

September 1991

CHILD WELFARE

Monitoring Out-of- State Placements



144746

Human Resources Division

B-242461

September 3, 1991

The Honorable George Miller
House of RepresentativesThe Honorable Tom Downey
Acting Chairman, Subcommittee
on Human Resources
Committee on Ways and Means
House of Representatives

In an October 29, 1990, letter you asked us to study the monitoring of children in state care¹ after they have been placed into residential group care facilities² outside their home states. As discussed with your offices, because no nationwide data exist on such monitoring, we performed in-depth case studies of 42 children who were placed in two out-of-state residential group care facilities by 15 different states.³

On February 6, 1991, we briefed your staffs on the nature and frequency of monitoring that state and local agency officials provided in the cases we studied. Subsequently, you asked us to provide a report on the information we presented.

Background

Most children in out-of-home care are the responsibility of the child welfare, juvenile justice, mental health, mental retardation, or special education systems in their home states. These agencies sometimes arrange out-of-state placements in residential facilities because the types of services provided are not available to children in their states. Children are also placed out of state because the agencies have had previous success with the facility, as an alternative to in-state public institutionalization, or after placement failures at in-state facilities. Many of these children have been characterized as emotionally disturbed; having special education needs; past victims of abuse, neglect, or abandonment; or having a combination of these characteristics.

There have been reports of children being placed in out-of-state residential facilities, and apparently forgotten by those that placed them for

¹"Children in state care" refers to the situation where a public agency has legal and financial responsibility for a child's placement outside the home.

²These facilities include psychiatric hospitals, group homes, residential treatment centers, emergency shelters, and receiving homes.

³"States" as used in this briefing report includes the District of Columbia.

several years, subjected to abuse at the facility, and even dying. As a result, the Members of Congress and others have expressed concern that these children may be especially vulnerable to public neglect or institutional abuse. In particular, the geographic distance between out-of-state placements and their home community increases the likelihood that efforts to monitor the quality of care received may be inadequate.

Our sample consisted of three types of placements: (1) public welfare agencies placing abused and neglected children; (2) special education agencies placing handicapped children, including the seriously emotionally disturbed; and (3) a mental health agency placing one child.

Results in Brief

Our review of 42 children from 15 states showed that placement agencies complied with federal law regarding the frequency of case reviews. We found that, as required, case reviews were done to assess the continued appropriateness of the placement as well as to review and update the case plan regarding the child's treatment, education, and placement. Although budgetary constraints limited some agencies' compliance with their individual state and local requirements for visits with their children, many agencies made the required visits. We found that during such visits, caseworkers assessed their children's well-being and progress in the treatment program. Moreover, in each case, agencies maintained regular contact with the children, family, and facility through such means as written progress reports and telephone calls.

For the three types of placements in our sample, the nature and frequency of monitoring by placement agencies—whether case reviews, visits, or other means—was driven by the laws and regulations that governed the respective placements. Facilities' nonprofit or for-profit status, for example, had no bearing on the placement agencies' monitoring.⁴

Abused and Neglected Children Placed by Public Welfare Agencies

Under court order, 19 children in our sample were placed by public welfare agencies. These children, who were all past victims of abuse and neglect, were in the legal custody of the placement agencies. In accordance with the Adoption Assistance and Child Welfare Act of 1980

⁴The difference between a nonprofit and for-profit facility, in addition to its tax status, is that the latter is not eligible to receive federal foster care funds under title IV-E of the Social Security Act. Title IV-E funds were used for some of the placements at the nonprofit facility, but not at the for-profit facility.

(P.L. 96-272), these placements were reviewed by a court or administrative panel at least every 6 months and sometimes more often.

Although federal law does not require visits with the child, most of these placements were subject to state and local requirements for visits. For the 14 children where visits were required, placement agencies complied with their requirements in 7 cases, did not visit their children as often as required in 5 cases, and conducted no visits for the remaining 2 cases. Budgetary constraints was the reason cited for noncompliance. (See app. I for more information about our sample of abused and neglected children placed by public welfare agencies.)

Handicapped Children Under the Auspices of Special Education Agencies

In our sample, 22 children were placed under the authority of the Education for All Handicapped Act (P.L. 94-142). Although the parents maintained custody of these severely emotionally disturbed children, special education agencies were involved in managing and monitoring the placements. In accordance with P.L. 94-142, these placements were reviewed by a team of education and mental health professionals and the parents at least annually and often more frequently.

Although P.L. 94-142 does not require visits with the child, 20 cases were subject to state-required visits. In only one case was a child visited as required. Placement representatives did not visit 16 children as frequently as required and conducted no visits in 3 cases. Budgetary constraints was the reason cited for noncompliance. (See app. II for more information about our sample of handicapped children under the auspices of special education agencies.)

Mental Health Agency Placement

From our sample of 42 children, 1 was placed by a state mental health agency in an out-of-state facility. This child remained in the parents' legal custody. In addition, the child was not a juvenile delinquent nor past victim of abuse or neglect, and did not come under the purview of the welfare, special education, or juvenile justice system in the home state. According to the caseworker, the child's parents voluntarily sought the assistance of the state mental health agency.

Under these circumstances, case reviews were not held, nor were they required by federal or state statute. However, the caseworker visited the child on a monthly basis, in accordance with state law. In addition, the caseworker received written progress reports from the facility every 2 months and regularly spoke on the telephone with both the child and

facility staff. This child also visited with family members at the facility and at home.

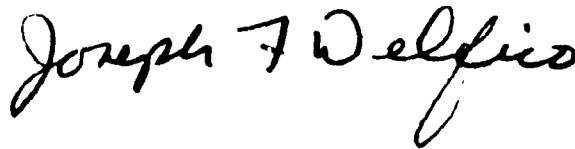
Scope and Methodology

Our previous work showed that nationwide information on interstate placements is not readily available. We agreed to visit facilities that, as our prior work indicated, would house children placed by California and a number of other states. We further agreed to visit only two facilities in order to obtain detailed information about individual cases. In addition, at your request, we selected a nonprofit and a for-profit facility to determine whether there might be differences in placement agency monitoring practices and requirements. These were respectively the Devereux Foundation located in Victoria, Texas, and Charter Provo Canyon School in Provo, Utah. (See app. III for information about these facilities.)

We selected for review a judgmental sample of 42 children that a total of 15 states had placed at the facilities. At the time of our visit, each child had been in residence at least 6 months and was still at the facility or had been recently discharged.

At each facility, we reviewed case files and interviewed staff regarding the children in our sample. For each case, we contacted the caseworker from the placement agency to determine the nature, frequency, and requirements for monitoring interstate placements. We also contacted a state-level official from the home state to corroborate information on state monitoring requirements. We did not assess the quality of this monitoring. The information in this report pertains only to our sample of 42 children and is not projectable to all interstate placements made by the 15 states that placed our sample children. (See app. IV for more details on objective, scope, and methodology.)

As requested, we did not obtain written comments on this briefing report. We are sending copies of it to other congressional committees and subcommittees and interested parties and to others upon request. For additional information, please contact me at (202) 275-6193. Other major contributors are listed in appendix V.

A handwritten signature in black ink that reads "Joseph F. Delfico". The signature is written in a cursive style with a large, prominent "J" and "D".

Joseph F. Delfico
Director, Income Security Issues

Contents

Letter		1
Appendix I		8
Abused and Neglected Children Placed by Public Welfare Agencies	Background on Sample of Children	8
	Frequency of Case Reviews Complied With Federal Law	14
	Frequency of Visits Did Not Always Comply With State and Local Requirements	16
	Other Ways of Monitoring Placements	16
Appendix II		18
Handicapped Children Under the Auspices of Special Education Agencies	Background on Sample of Children	18
	Frequency of Case Reviews Complied With Federal Law	19
	Frequency of Visits Generally Did Not Comply With State Requirements	24
	Other Ways of Monitoring Placements	25
Appendix III		26
Facilities Visited		
Appendix IV		28
Objective, Scope, and Methodology		
Appendix V		30
Major Contributors to This Briefing Report		
Tables		
	Table I.1: Information on GAO's Sample of Abused and Neglected Children Placed by Public Welfare Agencies	10
	Table I.2: Monitoring Requirements for Abused and Neglected Children Placed by Public Welfare Agencies	14
	Table II.1: Information on GAO's Sample of Handicapped Children Under the Auspices of Special Education Agencies	20

Contents

Table II.2: Monitoring Requirements for Handicapped Children Under the Auspices of Special Education Agencies	24
Table IV.1: Case Sample	28

Abbreviations

IEP individualized education program

Abused and Neglected Children Placed by Public Welfare Agencies

In our sample, 19 of the 42 children were under the jurisdiction of the courts and in the legal custody of state or local welfare agencies. Many of these children had demonstrated behavior problems at an early age and had long histories with the child welfare system. These children, generally sent to the out-of-state facility in their mid-teens, were often considered unmanageable elsewhere and, thus, unacceptable at other facilities.

Federal monitoring requirements, set by the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272), address the substance and frequency of case reviews for the 19 children in our sample. In addition to meeting federal law, placement agencies were required by state and local laws and regulations to monitor their children by way of written reports from the facility and visits with the child. The frequency of monitoring activities varied among agencies as well; for example, every 6 months, annually, or at the agency's discretion.

Our review of these 19 cases showed that the agencies complied with federal monitoring requirements regarding the frequency of case reviews. However, they did not always visit their children as frequently as state or local laws and regulations required. Placement agencies monitored their children through case reviews, visits, written progress reports, and telephone conversations. The frequency of these monitoring activities was generally regular, except for visits with the children.

Another form of monitoring for some of these children was accomplished through parental visits. In several cases, family members visited the children at the facility, children went home for visits, or both.

Table I.1 shows the circumstances of each case, frequency of case reviews and visits, and extent of compliance with federal, state, and local monitoring requirements. Table I.2 lists the monitoring requirements for case reviews and visits applicable to our sample of 19 children.

Background on Sample of Children

Nineteen children in our sample were placed at the out-of-state facility by public welfare agencies from 12 states. These children were all past victims of abuse and neglect and had experienced several out-of-home placements before being sent out of state. According to case files, many of these children had behavior problems with histories of harming others, running away, and attempting suicide.

Many of the 19 children came from troubled families. For example, according to case files, one girl's father had abandoned the family and later served time for murder, her mother abused drugs and eventually died of a heart attack, and, at the age of 7, the girl was raped by her grandfather. She entered foster care at age 11. In another case, a boy had been sexually molested by his uncle and grandmother from the age of 4 until the welfare agency assumed custody of him at age 7. His mother knew about the molestation but did not consider it a problem. The boy's father, jailed for 4 years for using and dealing drugs, had abandoned the family.

Multiple Prior Placement Failures

The children in our sample had extensive placement histories. As shown in table I.1, every child had been placed in an adoptive or foster home or another residential facility before arriving at the out-of-state facility. By the time the children were placed out of state, according to caseworkers, the placement appeared to offer the last best hope for successful treatment.

Public welfare agency efforts to improve the family situation and return the children in our sample to their homes were generally unsuccessful or deemed inappropriate because the family was too dysfunctional. Foster care and adoption for these children were also unsuccessful. For example, one adoptive placement ended when the child said she was sexually molested by the adoptive father. In another case, a foster placement ended when the child tried to suffocate a 5-month-old baby and a 3-year-old toddler.

Public welfare agencies had previously placed many of the 19 children in residential group care when family-like settings were unsuccessful or inappropriate. In addition to psychiatric hospitals, residential care generally included group homes and residential treatment centers.¹ A residential facility (other than a psychiatric hospital) was often selected for older children who were considered unmanageable in a family-like setting, such as with an adoptive or foster family. Many residential placements ended when the child ran away or exhibited extreme behaviors, such as attempted suicide, that led to psychiatric hospitalization.

¹This care also included some placements in emergency shelters or receiving homes. Although designed as temporary arrangements, some children spent extended periods of up to 5 months in these facilities.

**Appendix I
Abused and Neglected Children Placed by
Public Welfare Agencies**

**Table I.1: Information on GAO's Sample
of Abused and Neglected Children
Placed by Public Welfare Agencies**

Home state	Sex	Age at admission (years)	Adopted	Previous placements		
				Foster home	Psychiatric hospital	Other residential facilities ^a
Arizona	Male	17	No	0	4	1
California	Female	17	No	0	3	1
	Male	9	No	^h	0	2
	Female	14	Yes	2	3	3
	Male	10	No	2	1	3
Connecticut	Female	14	Yes	4	1	0
	Male	16	No	2	4	2
	Male	14	No	1	1	2
District of Columbia	Female	15	No	0	3	7
Indiana	Female	15	No	2	2	0
Nebraska	Male	16	No	0	3	1
Nevada	Female	16	Yes	^h	3	3
New Mexico	Female	17	No	5	4	6
	Male	10	No	1	2	0
New York	Male	10	Yes ⁱ	7	1	0

**Appendix I
Abused and Neglected Children Placed by
Public Welfare Agencies**

Placement at out-of-state facility		Case reviews			Visits by placement agency representative	
Primary reason(s) for placement	Length of placement^b (months)	Type of review	Frequency	Extent of compliance regarding frequency^c	Frequency of visits	Extent of compliance regarding frequency^c
Rejected by eight in-state facilities, ^{d e f}	7	Court Admin.	12 months 6 months	Exceeded federal requirement	None	No state or local requirement
	7	Court	6 months	Complied with federal requirement	At admission and every 3 months	Complied with local requirement
Child's doctor recommended this placement, ^{d f}	60	Court	6 months	Complied with federal requirement	At admission and every 3 months	Complied with local requirement
	12	Court	6 months	Complied with federal requirement	At admission and every 3 months	Complied with local requirement
Facility closer to family member; exhausted all in-state alternatives	18	Court Admin.	6 months 3 months	Exceeded federal requirement	At admission and every 3 months	Complied with local requirement
	7	Court Admin.	6 months At 6 months	Complied with federal requirement	None	Did not comply with state requirement; visits should be periodic
Alternative to in-state juvenile delinquency lockup, ^{d e g}	23	Court Admin.	At 18 months 6 months	Complied with federal requirement	At admission	Did not comply with state requirement; visits should be periodic
Alternative to in-state lockup; needed secure, highly supervised treatment, ^{d e g}	28	Court Admin.	6 months 6 months	Complied with federal requirement	At admission	Did not comply with state requirement; visits should be periodic
Rejected by ten out-of-state facilities, ^{d e f}	10	Court	3 months	Exceeded federal requirement	At admission	Complied with District requirement
Rejected by five in-state and out-of-state facilities	19	Court Admin.	12 months Interim 6 months	Complied with federal requirement	1 visit	Did not comply with state requirement; visits should be every 3 months
Facility closer to family members	17	Court	6 months	Complied with federal requirement	At admission	Did not comply with state requirement; visits should be every 6 months
	23	Court	6 months	Complied with federal requirement	At admission and 1 other visit	Complied with state requirement
Needed secure, locked facility with full continuum of care, ^{d e f}	9	Admin.	6 months	Complied with federal requirement	At admission	No state or local requirement
Appropriate in-state facilities full, ^{d e f}	16	Court Admin.	6 months 6 months	Complied with federal requirement	At admission	No state or local requirement
Facility closer to preadoptive home	23	Court Admin.	6 months 6 months	Complied with federal requirement	None	Did not comply with local requirement; visits should be every 6 months

(continued)

**Appendix I
Abused and Neglected Children Placed by
Public Welfare Agencies**

Home state	Sex	Age at admission (years)	Adopted	Previous placements		
				Foster home	Psychiatric hospital	Other residential facilities ^a
Pennsylvania	Female	13	No	2	7	2
Vermont	Female	16	No	2	1	5
West Virginia	Male	14	No	0	0	6
	Female	15	Yes ^j	2	0	6

^aOther residential facilities include group homes, residential treatment centers, emergency shelters, and receiving homes.

^bLength of placement as of November 1, 1990.

^cSee table I.2 for listing of federal, state, and local requirements regarding case reviews and visits.

^dAppropriate in-state facilities not available.

^eFailed at previous placements.

^fAlternative to in-state hospitalization.

^gPlacement agency has had previous success with this or other affiliated facilities.

^hCase records did not indicate actual number of previous foster home placements.

ⁱRejected by in-state facilities.

^jAdoption pending as of November 1, 1990.

**Appendix I
Abused and Neglected Children Placed by
Public Welfare Agencies**

Placement at out-of-state facility		Case reviews			Visits by placement agency representative	
Primary reason(s) for placement	Length of placement^b (months)	Type of review	Frequency	Extent of compliance regarding frequency^c	Frequency of visits	Extent of compliance regarding frequency^c
^{d, e}	7	Court	3 months	Exceeded federal requirement	At admission	Did not comply with local requirement; visits should be every 6 months
Rejected by seven in-state facilities; difficult to place due to assaultive behavior, ^{d, e}	20	Court Admin.	At 18 months 6 months	Complied with federal requirement	At admission and at 1 year	Complied with state requirement
Limited placement options in state for children who are difficult to place, ^{d, e}	17	Court Admin	At 12 months 6 months	Complied with federal requirement	At admission	No state or local requirement
Alternative to in-state lockup, ^{d, e, f}	6	None	—	Case review had not yet come due at the time of our visit	None	No state or local requirement

**Appendix I
Abused and Neglected Children Placed by
Public Welfare Agencies**

**Table I.2: Monitoring Requirements for
Abused and Neglected Children Placed
by Public Welfare Agencies**

Level of government	Monitoring activity/ required frequency
Federal^a	Court review
	Within 18 months of original placement, periodically thereafter
	Administrative review
	Every 6 months (may be replaced by court review)
State^b	Visit with child
Arizona	None
California	6 months
Connecticut	Not specified
District of Columbia	12 months
Indiana	3 months
Nebraska	6 months
Nevada	12 months
New Mexico	None
New York	None
Pennsylvania	None
Vermont	6 months
West Virginia	None
Local^c	Visit with child
California ^d	3 months
New York ^d	6 months
Pennsylvania ^d	6 months

^aP.L. 96-272, The Adoption Assistance and Child Welfare Act of 1980.

^bState requirements, at a minimum, meet federal requirements.

^cLocal requirements shown only if more stringent than state requirements.

^dTo protect possible identification of individual cases, we show only the state name where the local jurisdiction is located. Our sample included one jurisdiction in each of the three states listed.

**Frequency of Case
Reviews Complied
With Federal Law**

All 19 children in our sample who were placed out of state by public welfare agencies were under the jurisdiction of the courts and subject to the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272), which amended the Social Security Act. This law covers abused and neglected children in the custody of public welfare agencies who are placed with adoptive and foster families and in residential facilities.

Public Law 96-272 requires states that receive federal foster care incentive funds² to ensure out-of-home placements are reviewed by a court or administrative panel at least every 6 months.³ These states must also ensure that placements are reviewed by a court or court-appointed administrative body no later than 18 months after the original placement and periodically thereafter.⁴ Federal law does not specifically require visits with the child.

As shown in table I.1, all but 1 of the 19 cases in our sample were reviewed by a court, administrative panel, or both, in accordance with P.L. 96-272. In many cases, these reviews were held more frequently than required. The one case, where no review was conducted, had not yet come due for review at the time of our visit.

Nature and Frequency of Case Reviews

Whether a case review was conducted by a court or administrative panel, the substance of the reviews was similar. Most case reviews were conducted every 6 months.

According to caseworkers and court documents contained in case files, court hearings were held to assess the continued appropriateness of the placement, as well as to review and update the child's case plan. For the court's consideration, placement agency staff submitted written summaries covering the child's history, including problems and progress, as well as the agency's recommended permanency plan. In preparing these summaries, caseworkers told us they used written reports prepared by the facility and telephoned facility staff for additional information, if necessary.

Administrative case reviews were also conducted for many of our sample cases. These reviews involved the placement agency staff who were responsible for managing the individual case, as well as at least

²Most of the placements in our sample were funded by state or local welfare and education moneys. Federal foster care funds were used for 7 placements. Nevertheless, the case review provisions of title IV applied to all 19 placements because their home states received federal incentive funds for child welfare services.

³These case reviews must, among other things, determine the (1) continuing need for and appropriateness of the placement, and (2) extent of compliance with the case plan. The review must be open to parents and include an independent person who has had no direct responsibility for the case.

⁴The purpose of the court case review is to determine the future status of the child.

one independent person who had no role in managing or providing services for the case. The administrative case reviews generally covered the same issues as the court reviews.

Frequency of Visits Did Not Always Comply With State and Local Requirements

Although not required by federal law, 14 of the 19 placements made by public welfare agencies were also subject to state or local requirements for visits with the children. As shown in table I.1, half of these cases did not comply with visitation requirements. The lack of funds was the most common reason given by caseworkers for noncompliance.

Nature and Frequency of Visits

As shown in table I.1, placement representatives visited most of the children in our sample at least once. The visiting representative was generally the child's caseworker.

Placement agency staff escorted most of these children when they were initially placed at the facility. According to caseworkers, these initial visits allowed them to meet with facility staff and participate in an opening case conference.

During visits, according to caseworkers and facility staff, agency representatives met with the child and with the staff worker responsible for that child. Discussions during these visits included the child's experiences at the facility, progress towards improving relationships with other children and adults, medical and therapeutic developments, academic records, and arrangements for eventual discharge from the facility. Agency representatives also had an opportunity to observe the child's living arrangements and meet with therapists, teachers, recreation leaders, and others involved in the child's treatment program. Some agency representatives also conducted a review of the facility's program of services in conjunction with their review of the child's individual situation.

Other Ways of Monitoring Placements

Written progress reports and telephone conversations were used by the agencies, in addition to case reviews and visits, to maintain regular contact with the 19 children in our sample and the placement facility. Several children also visited with family members.

Written Progress Reports

The facility prepared and sent comprehensive written reports regarding the cases to placement agencies every 1 or 2 months. These reports addressed the child's progress and condition in detail. Topics included progress towards treatment goals; behavior towards peers, staff, and family; movement into more or less restrictive living arrangements and the reasons; medical consultations; and prognosis and aftercare plans.

Telephone Conversations

Along with written reports, contact by telephone was the most common means of communication between responsible agency representatives and their children and facility staff. It was also a means of communication between the children and their families. According to staff at one facility, frequent telephone contact was available by use of a toll-free telephone number.

According to facility staff, telephone calls were often emotionally charged for the children in our sample. Courts' or doctors' orders precluded some children from speaking with family members. Thus, facility staff monitored telephone calls to provide support for the child, as needed, and to assure that unauthorized family contact did not occur.

**Visits With Family
Members**

Visits with family members offer another opportunity for assessing the child's well-being and the appropriateness of his or her placement. About half of the children sampled visited with family members at the facility, home, or both. In particular, family visits at the facility or at home took place for the two cases where placement agencies did not conduct any required visits.

Handicapped Children Under the Auspices of Special Education Agencies

Twenty-two of the 42 children in our sample were placed out of state with the involvement of special education agencies while remaining in their parents' custody. Many of these children were considered seriously emotionally disturbed and had long histories of contact with professionals in their school systems. Generally sent to the out-of-state facility in their mid-teens, these children were often considered unmanageable elsewhere and, thus, unacceptable at other facilities. Although similar in many respects to the 19 children in our sample placed by public welfare agencies, much more parental involvement was evident in the initial decision to place the 22 children out of state and in the subsequent monitoring of the placement.

Federal monitoring requirements, prescribed by the Education for All Handicapped Act (P.L. 94-142), address the substance and frequency of case reviews for the 22 children in our sample. In addition to being subject to federal requirements, many placement agencies were required by state laws and regulations to monitor their children by way of written reports from the facility, telephone conversations, meetings with professionals involved in the placement, or visits with the child. The frequency of monitoring activities varied; for example, on a monthly, quarterly, or annual basis.

Our review of these 22 cases showed that the agencies complied with federal and state monitoring requirements by conducting case reviews on a regular basis. However, most of these children were not visited as often as their home state required.

Placement agencies generally monitored the 22 children in our sample through case reviews, visits, written progress reports, and telephone conversations. In addition, family members often participated in case reviews and visited with the children at the facility, at home, or both.

Table II.1 shows the circumstances of each case, frequency of case reviews and visits, and extent of compliance with federal and state monitoring requirements. Table II.2 lists the monitoring requirements for case reviews and visits applicable to our sample of 22 children.

Background on Sample of Children

Special education agencies from three states were responsible for 22 out-of-state placements in our sample. Of these cases, 20 were from 15 school districts in one state. A single local jurisdiction in each of the other two states was responsible for the remaining two out-of-state placements. Although the 22 children remained in the custody of their

families, many had extensive histories of school difficulties and special education intervention.

By the age of 8, several children in our sample were identified as having attention deficit disorder with hyperactivity. Some received medication, such as Ritalin,¹ to control their behavior and attended special education classes and schools. Other children in our sample did not appear to have school problems until about age 12, when aggression, drug use, or truancy were reported.

Most of the children had histories that included not assuming responsibility for their actions, running away, and severe depression, according to case files. In addition, several of these children experienced abuse outside the family by babysitters or others. Some family situations included a parent who was incarcerated or addicted to drugs or alcohol.

As shown in table II.1, the children had been placed in one or more residential facilities before being sent out of state. According to caseworkers, placement at the out-of-state facility appeared to offer the last best hope for successful treatment.

Frequency of Case Reviews Complied With Federal Law

The 22 children placed by special education agencies were all subject to the Education for All Handicapped Act (P.L. 94-142). This law covers placements made by special education agencies to ensure that handicapped children, including the seriously emotionally disturbed, receive a free and appropriate education that emphasizes special education and related services designed to meet their unique needs. The law requires an eligible child to have an individualized education program (IEP) prepared by professionals in conjunction with parents and, when appropriate, the child. This program must be reviewed at least annually.² As shown in table II.1, IEPs for the 22 children were reviewed in accordance with the law. In many cases, these reviews were held more frequently than required.

Public Law 94-142 does not require court reviews; however, parents may request a due-process hearing. IEP team members are not required to visit the child.

¹This is a trademark name for a mild stimulant of the central nervous system used to treat narcolepsy or hyperactivity behavior disorders in children.

²This administrative case review must identify the child's current level of performance, instructional objectives and goals, and specific services to be provided.

**Appendix II
Handicapped Children Under the Auspices of
Special Education Agencies**

**Table II.1: Information on GAO's Sample
of Handicapped Children Under the
Auspices of Special Education Agencies**

Home state	Sex	Age at admission (years)	Adopted	Previous placements		
				Foster home	Psychiatric hospital	Other residential facilities ^a
California	Male	15	Yes	0	1	1
	Female	15	Yes	1	2	1
	Male	15	No	0	0	1
	Male	15	No	0	0	3
	Male	17	No	0	1	0
	Female	14	Yes	0	1	0
	Female	15	No	0	5	0
	Male	15	No	0	5	2
	Male	15	No	0	1	1
	Male	16	Yes	0	4	0
	Female	17	Yes	0	1	1
	Female	16	No	0	0	3
	Male	17	Yes	0	1	3
	Male	16	No	0	1	1

**Appendix II
Handicapped Children Under the Auspices of
Special Education Agencies**

Placement at out-of-state facility						
Primary reason(s) for placement	Length of placement^b (months)	Case reviews			Visits by placement agency representative	
		Type of review	Frequency	Extent of compliance regarding frequency^c	Frequency of visits	Extent of compliance regarding frequency^c
Rejected by in-state facilities due to history of starting fires, ^e	18	IEP ^d	12 months	Complied with federal requirement	None	No state or local requirement
Locked facility needed due to runaway behavior and danger to self, ^{e, f}	12	IEP	12 months	Complied with federal requirement	None	Did not comply with state requirement ⁹
^h	8	IEP	6 months	Exceeded federal requirement	1 visit	Did not comply with state requirement ⁹
Placement options limited due to assaultive and aggressive behaviors ^{e, h, i}	20	IEP	6 months	Exceeded federal requirement	1 visit	Did not comply with state requirement ⁹
Appropriate in-state facilities full; rejected by in-state facilities due to unmanageable behavior, ^{e, j}	14	IEP	12 months	Complied with federal requirement	1 visit	Did not comply with state requirement ⁹
^e	18	IEP	12 months	Complied with federal requirement	1 visit	Did not comply with state requirement ⁹
Needed secure, locked facility due to uncontrollable and runaway behavior, ^{e, h}	7	IEP	3 months	Exceeded federal requirement	1 visit	Did not comply with state requirement ⁹
Secure facility needed due to runaway behavior, ^{e, f, h, i}	10	IEP	6 months	Exceeded federal requirement	1 visit	Did not comply with state requirement ⁹
^{e, f}	14	IEP	12 months	Complied with federal requirement	1 visit	Did not comply with state requirement ⁹
Appropriate in-state facilities full; needed secure, locked facility due to child being considered a danger to self and others, ^{e, f, h}	10	IEP	6 months	Exceeded federal requirement	1 visit	Did not comply with state requirement ⁹
Needed secure facility due to runaway behavior, ^{e, h}	12	IEP	12 months	Complied with federal requirement	1 visit	Did not comply with state requirement ⁹
Needed secure facility with education and treatment programs due to runaway behavior, ^{e, f, h}	11	IEP	6 months	Exceeded federal requirement	None	Did not comply with state requirement ⁹
^{e, h}	9	IEP	3 months	Exceeded federal requirement	1 visit	Did not comply with state requirement ⁹
Rejected by 11 in-state facilities, ^{e, j}	15	IEP	6 months	Exceeded federal requirement	1 visit	Did not comply with state requirement ⁹

(continued)

**Appendix II
Handicapped Children Under the Auspices of
Special Education Agencies**

Home state	Sex	Age at admission (years)	Adopted	Previous placements		
				Foster home	Psychiatric hospital	Other residential facilities ^a
California	Male	15	No	0	1	0
	Male	15	No	0	3	2
	Male	15	No	0	1	0
	Male	17	Yes	0	4	0
	Male	14	No	0	4	3
	Male	15	No	0	1	0
Illinois	Female	17	Yes	0	4	2
Wyoming	Female	17	No	0	2	2

^aOther residential facilities include group homes, residential treatment centers, emergency shelters, and receiving homes.

^bLength of placement as of November 1, 1990.

^cSee table II.2 for listing of federal, state, and local requirements regarding case reviews and visits.

^dIndividualized education plan.

^eAppropriate in-state facilities not available.

^fFailed at previous placements.

^gState requires visits every 3 months.

^hRejected by in-state facilities.

ⁱAlternative to hospitalization.

^jPlacement agency has had previous success with this facility.

**Appendix II
Handicapped Children Under the Auspices of
Special Education Agencies**

Placement at out-of-state facility		Case reviews			Visits by placement agency representative	
Primary reason(s) for placement	Length of placement^b (months)	Type of review	Frequency	Extent of compliance regarding frequency^c	Frequency of visits	Extent of compliance regarding frequency^c
^{e, h, i}	22	IEP	6 months	Exceeded federal requirement	1 visit	Did not comply with state requirement ⁹
Rejected by 30 in-state facilities; needed secure, restrictive setting due to assaultive and runaway behaviors. ^{e, i}	9	IEP	12 months	Complied with federal requirement	None	Did not comply with state requirement ⁹
Appropriate in-state facilities full; rejected by three in-state facilities. ^a	13	IEP	6 months	Exceeded federal requirement	3 visits	Did not comply with state requirement ⁹
Needed secure placement setting due to runaway behavior. ^{e, f, h}	10	IEP	6 months	Exceeded federal requirement	3 visits	Did not comply with state requirement ⁹
Needed secure placement setting due to past behaviors of setting fires, threatening to kill others, and running away. ^{e, h, j}	9	IEP	6 months	Exceeded federal requirement	3 visits	Did not comply with state requirement ⁹
Needed more restrictive setting. ^e	8	IEP	6 months	Exceeded federal requirement	3 visits	Did not comply with state requirements ⁹
^{e, f, i}	7	IEP	12 months	Complied with federal requirement	None	No state or local requirement
^e	12	IEP	At 12 months	Complied with federal requirement	3 to 4 visits	Exceeded state requirement

**Appendix II
Handicapped Children Under the Auspices of
Special Education Agencies**

**Table II.2: Monitoring Requirements for
Handicapped Children Under the
Auspices of Special Education Agencies**

Level of government	Monitoring activity/ required frequency
Federal^a	Case review
	12 months
State^b	Visit with child
California	3 months
Illinois	None
Wyoming	2 years
Local	None

^aP.L. 94-142, Education for All Handicapped Act.

^bState requirements, as a minimum, meet federal requirements.

**Nature and Frequency
of Case Reviews**

For each of the children sampled, case reviews were conducted on a regular basis (every 3, 6, or 12 months) and consisted of a team of parents and education and mental health professionals reviewing the IEP. These reviews generally emphasized the educational aspects of the placement, but they also included the child's overall experience and behavior at the facility. According to caseworkers, information from the facility's written progress reports and telephone conversations with its therapists were used during the case reviews.

**Frequency of Visits
Generally Did Not
Comply With State
Requirements**

Although federal law does not require visits to the child, 20 of the 22 placements made by special education agencies were also subject to state-required visits. The states had no visitation requirements that applied to the remaining two placements. As shown in table II.1, only one case complied with, and it exceeded, visitation requirements.

The 19 cases where placement agency representatives did not make visits as frequently as required or at all were from one state. These placements were managed by both local special education and county mental health staff. Budgetary constraints was the reason cited for non-compliance with state visitation requirements.

**Nature and Frequency
of Visits**

Placement agency representatives visited 17 of the 22 children at least once. Additional visits were made for 5 cases.

According to caseworkers and facility staff, during visits agency representatives met with the child and with the staff workers responsible for

that child. Discussions included the child's experiences at the facility, therapeutic developments, and academic record. Agency representatives also had an opportunity to observe the child's living arrangements and meet with therapists, teachers, and others involved in the treatment program.

Other Ways of Monitoring Placements

Written progress reports and telephone conversations were used by the agencies in addition to case reviews and visits to maintain regular contact with their children and the out-of-state facility. All but 1 of the 22 children also visited with family members.

Written Progress Reports

The facility prepared and sent comprehensive written reports regarding the cases to family members, placement agencies, or both, on a monthly basis. These reports addressed in some detail the child's progress in the treatment program. Topics included movement into more or less restrictive living arrangements and the reasons, academic achievements, therapeutic developments, and aftercare plans as the child neared completion of the program.

Telephone Conversations

Along with written reports, contact by telephone was the most common means of communication between responsible agency representatives and their children and facility staff. It was also a means of communication between the children and their families.

According to facility staff, telephone calls were often emotionally charged for the children in our sample. Thus, facility staff monitored telephone calls to provide support for the child, as needed.

Visits With Family Members

The extent of parental involvement with the placements in our sample was reflected in the number of visits with their children. All but 1 of the 22 children in our sample visited with family members at the facility, at home, or both, on a number of occasions. The one child had not yet earned home visitation privileges at the time of our visit and family members had not been to the out-of-state facility.

In some cases, local agencies provided travel funds to families. In other cases, facility staff held monthly support group meetings in the home jurisdiction when parents were financially unable to visit the facility.

Facilities Visited

	Devereux	Provo
Background		
Location	Victoria, Texas	Provo, Utah
Population	50,000	70,000
Operated by	Devereux Foundation ^a	Charter Medical Corporation ^b
Tax status	Nonprofit	For-profit
Year opened	1974 (at current site)	1972
Setting	400 acres, rural, with six residential buildings	10 acres, suburban, with two residential buildings
Capacity	145	210
Residents	111	203
Annual cost of placement (1990-91)	\$57,000-111,000 ^c	\$72,000
Children		
Clientele	Severely emotionally disturbed	Severely emotionally disturbed
Ages	6-18 boys; 13-18 girls	12-18 boys and girls
Average stay	12-18 months	12-16 months
Public agency placement	33 percent of children	60-70 percent of children
Interstate placement	Over 50 percent of children	99 percent of children
Services		
Treatment	Full continuum of psychiatric care ^d	Full continuum of psychiatric care ^d
Education	Grades 1 through 12	Grades 7 through 12
Recreation	Pool and gym	Pool and gym
Vocational training	Auto mechanics, printing, and other	Hotel services
Staff size	230	200
Oversight		
Accreditation	Joint Commission for the Accreditation of Healthcare Organizations	Joint Commission for the Accreditation of Healthcare Organizations
Licensing	Texas Mental Health and Mental Retardation; Texas Human Services	Utah Social Services
Approval of education component	Texas Education; Other state education departments, including California	Utah Education; Other state education departments, including California
Approved by CHAMPUS	Yes	No
Membership	American Association of Children's Residential Centers; American Hospital Association; National Association of Private Psychiatric Hospitals	American Association of Children's Residential Centers

**Appendix III
Facilities Visited**

^aDevereux's Texas facility is 1 of 17 treatment centers owned nationwide.

^bProvo is one of two residential treatment schools among over 100 hospitals and clinics owned nationwide.

^cCost varies, depending on level of care.

^dMedical and therapeutic care where improved behavior results in progression from secured to more open areas and earned privileges.

Objective, Scope, and Methodology

Our objective was to examine the extent to which children in state care are monitored once they are placed into residential group care facilities outside their home states. Specifically, from a judgmental sample of interstate placements at two residential group care facilities, we obtained information regarding the extent to which (1) the cases were reviewed by cognizant parties, such as courts and caseworkers, and (2) these children were visited by representatives from their home state.

Our previous work had shown that only limited nationwide data are available on interstate placements and facilities that receive these children. As agreed, we visited two facilities—a nonprofit and a for-profit facility—where California sends many of its interstate placements. These were the Devereux Foundation located in Victoria, Texas, and Charter Provo Canyon School in Provo, Utah.

At these facilities, we selected a total of 33 cases involving all interstate placements made by public agencies (limited to 4 cases from any one local jurisdiction) and the children were in residence at least 6 months as of November 1, 1990. We believed the 6-month criterion would provide sufficient time for the placement agency to have conducted some form of monitoring activity. To enlarge our sample and the number of home states, we selected another nine cases where the child had been in residence for at least 6 months and was discharged from the facility between January and November 1990. The result, shown in table IV.1, was a sample of 42 children from 15 states.

Table IV.1: Case Sample

	Devereux	Provo	Total
Sample size	20	22	42
States placing children at facilities	13	3	15 ^a

^aFifteen states placed children at the two facilities; California placed children at both facilities.

We reviewed case files and met with facility officials at both Devereux and Provo to obtain information regarding each sample child's background as well as the nature and extent of monitoring provided by placement agency representatives. Following our visit to each facility, we conducted telephone interviews with placement agency officials to corroborate, clarify, or expand on the information already obtained on each case. These officials were the caseworkers responsible for monitoring the interstate placement. They were representatives from the local welfare agency, school district, or mental health agency.

To obtain information on federal monitoring requirements, we reviewed pertinent legislation and interviewed an official from the Department of Health and Human Services, Region IX. For each state that had a child in our Devereux or Provo sample,¹ we contacted a state official responsible for overseeing the cognizant placement agency to obtain information on state monitoring requirements. State officials were from the welfare or mental health agency or the special education component of the education agency.

Our fieldwork was conducted between November 1990 and February 1991 in accordance with generally accepted government auditing standards.

¹The 15 states with children in our Devereux and Provo samples were Arizona, California, Connecticut, the District of Columbia, Illinois, Indiana, Michigan, Nebraska, Nevada, New Mexico, New York, Pennsylvania, Vermont, West Virginia, and Wyoming.

Major Contributors to This Briefing Report

**San Francisco
Regional Office**

Robert L. MacLafferty, Assistant Director, (415) 904-2000
Karen E. Lyons, Evaluator-in-Charge
Patricia L. Elston, Site Senior
Raymond G. Hendren, Evaluator

Ordering Information

The first five copies of each GAO report are free. Additional copies are \$2 each. Orders should be sent to the following address, accompanied by a check or money order made out to the Superintendent of Documents, when necessary. Orders for 100 or more copies to be mailed to a single address are discounted 25 percent.

**U.S. General Accounting Office
P.O. Box 6015
Gaithersburg, MD 20877**

Orders may also be placed by calling (202) 275-6241.

United States
General Accounting Office
Washington, D.C. 20548

Official Business
Penalty for Private Use \$300

First-Class Mail
Postage & Fees Paid
GAO
Permit No. G100