



INVESTIGATIVE REPORT

Lori Torres, Inspector General

OFFICE: INDIANA DEPARTMENT OF CHILD SERVICES (DCS)
TITLE: DCS THEFT
CASE ID: 2018-11-0303
DATE: December 26, 2018

Inspector General Chief Legal Counsel, Tiffany Mulligan, after an investigation by Inspector General Director of Investigations, Darrell Boehmer, reports as follows:

The Indiana General Assembly charged the Office of the Indiana Inspector General (OIG) with addressing fraud, waste, abuse, and wrongdoing in executive branch agencies of state government. IC 4-2-7-2(b). The OIG also investigates allegations of criminal activity and Code of Ethics violations within state government. IC 4-2-7-3. The OIG may recommend policies and carry out other activities designed to deter, detect, and eradicate fraud, waste, abuse, mismanagement, and misconduct in state government. IC 4-2-7-3 (2).

On November 5, 2018, the OIG received a complaint from the Indiana Department of Child Services (DCS) that alleged a mother and father (the Parents) received adoption assistance for their adopted son after his death in August of 2012. DCS alleged the Parents continued to receive adoption assistance until August of 2018, six years after the child's death. DCS learned of the child's death from the Indiana Family and Social Services Administration (FSSA) in July of 2018. FSSA discovered the child's death when reviewing Medicaid records in March of 2017; however, they did not notify DCS of the child's death until over a year later.

OIG Director of Investigations, Darrell Boehmer, conducted an investigation into the matter. Through the course of his investigation, Director Boehmer interviewed the Parents, as well

as several DCS employees. Director Boehmer also reviewed several documents, including payment records, the Parents' Adoption Assistance Agreement and their Adoption Program Status Reports. He also reviewed relevant DCS policies.

Director Boehmer learned that the Parents adopted their son at his birth. During their interview with Director Boehmer, the Parents said that an attorney advised them to apply for adoption assistance due to their son's medical condition. They also said that a county DCS employee who handled their adoption assistance application told them that they would receive adoption assistance through their son's eighteenth birthday, even if the child died before then.

The Parents signed an Adoption Assistance Agreement for their adopted son in February of 2007. The Parents received adoption assistance payments for their son on a monthly basis from December of 2008 through August of 2018¹. The Adoption Assistance Agreement required the Parents to keep the DCS county office informed in writing of any changes that may make them ineligible for assistance; however, the agreement did not specifically list the death of a child as a change that would invoke ineligibility.

Director Boehmer obtained two Adoption Program Status Reports that the Parents completed for their adopted son. The father signed the first report, which was dated June 9, 2009. Both of the Parents signed the second report, which was dated June 18, 2010. Both reports confirmed that the child was still alive at the time of the reports.

According to a DCS staff member, the June 18, 2010 report was the last report DCS asked for and received from the Parents for their adopted son. The staff member also told Director Boehmer that DCS only occasionally asks for these reports and there is no set policy on when or

¹ The Parents also received adoption assistance for another adopted son for the same time period through a separate Adoption Assistance Agreement. DCS did not allege and Director Boehmer found no evidence to suggest any wrongdoing or error in the assistance the Parents received for their other adopted son.

how often DCS will ask for the reports. She said that DCS failed to ask the Parents for another report after 2010 likely due to staffing shortages.

Director Boehmer confirmed that the Parents' adopted son for whom they received assistance passed away in 2012. Director Boehmer learned that the DCS Child Welfare Policy requires adoptive parents who are receiving adoption assistance to notify DCS when an event occurs that could be grounds for a termination or suspension of the Adoption Assistance Agreement. The Parents did not notify DCS that their son had died. The Parents collected over \$40,000 in adoption assistance payments after the child's death.

Director Boehmer presented his findings to the County Prosecutor for the county in which the adoption took place. The County Prosecutor declined to file criminal charges due to several factors, including the fact that the Parents did not sign an Adoption Program Status Report indicating that the child was still alive after he died and because the Parents are working with DCS to enter into a payment plan to repay the State for funds received after the child's death.

For these reasons, the OIG is closing this case for insufficient cause. Although the OIG is closing this case with no further action, the OIG recommends that DCS strengthen its compliance efforts to ensure that parents receiving adoption assistance do not continue to receive payments even after the child dies. DCS should send parents receiving adoption assistance a written request to confirm that they are still eligible for assistance at least on a biennial basis. This notice should set out in clear terms that the parents are no longer eligible for adoption assistance if the child dies, and the parents must notify DCS immediately in the event of a child's death. DCS also should consider including stronger language in the Adoption Assistance Agreement that outlines the parents' responsibilities to notify DCS in the event of a child's death. Finally, DCS should

consider auditing the adoption assistance program periodically to ensure that parents receiving adoption assistance are eligible to receive it.

Dated: December 26, 2018

APPROVED BY:

A handwritten signature in black ink that reads "Lori Torres". The signature is written in a cursive style with a long horizontal stroke at the end.

Lori Torres, Inspector General