

**Tennessee Commission on Children and Youth
November 1998**

Arthur A. Hayes, Jr., CPA
Director

Deborah V. Loveless, CPA
Assistant Director

Dena W. Wunningham
Audit Manager

Beth Boone
In-Charge Auditor

Julie Maguire Vallejo
Staff Auditor

Jane Russ
Editor

November 2, 1998

The Honorable John S. Wilder
Speaker of the Senate
The Honorable Jimmy Naifeh
Speaker of the House of Representatives
The Honorable Kenneth N. (Pete) Springer, Chair
Senate Committee on Government Operations
The Honorable Mike Kernell, Chair
House Committee on Government Operations
and
Members of the General Assembly
State Capitol
Nashville, Tennessee 37243

Ladies and Gentlemen:

Transmitted herewith is the performance audit of the Tennessee Commission on Children and Youth. This audit was conducted pursuant to the requirements of Section 4-29-111, *Tennessee Code Annotated*, the Tennessee Governmental Entity Review Law.

This report is intended to aid the Joint Government Operations Committee in its review to determine whether the commission should be continued, restructured, or terminated.

Very truly yours,

W. R. Snodgrass
Comptroller of the Treasury

WRS/ms
97-079

State of Tennessee

Audit Highlights

Comptroller of the Treasury

Division of State Audit

Performance Audit
Tennessee Commission on Children and Youth
November 1998

AUDIT OBJECTIVES

The objectives of this audit were to review the commission's legislative mandate and the extent to which the commission has carried out that mandate efficiently and effectively, and to make recommendations that might result in more efficient and effective operation of the commission.

FINDINGS

Number of Deinstitutionalization-of-Status-Offender Violations Rising

These violations occur when a juvenile alleged to be a status offender (e.g., truant, runaway) is detained in a secure facility beyond time limits established by state and federal law. Tennessee receives over \$1,000,000 a year in federal Juvenile Justice and Delinquency Prevention Act funds. Excessive violations could jeopardize Tennessee's eligibility for these funds (page 9).

Commission's Statutory Mandates Not Met

The commission has not compiled an inventory of services for children and youth in each county and has not convened the interdepartmental coordination council since 1991 (page 12).

Department of Children's Services Apparently Not Using C-PORT Results

Although the results of the Children's Program Outcome Review Team are disseminated widely, the Department of Children's Services, which deals with most children in state custody, does not use the results to improve its programs and services (page 16).

Weaknesses in Commission's Procedures for Monitoring Grantees

Grantee reporting requirements are not always fulfilled, on-site facility monitoring is not always documented at the central office, and funding is not tied to results (page 19).

OBSERVATIONS AND COMMENTS

The audit discusses the following issues that affect the operations of the commission and the citizens of Tennessee: member attendance, creation of the Department of Children's Services, and ombudsman program activities (page 7).

ISSUES FOR LEGISLATIVE CONSIDERATION

The General Assembly may wish to consider (1) deleting Section 37-3-103(a)(1)(A), *Tennessee Code Annotated*, requiring the compilation of a county-by-county inventory of programs and services for children or changing the requirement to allow the preparation of an inventory by issue or service area as the commission deems necessary and (2) whether the interdepartmental coordination council is still needed (page 23).

"Audit Highlights" is a summary of the audit report. To obtain the complete audit report which contains all findings, recommendations, and management comments, please contact

Comptroller of the Treasury, Division of State Audit
1500 James K. Polk Building, Nashville, TN 37243-0264
(615) 741-3697

Performance Audit
Tennessee Commission on Children and Youth

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Performance Audit

Tennessee Commission on Children and Youth

INTRODUCTION

PURPOSE AND AUTHORITY FOR THE AUDIT

This performance audit of the Tennessee Commission on Children and Youth was conducted pursuant to the Tennessee Governmental Entity Review Law, *Tennessee Code Annotated*, Title 4, Chapter 29. Under Section 4-29-220, the commission is scheduled to terminate June 30, 1999. The Comptroller of the Treasury is authorized under Section 4-29-111 to conduct a limited program review audit of the committee and to report to the Joint Government Operations Committee of the General Assembly. The performance audit is intended to aid the committee in determining whether the Tennessee Commission on Children and Youth should be continued, restructured, or terminated.

OBJECTIVES OF THE AUDIT

The objectives of the audit of the Tennessee Commission on Children and Youth were

1. to determine the authority and responsibility mandated to the commission by the General Assembly;
2. to determine the extent to which the commission has fulfilled its legislative mandate and has complied with applicable laws and regulations;
3. to evaluate the efficiency and effectiveness of the commission's programs and activities; and
4. to develop recommendations, as needed, for administrative and legislative action which might result in more efficient and/or effective operation of the commission.

SCOPE AND METHODOLOGY OF THE AUDIT

We reviewed the commission's activities and procedures for fiscal years 1996 through 1998. The audit was conducted in accordance with generally accepted government auditing standards and included

1. review of applicable legislation and rules and regulations,
2. examination of prior performance and financial and compliance audit reports,

3. examination of commission meeting minutes,
4. review of commission files,
5. attendance at a Tennessee Commission on Children and Youth meeting; and
6. interviews with federal officials, employees of other state departments, and children and youth advocates.

ORGANIZATION AND STATUTORY DUTIES

Tennessee Code Annotated, Section 37-3-102, created the commission to serve as “an informational resource and advocacy agency for the efficient and effective planning, enhancement, and coordination of state, regional, and local policies, programs, and services to promote and protect the health, well-being, and development of all children and youth in Tennessee.” Tennessee has had a Commission on Children and Youth or Children’s Services Commission since the 1950’s; the current statutory framework for the commission was enacted in 1988.

Appointed by the Governor for three-year staggered terms, the 21 commission members serve as the policy board for the commission. Each development district is represented by at least one commission member. The commission also serves as the State Advisory Group under the federal Juvenile Justice and Delinquency Prevention Act. This act requires the commission to have five youth members. (A 1989 executive order created the State Advisory Group, adding the five youth members.) During fiscal years 1997 and 1998, the commission met 14 times (some meetings were on consecutive days).

Staff and Expenditures

The commission has 53 full-time staff and five part-time secretarial staff. Nine of the full-time staff and all five part-time secretarial staff provide support to the Regional Councils on Children and Youth and carry out other regional and local commission responsibilities.

The commission’s expenditures for fiscal year 1996-97 were \$4,352,979. Its expenditures for fiscal year 1997-98 (through May 1998) were \$4,086,879.

Advocacy

The commission is mandated by statute to serve as an advocacy agency. Major strategies for effective advocacy include extensive networking and the following efforts to assist in the coordination of services:

- Children’s Advocacy Days—held annually during the legislative session to discuss issues affecting children
- Legislative Advocacy—publishes a newsletter that summarizes legislation affecting children and families and that takes positions on significant bills

- Children’s Coalition Platform—developed by a confederation of individuals and organizations to address the quality of life for children and families in Tennessee
- Presentations—made to a range of groups and organizations on commission activities, advocacy, and priorities

Juvenile Justice

Each state receiving funding under the federal Juvenile Justice and Delinquency Prevention Act of 1974 is required to have a state advisory group responsible for the administration of funds received through the act. In Tennessee, the Commission on Children and Youth serves as that advisory group. The commission, pursuant to *Tennessee Code Annotated*, Section 37-3-103(a)(1)(D), is charged with implementing the provisions of the Juvenile Justice and Delinquency Prevention Act and distributing state and federal funds. The grants the commission awards are detailed below:

- State Supplements—state funding for improving juvenile court services. In fiscal year 1997, each county in the state received \$10,000. In fiscal year 1998, 93 counties received \$10,000 and one county received only \$7,500 because it did not have a youth services officer. State juvenile justice funds cannot be used to pay salaries or expenses of juvenile court judges or to construct or remodel adult facilities. Eighty counties used approximately 75% of the total state supplement for salaries of youth services officers or other court support staff.
- Reimbursement Account—a combination of state and federal Juvenile Justice and Delinquency Prevention Act funds to provide financial assistance to counties for removing children from adult jails. Allowable services include attendant care, emergency transportation, emergency shelter care/foster care, temporary holding, and secure detention. In fiscal year 1997, 76 counties contracted with the commission to use the reimbursement account funds, but only 46 actually requested reimbursement. In fiscal year 1998, 76 counties contracted with the commission, and 42 counties used all or part of their funds.
- Court Appointed Special Advocates (CASA)—a program to recruit, train, and supervise court-approved volunteers who serve as advocates for the best interests of abused, neglected, or dependent children and other children placed out of home by the court. In fiscal years 1997 and 1998, state CASA funds were used by 11 counties.
- Formula Grants—federally funded grants awarded to agencies to prevent delinquency and to ensure that youth who commit offenses receive proper placements and services. Projects are funded on a year-to-year basis, generally for a maximum of three years. Usually a declining share system is used: 100% of an approved budget funded in the first year, 75% of the first year’s budget funded in the second year, and 50% of the first year’s budget funded in the third year.

- Title V Grants—federally funded grants awarded only to general units of local government to promote collaboration within communities for the development of delinquency prevention strategies. A community must demonstrate collaboration by establishing a multi-disciplinary prevention policy board, developing a three-year plan for delinquency, and maintaining compliance with the mandates of the Juvenile Justice and Delinquency Prevention Act.

In addition to designating a state advisory group, a state must maintain compliance with the act’s four mandates for continued participation: deinstitutionalizing status offenders, removing children from adult jails, separating children from adult offenders, and addressing minority overrepresentation in secure confinement. Another requirement is the annual submission of a three-year plan or plan update to the U.S. Office of Juvenile Justice and Delinquency Prevention.

Children’s Plan Outcome Review Team

The Children’s Plan Outcome Review Team, or C-PORT, evaluates the service delivery system designed for children in state custody and their families. Through C-PORT, the commission collects and organizes information about the population of children served and the needs of these children and their families and evaluates the system’s ability to adequately meet these needs. C-PORT reports provide quantitative and qualitative data.

C-PORT examines 13 status indicators for the child and family and 17 system functions, or capabilities. The following 13 status indicators are examined for family and child; items with asterisks must be found positive for an overall adequate finding.

- | | |
|--|--|
| 1. Safety of child and community* | 8. Caregiver functioning* |
| 2. Stable home | 9. Family unification |
| 3. Permanence | 10. Independent living, 13 years of age or older |
| 4. Appropriateness of placement | 11. Family satisfaction |
| 5. Educational and/or vocational process | 12. Child satisfaction |
| 6. Emotional well-being* | 13. Overall status of child and family |
| 7. Physical well-being* | |

The reviewers evaluate the following 17 system functions; items with asterisks must be found positive for the system to achieve an overall adequate status.

- | | |
|--|--|
| 1. Assessment of needs* | 10. Service plan implementation* |
| 2. Long-term view for services* | 11. Service coordination* |
| 3. Advocacy | 12. Supportive interventions for staying or returning home |
| 4. Child participation* | 13. Urgency response |
| 5. Family participation* | 14. Monitoring change* |
| 6. Service plan design* | 15. Progress achieved—child |
| 7. Early child and family intervention | 16. Progress achieved—parent |
| 8. Home and community resources | 17. Overall adequacy of services |
| 9. Placement resources | |

Cases are selected randomly in each of the 12 community services agency regions. Regional results are then presented at exit conferences. The attendees include participants in the review process (direct service providers, supervisory and management personnel, social counselors, and case managers). Regional and statewide results are published yearly.

Regional Councils

Tennessee Code Annotated, Section 37-3-106, requires the commission to organize a regional council on children and youth in each of the state's nine development districts. The councils are to be the ongoing communication links between the commission and regional and local areas in Tennessee. One locally based staff member is provided for each regional council. The councils have the following duties:

- Providing for mutual exchange of information and networking among service providers, advocates, and elected officials
- Educating council members, officials, others involved in services for children and youth, and the general public concerning the needs and problems of children and youth in the region and the state
- Coordinating regional and local efforts between public and private service providers to enhance services for children and youth
- Advocating for legislation, policies, and programs at the local and regional levels to promote and protect the health, well-being, and development of children and youth
- Collecting, compiling, and distributing data and making recommendations on the needs and problems of children and youth

Information Dissemination

Pursuant to *Tennessee Code Annotated*, Section 37-3-103(a)(1)(F), the commission is required to publish a comprehensive report on the status of children and youth in Tennessee each year. *Kids Count: The State of the Child in Tennessee*, a comprehensive report on the health, education, social, and economic indicators of children's well-being in the state, fulfills this requirement. The Kids Count project is a national and state-by-state effort to track the status of children in the United States; Tennessee, one of the state grantees, receives funding for the Kids Count project from the Annie E. Casey Foundation.

The commission also publishes *The Advocate*, a newsletter on children's issues, to inform children's advocates, children's services providers, legislators, policy makers, and regional council members about timely children's issues. During fiscal years 1997 and 1998, the commission published four issues of *The Advocate*.

Teen Pregnancy

In 1988, Public Chapter No. 874 established the annual designation of model community-based programs—programs offering one or more of the following services for teens: family life education, prevention of teen pregnancy, counseling services for teens who are or think they are pregnant, prenatal care, parenting skills education, job training and placement, or education and support services. In fiscal year 1997, the statutory authorization for designating Model Teen Pregnancy Prevention and Teen Parenting Programs expired. Under separate statutory authority, through the appropriations bills, grants (up to \$6,000) continue to be available for replicating model programs or adding components to model programs. The commission coordinates the applications and the interdepartmental review process for selection of Model Teen Pregnancy Prevention and Teen Parenting replication programs. In fiscal years 1997 and 1998, ten programs were funded for replication of model programs.

OBSERVATIONS AND COMMENTS

The issues discussed below did not warrant findings but are included in this report because of their effect or potential effect on the operations of the Tennessee Commission on Children and Youth and on the citizens of Tennessee.

MEETING ATTENDANCE

Both *Tennessee Code Annotated*, Section 37-3-102, and Article IV, Section 1, of the commission's bylaws state that the commission is to have 21 members. An executive order authorizing the commission to have five youth members was issued to meet the Juvenile Justice and Delinquency Prevention Act mandate for youth membership; current commission membership totals 26. According to the minutes for the 14 meetings in fiscal years 1997 and 1998, an average of 16 members (60%) were present. In fiscal year 1997, ten members had three or more consecutive absences. (Three were youth members.) In fiscal year 1998, 11 members had three or more consecutive absences. (Three were youth members.)

There is a statutory provision for removing absent members. *Tennessee Code Annotated*, Section 37-3-102(c), states that following any member's three consecutive absences from commission meetings, the chair may request the Governor to declare a vacancy and to fill the unexpired term. Article VI, Section 5, of the commission's bylaws states that extenuating circumstances can be considered and that one absence may be excused per year based on cause. Additionally, the Governor may remove any commission member for absenteeism at any time during that member's term. In the past, commission members were removed because of absenteeism, but no one has been removed in the last two or three years. Commission staff stated that most absentees are youth members; several of the youth members are in high school making it difficult for them to attend. Because of the difficulty in finding youth members to serve on the commission, the youth are not removed for consecutive absences.

Absenteeism at commission meetings could affect performance. Although the commission had a quorum at each meeting, higher attendance could improve the commission's effectiveness.

Commission on Children and Youth's Comment: The Tennessee Commission on Children and Youth has been concerned about meeting attendance and anticipates improvement in that area. One member who had difficulty in attending resigned, and several others who had limited attendance were not reappointed to the commission when their terms expired June 30, 1998.

CREATION OF THE DEPARTMENT OF CHILDREN'S SERVICES

With the creation of the consolidated department for service delivery to children, it is important for the Tennessee Commission on Children and Youth to continue to operate as an

impartial advocate and not as an advocate for or against any specific department, program, or legislation. The neutral role of the commission is more important now as the commission moves away from involvement in policy development (i.e., Children's Plan, Department of Children's Services). However, the creation of the Department of Children's Services will affect the commission's role. Once viewed as the glue that held the various agencies involved in service delivery together, the commission must define a new role for itself in a system where all children in state custody are the responsibility of a single department.

Commission on Children and Youth's Comment: The Tennessee Commission on Children and Youth supported the creation of the Department of Children's Services and is committed to working with the department in all appropriate ways to improve services for children in or at risk of state custody and their families. The commission is no longer involved in policy development for children in or at risk of state custody at the level it was during the Children's Plan. However, there are still many important areas of children's policy that have significant commission involvement. Children in or at risk of state custody are an important group for commission attention, but the roles, responsibilities and activities of the commission have never been limited to children in state custody. The commission is also involved in a broad range of other children's issues with state departments other than the Department of Children's Services, with the General Assembly, and with service providers at the local level. These include the areas of health, substance abuse, mental health, childcare, public assistance, juvenile justice, prevention, etc. The creation of the Department of Children's Services has had limited impact on the overall activities of the Tennessee Commission on Children and Youth.

OMBUDSMAN ACTIVITIES

The 1992 reauthorization of the Juvenile Justice and Delinquency Prevention Act added State Challenge Activities to the programs the act funds. The purpose of the State Challenge Activities is to provide states with incentives to develop, adopt, and improve policies in one of ten specific areas. One of the activities that the commission chose to participate in was the creation of an Ombudsman Program. In August 1996, the program was developed to provide a review of complaints that children, families, care providers, case workers, or case managers had made and that could not be resolved through normal administrative remedies. These reviews examine services delivered to children by the Department of Children's Services, community services agencies, and residential or therapeutic care providers. This program has the potential to improve the services to children in state custody and their families.

Commission on Children and Youth's Comment: The Tennessee Commission on Children and Youth has been pleased that the federal funding has enabled the creation of its ombudsman program. We agree it has much potential to improve the services to children in state custody and their families, and that in fact, it is already doing so in the cases handled by the program.

FINDINGS AND RECOMMENDATIONS

1. The rising number of deinstitutionalization-of-status-offender violations could lead to a loss of federal funds

Finding

The number of deinstitutionalization-of-status-offender (DSO) violations statewide could lead to the commission's losing federal money from the Office of Juvenile Justice and Delinquency Prevention. From fiscal years 1991 to 1995, DSO violations increased. In fiscal year 1996, the number decreased somewhat. (As of August 1998, the number of violations for fiscal year 1997 was not available.) DSO violations occur when a juvenile alleged to be a status offender is detained or confined in a secure facility beyond time limits established by federal and state law. Status offenses are juvenile offenses that would not be a crime if the offender was an adult (e.g., truancy, runaway, ungovernable, or unruly) or offenses which do not constitute violations of valid court orders.

Status offenders cannot be held more than 24 hours. Tennessee can have up to 380 DSO violations per year, based on threshold violation numbers of 29.4 offenses per 100,000 children. Tennessee was very close to being out of compliance in the 1995 monitoring report with 391 DSO violations. In fiscal year 1996, there were 346 violations. Because Tennessee's law parallels federal law regarding the detention of unruly and runaway youth, incidences which are not in compliance with the Juvenile Justice and Delinquency Prevention Act are also violations of state law. *Tennessee Code Annotated*, Section 37-1-114, states that a juvenile alleged to be unruly cannot be detained for more than 24 hours unless there has been a hearing resulting in a judicial determination that there is probable cause to believe the child has violated a valid court order.

Excessive violations could jeopardize Tennessee's eligibility for over \$1,000,000 per year in federal Juvenile Justice and Delinquency Prevention Act funds. In addition to jeopardizing federal funds, the detention of youths in violation of state and federal law also raises liability issues for the counties and staff involved. The United States Department of Justice noted in a January 1996 program site-visit report that a plan of action should be developed which addresses the rising DSO violations. The plan was developed and in April 1998 the Department of Justice said Tennessee was in compliance based on the 1996 monitoring report.

Juvenile Justice and Delinquency Prevention Act Mandates

By participating in the federal Juvenile Justice and Delinquency Prevention Act, Tennessee must comply with four mandates:

- Deinstitutionalize status offenders
- Remove children from adult jails

- Separate children from adult offenders
- Address minority overrepresentation in secure confinement

To ensure compliance with these mandates, Tennessee Commission on Children and Youth staff conduct periodic on-site monitoring of all adult jails and lockups and all secure juvenile facilities in Tennessee, including juvenile detention centers, temporary holding resources, and training schools. Commission staff review records to determine the numbers of children detained and the circumstances of their detention. They report the violations to the Office of Juvenile Justice and Delinquency Prevention and work with violators to prevent future violations.

Title V Eligibility

The number of DSO violations may also cause a county to lose eligibility for certain federal funds. Title V money, awarded to promote collaboration within communities to develop delinquency prevention strategies, can only be distributed to local governments that comply with specific federal requirements. Some counties were not eligible to receive 1998 Title V funds from the commission because they exceeded the maximum allowed violations for the DSO mandate. The 1996 State Monitoring Report (submitted to the United States Department of Justice) attributed the increase in total status offender violations primarily to violations occurring at the 15 juvenile facilities listed below (the state has 162 juvenile facilities). (As of August 1998, the 1997 Monitoring Report had not been prepared.)

- Blount County Temporary Holding Resource
- Bradley County Temporary Holding Resource
- Metropolitan Davidson County Juvenile Detention Center
- Dickson County Temporary Holding Resource
- Hamilton County Juvenile Detention Center
- Knox County Juvenile Detention Center
- Loudon County Temporary Holding Resource
- Putnam County Juvenile Detention Center
- Rhea County Juvenile Detention Center
- Rutherford County Juvenile Detention Center
- Scott County Juvenile Detention Center
- Shelby County Juvenile Detention Center
- Sumner County Juvenile Detention Center
- Upper East Tennessee Regional Juvenile Detention Center
- Williamson County Juvenile Detention Center

Sanctions for Noncompliance

States receiving federal juvenile justice funds must comply with the four federal mandates; however, one county can get enough DSO violations to put the entire state in noncompliance. If Tennessee has not complied with the mandated areas, it will lose 25% of allotted federal funding, and the other 75% will be required to be spent on correcting the noncompliance. If a state is in compliance with the basic mandates, the state determines how it will use the funds. The commission can withhold certain funding (e.g., Title V, reimbursement account) from counties that have many violations; however, staff stated that the money may not be financially critical to the counties. Enforcement mechanisms in the Tennessee Commission on Children and Youth's *County Resource Manual* include violations correspondence, technical assistance, funding sanctions, and media notification.

Violation Trend

Although the current numbers are significantly lower than the over 1,800 DSO violations in 1977, the number of violations has risen in recent years, and the Department of Justice has recommended that the commission address this problem. The 346 youths who were improperly detained in fiscal year 1996 represented a significant increase over the number during most previous monitoring periods (see below). (As of August 1998, the number of youth improperly detained for fiscal year 1997 was not available.)

Improperly Detained Youth

Fiscal year	1989	1990	1991	1992	1993	1994	1995	1996
Youth	104	118	100	182	242	318	391	346

Tennessee Commission on Children and Youth staff cited the sheer number of children in the system and the number of runaways and ungovernable/unruly children as reasons for the increase. In its plan to remove status offenders and nonoffenders from secure detention and correctional facilities, the commission stated that it would follow the steps outlined in the enforcement mechanism: sponsor and conduct training sessions for agencies that might have DSO violations, provide technical assistance, and discuss violations with the Commissioner of the Department of Children's Services.

Recommendation

The commission should follow its three-year plan to remove status offenders and nonoffenders from secure detention and correctional facilities and make appropriate evaluations to address any additional noncompliance possibilities.

The Tennessee Commission on Children and Youth needs to actively monitor the facilities with a large number of DSO violations. Enforcement mechanisms should be used to ensure the state will meet Juvenile Justice and Delinquency Prevention mandates.

Management's Comment

We concur. The Tennessee Commission on Children and Youth is very concerned about the increase in deinstitutionalization-of-status-offender violations and the potential loss of federal funds. The monitoring schedule has been stepped up to provide more timely monitoring feedback in counties with repeat violations. Local training and technical assistance have also been offered to facilities staff in counties to develop strategies to address this problem.

Several counties have implemented policy changes that will be significant in reducing the number of violations there. However, some juvenile court judges have taken the attitude that they will detain status offenders when they choose, regardless of the law and the potential loss of federal funds. The Commission on Children and Youth will continue to work with them toward compliance and to implement the enforcement mechanisms that have been identified.

The Commission on Children and Youth is also exploring the feasibility of statewide training for facility staff. A "training-the-trainers" approach is under consideration to assist in better understanding of compliance requirements across the state, the importance of compliance, and the potential adverse impact of noncompliance. The Tennessee Council of Juvenile and Family Court Judges will be contacted for potential collaboration in this area. Additionally, the Tennessee Commission on Children and Youth will try to work with the Tennessee Council of Juvenile and Family Court Judges to increase understanding of the requirements and importance of compliance among the judges, and to increase support within the council for compliance.

2. The Tennessee Commission on Children and Youth has not met some statutory mandates

Finding

Although mandated to compile and distribute an inventory of the programs and services for children and youth available in each county, the Tennessee Commission on Children and Youth does not compile such a directory. Additionally, since 1988, the commission has been charged with convening (quarterly) an interdepartmental coordination council, composed of each department of state government that administers services to children, youth, and their families. This interdepartmental coordination council has apparently not met since 1991.

Inventory of Programs and Services

In listing powers and duties of the commission, *Tennessee Code Annotated*, Section 37-3-103(a)(1)(A), states that the commission shall "collect, compile, and distribute data relating to programs and services for children and youth, including, but not limited to, compilation and distribution of an inventory of the programs and services available in each county." The commission has not produced an inventory of programs, although one was planned to be completed in 1989. However, in a response to a 1989 review of the commission by the Division

of State Audit, the commission chair stated that the inventory would be difficult to compile and be duplicative. The chair also stated that commission believed a more appropriate responsibility would be for it to collect existing directories/inventories, assist areas that do not have inventories but need them, and have the authority to collect complete inventory information by issue or service area when warranted.

Current commission management stated that the inventory information is too difficult to keep current and would be obsolete before it could be printed. In addition, many local agencies and state departments keep directories of services. Management also stated that the commission was not intended to serve as the state's resource and information agency on issues concerning children and youth. However, Section 37-3-102, *Tennessee Code Annotated*, states that the commission is to "serve as an informational resource and advocacy agency for the efficient and effective planning, enhancement and coordination of state, regional and local policies, programs, and services to promote and protect the health, well-being and development of all children and youth in Tennessee."

Interdepartmental Coordination Council

Tennessee Code Annotated, Section 37-3-108, (effective in 1988) states that the commission is to convene an interdepartmental coordination council composed of the executive director of the commission and the commissioner (or designee) of each department of state government that administers services to children, youth, and their families, including the Departments of Education, Finance and Administration, Human Services, Mental Health and Mental Retardation, Health, Children's Services, and Labor. The council is required to meet at least once per quarter and at such other times as the chair (the commission's executive director) deems necessary or expedient for the performance of duties and responsibilities. Below is a list of the council's duties and responsibilities.

- Assist in identifying and analyzing service delivery problems, in formulating recommendations for improvements, and in initiating such improvements in the service systems.
- Provide budget and program information throughout the year.
- Assist in the design and implementation of a data collection system.
- Report findings and recommendations to the commission periodically.
- Develop and update, on a continuing basis, a comprehensive statewide plan to ensure the effectiveness and efficiency of all programs and services for children and youth. This plan is to be jointly prepared by the staff of all entities of state government that provide services to children and youth and to be submitted to the Governor, General Assembly, and state depository libraries annually.

- Develop and implement each year a system of competitive grant awards to encourage and support community-based programs and projects that seek to replicate components of teenage pregnancy programs designated as model programs.
- Assist the Department of Health in administering the Tennessee Informational Clearinghouse on teenage pregnancy.
- Develop and implement a continuing statewide program of technical support and assistance to encourage local education agencies to initiate teen peer counseling groups for the prevention of student behavioral patterns which jeopardize physical and mental health and which hamper social, educational, and personal development.
- Develop and implement statewide a continuing public awareness campaign on the impact of teen pregnancy.
- Develop a statewide, comprehensive, coordinated plan to significantly reduce the occurrence of teenage pregnancy within Tennessee and to provide needed educational, vocational, and parenting programs and services for teenage parents.

Although the interdepartmental coordination council has not met since 1991, the council did meet eight times in 1989 and 1990. Additionally, during the development of the Children's Plan, council members were meeting biweekly (although official interdepartmental coordination council meetings were not convened). Children and Youth Statewide Plans, prepared by the council, were completed in 1989, 1990, and 1991. The council meetings apparently provided an opportunity for communication and coordination. According to the 1991 plan, interdepartmental initiatives provided testimony to the extensive nature of interdepartmental cooperation and coordination efforts, and these initiatives would continue and be expanded at every opportunity.

Convening the council to discuss council duties with other state department officials would appear to allow necessary interaction among key management in the delivery of services to the state's children and youth. Commission management stated that meetings are not currently held because of time constraints, the awkwardness of a council where an executive-director-level position chairs a council of department commissioners, and the difficulty in maintaining independence if the commission becomes too involved in other departments' planning. However, despite the council's inactivity, commission management did not want the interdepartmental coordination council provision removed from the statute since it could be useful in the future. With the creation of the Department of Children's Services, the council may not be necessary. However, given the many changes in the administration of Tennessee's delivery of services to children and youth over the past several years, communication and coordination between the state agencies is important.

Recommendation

The General Assembly may wish to consider deleting *Tennessee Code Annotated*, Section 37-3-103(a)(1)(A), requiring the compilation of a county-by-county inventory of programs and services for children. Alternately, the General Assembly may wish to change the requirement to allow the preparation of an inventory by issue or service area as the commission deems necessary.

The General Assembly may wish to consider whether the interdepartmental coordination council is still needed. If it does determine it is necessary, the commission should convene the council and meet as required.

Management's Comment

We concur. The Tennessee Commission on Children and Youth has not met the mandate to “collect, compile, and distribute data relating to programs and services for children and youth, including, but not limited to, compilation and distribution of an inventory of the programs and services available in each county.” However, the commission does “collect, compile, and distribute data relating to programs and services for children and youth” through the Children’s Program Outcome Review Team (C-PORT) evaluation of the delivery of services to children in state custody and through the annual *Kids Count: The State of the Child Report*.

The Tennessee Commission on Children Youth has not compiled and distributed “an inventory of the programs and services available in each county.” In 1988-1989, the commission did begin such an effort. However, it quickly became apparent that to produce such an inventory that is accurate and up-to-date would have consumed virtually all staff resources available to the at that time. The Commission on Children and Youth supports the recommendation that the General Assembly delete *Tennessee Code Annotated*, Section 37-3-103(a)(1)(A), requiring its compilation of a county-by-county inventory of programs and services for children. Many local organizations compile such inventories, and this is the proper locus for this activity.

The Commission on Children and Youth has not convened the interdepartmental coordination council nor produced a Children and Youth Statewide Plan since 1991. The plans that were produced for 1989, 1990, 1991 appeared to have minimal value and were not particularly useful to or used by anyone, as evidenced by the fact that only the audit process has acknowledged their absence. Though the interdepartmental coordination council has not met, much work involving the Tennessee Commission on Children and Youth continues to be carried out through a variety of interdepartmental groups. As needed, new working groups are established. Ongoing state-level activities include the following:

- The Teen Pregnancy Prevention and Teen Parenting Committee awards competitive grants, administered by the commission, to replicate components of teenage pregnancy prevention and teen parenting programs designated as model programs.

- The Interdepartmental School Dropout Prevention Council awards competitive grants, administered by the Department of Education, to reduce school dropouts and to sponsor an annual conference or series of conferences across the state.
- The TennKids Data Committee is working toward the development of a comprehensive data set on children, including the Tennessee Commission on Children and Youth's annual *Kids Count: The State of the Child Report* that will be available through the Department of Health's "Health Information Tennessee" web site.
- The TennKids Volunteerism Working Group serves as a follow-up to the Governor's Summit on Tennessee's Children to replicate mini-summits in regional and local areas and to try to increase volunteer involvement in the lives of children across Tennessee.

Additionally, at the state and regional levels, Tennessee Commission on Children and Youth staff serve on a range of interdepartmental committees that facilitate interagency communication, coordination and planning. Although these are not "interdepartmental coordination council" activities, they carry out many of the responsibilities that the interdepartmental coordination council has, and perhaps would even delegate to such committees.

Following the adoption of this statute in 1988, there was substantial interdepartmental planning that led to the Adolescent Pregnancy Initiative. This initiative was implemented in the Department of Health subsequent to the 1988 law. It eliminated or significantly reduced the need for an interdepartmental coordination council to address all of the teen pregnancy related functions of the council, except the grant program to replicate model teen pregnancy prevention and teen parenting programs.

The Tennessee Commission on Children and Youth supports retention of the statutory provisions for the interdepartmental coordination council. If so retained, the Commission on Children and Youth will reactivate the council. The commission does recommend the statute be amended to remove the requirement for the plan and all teen pregnancy activities except the grant program.

3. The Department of Children's Services apparently does not use C-PORT results

Finding

Although the ultimate goal of the Children's Program Outcome Review Team (C-PORT) is to promote positive system change by providing qualitative and quantitative information for continuous improvement in the delivery of services to children and families, there does not appear to be systematic use of the results by the Department of Children's Services.

C-PORT and the Children's Plan

The Tennessee Children's Plan was established to provide a more efficient and effective way of caring for and treating children who are in state custody by coordinating efforts of the Departments of Health, Human Services, Mental Health and Mental Retardation, Youth Development, Finance and Administration, and Education. The Children's Plan included provisions for the Tennessee Commission on Children and Youth to provide ongoing review and evaluation. In fiscal year 1996, the General Assembly passed legislation creating an integrated children's services department, which includes all of the Department of Youth Development; the Tennessee Preparatory School; adoptive services, child protective services, and foster care services of the Department of Human Services; and the custody component of the Department of Mental Health and Mental Retardation. Although the requirement to conduct evaluations appears to have been removed with the creation of the Department of Children's Services, the legislation creating that department requires it to release to the commission records needed to perform its duties listed in Section 37-3-103, *Tennessee Code Annotated*. Two of these listed duties are recommending priorities and improvements to programs and services for children and youth and identifying and analyzing specific problems concerning programs and services for children and youth.

The C-PORT evaluation was developed as a result of collaborative efforts of an inter-departmental design team and consultants from the Florida Mental Health Institute. Full implementation began in June 1994. In 1996, C-PORT became the Children's Program Outcome Review Team (before 1996, it was known as the Children's Plan Outcome Review Team). C-PORT evaluation results are based on information gathered by reviewers using the C-PORT protocol, a structured set of questions a reviewer must ask key stakeholders (e.g., child, parent, caregiver) and service providers in the cases reviewed. Protocol questions focus on the functions of the service delivery system and the status of the child. C-PORT uses intensive case reviews as a means of evaluating services to children in state custody and conducting quality assurance reviews of overall program implementation.

Use of C-PORT Results

The commission spent nearly \$890,000 on evaluation efforts in fiscal year 1997. The results of these efforts are presented to the Select Oversight Committee on Children and Youth, disseminated at regional conferences to providers and court staff, presented to interested organizations, and distributed to the nine regional coordinators. Despite this wide distribution, C-PORT evaluations appear to have done more to identify emerging system issues than to affect system change. One probable reason for the limited effect on policy is that the Department of Children's Services, which would appear to be the main consumer of evaluation results, does not, according to department management, use the C-PORT reports. Furthermore, no central office staff from the Department of Children's Services attends the C-PORT regional debriefings on evaluations results.

These evaluations do have value. C-PORT results over the past four years show improvements in service delivery. Commission staff contend that without C-PORT, there would be no way to know whether service delivery was getting better or worse.

Recommendation

The Tennessee Commission on Children and Youth should work with the Department of Children's Services to ensure the C-PORT process and results are understood and used. The commission should determine if the use of C-PORT results promotes positive change. If the results are not used to improve the delivery of services to children and youth, the process and product feasibility should be reviewed.

Management's Comment

We concur. Children's Program Outcome Review Team (C-PORT) results have not been utilized by the Department of Children's Services as extensively as is desired. Central office staff from the Department of Children's Services do not attend the C-PORT regional exit conferences where evaluation results are presented, but copies of the reports from each region are sent to the commissioner and central office staff. Staff of the Commission on Children and Youth have repeatedly made offers to assist central office staff in better understanding the C-PORT results and using the information for system improvement. Recent conversations with the Commissioner have focused on the C-PORT results and the information they provide. A meeting is scheduled with central office staff on October 12, 1998, to share C-PORT results, findings, and their implications.

C-PORT results are apparently better understood and used by regional staff of the Department of Children's Services. The statewide results from 1994 through 1997 show steady improvements in a variety of service system functions, as reflected on the attached chart (see Appendix for chart) that presents the statewide results from 1994 through 1997. Improvements may have happened without the feedback provided through the evaluation process, but dialogue with many Department of Children's Services staff at the regional level has indicated that they take the results seriously and see them as identifying areas where efforts are needed for improvement.

C-PORT also provides an excellent opportunity for cross-training through its use of external reviewers. External reviewers are non-C-PORT staff, including staff from the Department of Children's Services, community services agencies, and other state agencies and service providers, who are trained and participate in reviews in regions where they do not work. Participants in the C-PORT process develop a better understanding of an outcome orientation to services. They also have the opportunity to experience positive ways services are provided in another region, as well as to recognize undesirable approaches that might be rectified in their own regions.

C-PORT reports document problems experienced in the TennCare/TennCare Partners programs, so results are shared with the TennCare Bureau within the Department of Health. They have reportedly used the data to address issues with the managed care organizations and the behavioral health organizations.

When the Department of Children’s Services engaged in regional needs assessments for noncustodial services for children in 1997, results of the C-PORT evaluation were considered. Especially useful were the “critical issues” that identify environmental circumstances of children in custody. These identify the need for services to address issues such as substance abuse, domestic violence, mental illness.

The value of the C-PORT process has been recognized in several other states that are considering implementation of a similar evaluation process. Some states are working with the consultants that assisted the commission in developing the C-PORT process, and representatives from Missouri “shadowed” the C-PORT process in three regions in 1997 in preparation for implementation of a similar evaluation in that state.

C-PORT provides extremely valuable information regarding the status of children in state custody and their families, and how well the service system is functioning to meet their needs. Its value for planning and system improvement is great, but currently underutilized. The Tennessee Commission on Children and Youth will continue its efforts to work with the Department of Children’s Services to ensure that the C-PORT process and results are understood and used at both the regional and state levels.

4. The commission’s procedures for monitoring grantees contain weaknesses

Finding

The commission’s monitoring of grantees could be improved. Grantee reporting requirements are not always fulfilled, on-site monitoring is not always documented at the central office because of the off-site compilation of monitoring records, and funding is not tied to results.

Reporting and Monitoring Requirements

According to a Division of State Audit review of grantee files from fiscal years 1996 through 1998, grantees did not always complete quarterly and annual reports, although their contracts specify that some form of progress or status report is due each quarter. Some contracts also require an annual report of the activities funded under the contract.

The commission established on-site monitoring minimums for its staff. Although the commission’s annual reports indicate that monitoring was done, there was little evidence of monitoring in the grantee files reviewed: (See introduction for grant descriptions.)

- None of the ten State Supplement grantee files reviewed for fiscal years 1997 and 1998 contained quarterly status reports or indication of on-site monitoring visits.
- At least one quarterly report was missing from each of the three Title V grantee files reviewed for fiscal years 1996 and 1997, and only one of the grantee files contained an

annual report. For fiscal year 1998, at least one quarterly report was missing from each of the three files, and none of the files contained an annual report.

- One of 11 federal formula grantee files did not contain any quarterly status reports for fiscal year 1996, and three of the 11 files did not contain any for fiscal year 1997. Six files were missing fiscal year 1998 status reports. Annual reports were present in only one fiscal year 1996 and one fiscal year 1998 file.

There was evidence of on-site monitoring inspections in only one of the eight files reviewed for fiscal year 1996 and in six of 11 files for fiscal year 1997. No evidence of monitoring was found in the fiscal year 1998 files.

- Only one of the three CASA grantee files for fiscal years 1996 and 1997 contained quarterly activity reports; no annual reports were in any of the files. For fiscal year 1998, none of the three files contained quarterly activity reports or annual reports.
- One of the three Teen Pregnancy Replication files reviewed for fiscal year 1996 was missing two quarterly progress reports. For fiscal year 1997, progress reports were present; for fiscal year 1998 one progress report was missing.

Commission management stated that on-site facility monitoring forms are kept off-site (Dunlap) with one of the juvenile justice specialists. This employee is responsible for compiling the annual state monitoring report from information all juvenile justice specialists and regional coordinators submit. Management added that on-site monitoring forms are completed for every visit; but the off-site coordinator keeps the forms for a year or more to compile the annual monitoring report. Keeping information away from the central office can hinder management assessments of the frequency, extent, and sufficiency of visits.

Some form of assessment and monitoring is necessary to ensure the grantee is using funding effectively in providing services and programs to the proper populations. Quarterly and annual reports demonstrate the grantees' progress and/or deficiencies in meeting the goals and objectives.

Results Monitoring

According to the commission's 1997 three-year plan, delinquent behavior is the most prevalent problem before the juvenile justice system in Tennessee. The commission's goal is to reduce Tennessee's overall rate of delinquent offenses by 5% by September 1999. However, commission management stated that the federal Office of Juvenile Justice and Delinquency Prevention is not monitoring this goal and that no federal objectives are tied to the plan.

Juvenile justice specialists track program objectives and performance indicators for the grantees quarterly. If the objectives are not met, barriers to those objectives are reviewed to determine if the objectives are reasonable. There are no repercussions if a grantee does not meet objectives, unless there was a blatant abuse of money.

In observations and recommendations from the January 1996 United States Department of Justice program site-visit report, the federal program specialist stated that a review of other

states' monthly/quarterly program progress reports would assist Tennessee in developing an individualized program evaluation system. The Tennessee Commission on Children and Youth concurred that its evaluation component should be stronger. According to commission management, staff see program results, but the commission does not push for sophisticated evaluation methods because of the small amount of money allotted to the agencies. The commission is satisfied with knowing how many children participate. Since there are many applicants for grants and few grant recipients, some effort to tie results to those funded recipients does not appear unreasonable.

Recommendation

When the grant contract mandates quarterly or annual progress reporting, the commission should enforce those terms and ensure all grantee reporting requirements are met.

Data stored away from the central office needs to be tracked more closely. An on-line database would appear to provide management at the central office with reliable, up-to-date information which can be used for informed decisions.

The formal monitoring techniques in place should be used to ensure grantees are using funds efficiently and effectively and according to state and federal regulations.

Management's Comment

We concur. The Tennessee Commission on Children and Youth has begun efforts to improve its monitoring of grantees. It should be noted that the commission has discontinued funding for grantees that did not comply with contract requirements and delayed release of funds until grantees complied with contract requirements. Efforts that have already occurred to improve procedures for monitoring grantees include the following.

- The federal formula and Title V grant applications were redesigned and are now more specific regarding outcomes.
- Grant Writing Training provided by the Tennessee Commission on Children and Youth to potential grantees in March 1998 included discussion of evaluation efforts.
- Current monitoring reports were available for the Grant Review Committee as it considered continuation funding for grantees in June 1998.
- Training was held for new grantees in August/September to ensure they understand reporting requirements.

Additional actions are planned to further improve grant monitoring:

- Development of a central office quality assurance system to ensure that reports are submitted timely from both grantees and monitors, that reports are properly filed, and that grantees and monitors who have not submitted timely receive follow-up.
- Revision of monitoring forms to provide more explicit information about what is happening at the time of the onsite monitoring.
- Exploration of on-line monitoring reports so the field information can be accessed from central office.

The Tennessee Commission on Children and Youth concurs with the audit report recommendations:

- We will improve efforts to enforce compliance with contract terms and ensure all grantee reporting requirements are fulfilled.
- An on-line database that would provide reliable, up-to-date information for use for informed decisions will be explored.
- Formal monitoring techniques will be in place to ensure that grantees are using funds efficiently and effectively, and according to state and federal regulations.

RECOMMENDATIONS

LEGISLATIVE

This performance audit identified two areas in which the General Assembly may wish to consider statutory changes to improve the efficiency and effectiveness of the Commission on Children and Youth's operations.

1. The General Assembly may wish to consider deleting Section 37-3-103(a)(1)(A), *Tennessee Code Annotated*, requiring the compilation of a county-by-county inventory of programs and services for children. Alternately, the General Assembly may wish to change the requirement to allow the preparation of an inventory by issue or service area as the commission deems necessary.
2. The General Assembly may wish to consider whether the interdepartmental coordination council is still needed. If it does determine it is necessary, the commission should convene the council and meet as required.

ADMINISTRATIVE

The Commission on Children and Youth should address the following areas to improve the efficiency and effectiveness of its operations.

1. The commission should follow its three-year plan to remove status offenders from secure detention and correctional facilities and make appropriate evaluations to address any additional noncompliance possibilities.
2. The commission needs to actively monitor the facilities with a large number of DSO violations. Enforcement mechanisms should be used to ensure the state will meet Juvenile Justice and Delinquency Prevention mandates.
3. The commission should work with the Department of Children's Services to ensure that the Children's Program Outcome Review Team (C-PORT) process and results are understood and used. The commission should determine if the use of C-PORT promotes positive change. If the results are not being used to improve the delivery of services to children and youth, the process and product feasibility should be reviewed.
4. When grantee contracts mandate quarterly or annual progress reporting, the commission should enforce those terms and ensure all grantee reporting requirements are met.

5. The commission should track data stored away from the central office more closely. An on-line database would appear to provide management at the central office with reliable, up-to-date information which can be used for informed decisions.
6. The commission should ensure that the formal monitoring techniques in place are used to ensure grantees are using funds efficiently and effectively and according to state and federal regulations.

