

**BRAAM SETTLEMENT:
PANEL DECISIONS ON CHILDREN'S ADMINISTRATION
COMPLIANCE PLAN #6**

JUNE 9, 2009

Compliance Plans related to
Monitoring Report #6 (March 16, 2009)





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 #6 (March 2009), which provided outcomes data for fiscal year 2008 (July 2007- June 2008), as well as a report on action steps through December 31, 2008. Monitoring Report #6 required compliance plans for 1 action step found to be incomplete and 12 outcomes for which FY08 benchmarks were not reached.

Members

John Landsverk, Chair

Jeanine Long

Jan McCarthy

Jess McDonald

Dorothy Roberts

Carrie Whitaker, Executive Coordinator

Box 354900
4101 15th Ave NE
Seattle, WA 98105-6299

Phone: (206) 616-0390
FAX: (206) 543-1228
E-mail: carwhit@u.washington.edu
Website: www.braampanel.org

TABLE OF CONTENTS

Overview	5
Part I: Decisions on Compliance Plans for Action Steps.....	7
Part II: Decisions on Compliance Plans for Outcomes	10
Appendix I—Communications from Parties- (<i>separate attachment</i>)	
• Proposed Compliance Plans in response to Monitoring Report #6 (submitted by Children’s Administration on May 22, 2009)	
• Plaintiffs’ Comments on Draft Compliance Plans (May 12, 2009)	

[Page left blank intentionally.]

OVERVIEW

On March 16, 2009 the Panel issued its sixth Monitoring Report, which provided outcomes data for fiscal year 2008 (July 2007- June 2008), as well as a report on action steps through December 31, 2008. This monitoring report was based on the requirements of the Revised Braam Implementation Plan (July 3, 2008).

In Monitoring Report #6, the Panel made several findings that led to the need for new compliance plans:

- *Action steps:* The Panel found that one action step had not been completed and a compliance plan was required.
- *Outcomes and benchmarks:* The Panel concluded that new or updated compliance plans¹ were required for 12 outcomes, either because data showed that performance in fiscal year 2008 had fallen short of the benchmarks, or because acceptable data had not been submitted.

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 #6, the Department submitted draft compliance plans in April 2009. The plaintiffs then provided comments on these plans. After reviewing plaintiffs' comments, the Department submitted revised compliance plans to the Panel in May 2009.

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 #6 (March 16, 2009).

This document includes two parts:

- *Part I- Decisions on Compliance Plans for Action Steps:* Information related to compliance plans for the action step for which a compliance plan was required pursuant to the Panel's March 2009 Monitoring Report is provided beginning on page 7.
- *Part II- Decisions on Compliance Plans for Outcomes-* Summary information related to compliance plans on the 12 outcomes for which compliance plans were required pursuant to the Panel's March 2009 Monitoring Report is provided beginning on page 9. Detailed decisions and comments are found in the matrix beginning on page 10.

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

¹ For many outcomes for which the Panel found in Monitoring Report #6 that the FY08 benchmark had not been met, a compliance plan had been previously approved by the Panel. In these areas, the Panel required an updated compliance plan, providing an update on progress with respect to the strategies included in the original compliance plan and adding or modifying strategies where applicable.

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

The Panel's decisions on the compliance plans required for action steps based on the findings of the March 2009 Monitoring Report #6 can be summarized as follows:

- No Compliance plan was submitted for the one action step for which a plan was required based on Monitoring Report #6.
 - Mental Health, Action Step 1 – Initial health screens

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 #6 (March 16, 2009) 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 2009 Monitoring Report #6. Further detail on the status of other Braam action steps can be found in that Monitoring Report, and in the Panel's forthcoming Monitoring Report #7 (to be issued in September 2009).²

² All Panel reports, can be found online at <http://www.braampanel.org/reports.asp>

Area/Action Step	Panel Decision in Monitoring Report # 6 (March 16, 2009)	Panel decision on May 2009 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 1³ 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 Compliance plan required</p> <p>Action step was found incomplete in Monitoring Report #5 (October 2008). Compliance plan was required but not submitted.</p> <p>Department has indicated that it does not believe that this action step is within the scope of the Braam agreement. Plaintiffs' attorneys disagree with the Department's position. The Panel has concluded that this action step is within the scope of the agreement.</p>	<p>Incomplete- no compliance plan submitted</p>

³ 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 compliance plans submitted for Braam outcomes in response to the March 2009 Monitoring Report #6 can be summarized as follows:

- Compliance plans for 7 outcomes have been approved
 - Placement stability, outcome 2- Two or fewer placements
 - Mental health, goal 1, outcome 2- CHET within 30 days of placement
 - Mental health, goal 1, outcome 3- Shared planning meeting focused on the CHET
 - Unsafe and inappropriate placements goal 1, outcome 6- Monthly visits
 - 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 3, outcome 1- Runaways (frequency)
 - Services to adolescents, goal 3, outcome 2- Runaways (median number of days on runaway status)

- Compliance plans for 4 outcomes are not approved
 - Mental health, goal 2, outcome 1- Health and education plans in the ISSP within 60 days of placement
 - Mental health, goal 2, outcome 2- Health and education plans in the ISSP updated every 6 months
 - Sibling separation, goal 1, outcome 1- Placement with *all* siblings
 - Sibling separation, goal 1, outcome 2- Placement with *some* siblings

- An extension was granted for the submission of one compliance plan
 - Placement stability, goal 1, outcome 3— Caseload size
The Panel and the parties agreed that this compliance plan could be submitted in mid-June 2009, to allow the Department to analyze the 2009-2011 biennial budget in developing this plan.

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 due based on the findings of Monitoring Report #6. The first column of these tables show the outcome as stated in the revised Implementation Plan, the second column shows findings from Monitoring Report #6 (including 2008 benchmarks and performance), and the third column shows the Panel's decision and comments on the compliance plan submitted in May 2009.

The following section includes only the 12 outcomes for which new compliance plans were required as a result of the Panel's Monitoring Report #6. Further detail on the status of other outcomes can be found in that Monitoring Report, as well as in the Panel's forthcoming Monitoring Report #7 (to be published in September 2009).⁴

⁴ The March 2009 Monitoring Report #6, 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 #6 (March 16, 2009)	Panel Decision on May 2009 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> FY08=88% 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> FY08= 86.4% Regional performance ranged from 82.1-90.5% FY07=85.5%</p> <p><u>Monitoring Report #6 Status:</u> Failed to reach FY08 benchmark: updated 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> FY08=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> FY08= 49.9% Regional performance ranged from 43-53% FY07 data not available</p> <p><u>Monitoring Report #6 Status:</u> Failed to reach FY08 benchmark: updated compliance plan required</p>	<p>Panel and parties agreed that deadline for compliance plan should be extended to mid-June 2009, to allow the Department to analyze the 2009-2011 biennial budget in developing this plan.</p>

MENTAL HEALTH- DECISIONS ON OUTCOME COMPLIANCE PLANS

Outcome	Panel Findings in Monitoring Report #6 (March 16, 2009)	Panel Decision on May 2009 Compliance Plan
<p><u>Goal 1, Outcome 2</u> Children in out-of-home care 30 days or longer will have completed and documented⁵ Child Health and Education Track (CHET) screens within 30 days of entering care.</p>	<p><u>Benchmark:</u> FY08=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> Acceptable data not available The data below do NOT meet the Panel's definition of a complete CHET; however, the Panel has requested that CA submit these data until acceptable data are available. FY08=63.3% Regional performance ranged from 44-85% FY07=47%</p> <p><u>Monitoring Report #6 Status:</u> Failed to reach FY08 benchmark: updated compliance plan required</p> <p>Panel has determined that benchmark has not been reached based on failure to provide data.</p>	<p>Compliance plan approved</p> <p>Note: Panel expects CA to provide data from the CHET database for the period of February 1, 2009- July 31, 2009 on September 1, 2009 (rather than 120 days from the time database becomes functional with reliable data, as proposed in the compliance plan).</p>
<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> FY08=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> Acceptable data not available</p> <p><u>Monitoring Report #6 Status:</u> Failed to reach FY08 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 approved</p> <p>Panel expects data for this measure in August 2009. Panel notes that this outcome is intended to look at all children remaining in care for at least 60 days, and assessing the percentage of this group for whom a shared planning meeting focusing on the CHET results is held within 60 days of entry.</p>
<p><u>Goal 2, Outcome 1</u> Children in out-of-home care will have health and education plans (developed based on the findings from all physical health, developmental, educational, mental</p>	<p><u>Benchmark:</u> FY08=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> FY08= 75% Regional performance ranged from 41-100%</p>	<p>Compliance plan not approved</p> <p>Panel does not accept proposal in compliance plan regarding minimum number of cases reviewed to determine regional compliance. Revised compliance plan should include strategies to address performance in regions</p>

⁵ 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).

<p>health and substance abuse health screenings and assessments) in their ISSPs within 60 days of placement.</p>	<p><u>Monitoring Report #6 Status:</u> Failed to reach FY08 benchmark: compliance plan required</p> <p>Statewide benchmark was achieved, but regional requirements were not met. Performance in region 5 was more than 10 percentage points lower than the benchmark. Therefore the overall benchmark has not been reached.</p>	<p>falling significantly short of the benchmark.</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> FY08=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> FY08= 53% Regional performance ranged from 41-70%</p> <p><u>Monitoring Report #6 Status:</u> Failed to reach FY08 benchmark: compliance plan required</p>	<p>Compliance plan not approved</p> <p>Statewide performance on this benchmark fell significantly short of the benchmark. Revised compliance plan should include thorough analysis of case review results to determine <i>why</i> cases were found to be out of compliance (e.g. were health and education plans not updated in a timely way? were plans updated, but lacking services to meet children's needs? etc) and should include concrete strategies to improve compliance.</p>

UNSAFE & INAPPROPRIATE PLACEMENTS- DECISIONS ON OUTCOME COMPLIANCE PLANS

Outcome	Panel Findings in Monitoring Report #6 (March 16, 2009)	Panel Decision on May 2009 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> CY07=85% CY08=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> FY08 (administrative data)= 10.5% CY07 (foster parent survey)= 43.2%</p> <p><u>Data notes:</u> <i>FY08 is the first period for which administrative data have been reported 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>CY07 data from the foster parent survey (reported previously in October 2008 monitoring report) 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 at least once per month.</i></p> <p><i>In future reports, compliance will be assessed based on administrative data.</i></p> <p><u>Additional note:</u> <i>CA implemented a policy requiring monthly visits in September 2008. This date is after the end of FY08 (July 2007- June 2008), which was the period assessed for this Monitoring Report.</i></p> <p><u>Monitoring Report #6 Status:</u> Failed to reach FY08/ CY07 benchmark: updated compliance plan required</p>	<p>Compliance plan approved</p> <p>Notes:</p> <ul style="list-style-type: none"> Panel expects that CA will resume providing monthly snapshot data in September 2009 (for the month of August 2009), and every month thereafter. Panel expects that CA will provide administrative data that meets the specifications for the outcome (including visits each and every month a child is in placement) for FY09 on the dates required under the Revised Implementation Plan [draft report- November 15, 2009; final performance report January 1, 2010] Panel's approval of the monthly visit QA supervision policy is contingent on the language being revised to more clearly explain that supervisors are to review every case for each caseworker on a monthly basis. Panel suggests the following language: (1) Under <i>Policy</i>, it would be clearer to state: "Social work supervisors must conduct monthly reviews with each social worker of all cases assigned to each worker. Social work supervisors will document each case reviewed in the client electronic case file." (2) Under <i>Procedure</i>, it would be clearer to state: "Social work supervisors will conduct monthly case reviews with staff of all assigned cases and during those reviews will..." CA should revise and re-submit this policy for the Panel's review.

Outcome	Panel Findings in Monitoring Report #6 (March 16, 2009)	Panel Decision on May 2009 Compliance Plan
<p><u>Goal 2, Outcome 2</u> 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> FY08= 100%</p> <p><u>Performance:</u> FY08= 90.9% Regional performance ranged from 77.8-97% FY07= 87%</p> <p><u>Monitoring Report #6 Status:</u> Failed to reach FY08 benchmark: updated compliance plan required</p>	<p>Compliance plan approved</p>

SIBLING SEPARATION- DECISIONS ON OUTCOME COMPLIANCE PLANS

Outcome	Panel Findings in Monitoring Report #6 (March 16, 2009)	Panel Decision on May 2009 Compliance Plan
<p><u>Goal 1, Outcome 1</u> 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> FY08=65% 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> FY08= 56.7% Regional performance ranged from 42.2-65.6% FY07=58.3%</p> <p><u>Monitoring Report #5 Status:</u> Failed to reach FY08 benchmark: updated compliance plan required</p>	<p>Compliance plan not approved.</p> <p>Panel is concerned by declining performance in these areas. Revised compliance plans should:</p> <ul style="list-style-type: none"> • Detail concrete strategies (including specific timelines) to understand why siblings are not being placed together. For example, additional data analysis could be conducted, cases could be reviewed, social workers could be queried, etc. The addition of a foster parent survey question is a good first step, but will not provide a complete understanding of this issue. • Detail concrete strategies to develop additional capacity to serve sibling groups (through foster home recruitment, etc). Proposed strategy #7 does not provide a <i>specific plan</i> for expanding capacity to place sibling groups in the same home.
<p><u>Goal 1, Outcome 2:</u> 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> FY08=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> FY08= 79.0% Regional performance ranged from 67.5-89.9% FY07=79.3%</p> <p><u>Monitoring Report #6 Status:</u> Failed to reach FY08 benchmark: updated compliance plan required</p>	<p>Panel is concerned by declining performance in these areas. Revised compliance plans should:</p> <ul style="list-style-type: none"> • Detail concrete strategies to develop additional capacity to serve sibling groups (through foster home recruitment, etc). Proposed strategy #7 does not provide a <i>specific plan</i> for expanding capacity to place sibling groups in the same home.

SERVICES TO ADOLESCENTS- DECISIONS ON OUTCOME COMPLIANCE PLANS

Outcome	Panel Findings in Monitoring Report #6 (March 16, 2009)	Panel Decision on May 2009 Compliance Plan
<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> FY08= 3.0% 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> FY08=3.6%⁶ Regional performance ranged from 2.3-5.7% FY07=4.1%</p> <p><u>Monitoring Report #6 Status:</u> Failed to reach FY08 benchmark: updated compliance plan required</p>	<p>Compliance plans approved</p> <p>Panel notes that strategies related to FamLink and data analysis have been delayed or suspended due to problems with FamLink. Panel has approved these compliance plans due to improvement over the past few years on these outcomes; however, the Panel is concerned by the implications of the FamLink delays for managing issues related to children running away from placement. Panel expects that CA will continue to work to implement these strategies.</p>
<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> FY08= 35 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> FY08= 33 days Regional performance ranged from 18 to 47 days FY07= 39 days</p> <p><u>Monitoring Report #6 Status:</u> Failed to reach FY08 benchmark: updated 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>	<p>Panel expects that CA will continue to work to implement these strategies.</p>

⁶ For this outcome, performance that is lower than the benchmark is in compliance.