

Monitor's letter berates DCS for record-keeping problems

02/02/03

By JOHN SHIFFMAN
Staff Writer

The court-appointed watchdog overseeing the state Department of Children's Services has concluded that the agency still has systematic record-keeping problems and is dragging its feet to correct them.

DCS officials dispute the watchdog's conclusions and say they are a result of a misunderstanding over how the agency's computer database operates.

The watchdog, Sheila Agniel, was appointed "federal monitor" over DCS in 2000 to ensure compliance with reforms the agency promised when it settled a class-action lawsuit brought by foster children. Agniel's conclusions, her first to be publicly disclosed, were included Friday in a letter to lawyers for the foster children.

Agniel declined to be interviewed.

In her letter, the monitor scolded DCS for its record-keeping efforts but said she had no evidence it had caused any child to become "missing."

"As of this time, I can conclude that the department's data systems systematically fail to track or are incapable of tracking the location of (foster) children," Agniel wrote. "However, I cannot conclude the existence or scope of actual 'missing' children until I receive the results of several immediate corrective actions that have been put in place."

After 18 months of trying to improve DCS record keeping, she said, "It has been a general source of agitation and concern that DCS has not acted quickly to rectify this and other serious limitations of their aggregate data capabilities."

She cited a recent audit of 600 case files, where, "in many instances the placement's physical location was not clearly recorded, if at all, in the physical case record, although there were indications of the case manager's contact with the child."

DCS spokeswoman Carla Aaron said the department's computer tracking is adequate.

"We refute what the monitor says," Aaron said. "We can track any child's whereabouts."

DCS officials have been working to improve their databases and plan to meet with the monitor to discuss this, Aaron said.

In her letter, the federal monitor also said she is investigating the record-keeping discrepancies that surfaced in Davidson County after a group of volunteers tried to use a DCS-supplied list to provide Christmas gifts to foster children. Multiple lists contained errors.

DCS believes the problems in Davidson County were isolated, Aaron said.

For one thing, Aaron said, the list DCS supplied to the volunteers providing Christmas gifts was not generated from the agency's central files. It was kept by one supervisor in a Nashville office, she said.

In addition, the list was considered informal and "not official," Aaron said, and well known to be inaccurate.

"It's just an easy way for (the supervisor) to manage stuff," Aaron said. "It's a list that she uses to manage her employees and keep track of children as they come in (to the system) and leave."

Asked why a DCS manager would use a list she knew to be inaccurate to track children and caseworkers, Aaron declined to comment.

Asked why DCS also routinely sent the same list to Metro's juvenile detention center, to help jailers there identify the correct guardian for detained children, Aaron said she didn't know.

The supervisor had sent the juvenile jail the "list for years, but when we switched over to a (central) database she never switched over," Aaron said.

"It's never been an issue until now. ... We're going to concede that that is not an accurate list, and we're not going to use it anymore. The bottom line: It wasn't a good practice."

David Raybin, a Nashville lawyer who is co-counsel for the foster children in the class-action lawsuit, said he is pleased DCS has pledged to reconcile its lists and that the federal monitor is keeping close watch on the agency's progress.

"Thank heaven this latest problem was exposed by missing Christmas presents and not a missing foster child whose safety was in jeopardy," Raybin said.

"In my view, the solution is for the governor to give DCS a short deadline to create and work off a single list of foster children. If that fails we will ask the federal court to intervene."

Settlement put DCS under monitor's eye

In 2000, the state Department of Children's Services reached a settlement with lawyers for eight foster children who filed a class-action lawsuit against DCS on behalf of all 10,000 children in state care.

The lawsuit is known as Brian A. vs. Sundquist, and the agreement is often called "the Brian A. settlement."

The lawyers for the foster children had asked a federal judge to force the state to repair what they called "a grossly mismanaged and overburdened child welfare system." They had accused the state of "deliberate indifference" to the welfare of foster children.

In the settlement, DCS promised to improve caseworker training, decrease the number of children a caseworker oversees, speed the pace of adoptions and improve record keeping.

The Brian A. settlement also called for the appointment of a special federal monitor, Sheila Agniel, to measure DCS progress.

It provides that the state provide her a staff and office at DCS and grants her wide authority to ensure DCS is complying with the settlement.