

**BRAAM SETTLEMENT:
PANEL DECISIONS ON CHILDREN'S ADMINISTRATION
COMPLIANCE PLAN #4**

JANUARY 11, 2008

Compliance Plans related to
Monitoring Report #4 (October 4, 2007)





Braam Oversight 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 compliance plans for seven action steps submitted in response to the Panel's Monitoring Report #4 (October 2007), which covered the period ending June 30, 2007.

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Note: Compliance plans for outcomes for which the Panel found in its October 2007 Monitoring Report that the Department had failed to reach the annual benchmarks are still in process. These plans will be addressed in a future decision report.

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OVERVIEW

On October 4, 2007 the Panel issued its fourth Monitoring Report, which covered performance under the Settlement Agreement through June 30, 2007. 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 calendar year 2006 with respect to annual benchmarks related to Braam outcomes.

In Monitoring Report #4, 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 seven of the action steps that became due during the performance period.
- *Outcomes and benchmarks:* The Panel concluded that the Department had failed to reach benchmarks related to two outcomes for which new data were provided through the calendar year 2006 foster parent survey.

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 outcomes for which the Department has failed to reach annual benchmarks. In November 2007, the Department submitted draft compliance plans for the incomplete action steps and the plaintiffs provided comments on these plans. The Department responded to the plaintiffs' comments and submitted proposed compliance plans related to action steps to the Panel in December 2007.

Compliance plans for outcomes for which the Panel found in its October 2007 Monitoring Report that the Department had failed to reach the annual benchmarks are still in process. These plans will be addressed in a future decision report.

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 the action steps declared incomplete in the Panel's October 4, 2007 Monitoring Report.

Summary information related to compliance plans on the seven action steps for which new compliance plans were required pursuant to the Panel's October 2007 Monitoring Report #4 is provided beginning on page 7. Detailed decisions and comments are found in the matrix beginning on page 9.

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 outcomes 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.

Compliance plans for outcomes for which the Panel found in its October 2007 monitoring report that the Department had failed to reach annual benchmarks are still in process. The Panel will issue decisions on these plans in its next decision document.

PART I: DECISIONS ON COMPLIANCE PLANS FOR ACTION STEPS

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

- Compliance Plans for five 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. The Panel will review completion of these compliance plans and the associated action steps in future reports. Comments in the body of this document provide clarification related to the timeframes for implementation of these compliance plans, including a requirement for a written update to the Panel not later than March 2008. The steps with newly approved compliance plans are:
 - *Services to Adolescents, Goal 2, Outcome 6, Action Step 1* – Transition planning for youth with developmental disabilities
 - *Services to Adolescents, Goal 2, Outcome 6, Action Step 2*- Annual Ansell-Casey Life Skills Assessment for youth age 15 years and older
 - *Services to Adolescents, Goal 2, Outcome 6, Action Step 3*- Independent Living-Learning Plans for youth age 15 years and older
 - *Services to Adolescents, Goal 2, Outcome 6, Action Step 4*- Transition planning for youth receiving special education services
 - *Services to Adolescents, Action Step 6(c)(4) in Settlement* – Multidisciplinary staffings for youth 6 months before exit from foster care

- Elements of the Compliance Plans for two Action Steps remain unacceptable. The Panel has not approved the proposed compliance plans for two 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.
 - *Services to Adolescents, Goal 2, Outcome 1, Benchmark 1, Action Step 2*- Collection of data on which children are not enrolled in school within the time limits and the reasons
 - *Services to Adolescents, Goal 2, Outcome 3, Action Step 6*- Documentation of credit accumulation and grade point average

For each action step, in the following matrix, the second column shows the Panel's findings in Monitoring Report #4 (October 4, 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.

Note that the figures above are *in addition to* the 47 action steps that in or prior to the October 2007 Monitoring Report were determined to be complete or complete through the performance period, and the 13 steps that are already under approved compliance plans. The figures above also do not include 3 steps found to be incomplete in the earlier Panel Monitoring Reports for which the Panel has not approved 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 seven action steps for which compliance plans were required as a result of the Panel's October 2007 Monitoring Report #4. 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 #5 (to be issued in March 2008).

¹ The October 2007 Monitoring Report #4, and other Panel reports, can be found online at <http://www.wsipp.wa.gov/braampanel/reports.asp>

Area/Action Step	Panel Decision in Monitoring Report # 4 (October 4, 2007)	Panel decision on 12/07 Compliance Plan
Services to Adolescents		
<p>Goal 2, Outcome 1, Benchmark 1, Action Step2</p> <p>Action found on Page 65 Implementation Plan</p> <p>The Department will collect data to determine which children are not enrolled within the time limits and the reasons. The data will be at a level whereby CA can influence and change practices if necessary. This data will be used by the CA to make practice improvements in DCFS and to advocate for system improvements related to the goal; it will be shared with the Panel annually.</p> <p>June 1, 2007</p>	<p>Incomplete (Monitoring Report #4, October 4, 2007)- Compliance plan required</p> <p>Compliance plan should provide specific plan for collection of these data or should propose alternative approaches.</p>	<p>Compliance plan not approved</p> <p>Proposed plan does not provide mechanism to gather information on the <u>reasons</u> children are not enrolled in school in a timely fashion. Without this information, CA will not be able improve practice if necessary, as required by the action step.</p>
<p>Goal 2, Outcome 3, Action Step 6</p> <p>Action Step found on Page 68 Implementation Plan</p> <p>DCFS will document each child's credit accumulation and Grade Point Average at each placement change and at the end of each school year in conjunction with the annual educational review in the ISSP. When placement changes disrupt credit acquisition, DCFS will work with the releasing and enrolling school districts to develop a plan for the child to complete credits.</p> <p>June 1, 2007</p>	<p>Incomplete (Monitoring Report #4, October 4, 2007)- Compliance plan required</p> <p>Status update materials note that youth are referred to Education Advocacy Program (EAP) when the social worker cannot resolve credit accrual issues. However, Panel is concerned that the expectation to make a referral to EAP, as well as the requirement to work with school districts to develop a plan for child to complete credits, are not clearly stated in the actual education policy. If this issue is addressed in the Social Workers' Practice Guide to Education, Panel requests a copy.</p>	<p>Compliance plan not approved</p> <p>Revised compliance plan should provide a timeframe for revision of the ISSP guide, and should outline plans for training these expectations to social workers and communication with school districts.</p>
<p>Goal 2, Outcome 6, Action Step 1</p> <p>Action Step found on Page 70 Implementation Plan</p> <p>The Department of Social and Health Services will establish a joint planning process with its relevant divisions to identify foster children with developmental disabilities and develop individualized transition plans to ensure linkages to appropriate agencies during each child's transition to adulthood.</p> <p>June 1, 2007</p>	<p>Incomplete (Monitoring Report #4, October 4, 2007)- Compliance plan required</p> <p>Materials provided address relationships between CA and DDD. However, it is not clear that social workers receive clear policy guidance regarding development of individualized transition plans (as required by the action step) for this population, including the process of connecting to adult benefits and ongoing SSI. This action step should also be linked to the multi-disciplinary staffing process described in Action Step 6(c)(4).</p>	<p>Compliance plan approved</p> <p>Panel approves compliance plan with understanding that policy change and related procedures will take effect in April 2008. Panel requests a written update at or before the Panel's March 2008 meetings to confirm that the policy and procedures have been approved by CA management and will be implemented in April 2008.</p>

Area/Action Step	Panel Decision in Monitoring Report # 4 (October 4, 2007)	Panel decision on 12/07 Compliance Plan
<p>Goal 2, Outcome 6, Action Step 2 Action Step found on Page 70 Implementation Plan</p> <p>To help youth prepare for adulthood, DCFS will ensure that each child who is 15 or older takes the Ansell Casey Life Skills Assessment (ACLSA), or a similar assessment tool, and the appropriate supplements for sub-populations. Youth ages 15 or older who remain in custody for more than one year will take the ACLSA annually.</p> <p>January 1, 2007</p>	<p>Incomplete (Monitoring Report #4, October 4, 2007)- Compliance plan required</p> <p>Policy materials indicate that CA requires ACLSA beginning at age 16. Panel expects that this policy will apply to youth beginning at age 15, as stated in action step.</p>	<p>Compliance plan approved</p> <p>Panel approves compliance plan with understanding that policy change and related procedures will take effect in April 2008. Panel requests a written update at or before the Panel's March 2008 meetings to confirm that the policy and procedures have been approved by CA management and will be implemented in April 2008.</p>
<p>Goal 2, Outcome 6, Action Step 3 Action Step found on Page 70 Implementation Plan</p> <p>Each youth who is 15 or older will have a written Independent Living-Learning Plan aimed at assisting with the transition to adult life that is prepared with significant involvement by the youth in identifying and selecting options, and can be vetoed by the youth if the plan does not accurately reflect his or her thinking. The plan will be based on ACLSA assessment results and address the strengths and potential of the youth. The plan will be established whether or not the child is enrolled with an ILP contract agency.</p> <p>January 1, 2007</p>	<p>Incomplete (Monitoring Report #4, October 4, 2007)- Compliance plan required</p> <p>Policy materials indicate that CA expects Independent Living-Learning Plans beginning at age 16. Panel expects that this policy will apply to youth beginning at age 15, as stated in action step.</p>	<p>Compliance plan approved</p> <p>Panel approves compliance plan with understanding that policy change and related procedures will take effect in April 2008. Panel requests a written update at or before the Panel's March 2008 meetings to confirm that the policy and procedures have been approved by CA management and will be implemented in April 2008.</p>
<p>Goal 2, Outcome 6, Action Step 4 Action Step found on Page 70 Implementation Plan</p> <p>For youth 16 or older receiving special education services under the IDEA, the Independent Living-Learning plan will be developed in coordination with the responsible school district in order to coordinate planning and services for successful independence.</p> <p>June 1, 2007</p>	<p>Incomplete (Monitoring Report #4, October 4, 2007)- Compliance plan required</p> <p>Education policy includes requirement to attach IEP or 504 plan to ISSP, but does not adequately address the transition planning process. This action step should also be linked to the multi-disciplinary staffing process described in Action Step 6(c)(4).</p>	<p>Compliance plan approved</p> <p>Panel approves compliance plan with understanding that policy change and related procedures will take effect in April 2008. Panel requests a written update at or before the Panel's March 2008 meetings to confirm that the policy and procedures have been approved by CA management and will be implemented in April 2008.</p>

Area/Action Step	Panel Decision in Monitoring Report # 4 (October 4, 2007)	Panel decision on 12/07 Compliance Plan
<p>Implement multi-disciplinary staffings for youth six months before exit from foster care.</p> <p>KF C II 10.4.1 (originally 10.1.2) <i>Action Step 6(c)(4) in Settlement</i></p> <p>Additional Panel language: At least 6 months prior to cessation of a child's state benefits for financial, health, or other foster care related services, a multi-disciplinary staffing shall occur. The following topics will be addressed and a written plan recorded in the ISSP: assistance to help the child to maintain or obtain: housing, employment, and/or higher education, health insurance, health records, medical, dental, developmental, mental health and substance abuse services and medication; an established connection with a caring adult who has a long-term interest in the child's well being.</p>	<p>Incomplete (Monitoring Report #4, October 4, 2007)- Compliance plan required</p> <p>Materials submitted clearly demonstrate CA's requirements to convene staffings and discuss key issues with youth aging out of foster care. However, the Panel has several concerns:</p> <ul style="list-style-type: none"> - The checklist for meetings does not specifically address mental health and substance abuse, which may be important issues for some youth and are mentioned in the action step - Panel requests clarification of the process through which aging-out youth are connected to adult systems and benefits. In particular, the checklist indicates that youth must be provided with information about SSI benefits, if applicable. CA should be responsible for applying for these benefits on behalf of aging-out youth. - Because a significant proportion of aging-out youth have special needs, policy guidance regarding should require that these multi-disciplinary staffings specifically address concerns of special needs youth. <p>Policy and materials related to multi-disciplinary staffings should be well-integrated with action steps in this section pertaining to special needs youth [goal 2, outcome 6, action step 4 (related to services for youth receiving special education services) and goal 2, outcome 6, action step 1 (related to transition planning for youth with developmental disabilities)].</p>	<p>Compliance plan approved</p> <p>Panel approves compliance plan with understanding that policy change and related procedures will take effect in April 2008. Panel requests a written update at or before the Panel's March 2008 meetings to confirm that the policy and procedures have been approved by CA management and will be implemented in April 2008.</p>