from the foster care program.
- If confirmation is found at a home that has not yet finalized the adoption process, DCBS should determine the risk to the child if the child remains in the home and take available steps to eliminate the risk to the child.

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- If confirmation is found at a Kinship Care home that has not yet received permanent custody orders from the courts, DCBS should determine the risk to the child if the child remains in the home. If the risk is unacceptably high, DCBS should find placement in a safer relative caregiver home or foster home.
- If confirmation is found at a Kinship Care home where permanent custody has been granted by the courts, DCBS should redetermine if the caregiver is eligible for the program and the related financial assistance until the risk of the sex offender living in the home has been assessed and eliminated.

For all programs where a sex offender is confirmed to be living in the home, a Risk of Sexual Harm Assessment should be conducted to determine whether potential sexual abuse has occurred.

If the review of address matches cannot confirm that a sex offender lives in the home, DCBS staff should contact the Criminal Identification and Records Branch within the Kentucky State Police for investigation of non-compliance by the sex offender. DCBS staff should continue communication with KSP to determine the results of any residency investigation by law enforcement officials.

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**Finding 2: The DCBS review process was deficient in determining if a sex offender was residing at the address matched to the sex offender database.**

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According to DCBS, the process used to determine whether sex offenders resided at the 30 matched addresses included a visit to only one of the 30 homes and a few instances of direct contact with the homes. Instead, DCBS relied on a review of various DCBS databases, food stamp information, driver's license information, case files, and contact with case workers in some instances. Given the serious implications of sex offenders potentially living in these DCBS regulated homes, the review process and procedures followed by DCBS appear to be insufficient to ensure the safety of the children placed in these homes.

As seen in Finding 1, the review processes implemented by DCBS and KSP confirmed that sex offenders were residing in 12 of the 30 matched homes that provide care and placement services for children. The DCBS review confirmed 10 of those instances and determined that 11 of the homes had no sex offender living there. The DCBS review procedure either did not attempt to or could not determine the residency of a sex offender in the remaining nine homes. The KSP review later confirmed residency of a sex offender in two of these homes that the DCBS review did not identify. The following table contains the results of the DCBS review for unconfirmed residencies

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**Table 6: DCBS Review Results Not Resulting in a Determination of Residency**

<b>Type of Home</b>	<b>Undetermined</b>	<b>Not in Residence</b>
Registered Child Care Homes	6*	1*
Foster/Independent/Adoptive Homes	1	3
Kinship Care Homes	2	7
<b>Total</b>	<b>9</b>	<b>11</b>

Source: Auditor of Public Accounts based on DCBS review results.

\*The DCBS review of registered child care homes did not determine the residency of a sex offender in one home and concluded an offender did not live in another home, but the Kentucky State Police later confirmed that a sex offender was living in each of these homes.

A classification of “Not in Residence” would indicate that the review procedures were conclusive; but because DCBS relied primarily on database information and not site visits or direct contact, these determinations may not be accurate. As an example, DCBS was able to confirm the residency of two sex offenders by adding steps to its review of the results from the second data match process. The improved review process implemented by DCBS compared the sex offenders’ reported addresses to records for food stamps, driver’s license, and vehicle registration. This additional information confirmed the residency of sex offenders in two separate homes, while the procedures used during the first matching process did not confirm these residencies. If DCBS had performed site visits or had more direct contact with the homes, more matches may have been confirmed.

An “Undetermined” classification indicates that DCBS ended its review process with no clear conclusion whether sex offenders had been living in homes regulated by the agency. The majority of undetermined residencies were related to the reviews of registered child care homes. In four of the six undetermined residencies for child care homes, staff relied on records that stated the homes were not currently caring for children in the CCAP program and removed the providers from the program without penalty. For three of these matches, there is no indication any further effort was made to determine whether the sex offender resided in the homes. DCBS did review its databases for case information and driver’s license data for one of the matches, but could not determine residency. KSP later confirmed that a sex offender resided in this home.

Overall, the review procedures implemented by DCBS were not as comprehensive as expected considering the situation. DCBS staff stated that a data match was not considered a specific allegation of abuse or neglect that would have resulted in field staff conducting a Risk of Sexual Harm Assessment. DCBS staff also stated that a Risk of Sexual Harm Assessment may be conducted if there is a report that the offender is left alone with direct supervision of the children or has a history of harming children in the past. Though at least 21 of the 30 sex offenders with matched addresses were convicted of crimes against children under the age of 15, the DCBS review process did not include steps to make a definite determination as to whether the sex offender is or had been residing at the matched addresses.

**Findings and Recommendations**

After receiving a draft of the audit report and findings, DCBS staff have since undertaken steps to further review the address matches provided by the APA. We encourage DCBS to continue improving review procedures as our recommendations are implemented.

**Recommendations** DCBS should consider a data match with Kentucky’s Sex Offender Registry as an indicator of possible risk of abuse that needs to be fully evaluated. The results of any match process should be used to conduct comprehensive reviews to determine if a sex offender lives at the matched address. Review procedures should be comprehensive to ensure children living or receiving services at the home are not at risk. This may include data searches and reviews of case files, but should also include site visits or direct contact with the homes when the results are inconclusive.

If the results of the review determine that the sex offender is not residing at the matched address, DCBS should contact the KSP Criminal Identification and Records Branch to report the possibility of a non-compliant sex offender. DCBS staff should continue communication with KSP to determine the results of any residency investigation by law enforcement officials.

**Finding 3: The physical address data field maintained by DCBS does not provide the physical locations for all homes and facilities.**

The address records for 3,266 DCBS regulated child care providers, foster homes, adoptive homes prior to finalization, and Kinship Care homes did not indicate a physical location. Without a physical location of these homes and facilities, it is not possible to conduct an address data match to determine if registered sex offenders have reported living at the same address.

Based on the data used for the address match and a follow-up review conducted by DCBS, it was determined that 3,266 address records for the selected categories of DCBS regulated homes and facilities listed either a P.O. Box, the address of a local DCBS office, or invalid/incomplete information. The following table illustrates the source of the address data and the number of physical address errors by type.

**Table 7: Physical Address Data Field Errors by Database**

Database	P.O. Box Address	DCBS Office Address	Invalid/Incomplete Address	Total Addresses
KAMES	137	2,033	969	3,139
TWIST	122			122
KICCS	5			5
<b>Totals</b>	<b>264</b>	<b>2,033</b>	<b>969</b>	<b>3,266</b>

Source: Auditor of Public Accounts based on data provided by DCBS.

The KAMES database contains the information for homes of relative caregivers in state run programs such as Kinship Care. According to DCBS, KAMES also includes the addresses of foster children that receive state funded medical cards. The TWIST database maintains the information related to foster homes, adoptive homes prior to finalization, and independent living residences. The KICCS database tracks the information on licensed, certified, and registered child care homes and facilities.

As seen in Table 7, the majority of the total 3,266 physical address errors are from the KAMES database. Of the total physical address errors from KAMES, 3,127 are, according to DCBS, associated with foster children that receive state funded medical cards.

DCBS' Division of Child Care (DCC) reviewed each of the five P.O. Box addresses seen in Table 7 from the KICCS database, which maintains the addresses of all regulated child care homes and facilities. DCC determined that three of the five facilities were no longer active and were removed from the system. The other two child care facilities were still active and DCC was in the process of ensuring that a physical address is obtained.

According to DCBS staff, the physical location is required information to be reported in the designated data field to ensure proper oversight and supervision. P.O. Boxes and DCBS addresses are allowed as mailing addresses, but the exact physical location is expected to be reported in the appropriate data field. DCBS staff stated that these errors may be due to employees not entering the physical address properly or not at all, since there are no edit checks in the databases to require or validate this information.

If the physical location for each home and facility is not recorded appropriately, matching a physical address to the addresses of registered sex offenders is not possible for these 3,266 address records. This means there were 3,266 missed opportunities of determining whether a sex offender is living in a location not allowed by law or with a vulnerable child population.

***Recommendations***

DCBS should ensure that the physical addresses of state regulated homes or facilities are recorded in the designated location within the databases. In addition, DCBS should periodically review that the physical address data is valid and complete by developing an automated review process to determine whether the address data has been entered correctly and completely.

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## Findings and Recommendations

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**Finding 4: Statutes and policies related to background checks of potential child care providers, foster homes, and relative caregivers do not take advantage of the information maintained within the Sex Offender Registry.**

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No statute, regulation, or policy requires an address comparison of registered sex offenders to the addresses provided by state regulated child care providers, foster care parents or relative caregivers within the Kinship Care Program. Currently, statutes and regulations ensure that criminal records checks and child abuse or neglect checks are performed on the providers, foster parents, and relative caregivers. However, the employment or residency of staff and household members is self-reported by the applicant, which results in required screening checks possibly not being performed on all of the individuals that could be in contact with the children in the facility or home. If the provider or caregiver does not fully or accurately report the individuals living or working in the home, required screening procedures will not be conducted. Comparing the addresses of these providers and caregivers with the addresses of convicted sex offenders could provide additional controls within the screening process and alert state agencies that a sex offender is living at or associated with a facility or home.

The following is a brief summary of criminal background information requirements for the facilities and caretakers that were included in our address comparison.

- **Child Care Providers and Facilities:** An in-state criminal records check and child abuse or neglect check are required for the director and staff for licensed facilities. (KRS 199.896(19)) If child care is provided in a home setting, any adults residing in the household are also required to have a criminal records check and a child abuse and neglect check. (KRS 199.8982(1) and 922 KAR 2:180) Renewals for licensed facilities are conducted annually (KRS 199.896(3)), every two years for certified homes (KRS 199.8982(1)), and annually for registered child care providers.
- **Foster Homes:** A foster home parent and each adult household member are required to have an in-state criminal records check, a child abuse or neglect check in each state of residence during the past five years, and a finger print check with the National Crime Information Database. Any adolescent household members are required to have a child abuse or neglect check. A reevaluation is required annually to supply an updated criminal records check and child abuse or neglect check. New adult and adolescent household members should supply the required documentation within 30 days of residence. (922 KAR 1:490)
- **Relative caregivers (Kinship Care):** A caretaker relative and each adult household member are required to have an in-state criminal records check and a child abuse or neglect check. Any adolescent household members are required to have a child abuse or neglect check. Any new adult and adolescent household members shall submit to the required checks within 30 days of residence. (922 KAR 1:490(7))

## Findings and Recommendations

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Providers or caregivers seeking licensure, certification, or registration by DCBS may be inclined to avoid fully reporting all household members if they know the presence of a member may preclude them from receiving approval. This may include a household member that is living in the home at the time of application or after the approval process. Therefore, state agencies that follow these procedures are relying upon the provider or caregiver to report staff and household composition as well as any changes to that composition.

Statutes and policies do not specifically reference a valuable resource of readily available information maintained at federal and state expense. The sex offender registry is a fluid database that is updated as to the addresses of offenders on a quarterly or annual basis. Failure of an offender to provide a current address during any of those updates can result in an arrest and felony charge. A comparison of the physical addresses of providers, foster homes, and relative caregivers would provide DCBS staff with an active tool to ensure compliance with KRS 17.165 and 922 KAR 1:490.

***Recommendations*** DCBS and other agencies that rely on self-reported household information should incorporate a comparison of the provided physical address to the addresses maintained within the sex offender registry database. This comparison should be conducted periodically, but at a minimum during the initial screening process and during any renewal or reassessment procedures.



## Scope

The Auditor of Public Accounts 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.

The purpose of the audit is to address the following two objectives:

1. Determine whether the addresses of registered sex offenders matched the addresses of state regulated child care homes and facilities, as well as children placed in foster homes, adoptive homes prior to finalization, and the homes of relative caregivers.
2. Determine the effectiveness of the screening process of applicants, as well as the review process conducted of potential address matches resulting from our audit procedures.

To meet the first objective, the scope of this audit focused on a procedure performed by the Auditor of Public Accounts (APA) to match the addresses of registered sex offenders to select categories of homes and facilities that provide care and out-of-home placements for children. The following types of homes and facilities were included in the matching process:

- State-placement foster homes;
- Private-placement foster homes;
- Department of Juvenile Justice (DJJ) foster homes;
- Approved Kinship Care homes/relative caregivers;
- Approved adoptive homes prior to finalization;
- Licensed Type I and II child care facilities;
- Certified Family Child Care Homes;
- Registered Child Care Assistance Program Providers (Family Friends and Neighbors); and,
- Private Child Caring Facilities.

To address the second objective, the scope of the audit included gaining an understanding of the current screening processes used to approve these facilities and homes for child care and out-of-home placements. Once potential matches were determined and reported, the audit procedures included an evaluation of the process undertaken by the Cabinet for Health and Family Services (Cabinet) to investigate and determine whether sex offenders were in fact working or living at the matched locations.

## Methodology

In order to fulfill the requirements of the established objectives, applicable statutes and regulations related to the sex offender registry were reviewed. The statutes and regulations related to the applicable homes and facilities were also reviewed to determine the required oversight from state government agencies, such as background checks of providers and other household members.

The statutes identified for the sex offender registry include KRS 17.500 through KRS 17.580 and the regulations include 502 KAR 31:020. Statutes related to state regulated homes or facilities that provide care to children are primarily included within KRS Chapter 199, but also include KRS 600.020, KRS 605.120, and KRS 620.360. Regulations of these homes and facilities are primarily included within KAR Title 922.

A search of electronic media sources was conducted to provide an understanding of current issues pertaining to sex offenders, sex offender registries, and child care issues. We reviewed two audits conducted by the California State Auditor and the Wisconsin Legislative Audit Bureau that compared the addresses of sex offenders to those of child care homes and facilities. A 2004 report issued by the APA related to the accuracy of Kentucky's sex offender registry was also reviewed and issues related to this audit's objectives were included in our interview process.

We interviewed and conferred with staff from the Cabinet for Families and Children (Cabinet) to assist in determining the categories of homes and facilities would be appropriate to match to the sex offender registry. The staff interviewed were primarily from the Cabinet's Department of Community Based Services (DCBS), including the Division of Child Care and the Division of Protection and Permanency, but also included representatives from the Office of Information Technology and the Office of the Inspector General. Through these interviews, we were informed that the Department of Juvenile Justice (DJJ) within the Justice and Public Safety Cabinet also used foster homes for out-of-home placements.

Upon determining the category of the homes and facilities to be included in the match process, specific address data was requested from DCBS and DJJ for each of the home and facility types. Information requested to be included within the address data included:

- Name of facility;
- Physical address of facility;
- Mailing address of facility;
- Name of person at the home receiving licensure, certification, registration, or approval;
- Physical address of home;
- Mailing address of home;
- Licensure, certification, registration, or approval date;
- Type of home or facility; and,

- Unique DCBS identifier for file tracking.

The DCBS Office of Information Technology provided the address data for the selected homes and facilities regulated by DCBS using the following databases:

- The Workers Information System (TWIST);
- Kentucky Automated Management Eligibility System (KAMES); and,
- Kentucky Integrated Child Care System (KICCS).

We also contacted DJJ to obtain the address data of the foster homes that are administered by that agency. This data was provided by a DJJ maintained database.

Upon receiving the data, the APA performed procedures to ensure data consistency that would allow the addresses to be accurately matched. Due to compatibility issues related to inconsistent abbreviations and incomplete address fields, such as the city or zip code, the auditors manually reviewed address data from the different data sources and performed the necessary edits to provide data that could be electronically matched.

Once the data was reviewed and edited for consistency, the process was initiated to determine whether there were any data matches. The auditors developed three categories for the data matches: (1) complete matches of the street, city, and apartment/lot information; (2) street and city matches but the apartment or lot information was missing; and (3) street and city matches, but the apartment and lot information does not match. This process also included a comparison of registered sex offenders with the names of the primary resident listed at the regulated home or the child's name to determine whether a family relationship may exist.

The original match process was completed on June 22, 2009. The number of records included in the match process from each database is as follows:

- KAMES – 13,435
- KICCS – 5,828
- TWIST – 10,118
- DJJ – 25
- Sex Offender Registry – 6,180

The match results indicating potential sex offenders at these locations were provided to the staff at DCBS on June 23, 2009. Data matches were identified for locations under the oversight of DCBS. There were no matches between registered sex offenders and the DJJ foster homes.

DCBS staff were asked to review the matches and determine whether a sex offender actually resided in the matched locations. On August 28, 2009, DCBS staff provided the results of their review and noted any action taken upon the regulated homes.

A second data match process using updated information was completed on March 10, 2010. This second set of data was obtained in the same method as the first data set and the information was reported to DCBS in the same manner as the initial match. Due to no matches in the first set, DJJ homes were not included in the second matching process. The number of records included in the match process from each database is as follows:

- KAMES – 12,104
- KICCS – 5,284
- TWIST – 4,749
- Sex Offender Registry - 6,224

DCBS staff, including representatives from the Division of Child Care and the Division of Protection and Permanency, were interviewed again concerning the review procedures implemented and any action taken upon the confirmed matches to registered sex offenders.

Representatives from the Kentucky State Police (KSP) Criminal Identification and Records Branch were interviewed concerning the data fields within the sex offender registry and procedures to track non-compliant sex offenders. KSP staff were provided a listing of all addresses where the DCBS' review concluded that the sex offender was not living at the address reported by the sex offender registry.

## **Subsequent Agency Review**

The results of both address data matches were immediately provided to DCBS staff for review on June 23, 2009 and March 11, 2010. A draft audit report was provided to DCBS on May 25, 2010. DCBS requested several subsequent meetings that were held with audit staff to discuss the draft report. Additional research was conducted by DCBS as the agency response was developed. This research resulted in additional information that was provided to the APA. This information was reviewed and incorporated into the report if relevant and significant. However, the additional information did not change the number of confirmed address matches or the audit findings associated with the initial DCBS review.

## **Disclaimer of Data**

Throughout this process, we relied upon the agencies for the completeness and accuracy of their data. We developed procedures to correct misspellings and inconsistent abbreviations to ensure the accuracy and uniformity of the address data. However, the data from the Cabinet's databases and the KSP Sex Offender Registry could be described as having an undetermined reliability because of invalid addresses and noncompliant sex offenders. Specifically, addresses listed as P.O. Boxes, unknown, noncompliant, or some other non-physical address limited the results of the address data match.



CABINET FOR HEALTH AND FAMILY SERVICES  
DEPARTMENT FOR COMMUNITY BASED SERVICES  
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Janie Miller  
Secretary

September 27, 2010

Brian Lykins, Director  
Office of Technology and Special Audits  
Auditor of Public Accounts  
209 St. Clair Street  
Frankfort, Kentucky 40601

Dear Mr. Lykins:

The Cabinet for Health and Family Services (CHFS), Department for Community Based Services (DCBS) appreciates the opportunity to respond to the Auditor of Public Accounts (APA) report entitled *Registered Sex Offender Address Comparison can strengthen the monitoring process for Child Care and Out of Home Placement Providers*. The Department for Community Based Services' mission is to enhance safety, permanency, well-being and self-sufficiency for Kentucky's families, children, and vulnerable adults.

The use of criminal background checks and checks of the child abuse and neglect registry, which would identify individuals convicted of crimes for which registration as a sex offender is required, are already an important part of the Department for Community Based Services screening processes. The use of the sex offender registry will be a powerful additional aid to our staff to assure that sex offenders' whereabouts are known to assure that children are being cared for in safe settings. The DCBS is eager to work with the registry and provide our child protective employees with another tool at their disposal and believe that it will place Kentucky at the forefront of child protective services around the country in protecting children from the risk of sexual abuse.

The matching process used by the APA shows that out of over 29,000 records reviewed from the May 27, 2009 snapshot and over 22,000 records reviewed from the February 24, 2010 snapshot, only 30 total address matches from the two dates were identified, representing less than one tenth of one percent of all records reviewed. Some of the address matches ultimately were determined not to be matches as additional information indicated that the actual locations were different from those of the DCBS client, bringing the total number of matches to 25. With regard to the 25 matches, however,

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upon further investigation it was determined either the sex offender did not reside at the address or the child did not reside at the address, or if both resided at the address, they were not at the address at the same time, except in two instances, where there were children who were vulnerable due to sex offenders moving into the residence after the home's initial clearance.

The Department took a multi-faceted approach to following up on "matches." Immediate action was initiated with the two foster homes (outlined in detail later in the report) as failure of the foster care home to disclose household members and complete required background checks is ground for closure of the home (however, we note that the homes did not have any children in them at the time of closure). In the other cases, the Department's initial approach as discussed with APA staff was to attempt to verify or confirm the presence of the sex offender in the home through reviewing data files, case records, driver's licenses and other records, as well as contacting collateral agencies who might have knowledge of either the family or the offender's residence. These efforts proved conclusive in some cases, but fruitless in others. Subsequently, the Department completed assessments in all other cases where confirmation could not be made through a review of records to ascertain the whereabouts of the sex offender to assure that children were safe. **Based on the review and assessments conducted of these 25 cases, including the two homes where confirmation of a sex offender occurred, DCBS found all children were safe.**

Criminal background checks and checks of the Child Abuse and Neglect Registry are already performed. In the future, the DCBS will also compare the address of an applicant for provision of foster/adoptive care, kinship care and registered/certified/licensed child care with the Sex Offender Registry at the time of application and at the time of renewal or reassessment. By taking these steps, Kentucky will have the most responsive procedures in place, possibly in the nation, to assure children are safe. The Cabinet has already initiated discussions with KSP regarding ways to streamline the sex offender registry match process to make it easier to compare addresses. KSP has agreed to consider system modifications that might be necessary if the Cabinet provides any necessary funding. The Cabinet will determine the feasibility of streamlining and enhancing this process to make it easier to access and compare address information in the registry with addresses of DCBS clients/providers. In addition, the Cabinet will need to work with the Justice Cabinet to coordinate information about sex offender status and risk to children.

While this process was cumbersome, and the audit approach somewhat difficult given the workloads that this agency has under the current budget situation, the experience points out that there are additional steps the Department can take to strengthen the application and renewal processes for determining financial eligibility for payment for the care of children and to alert child protective staff as to the existence of sex offenders that might not otherwise be known to them.

The audit spanned two different types of conditions in which payments are made on behalf of children. One is a provider of service, i.e., foster parents who are reimbursed for the care of a child in the custody of the Cabinet and child care providers who are reimbursed for providing child day care. The other represents relatives or adoptive parents who are receiving a subsidy for a child who has come into their family either via their being granted custody of the child by a court (kinship care) or by adoption.

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The audit recommends, and the Department concurs with, additional steps the Department will take to strengthen application and renewal processes for determining financial eligibility for payments for the care of children. Those actions include:

- Comparing the address of an applicant for provision of foster/adoptive care, kinship care and registered/certified/licensed child care with the Sex Offender Registry at the time of application and at the time of renewal or reassessment;
- If confirmation is obtained either through verification of records or through assessments, the risk of sexual abuse will be assumed to exist and steps will be taken to assure the safety of any children present; and,
- Notifying the KSP when it is determined as a part of the application or renewal process that an offender on the Sex Offender Registry is not residing at the address listed, as this is a violation of the reporting status.

The Department has also identified additional opportunities to inform service providers and caregivers as well as parents about the registry. Those actions include:

- Working with the Kentucky State Police to update a flyer describing the Sex Offender Registry that would be included in all application packets for foster care and child care providers as well as kinship care and adoptive homes; and,
- Providing the flyer to all parents who apply and are approved for child care subsidies so they can be proactive in obtaining information from the registry regarding sex offenders who might reside in their neighborhoods or other locations in proximity to where the child may spend time, e.g., a walking route home from school, a day care center, etc.

We will be working with the Justice Cabinet to establish a formal process for involving the KSP as they operate the sex offender registry, and the Department of Corrections, Division of Probation and Parole, in order to better coordinate information about sex offender status and risk to children.

Please find the Agency's response to the specific findings as follows. DCBS is most appreciative that the APA shares its desire that children live safely in their homes. These actions will strengthen that endeavor.

### Agency Response to Findings

**Finding 1:** 12 registered sex offenders were confirmed to be living in state regulated homes that provide care and placement services for children.

DCBS should perform an address comparison between the Sex Offender Registry and:

- Homes that are licensed, certified, or registered to provide in-home child care services;
- Foster Homes;
- Independent Living Homes;

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- Adoptive Homes prior to finalization; and,
- Kinship Care Homes

A match of the address data should be performed during any application process and during any renewal or reassessment process.

If any address matches are found during a comparison of the Sex Offender Registry and the addresses of the homes in these programs, DCBS should determine if the sex offender is living in the home. If a sex offender is confirmed to be living in the home the following procedures should be implemented:

1. If confirmation is during the application process of the program, in accordance with 922 KAR 1:490, the application should be denied.
2. If confirmation is found during the period a home has been licensed, certified, or registered to provide child care, the provider should have their status in the program revoked in accordance with the corresponding child care requirements.
3. If confirmation is found after a home has already been certified as a foster home or independent living home for children, DCBS should take action to determine the risk to the child if the child remains in the home. If the risk is unacceptably high, DCBS should take action to remove the child from the home, or take steps, if necessary, to eliminate the risk of the sex offender living in the home. If there is a violation of 922 KAR 1:490, DCBS should determine whether the home should be removed from the foster care program.
4. If confirmation is found at a home that has not yet finalized the adoption process, DCBS should determine the risk to the child if the child remains in the home, and take available steps to eliminate the risk to the child.
5. If confirmation is found at a Kinship Care home that has not yet received permanent custody orders from the courts, DCBS should determine the risk to the child if the child remains in the home. If the risk is unacceptably high, DCBS should find placement in a safer relative caregiver home or foster home.
6. If confirmation is found at a Kinship Care home where permanent custody has been granted by the courts, DCBS should redetermine if the caregiver is eligible for the program and the related financial assistance until the risk of the sex offender living in the home has been assessed and eliminated.

For all programs where a sex offender is confirmed to be living in the home, a Risk of Sexual Harm Assessment should be conducted to determine whether potential sexual abuse has occurred.

If the review of address matches cannot confirm that a sex offender lives in the home, DCBS should contact the Criminal Identification and Records Branch within the Kentucky State Police for investigation of non-compliance by the sex offender. DCBS staff should continue communication with KSP to determine the results of any residency investigation by law enforcement officials.

### **Agency Response for All Programs**

*Criminal background checks and checks of the Child Abuse and Neglect Registry are already performed. In the future, the DCBS will also compare the address of an applicant for provision of foster/adoptive care, kinship care and registered/certified/licensed child care with the Sex Offender*



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*Registry at the time of application and at the time of renewal or reassessment. By taking these steps, we will have the most responsive procedures in place, possibly in the nation, to assure children are safe. The Cabinet has already initiated discussions with KSP regarding ways to streamline the sex offender registry match process to make it easier to compare addresses. KSP has agreed to consider system modifications that might be necessary if the Cabinet provides any necessary funding. The Cabinet will determine the feasibility of streamlining and enhancing this process to make it easier to access and compare address information in the registry with addresses of DCBS clients/providers. In addition, the Cabinet will need to work with the Justice Cabinet to coordinate information about sex offender status and risk to children.*

*The Department's current application processes deny the application if an offender resides in the home at the time of application. Adding the check of the Sex Offender Registry as a part of the application process and as a part of any renewal or reassessment process will strengthen the current procedures. Additionally, the cabinet has asked and been given permission to update (pending final approval by KSP) a flyer that advertises the sex offender registry. The Cabinet will begin including the flyer in all application packets sent to foster care, adoption and child care providers as well as kinship care homes. More importantly, the Cabinet will provide the flyer to all parents who apply and are approved for child care subsidies.*

*When DCBS cannot confirm a registered offender living at a matched address, that information will be shared with KSP for investigation of non-compliance by the sex offender.*

### **Kinship Care**

*Kinship Care is a relative placement that may be utilized as an alternative to foster care when the Commonwealth has substantiated an allegation of neglect or abuse and the child cannot be safely maintained in their own home. Under these circumstances, a relative granted temporary custody may apply to receive benefits on behalf of the child who is eligible for financial assistance due to parental deprivation. The relative further agrees to seek permanent custody of the child after twelve months if the child and parent are not reunited. Once permanent custody is granted, the relative is the legal guardian of the child.*

*The APA audit found 16 instances where the listed address of an offender matched the address of a Kinship Care home. Due to limitations of the financial assistance database, the matching process could not distinguish between kinship care homes with temporary custody of the children and those with permanent custody; however, the in-depth review revealed that in all 16 cases, permanent custody of the child had been granted to the relative. In summary, in six of the cases the child and offender did not live in the same household. In another eight cases, the offender received mail at the listed address, but lived elsewhere. In the two cases where the offender and children were living in the same household, subsequent action has been taken.*

*If confirmation is found at a Kinship Care home, risk of sexual abuse will be presumed to exist and necessary steps to protect the child will be taken.*

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### **Foster, Adoptive, or Independent Living Homes**

*Foster care is provided to children who have been placed in the custody of the Cabinet by the court. Independent living is an arrangement for a young adult who has aged out of the foster care system (or soon will). The opportunity to live independently is designed to assist the youth in transitioning to full independence. Adoption is the process of an adult becoming the legal parent of a child who is not the parent's biological child.*

*DCBS took immediate action in the two instances where the matched address was that of a foster parent. In one, the foster parent's minor child had moved into the home from out-of-state. While that home had been closed to the potential placement of foster children since May 2008, the audit pointed out the need to ensure that official closure quickly follows the practice decision to stop referrals. In the second, the young adult son of the foster parent had relocated from another state and did reside in the home temporarily. That home was closed in part due to the foster parent's failure to appropriately disclose the change in household composition even though it was temporary. Interview with the one young person in the foster home revealed no indication of harm.*

- Two of the matches were adoption subsidy cases residing out-of-state. It was confirmed the registered offenders are not residing with the children. The KY State Police verified the registration of the offenders in the other states and their names have been removed from the Kentucky Sex Offender Registry.*
- The remaining two matches were instances of young adults living independently. In one, the offender lives at a different apartment in the same building than the youth. The youth confirmed that they had never heard of or had contact with the offender. In the other, the only youth in the home, a male over the age of 20, confirmed that the offender did not live at the address of the client.*

*If confirmation is found after a home has already been approved as a foster home or independent living home for children, DCBS closes the home. If confirmation is found at an adoptive home, risk of sexual abuse will be presumed to exist and necessary steps to protect the child will be taken.*

### **Registered Child Care Providers**

*Registered child care providers are individuals that provide child day care services in their home to no more than three children unrelated to them in addition to caring for children who are relatives of the provider. In order to receive child care subsidies from the Cabinet, the provider must be registered. Over fifty percent of children cared for in this setting are relatives of the provider.*

*Of the eight matches of registered child care homes and facilities to registered sex offender addresses, none of the registered providers was a sex offender; however, three of the eight addresses were confirmed as residences of sex offenders. These providers' registration was revoked.*

*In four instances, closure action was taken against the homes:*

- Two of those homes had not been active providers since 2004. It is believed that in the process of transferring data from the old DCBS child care database to the new KY Integrated Child Care*

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*System (KICCS) database, the information on these two providers was incorrectly transferred into active files.*

- *In two other instances, the providers were not caring for children at the time of the address match. The Auditor's report suggests that revocation would have been a more appropriate action than closure.*

*The final instance points out the value of confirming information found in databases. The registered offender with a local address was simultaneously listed in the Department of Corrections On-Line Look-up database as having been incarcerated continuously from a date prior to the date of the data match. Through the concerted efforts of multiple agencies, it was learned the offender had been on probation between April 2008 and June 2009, and is again incarcerated. DCBS determined no subsidy payments were made to the registered provider during the period of the offender's probation.*

*If confirmation is found of a registered offender living in the home during a period the home has been licensed, certified, or registered to provide child care, DCBS agrees to take appropriate negative action for providers that are not in compliance with the respective child care regulations as is the current practice. For registered child care providers, if residency cannot be confirmed and the home is inactive (no children in the home), the Department will either revoke or close the registered home based on evaluation of all available information at the time.*

**Finding 2:** The DCBS review process was deficient in determining if a sex offender was residing at the address matched to the sex offender database. DCBS visited only one of the 30 homes and had a few instances of direct contact with the homes. DCBS should consider a data match with Kentucky's Sex Offender Registry as an indicator of possible risk of abuse that needs to be fully evaluated. The results of the match process should be used to conduct comprehensive reviews to determine if a sex offender lives at the matched address. Review procedures should be comprehensive to ensure children living or receiving services at the home are not at risk. This may include data searches and reviews of case files, but should include site visits or direct contact with the homes when the results are inconclusive.

If the results of the review determine that the sex offender is not residing at the matched address, DCBS should contact KSP Criminal Identification and Records Branch to report the possibility of a non-compliant sex offender. DCBS staff should continue communication with KSP to determine the results of any residency investigation by law enforcement officials.

### **Agency Response**

*It is correct that DCBS initially relied heavily on a review of DCBS databases, driver's license information, case files and contacts with workers to make initial determinations of residency. As previously indicated, a number of the address matches were determined to be different physical addresses with a common street address, but different lot or apartment numbers. Subsequently, however, visits were made to those addresses in question to determine if the offender was present in the household, and appropriate action was taken as noted above in response to Finding 1.*

**Finding 3:** The physical address data field maintained by DCBS does not provide the physical locations for all homes and facilities.

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**Agency Response**


*A significant parameter of the audit was the matching of offender registry addresses with those addresses to which financial assistance is made. KAMES, the eligibility system used for Food Stamp, Medicaid and TANF eligibility, including Kinship Care, was the primary source of that data. Its primary purpose is to provide the address to which a benefit is mailed, which will not necessarily be the physical location of the household. The report notes that approximately two thousand children show "DCBS Office address" in the data field for the physical address. Of these, 1734 are children for whom it has been determined this is the most appropriate address. This group includes extended commitment youth whose physical locations change frequently (such as those attending college), youth who have a history of being frequent runaways, and children who have a history of multiple short-term placements. The physical location of those children (except for runaways) is known to the agency and reported in the child welfare data system, but is not reported in the KAMES address field. The Department will emphasize in training and written materials for family support workers (eligibility staff) the importance of completing the physical address designated field in KAMES. DCBS continues to review the remaining data field errors and will seek a means of increasing the accuracy of the physical address information field.*

**Finding 4:** Statutes and policies related to background checks of potential child care providers, foster homes, and relative caregivers do not take advantage of the information maintained within the Sex Offender Registry. DCBS and other agencies that rely on self-reported household information should incorporate a comparison of the provided physical address to the addresses maintained within the sex offender registry database. This comparison should be conducted during the initial screening process and during any renewal or reassessment procedures.

**Agency Response**

*The report is correct that current statutes and regulations require criminal background checks obtained from the Justice and Public Safety Cabinet or the Administrative Office of the Courts and fingerprint checks matched against the National Crime Information Database (NCID). The Department will incorporate an address match against the sex offender registry in conducting background checks as a process improvement measure.*

Sincerely,



Patricia R. Wilson, Commissioner

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## Contributors To This Report

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## General Questions

General questions should be directed to Terry Sebastian, Director of Communication, at (502) 564-5841 or the address above.