

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

**NOVEMBER 1, 2007**

Compliance Plans related to  
Monitoring Report #3 (April 17, 2007)  
(revisions of compliance plans found to be unacceptable in Panel's  
August 23, 2007 decision on proposed compliance plans)





## ***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 the compliance plans submitted in response to the Panel's Monitoring Report #3 (April 2007), which covered the period ending December 31, 2006. The compliance plans addressed in this document represent revisions submitted pursuant to the settlement agreement after earlier versions proposed by the Department were found by the Panel to be unacceptable (see the Panel's document of August 23, 2007).

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# TABLE OF CONTENTS

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**Overview** .....5

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

**Part II: Decisions on Compliance Plans for Benchmarks**.....10

## Appendices (separate attachments)

### **Appendix I—Communications from Parties- Action Steps**

Children’s Administration Compliance Plans for Action Steps (submitted August 17, 2007)

- Proposed Revised Compliance Plans ..... Appendix I, p.2

Plaintiffs’ Response to Compliance Plans on Action Steps

- Comments on August 17<sup>th</sup> Compliance Plans (September 7, 2007)..... Appendix I, p.10

### **Appendix II—Communications from Parties- Benchmarks**

Children’s Administration Compliance Plans for Benchmarks (submitted October 2, 2007)

- Compliance Plans for Benchmarks with Available Data .....Appendix II, p.2
- Compliance Plans for Benchmarks without Available Data .....Appendix II, p.16
- Revised Compliance Plan for MH 3.1.2.....Appendix II, p. 47

Plaintiffs’ Comments on Proposed Compliance Plans for Benchmarks

- Comments on revised compliance plans (October 12, 2007) .....Appendix II, p.49
- Comments on revised compliance plan for MH 3.1.2 (October 22, 2007) ....Appendix II, p.54

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## OVERVIEW

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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.

On August 23, 2007, the Panel issued a decision document on these compliance plans. In this document, some compliance plans were approved, while others were found to be unacceptable by the Panel:

- *Action Steps*: The Panel's August 23, 2007 document approved two compliance plans, found one additional action step complete, and did not approve three compliance plans.
- *FY06 Benchmarks*: The Panel's August 23, 2007 document approved nine compliance plans and did not approve 16 compliance plans.

Pursuant to the settlement agreement, after the Panel's August 2007 decisions, the Department submitted revised versions of the proposed plans that had not been approved. The plaintiffs subsequently provided comments on these compliance plans. This document includes the Panel's decisions on 18 compliance plans related to the April 2007 Monitoring Report #3 that were revised pursuant to the settlement agreement after previous versions were found to be unacceptable by the Panel in the August 23, 2007 decision.

### **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 for the three action steps for which revised compliance plans were required pursuant to the Panel's August 2007 decision is provided beginning on page 7. Detailed decisions and comments are found in the matrix beginning on page 8.

- *FY06 Benchmarks*-- Summary information related to compliance plans for the 16 benchmarks for which revised compliance plans were required pursuant to the Panel's August 2007 decision is provided beginning on page 10. Detailed decisions and specific comments are provided beginning on page 12.

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

### **Next Steps**

As detailed in this document, the Panel is requesting that the Department submit additional materials related to the compliance plans that have not been approved.

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**

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Three revised compliance plans have been submitted by the Department in response to the Panel's August 2007 decision that previous versions of these plans were not acceptable. Of these plans:

- Compliance Plans for two 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 and/or revised activities or strategies. 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:
  - Mental Health Goal 3, Additional Action Step 4- Contracts for MH/ SA require documentation of failure to serve within timeframes; summary information regarding denials will be provided to the Panel
  - Mental Health Goal 3, Additional Action Step 5- Alternative plans for children ineligible for MH services
  
- Elements of the Compliance Plans for one Action Step remain unacceptable. The Panel has not approved the revised compliance plan for one action step. Comments detailing the Panel's concerns with this compliance plans can be found in the body of the document. The Panel is requesting a revised version of this compliance plan within 21 days.
  - Mental Health Goal 4, Outcome 1, Benchmark 1, Action Step 2- Strategies to increase likelihood child has same treatment provider throughout care

For each of these three action steps, the second column of the following matrix reviews the Panel's comments in its August 23, 2007 decision document, in which it found that the previous version of these compliance plans were not acceptable. The last column in the chart provides the Panel's decisions and comments on the revised compliance plans.

Note that this document does not address the numerous additional action steps that have been found complete by the Panel, are operating under compliance plans that have been previously approved by the Panel, or are operating without approved compliance plans. Further detail on the status of all other action steps can be found in the Panel's most recent Monitoring Report, issued in October 2007.<sup>1</sup>

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<sup>1</sup> The October 2007 Monitoring Report #4 can be found online at <http://www.wsipp.wa.gov/braampanel/MonRptOct07.pdf>.

| <b>Area/Action Step</b>  | <b>August 23, 2007 Decision on Previous Version of Compliance Plan</b>  | <b>Panel Decision on Revised Compliance Plan</b>   |
|--|---|--|
| <b>Mental Health</b>   |   |  |
| <p><b>Goal 3, Outcome 3, Benchmark 1, Additional Action Step 4</b></p> <p><b>Action Step found on p. 33 of Implementation Plan</b></p> <p><b>Contracts for MH/ SA require documentation of failure to serve within timeframes</b></p> <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>Compliance plan not approved</p> <p>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, 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.</p> <p>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.</p> <p>Compliance plan for this action step needs to address failure to provide services within required timeframes, in addition to denials of mental health services.</p> | <p><b>Compliance plan approved</b></p> <p>Panel has reviewed comments from Department and concurs that data related to failure to provide services within required timeframes should be assessed through related benchmarks, not through the reporting associated with this action step.</p> |
| <p><b>Goal 3, Outcome 3, Benchmark 1, Additional Action Step 5</b></p> <p><b>Action Step found on p. 33 of Implementation Plan</b></p> <p><b>Alternative plans for children ineligible for MH services</b></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>Compliance plan not approved</p> <p>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.</p> <p>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.</p>  | <p><b>Compliance plan approved</b></p>   |

| <b>Area/Action Step</b>   | <b>August 23, 2007 Decision on Previous Version of Compliance Plan</b>  | <b>Panel Decision on Revised Compliance Plan</b>  |
|---|---|---|
| <p><b>Goal 4, Outcome 1, Benchmark 1, Action Step 2</b><br/> <b>Action Step found on p. 34 of Implementation Plan</b></p> <p><b>Strategies to increase likelihood child has same treatment provider throughout care</b></p> <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"> <li>• Explore strategies used in WA and other states (09/06)</li> <li>• Discuss potential strategies with Panel (12/06)</li> <li>• Implement agreed upon strategies (3/07)</li> </ul> | <p>Compliance plan not approved<br/> Contract language alone is not sufficient; action step calls for <b>additional</b> strategies. Compliance plan indicates that MHD is exploring additional strategies; revised compliance plan should specify the strategies being 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.).</p> | <p><b>Compliance plan not approved</b></p> <p>Revised compliance plan does not include specific new strategies. Panel commends plan to work with RSNs and providers to develop strategies, but proposed compliance plan does not specify timeframes for these discussions or for implementation of strategies. Panel does not find any indication that the Department has explored strategies as required by the action step or looked at practices used in other states.</p> <p>Panel requests revised compliance plan within 21 days.</p> |

## PART II: DECISIONS ON COMPLIANCE PLANS FOR OUTCOMES & BENCHMARKS

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Sixteen revised compliance plans were required to be submitted the Department in response to the Panel's August 2007 decision that previous versions of these plans were not acceptable. The Panel's findings on these revised compliance plans can be summarized as follows:

**Benchmarks with data**- For the 3 revised compliance plans for benchmarks for which data were provided prior to the April 2007 Monitoring Report:

- Compliance Plans for 2 benchmarks have been approved

B 3.1.1 MH assessment within 45 days of placement

B 3.1.5 MH screening every 12 months- Annual EPSDT

- Compliance Plans for 1 benchmark is not approved

B 1.2.1 CHET Screen within 30 days of entry to care- Panel is awaiting additional information relating to the definition of complete CHET.

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 12 revised compliance plans for benchmarks for which data were not provided prior to the April 2007 Monitoring Report:

- Compliance Plan for 10 benchmarks have been 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 reports and recommendations from shared planning meetings

B 3.1.2- MH assessments within 30 days of placement

B 3.1.6- Sharing of MH screening and assessment results

D 1.1.1- Children placed in prohibited settings

D 1.2.1- Children with overnight stays in DSHS offices, apartments, hotels

F 2.1.1- School attendance within 3 days of placement

F 2.2.1- Attendance at same school while in placement

- Compliance Plans for 2 benchmarks are not approved

B 3.2.4- Staffings for children denied MH assessment or treatment services- The Panel is requesting a revised version of this compliance plan within 21 days.

D 1.5.1- Monthly visits- The Panel is requesting administrative data on monthly visits for all children in the class.

- Compliance Plan for 1 benchmark is being considered “pending”-  
B 1.2.7- Referral to Infant-Toddler Early Intervention Program

Detailed decisions and comments are found on the following pages. For each section, tables for revised compliance plans for benchmarks with data and those without data are provided. The third column of these tables reviews the Panel’s comments in its August 23, 2007 decision document, in which it found that the previous version of these compliance plans were not acceptable. The last column of these tables provides the Panel’s decision and comments on revised compliance plans.

The following section includes only the 16 benchmarks for which revised compliance plans were required as a result of the Panel’s August 2007 decision in which previous versions of these compliance plans were found to be unacceptable. Further detail on the status of all other benchmarks can be found in the Panel’s most recent Monitoring Report, issued in October 2007.<sup>2</sup>

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<sup>2</sup> The October 2007 Monitoring Report #4 can be found online at <http://www.wsipp.wa.gov/braampanel/MonRptOct07.pdf>.

## MENTAL HEALTH- DECISIONS ON BENCHMARK COMPLIANCE PLANS

### Benchmarks with data

| <b>Benchmark</b>  | <b>Performance</b>  | <b>August 23, 2007 Decision on Previous Version of Compliance Plan</b>  | <b>Panel Decision on Revised Compliance Plan</b>  |
|---|---|---|---|
| <b>B 1.2.1 CHET Screen within 30 days of entry to care</b>  | FY05 Baseline: 21.8%<br>FY06 Benchmark: 90%<br>FY06 Actual Performance: 29.5% | Compliance plan not approved<br><br>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.<br><br>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?) | <b>Compliance plan not approved-</b><br>Panel is awaiting additional information from the Department regarding change in the definition of a complete CHET  |
| <b>B 3.1.1 MH assessment within 45 days of placement</b><br>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%<br>FY06 Benchmark: 90%<br>FY06 Actual Performance: 25.0% | Compliance plan not approved<br><br>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.  | <b>Compliance plan approved</b>   |
| <b>B 3.1.5 Screened every 12 months- Annual EPSDT</b><br>Percentage of children in out-of-home care who are screened for mental health needs every 12 months  | FY05 Baseline: 2.4%<br>FY06 Benchmark: 90%<br>FY06 Actual Performance: 2.0%   | Compliance plan not approved<br><br>Strategies included in plan are not sufficient to address gap between current performance (2%) and benchmark requirement (90% in FY06, 95% in FY07).<br><br>Panel would also like to discuss approach to measurement of this benchmark at September 2007 meetings.  | <b>Compliance plan approved</b><br><br>Panel shares concerns raised by plaintiffs regarding whether strategies outlined in compliance plan will be sufficient in closing the large gap between actual performance and the benchmark. Panel is also concerned about the accuracy of the data and whether an undercount of EPSDTs may be occurring. |

Benchmarks without data

| Benchmark | Benchmark description  | August 23, 2007 Decision on Previous Version of Compliance Plan  | Panel Decision on Revised Compliance Plan   |
|-----------|--|--|---|
| B.1.2.3   | <p>Within 60 days of entering care, CA will conduct a Shared Planning Meeting that focuses on the CHET screening results.</p> <p><i>Implementation Plan expectation: Baseline FY05; 90% achieved in FY06</i></p> | <p>Compliance plan not approved</p> <p>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 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.</p> | <p><b>Compliance plan approved</b> with respect to use of shared planning meeting (SPM) database as a temporary data source until FAMLINK is operational, and provision of 6 months worth of data in January 2008.</p> <p>With respect to preliminary benchmark data submitted to the Panel in September 2007, the Panel notes that benchmark data should be submitted in a report format that allows the Panel to assess compliance with the benchmark. For this benchmark, the report should provide data showing, for <u>all</u> children who entered placement and remained for at least 60 days, the proportion for whom a SPM focusing on the CHET screening results was held. Note that this is different from a report showing the percentage of all SPMs that occurred within 60 days, which was implied in the September 2007 submission.</p> |

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| <p>B.1.2.4</p> | <p>Children age 12 and above will attend the Shared Planning Meetings that focus on their CHET screening results.<br/><i>Implementation Plan expectation: Baseline FY05; 90% achieved in FY06</i></p>  | <p>Compliance plan not approved</p> <p>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 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.</p> | <p><b>Compliance plan approved</b> with respect to use of SPM database as a temporary data source until FAMLINK is operational, and provision of 6 months worth of data in January 2008.</p> <p>With respect to preliminary benchmark data submitted to the Panel in September 2007, the Panel notes that benchmark data should be submitted in a report format that allows the Panel to assess compliance with the benchmark. For this benchmark, the report should provide data showing, out of all SPMs focused on CHET screening reports that were held for children age 12 and over, the percentage that were attended by the child.</p>                  |
| <p>B.1.2.5</p> | <p>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.<br/><i>Implementation Plan expectation: Baseline FY05; 95% achieved in FY06</i></p> | <p>Compliance plan not approved</p> <p>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 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.</p> | <p><b>Compliance plan approved</b> with respect to use of SPM database as a temporary data source until FAMLINK is operational, and provision of 6 months worth of data in January 2008.</p> <p>With respect to preliminary benchmark data submitted to the Panel in September 2007, the Panel notes that benchmark data should be submitted in a report format that allows the Panel to assess compliance with the benchmark. For this benchmark, the report should provide data showing, out of all SPMs focused on CHET screening results that were held, the percentage that were attended by <b>any</b> of (i.e. at least one of) the parties listed.</p> |

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| B.1.2.6 | <p>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.</p> <p><i>Implementation Plan expectation: Baseline FY05; 90% achieved in FY06</i></p> | <p>Compliance plan not approved</p> <p>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 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.</p> | <p><b>Compliance plan approved</b> with respect to use of SPM database as a temporary data source until FAMLINK is operational, and provision of 6 months worth of data in January 2008.</p> <p>With respect to preliminary benchmark data submitted to the Panel in September 2007, the Panel notes that benchmark data should be submitted in a report format that allows the Panel to assess compliance with the benchmark. For this benchmark, the report should provide data showing, out of all SPMs focused on CHET screening results that were held, the percentage for which results and recommendations from the SPM were shared with <b>all</b> of the parties listed.</p> |
| B.1.2.7 | <p>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.</p> <p><i>Implementation Plan expectation: Baseline FY05; 90% achieved in FY06</i></p>   | <p>Compliance plan not approved</p> <p>Revised compliance plan should provide a specific plan and timeline for data collection.</p>  | <p><b>Pending</b></p> <p>The Panel approves of the plan to convene a workgroup including Department representatives, plaintiffs, and Panel staff. This workgroup should make a proposal regarding how and when data will be collected and provided. These recommendations should be provided to the Panel in advance of its December 2007 meetings.</p>   |
| B.3.1.2 | <p>Comprehensive mental health assessments for children already in placement will be provided within 30 days of a request for an assessment.</p> <p><i>Implementation Plan expectation: Baseline FY05; 90% achieved in FY06</i></p>   | <p>Compliance plan not approved</p> <p>Revised compliance plan should include plan to provide all available data to Panel in November 2007</p>   | <p><b>Compliance plan approved</b></p> <p>Panel will expect to receive data in November 2007.</p>   |
| B.3.1.6 | <p>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</p>   | <p>Compliance plan not approved</p> <p>Compliance plan does not address benchmark. Proposed case review</p>  | <p><b>Compliance plan approved</b></p> <p>Note that the Panel views the use of the SPM database as a temporary data source until FAMLINK is operational.</p>  |

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|                | <p>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.</p> <p><i>Implementation Plan expectation: Baseline FY05; 90% achieved in FY06</i></p>                                    | <p>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 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.</p> <p>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).</p> | <p>Panel will expect tracking to begin in April 2008.</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</i></p> | <p>Compliance plan not approved</p> <p>The September 2008 timeframe for delivery of data in the proposed compliance plan is not acceptable. Documentation of shared planning meetings</p>  | <p><b>Compliance plan not approved</b></p> <p>Compliance plan refers to shared planning meeting (SPM) materials submitted to the Panel in September 2007. However, the SPM materials do not mention or address</p> |

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|--|--|--|---|
|  | <p><i>expectation: Baseline FY05; 90% achieved in FY06</i></p> | <p>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.</p> <p>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.</p> <p>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 <i>invited</i> to these meetings. A separate report should be generated to show the proportion of meetings <i>attended</i> by RSNs.</p> | <p>data for this benchmark.</p> <p>Panel requests revised compliance plan within 21 days. Panel expects a clear plan indicating how CA intends to report on the percentage of children denied MH services for whom SPMs are held and RSNs are invited. It is not clear from materials presented that SPM database can provide reports on meetings held in response to MH service denials.</p> <p>Note that the Panel views the use of the SPM database as a temporary data source until FAMLINK is operational.</p> |
|--|--|--|---|

## UNSAFE/ INAPPROPRIATE PLACEMENTS- DECISIONS ON BENCHMARK COMPLIANCE PLANS

### Benchmarks without data

| <b>Benchmark</b> | <b>Benchmark description</b>  | <b>August 23, 2007 Decision on Previous Version of Compliance Plan</b>   | <b>Panel Decision on Revised Compliance Plan</b>  |
|------------------|---|--|---|
| D.1.1.1          | <p>Percentage (and absolute number) of children placed in prohibited settings, by region and for the state as a whole.</p> <p><i>Implementation Plan expectation: Baseline FY05; 90% decrease in FY06</i></p>   | <p>Compliance plan not approved</p> <p>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.</p> | <p><b>Compliance plan approved</b></p> <p>Panel expects data to be provided in January 2008, and will treat these data as benchmark data.</p> |
| D.1.2.1          | <p>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.</p> <p><i>Implementation Plan expectation: Baseline FY05; 50% decrease in FY06</i></p> | <p>Compliance plan not approved</p> <p>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.</p> | <p><b>Compliance plan approved</b></p> <p>Panel expects data to be provided in January 2008, and will treat these data as benchmark data.</p> |

|         |  |  |   |
|---------|--|--|---|
| 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> | <b>Compliance plan not approved</b><br><br>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. | <b>Compliance plan not approved</b><br><br>Revised compliance plan was not provided. Panel's use of foster parent survey data to assess 2006 compliance was temporary; Panel expects FY07 data to be provided using administrative data. Panel expects data for all children in the class, not only for populations required under the policy phase-in. |
|---------|--|--|---|

## SERVICES TO ADOLESCENTS- DECISIONS ON BENCHMARK COMPLIANCE PLANS

### Benchmarks without data

| Benchmark | Benchmark description   | August 23, 2007 Decision on Previous Version of Compliance Plan  | Panel Decision on Revised 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.<br><i>Implementation Plan expectation: Baseline FY05; 10% increase in FY06</i>                      | Compliance plan not approved<br><br>Revised compliance plan should provide a specific plan and timeline for data collection. | <b>Compliance plan approved</b><br><br>Panel requests data by February 1, 2008. |
| 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.<br><i>Implementation Plan expectation: Baseline FY05; 10% increase in FY06</i> | Compliance plan not approved<br><br>Revised compliance plan should provide a specific plan and timeline for data collection. | <b>Compliance plan approved</b><br><br>Panel requests data by February 1, 2008. |

## **APPENDICES- COMMUNICATIONS FROM THE PARTIES**

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Appendices are available as separate attachments.

### **Appendix I—Communications from Parties- Action Steps**

Children’s Administration Compliance Plans for Action Steps (submitted August 17, 2007)

- Proposed Revised Compliance Plans ..... Appendix I, p.2

Plaintiffs’ Response to Compliance Plans on Action Steps

- Comments on August 17<sup>th</sup> Compliance Plans (September 7, 2007)..... Appendix I, p.10

### **Appendix II—Communications from Parties- Benchmarks**

Children’s Administration Compliance Plans for Benchmarks (submitted October 2, 2007)

- Compliance Plans for Benchmarks with Available Data ..... Appendix II, p.2
- Compliance Plans for Benchmarks without Available Data ..... Appendix II, p.16
- Revised Compliance Plan for MH 3.1.2..... Appendix II, p. 47

Plaintiffs’ Comments on Proposed Compliance Plans for Benchmarks

- Comments on revised compliance plans (October 12, 2007) ..... Appendix II, p.49
- Comments on revised compliance plan for MH 3.1.2 (October 22, 2007) .... Appendix II, p.54