

**BRAAM SETTLEMENT:
PANEL DECISIONS ON CHILDREN'S ADMINISTRATION
COMPLIANCE PLAN #3**

AUGUST 23, 2007

Compliance Plans related to
Monitoring Report #3 (April 17, 2007)



*Braam
Oversight
Panel*



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Panel*

The Braam Oversight Panel was created in 2004 to oversee a Settlement regarding Washington State's foster care system. The Settlement was reached after a six-year period of litigation. The named Plaintiff, Jessica Braam, is an adult who lived in 34 foster homes by the time the suit was filed in 1998. The Settlement is intended to improve the conditions and treatment of children in the custody of the state's Division of Children and Family Services.

The Panel was created to monitor improvements in selected services and ensure quality standards are met over the next seven years. This independent Panel was mutually selected by the parties (the Plaintiffs who filed the lawsuit and the state of Washington). The Panel, working in collaboration with the Department of Social and Health Services (DSHS) and with substantial input from the Plaintiffs and other stakeholders, developed an Implementation Plan for the six areas specified in the Settlement.

This document provides Panel decisions on the 34 compliance plans submitted in response to the Panel's Monitoring Report #3 (April 2007), which covered the period ending December 31, 2006.

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TABLE OF CONTENTS

Overview5

Part I: Decisions on Compliance Plans for Action Steps.....7

Part II: Decisions on Compliance Plans for Benchmarks.....13

Appendices (separate attachments)

Appendix I—Communications from Parties- Action Steps

Children’s Administration Compliance Plans for Action Steps (submitted June 29, 2007)

- Letter in response to plaintiffs’ comments Appendix I, p.2
- Proposed Compliance Plans Appendix I, p.7

Plaintiffs’ Response to Compliance Plans on Action Steps

- Comments on draft compliance plans (June 19, 2007) Appendix I, p.53

Appendix II—Communications from Parties- Benchmarks

Children’s Administration Compliance Plans for Benchmarks (submitted July 20, 2007)

- Letter from Cheryl StephaniAppendix II, p.2
- Attachment 1- Compliance Plans for Benchmarks with Available DataAppendix II, p.3
- Attachment 2- Compliance Plans for Benchmarks without Available Data ...Appendix II, p.28
- Attachment 3- Response to plaintiffs’ commentsAppendix II, p.68
- Additional Attachments.....Appendix II, p.87

Plaintiffs’ Comments on Proposed Compliance Plans for Benchmarks

- Comments on draft compliance plans (June 27, 2007)Appendix II, p.92

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OVERVIEW

On April 17, 2007 the Panel issued its third Monitoring Report, which covered performance under the Settlement Agreement through December 31, 2006. This Monitoring Report included Panel decisions regarding the status of action steps from the Settlement Agreement and the Implementation Plan that came due during this period, as well as assessments of progress through FY06 with respect to benchmarks in the Implementation Plan.

In Monitoring Report #3, the Panel determined that numerous additional action steps had been completed, and also reached findings that led to the need for compliance plans in a number of areas:

- *Action Steps*: The Panel found that the Department failed to complete 6 of the action steps that became due during the performance period.
- *FY06 Benchmarks*: The Panel concluded that the Department had failed to reach 28 benchmarks. Of these 28 benchmarks, data were provided in 11 areas. In the remaining 17 areas, data were not available. Absent data demonstrating that the benchmarks had been reached, the Panel concluded that the Department had not met annual benchmarks in these areas.

The Settlement requires the Department to submit proposed compliance plans within 30 days for action steps determined by the Panel to have been incomplete and benchmarks that the Department has failed to reach. In June and July 2007, the Department submitted draft compliance plans and the plaintiffs provided comments on these plans. The Department revised the compliance plans based on plaintiffs' comments, and submitted proposed compliance plans related to action steps on June 29, 2007 and benchmarks on July 20, 2007.

Format of this Document

This document will provide summary information and detailed comments related to the Panel's decisions on the Department's proposed compliance plans for both Action Steps and FY06 Benchmarks:

- *Action Steps*- Summary information related to compliance plans on the six action steps for which new compliance plans were required pursuant to the Panel's April 2007 Monitoring Report #3 is provided beginning on page 7. Detailed decisions and comments are found in the matrix beginning on page 9.
- *FY06 Benchmarks*-- Summary information related to compliance plans on the 28 benchmarks for which new compliance plans were required pursuant to the Panel's April 2007 Monitoring Report #3 is provided beginning on page 13. Detailed decisions and specific comments are provided beginning on page 15.

Communications from the Department (including copies of proposed compliance plans) and the plaintiffs related to the compliance plans are available as appendices to this document.

Next Steps

Pursuant to the Settlement Agreement, the Department may submit revised plans for those compliance plans that the Panel has not approved within 21 days of the issuance of the Panel's decision on the proposed plans.

The process of developing and implementing compliance plans will serve as a vehicle for the Department to achieve the goals of the Braam Settlement by ensuring that action steps and

benchmarks identified in the Implementation Plan are accomplished. The Panel will review completion of approved compliance plans and associated action steps and benchmarks in future reports.

PART I: DECISIONS ON COMPLIANCE PLANS FOR ACTION STEPS

Note: These decisions were communicated to the Department and plaintiffs by letter on July 18, 2007 and are repeated here.

The Panel's findings on the compliance plans related to action steps found incomplete in the April 2007 Monitoring Report can be summarized as follows:

- Additional documentation and materials provided by the Department have led the Panel to declare *one additional action step to be complete* and no longer subject to compliance review. This action step relates to updating children's health and education plans every 6 months (Mental Health Goal 2, Outcome 1, Benchmark 2, Action Step 1).
- *Compliance Plans for two additional Action Steps have been approved.* In each of these areas, the Department has developed, and the Panel has now approved, a plan to complete the action step according to a revised timeframe. In some instances, the Panel has also approved changes in activities, using slightly different strategies to accomplish the main objectives of the action step. The Panel will review completion of these compliance plans and the associated action steps in future reports. The steps with newly approved compliance plans are:
 - Action Step 1(c)(3)- Matching between children and caregivers at time of initial placement
 - Mental Health Goal 3, Outcome 2, Benchmark 4, Action Step 1- Inviting persons involved with child to participate in MH/ SA planning
- *Elements of the Compliance Plans for three Action Steps remain unacceptable.* The Panel has not approved the proposed compliance plans for three action steps. Comments detailing the Panel's concerns with these compliance plans can be found in the body of the document. Pursuant to the settlement agreement, the Department has the opportunity to submit revised compliance plans within 21 days on the Panel's decision on these plans (issued by letter July 18, 2007).
 - Mental Health Goal 3, Additional Action Step 4- Contracts for MH/ SA require documentation of failure to serve within timeframes
 - Mental Health Goal 3, Additional Action Step 5- Alternative plans for children ineligible for MH services
 - Mental Health Goal 4, Outcome 1, Benchmark 1, Action Step 2- Strategies to increase likelihood child has same treatment provider throughout care

For each action step, in the following matrix, the second column shows the Panel's findings in Monitoring Report #3 (April 17, 2007)¹ and the last column shows the Panel's decision and any relevant comments on compliance plans and additional documentation submitted by the Department. Information that is new since Monitoring Report #3 is underlined.

Note that the figures above are *in addition to* the 38 action steps that in or prior to the April 2007 Monitoring Report were determined to be complete or complete through the performance period, and the 16 steps that are already under approved compliance plans. The figures above also do not include 3 steps found to be incomplete in the Panel's first and second Monitoring Reports and for which the Panel did not approve the Department's proposed compliance plans: Action Step 1(c)(9), pertaining to COA caseload standards, Action Step 4(c)(1), related to contact between

social workers and family, children and caregivers on a monthly basis, and Action Step 4(c)(2), related to visits to all children in their placement within the first week in out-of-home care.

The following matrix includes only the six action steps for which compliance plans were required as a result of the Panel's April 2007 Monitoring Report #3. Further detail on the status of other action steps can be found in that Monitoring Report,¹ and in the Panel's forthcoming Monitoring Report #4 (to be issued in September/ October 2007).

¹ The April 2007 Monitoring Report #3 can be found online at <http://www.wsipp.wa.gov/braampanel/MonRptApr07.pdf>.

Area/Action Step	Panel Decision in Monitoring Report # 3 (April 17, 2007)	Panel decision on 6/07 Compliance Plan
Placement Stability		
<p>Implement strategies to increase appropriate matching between children and caregivers at time of initial placement</p> <p>KCF II 6.2.2 (originally 6.2.4) <i>Action Step 1(c)(3) in Settlement</i></p> <p>Implement strategies to increase appropriate matching between children and caregivers at the time of initial placement (e.g., increase completion rate of Pre-Passports within required timeframes)</p> <ol style="list-style-type: none"> a. Establish workgroup to develop strategies, including a process for how to track appropriate matching at the initial placement (12/04) b. CA Management reviews and approves strategies (5/05) c. Make necessary policy changes to support strategy implementation (8/05) d. Provide education/training to staff to support implementation of strategies (11/05) e. Begin implementation of strategies (12/05) f. Review baseline for placement stability following a completed Pre-Passport, and set performance measure (6/06) g. Initiate quarterly reporting to the field (12/06) 	<p>Incomplete</p> <p>Compliance plan required</p> <p>Complete through (e). Data for (f) and (g) to be gathered through case review process. Compliance plan for this action step should relate to proposal Department is developing for case review.</p> <p>Compliance plan is due in accordance with timeline set forth in the settlement agreement.</p>	<p><u>Compliance plan approved</u></p> <p><u>Panel expects the proposal to be submitted by September 1, 2007 to include a plan to examine matching between children’s needs and capacity of the placement through indicators including, but not limited to, licensing requirements, COA standards with regard to training and capacity (number of children home is approved to serve), age preference of foster parents, placement with siblings, placement in the home school area, and specialized foster parent training as required (such as sexually aggressive or physically assaultive youth training).</u></p>

Area/Action Step	Panel Decision in Monitoring Report # 3 (April 17, 2007)	Panel decision on 6/07 Compliance Plan
Mental Health		
<p>Goal 2, Outcome 1, Benchmark 2, Action Step 1</p> <p>Action Step found on p. 25 of Implementation Plan</p> <p>CA will ensure that the health and education plan for each child is updated at a minimum every 6 months, in accordance with the Department’s 6-month administrative review process. Changes in the plans will be discussed and shared with caregivers and birth parents.</p> <p>By 12/30/06</p>	<p>Incomplete (Monitoring Report #3, April 17, 2007)</p> <p>Compliance plan required</p> <p>Materials have detailed how Department intends to track implementation, but have not provided information on the Department’s efforts to ensure this policy is implemented. In addition, materials do not clearly demonstrate that changes in plans are expected to be discussed with caregivers and birth parents.</p>	<p><u>Complete</u></p>
<p>Goal 3, Outcome 2, Benchmark 4, Action Step 1</p> <p>Action Step found on p. 30 of Implementation Plan</p> <p>Inviting persons involved with child to participate in MH/ SA planning</p> <p>CA will ensure that birth parents, foster parents, extended family, pre-adoptive parents, tribal representatives (when applicable), and children’s representatives will be invited to participate in planning and decision-making regarding mental health and/or substance use services for their children (including staffings that are held when children are denied mental health and/or substance use assessments or treatment services by a provider), except when expressly limited by existing state law or a child’s lawful assertion of confidentiality. Such exceptions will be documented in the ISSP.</p> <p>By 12/30/06</p>	<p>Incomplete (Monitoring Report #3, April 17, 2007)</p> <p>Compliance plan required</p> <p>It is not clear from the policy that mental health planning requires a shared planning meeting. To clarify, mental health could be added to list in 1(g) of policy and/or included in ‘quick reference to staffings’ (part D). In addition, policy is not clear that all individuals identified in the action step are expected to be invited to mental health planning meetings.</p>	<p><u>Compliance plan approved</u></p>
<p>Goal 3, Outcome 3, Benchmark 1, Additional Action Step 4</p> <p>Action Step found on p. 33 of Implementation Plan</p> <p>Contracts for MH/ SA require documentation of failure to serve within timeframes</p>	<p>Incomplete (Monitoring Report #3, April 17, 2007)</p> <p>Compliance plan required</p> <p>Compliance plan needs to address <u>how</u> tracking of denials will be accomplished (not “if” or “whether” as noted in materials).</p>	<p><u>Compliance plan not approved</u></p> <p><u>The 9/08 timeframe for delivery of data in the proposed compliance plan is not acceptable, given that reporting to the Panel was expected to begin 11/06. Data mechanism should be developed in advance of policy implementation on 10/1/07,</u></p>

Area/Action Step	Panel Decision in Monitoring Report # 3 (April 17, 2007)	Panel decision on 6/07 Compliance Plan
<p>The Department's contracts for community-based mental health and substance abuse services will specify that failure to assess or serve children in foster care within required timeframes will require documentation to the Mental Health Division and the Children's Administration. This documentation will be reviewed by the Department to determine if the contract language needs clarification for the Settlement goals to be accomplished. The Department will provide on a semi-annual basis to the Panel a summary of the number of denials by RSNs and the reasons for those denials.</p> <p>Begin semi-annual reporting to Panel 11/01/06</p>	<p>Request for extension for compliance plan not approved. Compliance plan is due in accordance with timeline set forth in the settlement agreement.</p>	<p><u>such that data collection can begin immediately. Panel will expect data for the period of 10/1/07-12/31/07 to be submitted in the 2/1/08 update.</u></p> <p><u>Panel requests clarification on why contract changes are necessary. Current contractual requirements for notification of consumers and parents/ guardians would appear to cover the requirement that CA be notified of denials, given that CA is serving as the guardian of children in out-of-home care.</u></p> <p><u>Compliance plan for this action step needs to address failure to provide services within required timeframes, in addition to denials of mental health services.</u></p>
<p>Goal 3, Outcome 3, Benchmark 1, Additional Action Step 5</p> <p>Action Step found on p. 33 of Implementation Plan</p> <p>Alternative plans for children ineligible for MH services</p> <p>For children who are not eligible for assessment and/or treatment services within Medicaid Standards of Care, the Department (CA and MHD) will identify and implement strategies to provide alternative plans, assessments, and treatment services for these children. The Department will provide on a semi-annual basis to the Panel a summary of the number of children not eligible within Medicaid Standards of Care and the types of alternative services provided for these children.</p> <p>Begin semi-annual reporting to Panel 11/01/06</p>	<p>Incomplete (Monitoring Report #3, April 17, 2007)</p> <p>Compliance plan required</p> <p>Panel's expectation in this action step is to receive information on alternative mental health services provided to the specific children who did not meet access to care standards, rather than a general list of available services as provided in the update materials.</p> <p>Request for extension for compliance plan not approved. Compliance plan is due in accordance with timeline set forth in the settlement agreement.</p>	<p><u>Compliance plan not approved</u></p> <p><u>The 9/08 timeframe for delivery of information in the proposed compliance plan is not acceptable, given that reporting to the Panel was expected to begin 11/06. Documentation of staffings should begin when policy is implemented on 10/1/07. Panel will expect data for the period of 10/1/07-12/31/07 to be submitted in the 2/1/08 update.</u></p> <p><u>Panel requests clarification on why contract changes are necessary. Current contractual requirements for notification of consumers and parents/ guardians would appear to cover the requirement that CA be notified of denials, given that CA is serving as the guardian of children in out-of-home care.</u></p>
<p>Goal 4, Outcome 1, Benchmark 1, Action Step 2</p> <p>Action Step found on p. 34 of Implementation Plan</p> <p>Strategies to increase likelihood child has same treatment provider throughout care</p>	<p>Incomplete (Monitoring Report #3, April 17, 2007)</p> <p>Compliance plan required</p> <p>Department has not explored strategies or discussed strategies with the Panel.</p>	<p><u>Compliance plan not approved</u></p> <p><u>Contract language alone is not sufficient; action step calls for additional strategies. Compliance plan indicates that MHD is exploring additional strategies; revised compliance plan should specify the strategies being</u></p>

Area/Action Step	Panel Decision in Monitoring Report # 3 (April 17, 2007)	Panel decision on 6/07 Compliance Plan
<p>The Department will explore and implement additional strategies for increasing the likelihood that a child in foster care will have the same individual provider for the course of his/her mental health and/or substance use care.</p> <ul style="list-style-type: none"> • Explore strategies used in WA and other states (09/06) • Discuss potential strategies with Panel (12/06) • Implement agreed upon strategies (3/07) 		<p><u>proposed to promote continuity of provider and timeframes for their implementation. Compliance plan should include strategies to address issues noted in February 2006 Braam Implementation Plan (footnote, page 34) such as the practice of changing therapists simply for administrative reasons (e.g. assigning short-term interns as therapists, transferring child due to therapist's high caseload, payment issues, etc.).</u></p>

PART II: DECISIONS ON COMPLIANCE PLANS FOR OUTCOMES & BENCHMARKS

The Panel's findings on the compliance plans submitted for FY06 benchmarks in response to the April 2007 Monitoring Report can be summarized as follows:

- Benchmarks with data- For the 11 compliance plans for benchmarks for which data were provided prior to the April 2007 Monitoring Report:
 - *Compliance Plans for 8 benchmarks have been approved*
 - A 1.4.1 Placement stability (children with 3 or more placements)
 - B 1.2.2 EPSDT in 30 days
 - B 3.2.1 Mental health service within 30 days of assessment
 - F 3.1.1 Runaway—from any placement (during the fiscal year)
 - F 3.1.1 Runaway—from any placement (during current episode)
 - F 3.2.1 Runaway— 2 or more times
 - F 3.3.1 Runaway— mean number of days on the run
 - F 3.3.1 Runaway— median number of days on the run
 - *Compliance Plans for 3 benchmarks are not approved*
 - B 1.2.1 CHET Screen within 30 days of entry to care
 - B 3.1.1 MH assessment within 45 days of placement
 - B 3.1.5 MH screening every 12 months- Annual EPSDT

Note that the Panel's assessment of progress with respect to compliance plans related to benchmark data will be somewhat different than it is for action steps. While the Panel has indicated approval of compliance plans intended to improve performance on a benchmark, the ultimate measure of compliance will continue to be whether the benchmark is reached in future years. Thus, unlike with action step compliance plans, the Panel will not monitor the completion of each individual strategy within an approved compliance plan for benchmarks for which data have been provided. Instead, the Panel will assess compliance in terms of achievement of the annual benchmark.

- Benchmarks without data- For the 17 compliance plans for benchmarks for which data were not provided prior to the April 2007 Monitoring Report:
 - *Compliance Plan for 1 benchmark has been approved*
 - A 1.5.1- Matching between child's needs and capacity of placement (initial placement)
 - *Compliance Plans for 13 benchmarks are not approved*
 - B 1.2.3- Shared planning meeting focusing on CHET results within 60 days of entering care
 - B 1.2.4- Children age 12 and above will attend shared planning meetings
 - B 1.2.5- Participation in shared planning meetings
 - B 1.2.6- Sharing of report and recommendations from shared planning meetings
 - B 1.2.7- Referral to Infant-Toddler Early Intervention Program
 - B 3.1.2- MH assessments within 30 days of placement
 - F 2.1.1- School attendance within 3 days of placement
 - F 2.2.1- Attendance at same school while in placement
 - B 3.1.6- Sharing of MH screening and assessment results

- B 3.2.4- Staffings for children denied MH assessment or treatment services
- D 1.1.1- Children placed in prohibited settings
- D 1.2.1- Children with overnight stays in DSHS offices, apartments, hotels
- D 1.5.1- Monthly visits to children in placement

Note that for at least 6 of the compliance plans shown as “not approved” (B 1.2.3, 1.2.4, 1.2.5, 1.2.6, and D 1.1.1, 1.2.1), the Panel is encouraged by the fact that data collection has been underway since April 2007. For these benchmarks, the Panel approves of the plan to collect the data, but not the timeline for provision of data to the Panel proposed in the compliance plan. The Panel has already requested by letter that these data should be provided by September 1, 2007. Revised compliance plans for these benchmarks should include the actual data in order to allow the Panel to verify that data collection has begun and review the format of the data. The Panel will make case-by-case decisions as to whether these data can be used for benchmark determinations.

- *Compliance Plan for 3 benchmarks are being considered “pending”- these plans relate to the case review process, and specific plans for these benchmarks are being developed and will be discussed at the Panel’s September 2007 meetings:*

- B 2.1.1- Health and education plans within 60 days of placement
- B 2.1.2- Health and education plans updated every 6 months
- D 2.2.1- Timely and thorough investigation of abuse/ neglect referrals for children in out-of-home care

Detailed decisions and comments are found on the following pages. For each section, tables for compliance plans for benchmarks with data and those without data are provided. The third column of these tables shows the Panel’s findings and comments in Monitoring Report #3 (April 2007). The last column of these tables shows the Panel’s decision and any relevant comments on compliance plans and additional documentation submitted by the Department. Information that is new since Monitoring Report #3 is underlined.

The following section includes only the 28 benchmarks for which compliance plans were required as a result of the Panel’s April 2007 Monitoring Report #3. Further detail on the status of other benchmarks (including those determined in Monitoring Report #3 to be “not yet due” and “under review”) can be found in that Monitoring Report.²

² The April 2007 Monitoring Report #3 can be found online at <http://www.wsipp.wa.gov/braampanel/MonRptApr07.pdf>.

PLACEMENT STABILITY- DECISIONS ON BENCHMARK COMPLIANCE PLANS

Benchmarks with data

Benchmark	Performance	Panel Decision in Monitoring Report # 3 (April 17, 2007)	Panel Decision on 7/07 Compliance Plan
<p>A 1.4.1 Placement stability Percentage of the children who have experienced three or more placements during their current out-of-home episode of care, (not including respite care, hospital stays, first placement with siblings or first placement with relative caregivers) by region and for the state as a whole. A separate benchmark will be established if the percentage of children who experience three or more placements during their current out-of-home episode of care differs significantly between any of the five racial/ethnic categories for children in the class.</p>	<p>FY05 Baseline- by time in care cohorts: < 12 months: 11.0% 1-2 yrs: 18.6% 2-3 yrs: 30.1% 3-4 yrs: 42.3% > 4 yrs: 62.3%</p> <p>FY06 Benchmark: by time in care cohorts- decrease by 10%: < 12 months: 9.9% 1-2 yrs: 16.7% 2-3 yrs: 27.1% 3-4 yrs: 38.1% > 4 yrs: 56.1%</p> <p>FY06 Actual Performance: by time in care cohorts: < 12 months: 12.3% 1-2 yrs: 18.7% 2-3 yrs: 27.1% 3-4 yrs: 41.3% > 4 yrs: 60.9%</p>	<p>Status: Failed to reach annual benchmark- compliance plan required</p> <p>Note that data above are shown as a measure of instability (% of children with 3 or more placements), as required by the benchmark. Data in appendix are shown in terms of stability (% of children with less than 3 placements).</p> <p>There is ongoing discussion of approach to and analysis of this measure. Panel intends to create composite to assess overall compliance, in lieu of separate benchmarks for each cohort. Additional revisions to measure may include changes in definition of excluded placement. Despite potential changes, Panel believes there is adequate information to conclude that the FY06 performance failed to reach the FY06 benchmark.</p>	<p><u>Compliance plan approved</u></p>

Benchmarks without data

Benchmark	Benchmark Description	Panel Decision in Monitoring Report # 3 (April 17, 2007)	Panel Decision on 7/07 Compliance Plan
A.1.5.1	<p>Percentage of children in custody for at least 30 days for whom there is evidence that the initial placement was based on needs of the child and the capacity of the placement to meet those needs, by region and for the state as a whole.</p> <p><i>Implementation Plan expectation: Baseline FY05; 15% increase FY06</i></p>	<p>Failed to reach annual benchmark*</p> <p>Compliance plan required</p> <p>Baseline and performance data due in 2006; not provided.</p> <p>Panel notes operational challenges with case review. Panel and CA have agreed that CA will submit proposal regarding case review data collection by March 31, 2007.</p>	<p><u>Compliance plan approved</u></p> <p><u>Panel expects the proposal to be submitted by September 1, 2007 to include a plan to examine matching between children’s needs and capacity of the placement through indicators including, but not limited to, licensing requirements, COA standards with regard to training and capacity (number of children home is approved to serve), age preference of foster parents, placement with siblings, placement in the home school area, and specialized foster parent training as required (such as sexually aggressive or physically assaultive youth training).</u></p>

* For these outcomes, the Department has indicated that they have made efforts to develop data sources, but they have not yet provided sufficient information to enable the Panel to accurately track compliance with the benchmark as required under the settlement agreement (settlement agreement, section III, 5f). Absent data demonstrating that the benchmarks have been reached, the Panel concludes that the Department has not met annual benchmarks in these areas.

MENTAL HEALTH- DECISIONS ON BENCHMARK COMPLIANCE PLANS

Benchmarks with data

Benchmark	Performance	Panel Decision in Monitoring Report # 3 (April 17, 2007)	Panel Decision on 7/07 Compliance Plan
B 1.2.1 CHET Screen within 30 days of entry to care	FY05 Baseline: 21.8% FY06 Benchmark: 90% FY06 Actual Performance: 29.5%	Status: Failed to reach annual benchmark- compliance plan required CA has requested consideration of excluding children for whom there is a valid reason the CHET was not completed. Panel may consider a revised approach to the data definition, but does not believe there is any foreseeable change in definition that would alter the determination by the Panel that FY06 performance on this outcome failed to reach the FY06 benchmark.	<u>Compliance plan not approved</u> <u>Panel does not approve of change in definition of “complete” CHET. This issue will be on the agenda for the Panel’s September 2007 meetings.</u> <u>In addition, compliance plan does not analyze or address regional variation and does not examine reasons that CHET screens are not completed timely (for example, are current staffing levels sufficient to reach the benchmark?)</u>
B 1.2.2 EPSDT in 30 days Percentage of children in out-of-home care who have EPSDT exams completed within 30 days of entering care.	FY05 Baseline: 35.6% FY06 Benchmark: 90% FY06 Actual Performance: 36.2%	Status: Failed to reach annual benchmark- compliance plan required CA has suggested that this may be an underestimate. However, no further data has been provided. Based on the best available data, Panel finds that FY06 performance on this outcome failed to reach the FY06 benchmark.	<u>Compliance plan approved</u>
B 3.1.1 MH assessment within 45 days of placement Percentage of children entering out-of-home care, who are identified by the CHET screening as needing a comprehensive mental health assessment, who receive one within 45 calendar days of entering care.	FY05 Baseline: 22.4% FY06 Benchmark: 90% FY06 Actual Performance: 25.0%	Status: Failed to reach annual benchmark- compliance plan required Several issues have been raised related to this outcome, including the pool of children counted in this measure. In addition, the Panel has approved a change in the outcome to examine assessments within 50 days, rather than 45 days, of placement. Panel may consider a revised approach to the data definition, but does not believe there is any foreseeable change in definition that would alter the determination by the Panel that FY06 performance failed to reach the FY06 benchmark.	<u>Compliance plan not approved</u> <u>Proposal to develop strategies by April 2008 is an unacceptable delay. Revised compliance plan should include analysis of the data, as well as strategies for improvement.</u>
B 3.1.5 Screened every 12 months- Annual EPSDT	FY05 Baseline: 2.4% FY06	Status: Failed to reach annual benchmark- compliance plan required	<u>Compliance plan not approved</u> <u>Strategies included in plan are</u>

Percentage of children in out-of-home care who are screened for mental health needs every 12 months	Benchmark: 90% FY06 Actual Performance: 2.0%	CA has suggested that this may be an underestimate. However, no further data has been provided. Based on the best available data, Panel finds that FY06 performance on this outcome failed to reach the FY06 benchmark.	<u>not sufficient to address gap between current performance (2%) and benchmark requirement (90% in FY06, 95% in FY07).</u> <u>Panel would also like to discuss approach to measurement of this benchmark at September 2007 meetings.</u>
B 3.2.1Mental health service within 30 days of assessment Percentage of children in out-of-home care who receive recommended services from a qualified mental health and/or substance abuse service provider within 30 days of the completion of an assessment recommending services.	FY05 Baseline: 80.0% FY06 Benchmark: 90% FY06 Actual Performance: 77.3%	Status: Failed to reach annual benchmark- compliance plan required Several issues have been raised related to this measure, including concern that it does not take “recommended” services into account. Based on the best available data, Panel finds that FY06 performance on this failed to reach the FY06 benchmark.	<u>Compliance plan approved</u>

Benchmarks without data

Benchmark	Benchmark description	Panel Decision in Monitoring Report # 3 (April 17, 2007)	Panel Decision on 7/07 Compliance Plan
B.1.2.3	Within 60 days of entering care, CA will conduct a Shared Planning Meeting that focuses on the CHET screening results. <i>Implementation Plan expectation: Baseline FY05; 90% achieved in FY06</i>	Failed to reach annual benchmark* Compliance plan required Baseline and performance data due in 2006; not provided.	<u>Compliance plans not approved</u> <u>The Panel is encouraged by the fact that data collection has been underway since April 2007. The Panel approves of the plan to collect the data, but not the proposal to wait until January 2008 for provision of data to the Panel. The Panel has already requested by letter that initial data should be provided by September 1,</u>
B.1.2.4	Children age 12 and above will attend the Shared Planning Meetings that focus on their CHET screening results. <i>Implementation Plan expectation: Baseline FY05; 90% achieved in FY06</i>	CA has outlined plan to begin collection of data on shared planning meetings in April 2007;	

* For these outcomes, the Department has indicated that they have made efforts to develop data sources, but they have not yet provided sufficient information to enable the Panel to accurately track compliance with the benchmark as required under the settlement agreement (settlement agreement, section III, 5f). Absent data demonstrating that the benchmarks have been reached, the Panel concludes that the Department has not met annual benchmarks in these areas.

B.1.2.5	The CHET Shared Planning Meeting, held within 60 days of each child entering care, will be attended by one or more of the following: caregivers, birth parents/legal guardians, tribal representatives (when applicable), and children’s representatives. <i>Implementation Plan expectation: Baseline FY05; 95% achieved in FY06</i>	data to be provided to the Panel in November 2007.	<u>2007. Revised compliance plans for these benchmarks should include the actual data (April- June 2007) in order to allow the Panel to verify that data collection has begun and review the format of the data.</u>
B.1.2.6	Caregivers, birth parents, tribal representatives (when applicable), mental health and/or substance abuse providers (when applicable), and children’s representatives will each be provided a copy of the CHET screening report and recommendations from the Shared Planning Meeting. <i>Implementation Plan expectation: Baseline FY05; 90% achieved in FY06</i>		
B.1.2.7	Children under age three, identified with concerns about developmental delays in the CHET screening, will be referred to the Infant Toddler Early Intervention Program (ITEIP) within 2 workdays. <i>Implementation Plan expectation: Baseline FY05; 90% achieved in FY06</i>	Failed to reach annual benchmark* Compliance plan required Baseline and performance data due in 2006; not provided. CA has not provided specific plan for collection of data.	<u>Compliance plan not approved</u> <u>Revised compliance plan should provide a specific plan and timeline for data collection.</u>
B.2.1.1	Children will have documented health and education plans in their ISSPs within 60 days of placement. (Baseline FY05) <i>Implementation Plan expectation: Baseline FY05; 90% achieved in FY06</i>	Failed to reach annual benchmark* Compliance plan required Baseline and performance data due in 2006; not provided. Panel notes operational challenges with case review. Panel and CA	<u>Pending</u> <u>Specific case review proposal is being developed and will be discussed at Panel’s September 2007 meetings. If this proposal is approved by the Panel, it will constitute an acceptable compliance plan.</u>

* For these outcomes, the Department has indicated that they have made efforts to develop data sources, but they have not yet provided sufficient information to enable the Panel to accurately track compliance with the benchmark as required under the settlement agreement (settlement agreement, section III, 5f). Absent data demonstrating that the benchmarks have been reached, the Panel concludes that the Department has not met annual benchmarks in these areas.

		have agreed that CA will submit proposal regarding case review data collection by March 31, 2007.	
B.2.1.2	CA will update health and education plans every six months. These plans will be discussed/shared with caregivers, birth parents, tribal representatives (when applicable), children over age 12, and children's representatives, except when this would be in conflict with existing state law. This exception will be noted in the child's ISSP. <i>Implementation Plan expectation: Baseline FY05; 90% achieved in FY06</i>	Failed to reach annual benchmark* Compliance plan required Baseline and performance data due in 2006; not provided. Panel notes operational challenges with case review. Panel and CA have agreed that CA will submit proposal regarding case review data collection by March 31, 2007.	<u>Pending</u> <u>Specific case review proposal is being developed and will be discussed at Panel's September 2007 meetings. If this proposal is approved by the Panel, it will constitute an acceptable compliance plan.</u>
B.3.1.2	Comprehensive mental health assessments for children already in placement will be provided within 30 days of a request for an assessment. <i>Implementation Plan expectation: Baseline FY05; 90% achieved in FY06</i>	Failed to reach annual benchmark* Compliance plan required Baseline and performance data due in 2006; not provided. CA/ MHD have indicated that data collection will begin in July 2007.	<u>Compliance plan not approved</u> <u>Revised compliance plan should include plan to provide all available data to Panel in November 2007</u>
B.3.1.6	Screening and assessment results will be provided every 12 months to the following persons: parents, caregivers, tribal representatives (when applicable), children's representatives, and children over 12, except when expressly limited by existing state law or a child's lawful assertion of confidentiality. This exception will be noted in the child's ISSP. <i>Implementation Plan expectation:</i>	Failed to reach annual benchmark* Compliance plan required Baseline and performance data due in 2006; not provided.	<u>Compliance plan not approved</u> <u>Compliance plan does not address benchmark. Proposed case review question relates to sharing information from shared planning meetings with caregivers within 5 days. However, this benchmark does not mention shared planning meetings, requires information</u>

* For these outcomes, the Department has indicated that they have made efforts to develop data sources, but they have not yet provided sufficient information to enable the Panel to accurately track compliance with the benchmark as required under the settlement agreement (settlement agreement, section III, 5f). Absent data demonstrating that the benchmarks have been reached, the Panel concludes that the Department has not met annual benchmarks in these areas.

	<p><i>Baseline FY05; 90% achieved in FY06</i></p>		<p><u>to be shared with many parties in addition to caregivers, and does not include a specific timeframe. This benchmark is meant to address ongoing mental health screenings and assessments, not just initial assessments at the time of entry to care. It is intended to follow from benchmark MH 3.1.5, for which the Department has provided data showing the percentage of children receiving annual screenings through the EPSDT. Revised compliance plan should address how data will be collected to track whether information related to ongoing screenings and assessments are provided with all parties mentioned here.</u></p> <p><u>With respect to CA's proposal to merge this benchmark with MH 1.2.6, Panel sees these benchmarks as distinct with respect to the population with whom information is to be shared as well as the type of information to be shared (for 1.2.6, the results from the CHET process are to be shared; for 3.1.6, the results from ongoing assessments are to be shared).</u></p>
<p>B.3.2.4</p>	<p>Clinical staffings will be held by the RSN and DCFS to develop an appropriate alternative plan and services for any child who is denied an assessment or treatment services by community-based mental health and/or substance abuse service providers. <i>Implementation Plan expectation: Baseline FY05; 90% achieved in FY06</i></p>	<p>Failed to reach annual benchmark*</p> <p>Compliance plan required</p> <p>Baseline and performance data due in 2006; not provided.</p>	<p><u>Compliance plan not approved</u></p> <p><u>The September 2008 timeframe for delivery of data in the proposed compliance plan is not acceptable. Documentation of shared planning meetings for children denied MH services should begin when policy is implemented on October 1, 2007. Panel will expect data for the period of 10/1/07-12/31/07 to be submitted in the February 2008 update.</u></p> <p><u>Panel requests clarification on why contract changes are</u></p>

		<p><u>necessary. Current contractual requirements for notification of consumers and parents/ guardians would appear to cover the requirement that CA be notified of denials, given that CA is serving as the guardian of children in out-of-home care.</u></p> <p><u>As discussed at the Panel's June 2007 meetings, this benchmark will be changed to state that shared planning meetings will be held for children who have been denied services/ assessments and that RSNs will be invited to these meetings. A separate report should be generated to show the proportion of meetings attended by RSNs.</u></p>
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UNSAFE/ INAPPROPRIATE PLACEMENTS- DECISIONS ON BENCHMARK COMPLIANCE PLANS

Benchmarks without data

Benchmark	Benchmark description	Panel Decision in Monitoring Report # 3 (April 17, 2007)	Panel Decision on 7/07 Compliance Plan
D.1.1.1	Percentage (and absolute number) of children placed in prohibited settings, by region and for the state as a whole. <i>Implementation Plan expectation: Baseline FY05; 90% decrease in FY06</i>	Failed to reach annual benchmark* Compliance plan required Partial FY05 baseline data provided. FY06 data due; not provided	<u>Compliance plan not approved</u> <u>The Panel is encouraged by the fact that data collection has been underway since April 2007. The Panel approves of the plan to collect the data, but not the proposal to wait until January 2008 for provision of data to the Panel. The Panel has already requested by letter that initial data should be provided by September 1, 2007. Revised compliance plans for this benchmark should include the actual data (April- June 2007) in order to allow the Panel to verify that data collection has begun and review the format of the data.</u>
D.1.2.1	Percentage (and absolute number) of children who have overnight stays at DSHS offices or in apartments or hotels (unless an appropriate licensed foster family or relative caregiver is not available and only with administrative approval and a determination that adequate supervision is provided for the child as indicated in the Department's October 10, 2004 memo to CA staff, or youth with Independent Living Plans authorizing such placement), by region and for the state as a whole. <i>Implementation Plan expectation: Baseline FY05; 50%</i>	Failed to reach annual benchmark* Compliance plan required Baseline and performance data due in 2006; not provided. CA has indicated that these data are now being tracked.	<u>Compliance plan not approved</u> <u>The Panel is encouraged by the fact that data collection has been underway since April 2007. The Panel approves of the plan to collect the data, but not the proposal to wait until January 2008 for provision of data to the Panel. The Panel has already requested by letter that initial data should be provided by September 1, 2007. Revised compliance plans for this benchmark should include the actual data (April- June 2007) in order to allow the Panel to verify that</u>

* For these outcomes, the Department has indicated that they have made efforts to develop data sources, but they have not yet provided sufficient information to enable the Panel to accurately track compliance with the benchmark as required under the settlement agreement (settlement agreement, section III, 5f). Absent data demonstrating that the benchmarks have been reached, the Panel concludes that the Department has not met annual benchmarks in these areas.

	<i>decrease in FY06</i>		<u>data collection has begun and review the format of the data.</u>
D.1.5.1	Percentage of children receiving a private and individual face-to-face visit from the caseworker for each full placement month, by region and for the state as a whole. <i>Implementation Plan expectation: Baseline FY05; 75% achievement in FY06</i>	<p>Failed to reach annual benchmark*</p> <p>Compliance plan required</p> <p>Baseline and performance data due in 2006; not provided.</p> <p>CA has not provided acceptable plan for data collection.</p>	<p><u>Compliance plan not approved</u></p> <p><u>Compliance plan does not address provision of data. Panel expects a plan that includes collection of data for all children in the class, not only for populations required under the policy phase-in.</u></p>
D.2.2.1	Percentage of referrals alleging child abuse and neglect of children in out-of-home care that received thorough investigation within CA policy timelines and with required documentation by the Division of Licensing Resources, including safety assessment and safety planning, by region and for the state as a whole. Summary annual reports to the Panel will include: 1) characteristics of the alleged victimization (e.g., age, gender, perpetrator, type of out-of-home setting), 2) outcomes of the investigation (e.g., time from referral to completion of investigation, including any removal action or licensing decisions) by region and for the state as a whole. <i>Implementation Plan expectation: Baseline FY05; 100% achievement in FY06</i>	<p>Failed to reach annual benchmark*</p> <p>Compliance plan required</p> <p>Baseline and performance data due in 2006; not provided.</p> <p>Panel notes operational challenges with case review. Panel and CA have agreed that CA will submit proposal regarding case review data collection by March 31, 2007.</p> <p>Summary annual reports provided</p>	<p><u>Pending</u></p> <p><u>Specific case review proposal is being developed and will be discussed at Panel's September 2007 meetings. If this proposal is approved by the Panel, it will constitute an acceptable compliance plan.</u></p>

SERVICES TO ADOLESCENTS- DECISIONS ON BENCHMARK COMPLIANCE PLANS

Benchmarks with data

Benchmark	Performance	Panel Decision in Monitoring Report # 3 (April 17, 2007)	Panel Decision on 7/07 Compliance Plan
F 3.1.1 Runaway—from any placement Percentage of children who ran from out-of-home care placements during 2005.	FY05 Baseline: 4% FY06 Benchmark: Decrease by 20%-3.2% FY06 Actual Performance: 4.1%	Status: Failed to reach annual benchmark- compliance plan required CA has requested consideration of changes to measure definition. Panel may consider changes. However, based on the best available data, Panel finds that FY06 performance on this outcome failed to reach the FY06 benchmark.	<u>Compliance plan approved</u>
F 3.1.1 Runaway—from placement during current episode Percentage of children who ran from their current episode in out-of-home care.	FY05 Baseline: 6.4% FY06 Benchmark: Decrease by 20%-5.1% FY06 Actual Performance: 6.5%	Status: Failed to reach annual benchmark- compliance plan required CA has requested consideration of changes to measure definition. Panel may consider changes. However, based on the best available data, Panel finds that FY06 performance on this outcome failed to reach the FY06 benchmark.	<u>Compliance plan approved</u>
F 3.2.1 Runaway— 2 or more times Percentage of children who run from out-of-home care placements two or more times during their current episode in out-of-home care.	FY05 Baseline: 3.8% FY06 Benchmark: Decrease by 20%-3.04% FY06 Actual Performance: 3.9%	Status: Failed to reach annual benchmark - compliance plan required CA has requested consideration of changes to measure definition. Panel may consider changes. However, based on the best available data, Panel finds that FY06 performance on this outcome failed to reach the FY06 benchmark.	<u>Compliance plan approved</u>
F 3.3.1 Runaway— mean number of days on the run Average number of days for children who run from out-of-home care placements during their current episode in out-of-home care	FY05 Baseline: 126 FY06 Benchmark: Decrease by 20%= 101 FY06 Actual Performance: 126	Status: Failed to reach annual benchmark - compliance plan required CA has requested consideration of changes to measure definition. Panel may consider changes. However, based on the best available data, Panel finds that FY06 performance on this outcome failed to reach the FY06 benchmark.	<u>Compliance plan approved</u>
F 3.3.1 Runaway— median number of	FY05 Baseline: 43 FY06 Benchmark:	Status: Failed to reach annual benchmark - compliance plan required	<u>Compliance plan approved</u>

days on the run Median number of days for children who run from out-of-home care placements during their current episode in out-of-home care.	Decrease by 20%= 34 FY06 Actual Performance: 42	CA has requested consideration of changes to measure definition. Panel may consider changes. However, based on the best available data, Panel finds that FY06 performance on this outcome failed to reach the FY06 benchmark.	
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Benchmarks without data

Benchmark	Benchmark description	Panel Decision in Monitoring Report # 3 (April 17, 2007)	Panel Decision on 7/07 Compliance Plan
F.2.1.1	Percentage of school-age children enrolled in or attending school within three school days of entering care or changing placements. <i>Implementation Plan expectation: Baseline FY05; 10% increase in FY06</i>	Failed to reach annual benchmark* Compliance plan required Baseline and performance data due in 2006; not provided. CA has not provided specific plan to provide data.	<u>Compliance plan not approved</u> <u>Revised compliance plan should provide a specific plan and timeline for data collection.</u>
F.2.2.1	Percentage of school aged children whose placement allowed them to remain enrolled in the same school they were attending when they entered foster care. <i>Implementation Plan expectation: Baseline FY05; 10% increase in FY06</i>	Failed to reach annual benchmark* Compliance plan required Baseline and performance data due in 2006; not provided. CA has not provided specific plan to provide data.	<u>Compliance plan not approved</u> <u>Revised compliance plan should provide a specific plan and timeline for data collection.</u>

* For these outcomes, the Department has indicated that they have made efforts to develop data sources, but they have not yet provided sufficient information to enable the Panel to accurately track compliance with the benchmark as required under the settlement agreement (settlement agreement, section III, 5f). Absent data demonstrating that the benchmarks have been reached, the Panel concludes that the Department has not met annual benchmarks in these areas.

APPENDICES- COMMUNICATIONS FROM THE PARTIES

Appendices are available as separate attachments.

Appendix I—Communications from Parties- Action Steps

Children’s Administration Compliance Plans for Action Steps (submitted June 29, 2007)

- Letter in response to plaintiffs’ comments Appendix I, p.2
- Proposed Compliance Plans Appendix I, p.7

Plaintiffs’ Response to Compliance Plans on Action Steps

- Comments on draft compliance plans (June 19, 2007) Appendix I, p.53

Appendix II—Communications from Parties- Benchmarks

Children’s Administration Compliance Plans for Benchmarks (submitted July 20, 2007)

- Letter from Cheryl Stephani Appendix II, p.2
- Attachment 1- Compliance Plans for Benchmarks with Available Data Appendix II, p.3
- Attachment 2- Compliance Plans for Benchmarks without Available Data ... Appendix II, p.28
- Attachment 3- Response to plaintiffs’ comments Appendix II, p.68
- Additional Attachments..... Appendix II, p.87

Plaintiffs’ Comments on Proposed Compliance Plans for Benchmarks

- Comments on draft compliance plans (June 27, 2007) Appendix II, p.92