

**BRAAM SETTLEMENT:
PANEL DECISIONS ON CHILDREN'S ADMINISTRATION
COMPLIANCE PLAN #8**

MAY 20, 2010

Compliance Plans related to
Monitoring Report #8 (March 4, 2010)





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 during the seven year duration of the settlement. 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, issued an Implementation Plan for the six areas specified in the Settlement in February 2006. In July 2008, a Revised Braam Implementation Plan was published to reflect clarifications and modifications based on developments in the Braam process and discussions with DSHS, the plaintiffs and stakeholders.

This document provides Panel decisions on compliance plans in response to the Panel's Monitoring Report #8 (March 2010), which provided outcomes data for fiscal year 2009 (July 2008-June 2009), as well as a report on action steps through December 31, 2009. In Monitoring Report #8, two action steps were found to be incomplete and FY09 benchmarks for 24 outcomes were found not to have been reached. Compliance planning was already underway at the time Monitoring Report #8 was issued for one of these action steps and seven of these outcomes (these compliance plans are addressed in the Panel's decisions on compliance plans related to Monitoring Report #7), such that the Panel determined that new compliance plans were not required. This document addresses the one action step and 17 outcomes for which new compliance plans were required as a result of Monitoring Report #8.

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• Plaintiffs’ Comments on Compliance Plans (letter dated April 16, 2010)	

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OVERVIEW

In March 2010, the Braam Panel issued its eighth Monitoring Report, which provided outcome data for fiscal year 2009 (July 2008-June 2009), as well as a report on action steps through December 31, 2009. This monitoring report was based on the requirements of the Revised Braam Implementation Plan (July 3, 2008).

In Monitoring Report #8, the Panel made several findings that led to the need for new compliance plans:

- *Action steps:* The Panel found that two action steps had not been completed. Compliance planning was already underway at the time of Monitoring Report #8 for one of these action steps;¹ therefore a new compliance plan was required for only one action step.
- *Outcomes and benchmarks:* The Panel found that FY09 benchmarks had not been reached for 24 outcomes, either because data showed that performance had fallen short of the benchmarks or because acceptable data had not been submitted. Compliance planning was already underway at the time of Monitoring Report #8 for seven of these outcomes;² therefore a new compliance plan was required for seventeen outcomes.

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 response to the Panel's findings in Monitoring Report #8, the Department submitted draft compliance plans in April 2010. The plaintiffs then provided comments on these plans. After reviewing plaintiffs' comments, the Department submitted revised compliance plans to the Panel on April 30, 2010.

Format of this Document

This document provides summary information and detailed comments related to the Panel's decisions on the Department's proposed compliance plans submitted in response to Braam Monitoring Report #8 (March 4, 2010).

This document includes two parts:

- *Part I- Decisions on Compliance Plans for Action Steps:* Information related to the one action step for which a new compliance plan was required pursuant to the Panel's March 2010 Monitoring Report is provided beginning on page 7. Decisions and comments are found in the matrix beginning on page 8.
- *Part II- Decisions on Compliance Plans for Outcomes-* Summary information related to the seventeen outcomes for which new compliance plans were required pursuant to the Panel's March 2010 Monitoring Report is provided beginning on page 9. Decisions and comments are found in the matrix beginning on page 10.

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

¹ The Panel's decisions on compliance plans for the one action step and the seven outcomes for which new compliance plans were not required as a result of Monitoring Report #8 are addressed in Panel Decisions on Children's Administration Revised Compliance Plan #7 (March 2010), which is available at <http://www.braampanel.org/reports.asp>.

² See above.

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 Revised Implementation Plan are accomplished.

PART I: DECISIONS ON COMPLIANCE PLANS FOR ACTION STEPS

A new compliance plan was required for only one action step as a result of Monitoring Report #8 (March 2010):

- Mental Health, Action Step 1 – Initial health screens- *No compliance plan was submitted*

In the following matrix, the first column shows the requirements of the action step, the second column shows the Panel’s findings in Monitoring Report #8 (March 4, 2010) and the last column shows the Panel’s decision and comments.

The following matrix includes only the one action step for which a compliance plan was required as a result of the Panel’s March 2010 Monitoring Report #8. Further detail on the status of other Braam action steps can be found in that Monitoring Report.³

³ All Panel reports can be found online at <http://www.braampanel.org/reports.asp>

Area/Action Step	Panel Decision in Monitoring Report # 8 (March 4, 2010)	Panel decision on April 2010 Compliance Plan
Mental Health		
<p>Initial (72 hour) health screening <i>[Revised Implementation Plan Mental Health Action Step 1]</i> <i>[Goal 1, Outcome 1, Action step 2-4 of February 2006 Braam Implementation Plan]</i></p> <ul style="list-style-type: none"> • The plan for achieving Goal 1, Outcome 1⁴ will be submitted to the Panel for review and approval-- 3/30/07 • The Department will begin to implement initial health screens-- 10/30/07 • The Department will track implementation to ensure that each child who enters out-of-home care receives an initial health screen-- Begin 10/07—continuous tracking 	<p>Incomplete</p> <p>Action step was found incomplete in Monitoring Report #5 (October 2008), #6 (March 2009) and #7 (October 2009).</p> <p>With each finding, a compliance plan was required, but not submitted.</p>	<p>No compliance plan submitted</p>

⁴ Mental Health Goal 1, Outcome 1 states: *Children will be screened by an appropriate health professional for immediate and urgent physical and mental health needs, including assessment for infectious and communicable diseases, within 72 hours of entering out of home care.*

PART II: DECISIONS ON COMPLIANCE PLANS FOR OUTCOMES

The Panel's decisions on the 17 compliance plans for Braam outcomes required as a result of the findings of the March 2010 Monitoring Report #8 can be summarized as follows:

- Compliance plans for 13 outcomes have been approved
 - Placement stability, outcome 2- Two or fewer placements
 - Placement stability, goal 1, outcome 3— Caseload reduction
 - Mental health, goal 1, outcome 2- CHET within 30 days of placement
 - Mental health, goal 1, outcome 4- Referral to Infant Toddler Early Intervention Program (ITEIP)
 - Mental health, goal 2, outcome 2- Health and education plans in the ISSP updated every 6 months
 - Unsafe and inappropriate placements goal 1, outcome 5- Medically fragile youth
 - Unsafe and inappropriate placements goal 1, outcome 6- Monthly visits
 - Unsafe and inappropriate placements goal 2, outcome 1- Abuse/ neglect while in out-of-home care
 - Unsafe and inappropriate placements goal 2, outcome 2- DLR/ CPS (investigations of abuse/ neglect referrals for children in out-of-home care)
 - Services to adolescents, goal 2, outcome 2- HS graduation
 - Services to adolescents, goal 2, outcome 3- Exit staffings for youth exiting to independence
 - Services to adolescents, goal 3, outcome 1- Runaways (frequency)
 - Services to adolescents, goal 3, outcome 2- Runaways (median number of days on runaway status)
- Compliance plans for 3 outcomes are not approved
 - Mental health, goal 1, outcome 3- Shared planning meeting focused on the CHET
 - Sibling separation, goal 1, outcome 1- Placement with *all* siblings
 - Sibling separation, goal 1, outcome 2- Placement with *some* siblings
- No compliance plan was submitted for one outcome
 - Mental health, goal 1, outcome 1- Initial health screening

Detailed decisions and comments are found on the following pages. For each goal area of the Settlement Agreement, tables show each outcome for which a new compliance plan was required based on the findings of Monitoring Report #8. The first column of these tables show the outcome as stated in the revised Implementation Plan, the second column shows findings from Monitoring Report #8 (including FY09 benchmarks and performance), and the third column shows the Panel's decision and comments on the compliance plan submitted in April 2010.

The following section includes only the 17 outcomes for which new compliance plans were required as a result of the Panel's Monitoring Report #8. Further detail on the status of other outcomes can be found in that Monitoring Report.⁵

⁵ The March 2010 Monitoring Report #8, and other Panel reports, can be found online at <http://www.braampanel.org/reports.asp>.

PLACEMENT STABILITY- DECISIONS ON OUTCOME COMPLIANCE PLANS

Outcome	Panel Findings in Monitoring Report #8 (March 4,2010)	Panel Decision on April 2010 Compliance Plan
<p><u>Outcome 2</u> The percentage of children who experience two or fewer placements during their current out-of-home episode of care will increase <i>(outcome measure based on percentage of youth entering care during the two previous fiscal years with 2 or fewer placements, with time-in-care specifications based on entry year).</i></p>	<p><u>Benchmark:</u> FY09=89% Statewide benchmark must be met, and no region's performance may be more than 10 percentage points lower than the statewide benchmark.</p> <p><u>Performance:</u> FY09=80.9% Regional performance ranged from 77.8-84.1% FY08= 86.4% FY07=85.5%</p> <p><u>Monitoring Report #8 Status:</u> Failed to reach FY09 benchmark: compliance plan required</p>	<p>Compliance plan approved</p>
<p><u>Outcome 3</u> Social workers will have caseloads at or below Council on Accreditation (COA) standards (18 child cases per caseworker for all other children) <i>(outcome measure based on the percentage of caseworkers with caseloads at or below COA standards).</i></p>	<p><u>Benchmark:</u> FY09=85% Statewide benchmark must be met, and no region's performance may be more than 10 percentage points lower than the statewide benchmark.</p> <p><u>Performance:</u> FY09=65% Regional performance ranged from 46.3-74.5% FY08= 49.9%</p> <p><u>Monitoring Report #8 Status:</u> Failed to reach FY09 benchmark: compliance plan required</p>	<p>Compliance plan approved</p>

MENTAL HEALTH- DECISIONS ON OUTCOME COMPLIANCE PLANS

Outcome	Panel Findings in Monitoring Report #8 (March 4,2010)	Panel Decision on April 2010 Compliance Plan
<p><u>Goal 1, Outcome 1</u></p> <p>Children will be screened by an appropriate health professional for immediate and urgent physical and mental health needs, including assessment for infectious and communicable diseases, within 72 hours of entering out-of-home care.</p>	<p><u>Benchmark:</u> FY09=80% Statewide benchmark must be met, and no region’s performance may be more than 10 percentage points lower than the statewide benchmark.</p> <p><u>Performance:</u> <i>Acceptable data not available</i></p> <p><u>Monitoring Report #8 Status:</u> Failed to reach FY09 benchmark: compliance plan required</p> <p>Panel has determined that benchmark has not been reached based on failure to provide data.</p>	<p>No compliance plan submitted</p>
<p><u>Goal 1, Outcome 2</u></p> <p>Children in out-of-home care 30 days or longer will have completed and documented⁶ Child Health and Education Track (CHET) screens within 30 days of entering care.</p>	<p><u>Benchmark:</u> FY09=80% Statewide benchmark must be met, and no region’s performance may be more than 10 percentage points lower than the statewide benchmark.</p> <p><u>Performance:</u> FY09=64% Regional performance ranged from 49-73% <i>Note—FY07-FY08 data were not accepted by Panel, but are included here for informational purposes:</i> FY08=63.3% FY07=47%</p> <p><u>Monitoring Report #8 Status:</u> Failed to reach FY09 benchmark: compliance plan required</p>	<p>Compliance plan approved</p>

⁶ For Braam purposes, a completed and documented CHET is one in which age-appropriate screenings have been completed for all domains: Medical (EPSDT completed for all children); Developmental (developmental screening completed for children ages 0-60 months); Emotional-behavioral (screening completed for children ages 6-18 years); Educational (educational records received for school-aged children); and Connections (for all children).

Outcome	Panel Findings in Monitoring Report #8 (March 4,2010)	Panel Decision on April 2010 Compliance Plan
<p><u>Goal 1, Outcome 3</u> A shared planning meeting (SPM) focusing on the CHET screening results will be held within 60 days of each child's entry into care.</p>	<p><u>Benchmark:</u> FY09=85% Statewide benchmark must be met, and no region's performance may be more than 10 percentage points lower than the statewide benchmark.</p> <p><u>Performance:</u> Acceptable data not available</p> <p><u>Monitoring Report #8 Status:</u> Failed to reach FY09 benchmark: compliance plan required</p> <p>Panel has determined that benchmark has not been reached based on failure to provide data.</p>	<p>Compliance plan not approved</p> <p>Panel is concerned by continued lack of reliable data for this outcome. Plan should be revised to indicate that data on this outcome will be provided to the Panel on a monthly basis beginning in June 2010.</p>
<p><u>Goal 1, Outcome 4</u> Children age 3 and under in out-of-home care will be referred to the Infant Toddler Early Intervention Program (ITEIP) within 2 workdays of identification of concerns about developmental delays from their CHET screens.</p>	<p><u>Benchmark:</u> FY09=85% Statewide benchmark must be met, and no region's performance may be more than 10 percentage points lower than the statewide benchmark.</p> <p><u>Performance:</u> FY09=72% Regional performance ranged from 59-97% <i>FY08 data not available</i></p> <p><u>Monitoring Report #8 Status:</u> Failed to reach FY09 benchmark: compliance plan required</p>	<p>Compliance plan approved</p>
<p><u>Goal 2, Outcome 2</u> Children in out-of-home care will have health and education plans in their ISSPs updated every 6 months.</p>	<p><u>Benchmark:</u> FY09=80% Statewide benchmark must be met, and no region's performance may be more than 10 percentage points lower than the statewide benchmark.</p> <p><u>Performance:</u> FY09=63% Regional performance ranged from 44-84% <i>FY08= 53%</i></p> <p><u>Monitoring Report #8 Status:</u> Failed to reach FY09 benchmark: compliance plan required</p>	<p>Compliance plan approved</p>

UNSAFE & INAPPROPRIATE PLACEMENTS- DECISIONS ON OUTCOME COMPLIANCE PLANS

Outcome	Panel Findings in Monitoring Report #8 (March 4,2010)	Panel Decision on April 2010 Compliance Plan
<p><u>Goal 1, Outcome 5</u></p> <p>Medically fragile children will be connected to ongoing and appropriate medical care and placed with caregivers who have specialized skills or receive consultation and ongoing training regarding their caretaking responsibilities for the medical condition.</p>	<p><u>Benchmark:</u> FY09=90%</p> <p>Statewide benchmark must be met, and no region's performance may be more than 10 percentage points lower than the statewide benchmark.</p> <p><u>Performance:</u> FY09= 83.5% Regional performance ranged from 72.4-92.3% CY08= 87.6% CY07=75.1%</p> <p><u>Monitoring Report #8 Status:</u> Failed to reach FY09 benchmark: compliance plan required</p>	<p>Compliance plan approved</p>

Outcome	Panel Findings in Monitoring Report #8 (March 4,2010)	Panel Decision on April 2010 Compliance Plan
<p><u>Goal 1, Outcome 6</u> Children will receive a private and individual face-to-face health and safety visit from an assigned caseworker at least once every calendar month, with no visit being more than 40 days after the previous visit.</p>	<p><u>Benchmark:</u> FY09=95% Statewide benchmark must be met, and no region's performance may be more than 10 percentage points lower than the statewide benchmark.</p> <p><u>Performance</u> FY09 (administrative data)= 14.8% Regional performance ranged from 11.2-19.8% FY09 (foster parent survey)= 71.6%</p> <p><u>Data notes:</u> <i>Administrative data for this outcome were reported beginning with FY08 and are the official source of compliance data for this outcome. These data represent the percentage of children visited every calendar month they were in placement, but do not address the issue of whether these visits occurred more than 40 days apart (as stated in the outcome).</i></p> <p><i>FY09 data from the foster parent survey are included here for comparison. These data represent the percentage of foster parents reporting that children in their home had a private and individual face-to-face visit with their social worker "several times a month" or "about once per month."</i></p> <p><u>Additional note:</u> CA implemented a policy requiring monthly visits in September 2008. This date came early in FY09 (July 2008- June 2009), which was the period assessed for this Monitoring Report.</p> <p><i>FY08 (administrative data)= 10.5%</i></p> <p><u>Monitoring Report #8 Status:</u> Failed to reach FY09 benchmark: compliance plan required</p>	<p>Compliance plan approved</p>

Outcome	Panel Findings in Monitoring Report #8 (March 4,2010)	Panel Decision on April 2010 Compliance Plan
<p><u>Goal 2, Outcome 1</u></p> <p>The percentage of children who are not victims of a founded report of child abuse or neglect by a foster parent or facility staff member will meet or exceed the federal Child and Family Services Review (round 2) standard.</p>	<p><u>Benchmark:</u> FY09=99.68%</p> <p><u>Performance:</u> FY09= 99.62% FY08= 99.77% FY07=99.57%</p> <p><u>Monitoring Report #8 Status:</u> Failed to reach FY09 benchmark: compliance plan required</p>	<p>Compliance plan approved</p>
<p><u>Goal 2, Outcome 2</u></p> <p>All referrals alleging child abuse and neglect of children in out-of-home care will receive thorough investigation by the Division of Licensing Resources (DLR) pursuant to CA policy and timeline and with required documentation.</p>	<p><u>Benchmark:</u> FY09= 100%</p> <p><u>Performance:</u> FY09= 82.9% Regional performance ranged from 77.4-88.2% FY08= 90.9% FY07= 87%</p> <p><u>Monitoring Report #8 Status:</u> Failed to reach FY09 benchmark: compliance plan required</p>	<p>Compliance plan approved</p>

SIBLING SEPARATION- DECISIONS ON OUTCOME COMPLIANCE PLANS

Outcome	Panel Findings in Monitoring Report #8 (March 4,2010)	Panel Decision on April 2010 Compliance Plan
<p><u>Goal 1, Outcome 1</u></p> <p>Children in out-of-home care will be placed with all siblings who are also in out-of-home care whenever possible.</p>	<p><u>Benchmark:</u> FY09=70% Statewide benchmark must be met, and no region's performance may be more than 10 percentage points lower than the statewide benchmark.</p> <p><u>Performance:</u> FY09= 60.9% Regional performance ranged from 48.7-72.4% FY08= 56.7% FY07=58.3%</p> <p><u>Monitoring Report #8 Status:</u> Failed to reach FY09 benchmark: compliance plan required</p>	<p>Compliance plan not approved</p> <p>Plan does not adequately address development of additional resource homes with the ability to serve sibling groups.</p> <p><u>Strategy #1</u> needs to include more detail regarding the purpose and use of the Placement Coordinator Guidelines and Protocol. How will use of these Guidelines increase the placement of siblings together?</p>
<p><u>Goal 1, Outcome 2:</u></p> <p>Children in out-of-home care will be placed with at least one sibling who is also in out-of-home care whenever possible</p>	<p><u>Benchmark:</u> FY09=90% Statewide benchmark must be met, and no region's performance may be more than 10 percentage points lower than the statewide benchmark.</p> <p><u>Performance:</u> FY09= 80.9% Regional performance ranged from 69.2-90.8% FY08= 79.0% FY07=79.3%</p> <p><u>Monitoring Report #8 Status:</u> Failed to reach FY09 benchmark: compliance plan required</p>	<p>Several of the strategies refer to strategies in compliance plans for other outcomes. While these strategies may be helpful in supporting the families where siblings are placed together, only <u>Strategy # 5</u> actually addresses recruitment for additional homes. Recommendations about recruitment strategies are to be developed by July 2010; however, since these recommendations are not yet available, it is unclear that Strategy 5 will in fact address sibling placement issues.</p> <p><u>Strategy # 6</u> should include the status of the request to a national resource center regarding sibling visit and placement issues, including a copy of the request.</p>

SERVICES TO ADOLESCENTS- DECISIONS ON OUTCOME COMPLIANCE PLANS

Outcome	Panel Findings in Monitoring Report #8 (March 4,2010)	Panel Decision on April 2010 Compliance Plan
<p><u>Goal 2, Outcome 2</u></p> <p>The percentage of youth in out-of-home placement in grade 9 who remained in placement continuously through grade 12 who graduate from high school on time with a regular or adult (IEP) diploma, including students with disabilities who graduated within the number of years designated in their IEP, will increase.</p>	<p><u>Benchmark:</u> FY09= 60%</p> <p>Statewide benchmark must be met, and no region's performance may be more than 10 percentage points lower than the statewide benchmark.</p> <p><u>Performance:</u> FY09=48%</p> <p>Regional performance ranged from 27-75%</p> <p><i>FY08 data not available</i></p> <p><u>Monitoring Report #8 Status:</u> Failed to reach FY09 benchmark: compliance plan required</p>	<p>Compliance plan approved</p> <p>Plan is approved with the understanding that the strategy related to the education workgroup is being revised to specifically mention that the group will examine educational issues related to youth younger than high school age as indicated in the April 30, 2010 letter to the Panel from Assistant Secretary Denise Revels Robinson.</p>
<p><u>Goal 2, Outcome 3</u></p> <p>A multi-disciplinary staffing meeting will be held six months prior to a youth's exit from foster care to address issues related to transition to independence.</p>	<p><u>Benchmark:</u> FY09= 85%</p> <p>Statewide benchmark must be met, and no region's performance may be more than 10 percentage points lower than the statewide benchmark.</p> <p><u>Performance:</u> Acceptable FY09 data not available</p> <p><i>Note—Data was subsequently provided by the Department, showing performance at 25%.</i></p> <p><u>Monitoring Report #8 Status:</u> Failed to reach FY09 benchmark: compliance plan required</p>	<p>Compliance plan approved</p>
<p><u>Goal 3, Outcome 1</u></p> <p>The percentage of children who run from out-of-home care placements during the fiscal year will decrease.</p>	<p><u>Benchmark:</u> FY09= 2.5%</p> <p>Statewide benchmark must be met, and no region's performance may be more than .5 percentage points higher than the statewide benchmark.</p> <p><u>Performance:</u> FY09=3.4%⁷</p> <p>Regional performance ranged from 2.2-5.0%</p> <p><i>FY08= 3.6%</i> <i>FY07=4.1%</i></p> <p><u>Monitoring Report #8 Status:</u> Failed to reach FY09 benchmark: compliance plan required</p>	<p>Compliance plans approved</p>

⁷ For the outcomes related to runaways, performance that is lower than the benchmark is in compliance.

<p><u>Goal 3, Outcome 2</u></p> <p>The median number of days that children are on runaway status will decrease.</p>	<p><u>Benchmark:</u> FY09= 30 days Statewide benchmark must be met, and no region's performance may be more than 5 days higher than the statewide benchmark.</p> <p><u>Performance:</u> FY09= 27 days Regional performance ranged from 21 to 36 days FY08= 33 days FY07= 39 days</p> <p><u>Monitoring Report #8 Status:</u> Failed to reach FY09 benchmark: compliance plan required</p> <p>Statewide benchmark was achieved, but regional requirements were not met. Performance in Region 5 was more than 5 days higher than the statewide benchmark. Therefore the overall benchmark has not been reached.</p>	
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