

MINUTES

Braam Oversight Panel
Cherberg Building, Hearing Room 3
Olympia, WA
June 15, 2009

Panel Members: John Landsverk (Chair), Jan McCarthy, Jeanine Long, Dorothy Roberts, Jess McDonald

Panel staff: Carrie Whitaker

Plaintiffs' Attorneys: Casey Trupin, Bryn Martyna, Tim Farris, Bill Grimm, Erin Shea McCann

Attorney General's Office: Steve Hassett, Carrie Hoon

DSHS Staff: Randy Hart, Deborah Purce, Chris Robinson, Debbie Willis, Robin McIlvaine, Lee Doran, Jessica Pierce, Brenda Villarreal, Barb Putnam.

Others: Senator Val Stevens, Beth Canfield, Jesse Forsythe, Jihye Kim, Patty Arrera, Deanne Arrera, Denise Cooper, Mark Supanish, Dave Wood, Melissa Palmer, Terry Price, Christy Curry, Ed Beaver, Cassandra Twilliger, Connie Stone, Cheri Covert, Paula Duranceau, Laurie Lippold, Chris Trujillo, Alia Griffing, Lea Stillwaugh, Warren Stillwaugh, Nathan Johnson.

Note: The minutes are a general summary of discussion and do not attempt to document every comment. The minutes are supplemented by the attached power point presentations made during the meeting.

Introduction

John Landsverk, Braam Panel chair, called the meeting to order at 1:05 p.m. He outlined the agenda for the afternoon, and noted that new DSHS Secretary Susan Dreyfus would be joining the meeting at about 1:30.

Children's Administration (CA) Update

Randy Hart, interim assistant secretary of Children's Administration, presented an update on the legislative session and the impact on Children's Administration of the 2009-2011 biennial budget. Randy noted that it had been an extremely difficult legislative session given the size of the budget deficit, but that CA's budget had not been cut as deeply as the budget of many other agencies. The cut to CA's budget was approximately 2%, which equates to about 5% if increased caseload forecasts are accounted for. Randy noted that 60 full-time positions had been eliminated from the budget, but that case-carrying staff had been protected from these cuts.

Randy presented slides detailing the "good news" and "bad news" in the CA budget-- *see details in accompanying CA power point presentation*. Some of the larger cuts include a \$12 million reduction in behavioral rehabilitation services (BRS) contracts, as well as a \$7.5 million cut based on an expectation that CA will significantly reduce children's length of stay in foster care.

Randy also summarized HB 2106, which requires CA to convert all contracts to performance-based contracts, and creates a transformation committee to guide the establishment of pilot sites for privatization. Randy noted that there will be an emphasis on standardizing contracts and developing a better division of responsibilities between private and public agency staff. He

noted that they will be looking to other states' experience with privatization and performance contracting throughout this process.

Jeanine Long asked for clarification about cuts to the attorney general's office (AGO) and whether this would affect background checks for foster parents. Randy Hart noted that CA is required by law to perform criminal background checks and would in no way be backing off of this obligation. Chris Robinson clarified that the cuts related to AG services are a result of fewer funds being allocated to CA for purchase of legal services from the AGO. This could affect CA's work in dependency courts.

Dorothy Roberts asked for clarification about the budget actions related to family preservation services. Randy Hart noted that the budget had cut general family preservation programs because there has not been demonstrated evidence of positive outcomes from these programs, but put more money into Intensive Family Preservation (specifically the Homebuilders model), which has a clear research base.

Jan asked about the cuts to intensive resource homes. Chris noted that these homes would have received more intensive training and support, but that they had never actually been established for a variety of reasons.

John Landsverk noted that he had been hoping that CA's presentation would go through each Braam outcome and examine possible impacts of the budget on CA's ability to meet the benchmarks. Randy noted that the final budget was signed less than a month ago, and that they are still working to analyze impacts. He noted that they would continue to drive toward improving performance on all Braam outcomes. Chris Robinson noted that it may be possible to have a general discussion of implications, but that some specific impacts were not yet known.

As an example, Chris noted that the implications of cuts to the mental health division budget were not yet clear because it is not yet known how the cuts will be implemented by the Regional Support Networks (RSN). Robin McIlvaine of the Mental Health Division noted that cuts could occur differently across RSNs but that they do not foresee an impact on services to children and youth. She noted that the legislature had retained the expanded benefit created a couple of years ago for Medicaid-eligible children who do not meet access to care standards to receive services on a fee-for-service basis. John Landsverk stated that the Panel would like to see a more detailed analysis of the projected impact of cuts to the mental health budget on Braam outcomes.

Discussion with DSHS Secretary Susan Dreyfus

John Landsverk welcomed Secretary Dreyfus to the meeting. He said that the Panel assumed she had been well-briefed on Braam issues, so that he would take this opportunity to give background on how the Panel conducts its work and to allow each Panel member to share his/her perspective on the process.

John noted that this is the fifth year of the Braam process. The Panel meets publicly four times per year and holds telephone conference calls several times a month. All of the Panel's proceedings are captured in meeting minutes. John noted that the Panel has always worked closely with both parties, and very much likes to see the Department and the plaintiffs work together directly to resolve issues.

John stated that the Panel always tries to stay focused on the settlement agreement itself, and not to micromanage the Department's work. He pointed out that although a large majority of the Panel's work is with Children's Administration, the Braam Settlement was an agreement with the entire Department. In addition to the requirements for which CA is directly responsible, mental health is another major area in the Braam agreement.

John noted that the Panel receives and listens to input from stakeholders, but does not become involved in individual cases. He also noted that the Panel doesn't get into funding or other legislative matters, and has consistently kept away from budget issues.

John Landsverk observed that Secretary Dreyfus is the 3rd DSHS secretary since the Panel was established, and that there have been several CA Assistant Secretaries and direct liaisons to the Panel during this time as well. He noted that the Panel had seen the previous secretary only once, and he expressed the Panel's hope that this would not be the last time the Panel sees Secretary Dreyfus.

John Landsverk asked the individual Panel members to introduce themselves and to comment on their experience on the Braam Panel.

Jeanine Long introduced herself as a former legislator in Washington state, having served a total of 14 years in the House and Senate. She recognized Senator Val Stevens, and noted that she had previously held Senator Stevens' title as chair or ranking member of the Human Services and Corrections Committee.

Jeanine pointed out pages 69-73 of the Braam Implementation Plan, which includes a list of legislation relevant to Braam since 1987. She expressed frustration, which she noted is shared by current legislators, that it seems as if many of these laws are simply not followed by the Department. She stated that if the Department is not able to implement a law, it has a duty to appear before the legislature to explain why. Jeanine noted that she accepted the position as a Braam Panel member because she was frustrated to have seen so many years go by with children still not receiving the services they need. She noted that she was very grateful to the plaintiffs' attorneys for having returned to Court in 2008 to seek enforcement on a number of Braam provisions, because the Panel has seen greater movement and attention by the Department since that action. Jeanine recognized the many hard-working, devoted people working on behalf of children in foster care at DSHS, and she said that the challenge for Secretary Dreyfus would be ensuring that the required improvements and policy changes are implemented by staff at the line level.

Dorothy Roberts noted that she is a professor at the Northwestern University School of Law and a fellow at the Institute for Policy Research. She has done significant research and writing in the area of child welfare, focusing particularly on eliminating racial disparity in child welfare and on transforming child welfare into a system of support for families, rather than one of punishment.

Dorothy stated that involvement with the Panel was an opportunity for her to see change on the ground, rather than from an academic perspective. She noted that one of her disappointments has been a lack of attention to keeping families together and preventing placement. She noted that she is pleased to see CA implementing strategies such as Family Team Decision Making, which will help address this concern. She noted that she appreciated hearing directly from people affected by the child welfare system through the foster parent

survey and the adolescent survey, and noted that she wished the Panel had heard more from birth parents as well. She said that receiving information from CA on racial disparity on the Braam outcomes has been helpful, and she looks forward to continued work on these issues. Dorothy also stated that she feels it is positive that the Braam process has advanced important issues such as stability, caseloads, sibling separation and monthly visits. She noted that removing children from their families is a major intervention by the state, and it is critical that this intervention actually makes children better off. Dorothy noted that this lawsuit helps the Department focus on this goal, and that she would be looking to the Secretary to ensure that CA transforms its plans (which are often somewhat vague) into action toward achieving the Braam goals.

Jess McDonald noted that he and the Secretary had worked together as leaders in neighboring states of Illinois and Wisconsin. Jess noted that he had been Director of the Illinois Department of Children and Family Services for 9 years, and director of mental health prior to that.

Jess stated that it is the staff on the front lines that actually gets this work done. He noted that in Illinois he had been on the opposite end of 11 court orders, but that the Braam process is unique in its requirement for public meetings and public discussion. Jess observed that as a Panel member he has seen 5 years of starts and stops, with both progress and disappointments along the way. He raised two specific issues that he sees as critically important: reducing caseload size to enable social workers to serve children and families well, and providing initial health screens (within 72 hours) for children entering foster care. Jess noted that the Department has been totally resistant to the latter requirement, despite the fact that data suggests that most children entering foster care do not receive a medical exam within 30 days. He said that the issue of communicable diseases is critically important, and that it is unacceptable to place children in other people's homes without a basic medical check.

Jan McCarthy noted that she had been involved in child welfare since finishing college, working for both private and public agencies as a line worker and a supervisor, as well as for a state mental health agency. She stated that she retired a year ago after 15 years at Georgetown University's National Technical Assistance Center for Children's Mental Health.

Jan stated that she has been impressed with Panel members' commitment to the Braam process, noting that they all remain actively involved 5 years into the process. She said that she's seen the plaintiffs work strategically to advance the Braam goals. She noted that she has observed a mellowing of the antagonism that characterized some of the early days of this process, and the development of a strong working relationship between plaintiffs and Children's Administration. Jan also commented that she appreciates hearing from stakeholders through public meetings and written input, and would like to hear more from parents.

Jan echoed Jess McDonald's statement about "stops and starts" and said that the Department has been well-intentioned, but has focused on compliance with Braam rather than using Braam as an opportunity for deeper systemic reform. She suggested to the Secretary that as she searches for an Assistant Secretary for CA, it is important to select a strong leader who understands the value of using this process as an opportunity for system improvement. She noted that sustaining the progress made via the Braam settlement agreement would require connecting it more broadly to CA's ongoing work.

John Landsverk noted that he is a child welfare researcher, and has worked extensively with CA on development of data sources and definitions to measure progress toward the Braam goals. He noted that the Panel had recently revised the Implementation Plan, and that it is now more realistic and clear. He noted that settlement agreements in many other jurisdictions end with a process of mediation to develop an exit strategy, which is a sign of failure. He stated that he hopes to see the pace of change quicken so that CA is able to exit the Braam process successfully.

John Landsverk asked plaintiffs' counsel to introduce themselves.

Casey Trupin, attorney for Columbia Legal Services (CLS), introduced himself and the members of his team: Erin Shea McCann, also of CLS, Tim Farris, a Bellingham lawyer who initiated the Braam case, and Bill Grimm and Bryn Martyna from the National Center for Youth Law.

Casey agreed with Jan McCarthy's statement that plaintiffs would like the Department to see and use Braam as a vehicle for reform, not just an agreement with which they must comply. He noted that earlier in the process it seemed that the Department viewed Braam as an annoyance, but that has improved.

Casey noted that Braam is distinct from settlement agreements in other jurisdictions in that it is based on negotiated goals agreed to by both parties, it assesses progress using measurable outcomes, and it is Court enforceable as necessary. He noted that plaintiffs do not relish the idea of returning to Court for enforcement, but that they have done so in the past and would do so again if necessary. He noted that plaintiffs had returned to court a year ago in 4 specific areas: caseloads, monthly visits, sibling visits and CHET screens, and that the court had imposed tight timelines for improvement in these areas.

Casey noted that it is critical that plaintiffs and the Department have a strong working relationship and that they have seen improvements over the past year. He noted three things that the Department can continue to do to help with this: be transparent and share information (he commended Randy Hart on this); demonstrate a commitment to investing in Braam; and limit the political spin on data related to this process.

Casey noted that his team takes its responsibility of representing children in foster care very seriously, and lobbies and advocates in Olympia on behalf of kids in care.

Casey noted that they have seen improvements in some areas, such as placement stability, but that there are areas of concern, including the 4 areas that were part of the return to court, as well as the issue of sibling separation. Casey noted that the Braam process does not expire until the Court or the Panel has found the Department to be in full compliance, and he stated that sustained improvement is critical.

Secretary Susan Dreyfus thanked the Panel members and plaintiffs for their comments. She thanked everyone in attendance, noting that everyone in the room shares the same goal of doing what's best for kids.

Secretary Dreyfus noted that as child welfare director in Wisconsin, she had previous experience with class-action foster care litigation. She noted that she had welcomed that litigation, seeing it as a platform for resources and a road map for reform. She stated that when

she first read the Braam settlement agreement, she observed that there was nothing in it that she could disagree with—it all represents good practice and is good for children. She noted that to staff, outside pressures such as a settlement agreement or the federal Child and Family Services Review (CFSR) process are often seen as new, additional work, so the challenge for leaders is to integrate and align all these expectations.

Secretary Dreyfus noted that she hoped to continue going into the field as much as possible, as she had done in Milwaukee. She agreed with Dorothy Roberts's statements about keeping children home and supporting intact families whenever possible. She thanked Randy Hart for how far he has advanced CA's work over the past several months, and she noted that one of her and the Governor's top priorities is a national search for the Assistant Secretary position.

The Secretary said that the Panel could expect her to be accessible, and stated that this would not be the last time they would see her. She said she doesn't see safety, permanency and well-being as final outcomes, but rather as things that should characterize every day of a child's experience in foster care. She commented on the need for greater consistency across regions, so that all regions are meeting expectations of the Braam process, the CFSR, etc. Secretary Dreyfus agreed with Jess McDonald about initial health screens, noting that this is something the Department absolutely should be doing.

Secretary Dreyfus stated that she sees the child welfare system through a broader lens, noting that the state system is part of a much larger community and that it takes all of us to get this work done. She commented on the importance of partnerships, with community members, organizations such as Partners for Our Children, and others. She noted that she had met with staff and stakeholders in the Colville office the previous week, and that the challenges there are a clear example of the need to work as a community and to open the windows of child welfare wide. She agreed with the call for transparency and expressed openness to suggestions about gaining the confidence of the community, the legislature and others.

Secretary Dreyfus stated that she would be committed to implementing the settlement not just because it is a legal obligation, but because it is good for children. She said that one of her goals would be to ensure consistency of outcomes across outside monitors such as the Panel and the CFSR and others, because it is important to ensure that the agency is not serving multiple masters with conflicting expectations. She made a commitment to be honest about why they are not meeting marks, and to look at the litigation as a roadmap to reform.

John Landsverk thanked the Secretary for her comments. He also introduced Carrie Whitaker, the Panel's executive coordinator.

Jeanine Long said that she was very impressed by the Secretary's comments, and said she very much hoped she'd be able to do everything she said she would. Jeanine said she has always seen the question of how to drive reform at the direct staff level as a key challenge for leaders, but she expressed confidence that the Secretary would be able to motivate and inspire staff. Secretary Dreyfus responded that it is not just about motivating people, it is also about managing for performance. She commented on inconsistent policy and practice across regions, and said she intends to manage this and to measure performance by personally examining metrics at the state, regional and office level on a regular basis. She said she hoped to implement a system she observed in Kansas-- every day, workers log in to their computers and see how they personally have performed on several key metrics.

Jess McDonald said that he hoped her excitement spreads throughout the agency. He responded to her comments on public-private partnerships, and said he thought there were great opportunities here. He also pointed out that the settlement agreement allows for the Panel to serve in a technical assistance role, and he encouraged her to use the Panel in that role where appropriate. He also encouraged her to recognize the agency's staff for the work they do.

Secretary Dreyfus noted that a new revenue forecast would be released on Thursday, and is expected to show a worsened economic situation. She said that despite the challenges, the critical functions performed by DSHS and their ability to affect people's lives is what keeps staff coming to work. She said that it is through strong partnerships that the agency can continue to have positive impacts on children and families, even with less money. She noted that she doesn't like the word "privatization" used to describe HB 2106, but that it will be an opportunity to consider critical questions such as how to measure and manage performance, and what the appropriate balance of work between the public and private sectors should be. She said the Panel is a resource that she would like to use for technical assistance.

John Lansverk thanked the Secretary for her comments. She stated that she appreciated the Panel's role in holding the Department accountable, and the healthy tension created through this type of process.

Continuation of Discussion of CA Budget

The group resumed its discussion of the CA budget.

Jess McDonald asked about the budget cut that assumes that CA will decrease foster care length of stay, and asked whether this is feasible. Randy Hart replied that through solution-based casework, intensive family preservation services, and Family Team Decision Making, he believes that they will see fewer entries to care and shorter stays. He also noted that the agency has been prioritizing permanency, which should also reduce length of stay. Randy stated that while they will work as hard as possible to reduce length of stay and the number of children in care, foster care is an entitlement and the Department will seek additional funds through the supplemental budget if necessary.

John asked for clarification on the cuts to BRS, and the relationship between state dollars and federal funds from Title IVE and Medicaid. Chris clarified that the \$12million figure in the presentation included both state and federal funds. Randy Hart noted that the cuts to BRS will challenge CA to find alternatives for children. He noted that they will begin with children who are placed in expensive out-of-state placements, or those who have been in BRS for a very long period of time, and that significant savings could be realized by finding alternatives for these youth. John expressed concern about these cuts, because they affect the most difficult to serve population. Randy Hart noted that although the cut is a significant amount of money, it represents 2% of the BRS budget. He said the legislative requirements for performance-based contracting would begin with this area.

John Landsverk returned to his question about the specific impact of the budget cuts on the Department's ability to meet Braam outcomes. Chris Robinson replied that, with the possible exception of cuts to recruitment and retention programs for foster parents, it is not clear that any of the cuts have direct effects on Braam. She agreed that there would be some

ramifications of other budget decreases, but these impacts would be difficult to predict. There was additional discussion among Panel members of whether they should request from CA a report on how the budget would affect Braam performance, but it was agreed that this is not necessary. Chris reiterated that as the implementation of cuts related to recruitment and retention became clear, the Department will update the Panel, and may propose changes to compliance plans that include affected strategies.

Casey Trupin suggested that, in lieu of the budget analysis, the Panel should request an analysis of how HB 2106 would affect Braam. Jan McCarthy noted that the Secretary had stated that Braam outcomes should be included in the process and in performance-based contracts. Chris agreed that the Department would propose this to the transformation committee, but that the committee would ultimately make these types of decisions. Jeanine Long stated that this is not an issue for the Panel; regardless of what is included in contracts, the Panel will monitor the Department's performance against the Braam expectations. John Landsverk agreed, and Jess McDonald suggested that plaintiffs should recommend to the Secretary that the Braam outcomes be included in the contracting measures.

In response to earlier comments from Panel members expressing disappointment about the limited involvement of parents in the Braam process, Chris Robinson noted that the Department has been doing a lot of work in this area, and has been partnering with Casey Family Programs on parent advocacy initiatives.

FamLink

Dawn Tatman, CA's Director of Technology Services, noted that FamLink has now been live for 4 months. She noted that she has been involved in numerous SACWIS system conversions, and that this one has gone relatively well. For folks working in the field, of course, the transition has been significant and is a difficult adjustment.

She said that they continue to work on data conversion issues to determine how this will affect the Department's reporting for federal data submissions and other requirements. She noted that the development of the data warehouse is underway, which will enable the production of reports for Braam outcomes and others such as the Governor's Management and Accountability Project (GMAP), as well a variety of management reports. She stated that some performance reports are already available to staff in the field, and others are in development.

John Landsverk noted that CA had mentioned problems with the placement database and asked whether these issues have stabilized. Dawn replied that there are still problems and some payments continue to be manual. Lee Doran estimated that the placement data is about 98% accurate for children in out-of-home care, but that specific descriptive information is not complete. Lee stated that at this point, many of the technical issues with the computer system itself have stabilized, and the remaining challenges relate to working with users to help them figure out exactly what information needs to be entered and where it is to be entered.

John Landsverk asked about monthly visit data, and when CA anticipates resuming the provision of monthly updates to the Panel. Chris Robinson replied that reports on this issue are currently in production and are being shared with the field, but that they represent an undercount because data are not always entered timely and using the correct codes. By sharing the reports with the field, CA is asking administrators and supervisors to examine where there are problems and to reinforce training about how these data should be entered.

John Landsverk asked about the data that is due in November 2009, covering fiscal year 2009 (July 2008- June 2009). Chris Robinson stated that the period beginning with February 2009 for about 5-6 months will be problematic because of the data conversion issues. Jan McCarthy stated that it would be preferable for data covering the entire period to be submitted, even if the Panel determines that the data are inaccurate and should not be used for monitoring. There was additional discussion of this issue, including a suggestion that the Department, plaintiffs, and Panel staff should get together to make recommendations about how to handle monitoring data for FY09 in the context of the FamLink conversion issues. John Landsverk stated that the Panel would discuss this idea and report back the next day.

Chris Robinson noted that the CHET database had been activated on May 19, and that staff will be entering data retroactive to February 1, 2009.

Lee Doran noted that reporting on caseload size will be particularly complicated, because of the many differences in how caseloads are assigned in FamLink compared to CAMIS. He confirmed that the FamLink data conversion does not affect CA's ability to match data with the Mental Health Division or the Office of the Superintendent of Public Instruction (OSPI).

Jess McDonald stated that the Panel is frustrated. For the past few years, FamLink was touted as the solution to all problems, and now it is an excuse for why data cannot be submitted. He said that the Department has a responsibility to resolve the data conversion issues and submit complete data. Dawn Tatman replied that there is a period of transition, but that the Department still intends to submit data from FamLink in August 2009.

Plaintiffs' comments

Bill Grimm said that he was very encouraged by the comments from Secretary Dreyfus and her clear commitment and dedication to child welfare issues.

Bill stated that he was concerned by the Department's comments related to the budget, which suggested that the budget cuts would not impact safety, permanency and well-being. He stated that this was unbelievable—if this is the case, it implies that past investment in child welfare programs have been inefficient or unnecessary. He said that he hopes that in this period of budget tightening, CA will be guided by its legal responsibility to keep children safe. He said he hopes that budgetary issues will not lead to situations in which children are returned home prematurely to unsafe situations. Bill said he was encouraged by the fact that Randy's language when discussing the budgetary requirement to reduce length of stay, and his reference to "to the extent we can make it happen in a safe way..."

Public Comment

Laurie Lippold, Children's Home Society of Washington, noted that in addition to the legislative budget cuts, there is significantly less private funding coming into the system. Private agencies, having always relied on private fundraising in addition to contracts with the state, are now seeing those donations fall off dramatically, and are being forced to close programs as a result. Laurie also encouraged the Panel to learn more about the Parent Advocacy Program that Chris had mentioned earlier in the meeting.

Malcom Shane, a grandparent, provided the Panel with a copy of a letter he had recently sent to the ombudsman's office. He stated that his three grandchildren were removed from his

daughter with no investigation and no evidence of maltreatment. He stated that family members had been willing to serve as placements for these children, but were deemed unfit with no explanation. He reported that the siblings were placed separately. He noted that the original allegation had come from an ex-boyfriend in prison, but that subsequent child interviews revealed that the allegations were not true. Mr. Shane stated that the case highlighted failures on many issues of interest to Braam: placement with family, placement of siblings together, and sibling visits. He also expressed concern about the CASA program and parents' representation.

John Landsverk thanked Mr. Shane for sharing his story, and stated that the Panel does not intervene in individual cases. He noted that the appropriate avenue to raise these concerns is the ombudsman's office, as Mr. Shane has already done.

Jeanine Long asked the Department about Mr. Shane's statement that the children had not been placed with relatives. Chris Robinson noted that she was not familiar with the case and requested a copy of the letter so that she could follow up.

Cassandra Twilliger addressed the Panel. She noted that she had grown up in foster care, and had spent her entire childhood separated from her siblings. She stated that she was a victim of abuse while in foster care, and that this abuse went unpunished. She also said that children's testimony is taken less seriously than that of a social worker or foster parents. She said she is also concerned that children are pressured into raising false accusations about their parents. Finally, she stated that she is concerned by a trend in the budget that pushes children toward adoption rather than bringing families together.

Dave Wood, Washington Families United, stated that he was pleased that Chris and Laurie had mentioned parent advocacy programs. He noted that families feel victimized by CPS, and he reported on a rally at the state capitol in February at which 250 people had come to express this sentiment. He expressed skepticism about whether any systemic improvement has occurred over the past few years. He stated that the recent meeting attended by the Secretary in Colville had included no parents and only two grandparents who had been invited at the last minute.

Ed Beaver spoke, explaining that he had lived in foster care between the ages of 11 and 15. He said he was placed in homes and group settings in which the only way to get by was to fight with other boys. He said many of the youth he grew up with ultimately ended up on the streets, homeless, in jail, or involved in drugs as a result of their foster care experiences. He said that parents are treated worse than criminals, and that some of the homes children are placed in are unsafe. He said that too many people are being hurt by the system, and something needs to be done about it.

John Landsverk asked for clarification about legal representation. Steve Hassett noted that parents have a right to an attorney; if they do not have their own, they are assigned one by the office of public defense (OPD). He noted that the legislature has significantly increased OPD funding in recent years. Casey Trupin added that although parents have this right, Washington is one of only a handful of states in which youth do not have a right to counsel.

Christy Curry of Gray's Harbor County stated that her 3 children had been removed in October 2005. Since then, 2 children have been returned, but her oldest child remains in foster care. Her daughter wants to come home, and CPS will not listen to her. She said that OPD attorneys do

not do a good job of representing their clients, and that CPS has an attitude that it can do whatever it wants.

Pat Arrera introduced herself as a grandparent of children in the system. She noted that CPS had refused to approve her as a placement resource, and had instead placed a 4-year old child with an abusive, alcoholic father.

The mother of a foster mother who spoke at the previous Braam Panel meeting noted that a sibling group was removed from her daughter's care and placed in separate homes based on an unfounded allegation.

Jeanine Long returned to the issue of relatives who stated that they had not been approved as caregivers. She asked Chris and Randy how this determination is made and who supervises the decision. Chris stated that children are placed with relatives on an emergency basis after a criminal background check, a visit to the home, and an interview with the caregiver. By the 120th day, a home study and a complete fingerprint background check must be completed. In many offices, the home study is completed by a specialized worker, rather than the ongoing social worker. Chris noted that relatives who have concerns about these decisions can speak with the social worker's supervisor, the constituent relations office within CA, or the ombudsman's office. Jess McDonald asked whether there is policy in place that gives preference to relative placement. Chris Robinson stated that it is in law, and that open court hearings provide another avenue for recourse. Relatives may attend court hearings and can request to be heard. Chris pointed out that recent national data shows that Washington is the third highest of all states on the percentage of children in care who are placed with relatives. Jeanine thanked Chris for this explanation, and also asked her to look into the cases of the people who had come to the meeting today and indicated that willing relatives had not been approved for placement.

A parent of 3 sons reported that her children were taken with no warning. CPS does not involve parents and community. She said that the only function of the system is to destroy families. Instead, families should be helped to raise their children on their own.

Jeanine thanked Chris Robinson for her patience and professionalism during the meeting.

John Landsverk adjourned the meeting at 5:10pm. He noted that the Panel would reconvene at 9am the next day at the Red Lion SeaTac.

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Others: Beth Canfield, Jesse Forsythe, Jihye Kim, Sydney Forrester, Terry Price, Laurie Lippold, Jennifer Strus, Jim Theofelis, Richard Watkins, Dave Wood, Terry Morrison, Deborah Morrison, John Morse, Paula Duranceau, Cheri Covert, Paul Cavanaugh, Alia Griffin, Gilda Lyons

John Landsverk called the meeting to order at 9am.

Data

John Landversk reported that he had spoken with the Department and plaintiffs, and all had agreed that the parties and Panel staff should convene a group to discuss data issues and make recommendations to the Panel about how to handle each outcome that is based on administrative data for monitoring compliance for FY09. Panel members agreed with this proposal, and it was agreed that the discussions would begin before the next Panel meeting in September.

Comprehensive Caseload Plan

John Landsverk noted that Children's Administration had submitted a proposed comprehensive caseload reduction plan about a week earlier, and plaintiffs had submitted written comments on the plan.

John Landsverk noted that the data included in the plan showed improvement between July 2008 and January 2009, with the proportion of caseworkers with caseloads at or below COA standards increasing from 54% to 66% during this period. John asked about the statement in the plan that this approach to measuring caseloads, rather than the average caseload measure used by the Legislature, may have unintended negative consequences. Chris Robinson replied that, for example, an office or unit could achieve the benchmark by having 9 out of 10 workers with caseloads lower than 18, but with the remaining worker having a huge number of cases. Chris said that CA's monitoring of caseloads does examine caseloads with more than 18 cases to see whether there are caseworkers with very large numbers or cases. Jess McDonald said that he hoped that CA did not believe that their staff would actually load a single caseworker up with a large number of cases in order to achieve compliance; this would be mismanagement. He suggested that one way around this issue would be for the Panel to raise the benchmark so that 100% of caseworkers would be required to have caseloads at or below COA standards. Casey Trupin noted that another approach would be to create some sort of maximum allowed caseload size, so that the requirement would be that 90% of caseworkers' caseloads would be at or below COA standards and no caseload could be more than some to-be-determined

maximum. It was noted that up until data became unavailable with the launch of FamLink, CA has been submitting data showing not only the percentage of caseworkers with caseloads at or below standards, but additional information on the size of larger caseloads. John Landsverk stated that the Panel would continue to require and monitor this information. Lee Doran noted that to achieve the benchmark, CA's average caseloads will need to be well below 18 to 1. Chris gave the example of worker turnover as an illustration.

Jan McCarthy noted that the background to the caseload plan included a discussion of strategies to reduce workload, and she inquired about this connection. Chris Robinson indicated that this had been included as context, and to highlight that measurement of caseloads is less meaningful without an understanding of workload issues and the type of support available to social workers.

Jess McDonald noted that many of the caseload reduction strategies in the plan relate to case closure, and he asked whether CA is still focusing on these efforts. Randy Hart replied that supervisors are reviewing cases with social workers for possible closure. In addition, cases that were shown as active in the computer system but were in fact inactive were closed during the transition to FamLink. Steve Hassett noted that the Department does continue to work on accelerating third party custody, reunification, and termination of parental rights where appropriate. He noted that this does not always move as quickly as they would like, since it requires intensive efforts by social workers, courts and attorneys, but that there have been successes at increasing the rate at which children move to permanency.

Jeanine Long asked how the budget cuts to the attorney general's office would impact permanency and case closure strategies. Steve Hassett replied that the Department would need to look at this and figure out strategies to use its funding for legal representation as efficiently as possible. He noted that the last quarter of 2008 had the highest-ever number of referrals to the AGO for termination of parental rights proceedings.

Jess McDonald stated that he would like to see reporting from CA on its success with increasing case closures through achievement of permanent plans, and Dorothy Roberts agreed. John Landsverk disagreed, indicating that he was not clear on how the Panel would use this. Chris Robinson stated that she would double check to make sure that she had sent a report on this subject that had been compiled in January or February, when the special staff assigned to this project had completed their efforts.

There was some discussion of whether the plan submitted was a compliance plan or a plan required as part of an action step. In addition, the group debated what the next step should be. Jan McCarthy suggested that the Panel should provide more formal feedback to CA on this version of the plan. Jeanine Long disagreed, suggesting that CA should revise its proposal in response to the plaintiffs' comments and the Panel's discussion at the meeting. It was agreed that the Department would prepare a revised plan before June 30, and that the Panel *may* choose to provide additional feedback before that date.

Bill Grimm encouraged the Panel to review the plan in the context of the previous day's discussion about budgetary issues, and to make sure to discount all of the strategies that have been cut from the budget. Chris Robinson suggested that CA's revised plan would use a different format, rather than simply updating the previous document, so that strategies that are no longer feasible would not be included.

Discussion of Braam outcomes with Regional Administrators

John Landsverk noted that the Panel was pleased to have all 6 regional administrators in attendance for a discussion of Braam outcomes. The group introduced themselves: Ken Nichols (region 2), Yen Lawlor (region 3), Joel Odimba (region 4), Nancy Sutton (region 5) and Myra Casey (region 6). Marty Butkovitch (region 1) was introduced a bit later when he arrived after a flight delay.

John Landsverk noted that the Panel had identified several outcomes for discussion, and had asked regions performing well in each area to begin the discussion.

Child Health and Education Tracking (CHET) Completed within 30 days

Joel Odimba explained that between FY07 and FY08, region 4 saw improvement in timely completion of CHETs. During this time, they added 2 additional screeners, so that there is now a screener in each office. This allows the screeners to build relationships with social workers. They also stepped up efforts to ensure that children placed with relatives are screened, and they have been working on improving the timeliness of inputting data. Family Team Decision Meetings (FTDMs) were also implemented during this period and have been helpful. In addition, the region has made efforts to work toward timely well-child checks.

Yen Lawlor said that region 3 had used some of the same strategies to improve performance on CHET screens, including the addition of new screening staff. She said they focused on documentation and timeliness. In addition, the region created a system where the placement coordinator notifies the CHET screeners directly when children are placed, so that there is no delay in the screener being aware that a child needs a CHET screen. Jan McCarthy asked for clarification on who is responsible for ensuring that the well-child check is completed if it has not been done within the first 30 days; Yen replied that the social worker is responsible, but that CHET screeners do follow up on this.

In response to questions from Panel members, Chris Robinson clarified that 12 additional CHET screeners had been added in the 2008 budget, and that these positions had not been cut in 2009.

Myra Casey said that region 6 had used its new screeners as floaters, so they are able to assist in any office that is seeing an increase in placements. She said that her region has focused on the communication between placement coordinators and CHET screeners so that the CHET process can begin as quickly as possible. She noted that their most recent quarterly data shows that region 6 has conducted CHET screens within 30 days for 90% of children entering care, up from 59% in the previous report.

Ken Nichols said that in region 2, they have tried to communicate that this process should be done in 21 days, which allows an additional 9 days to complete tasks and process information if there are delays. In addition, he commented that just having a screen done is not enough; it is critical to ensure that there is a team meeting to act on what has been learned from the screening process about the child's needs. He said that region 2 has also improved to 90% performance in the last quarter on record.

In response to a stakeholder question, Brenda Villerreal of Children's Administration explained that a CHET screener obtains information on each child entering foster care in five domains:

health, education, emotional/ behavioral issues, development, and connections. This information is then reported to the social worker and caregiver.

Nancy Sutton noted that region 5 had split the Tacoma office, which had been the largest in the state, into two offices. She said that a previously high vacancy rate had declined significantly since that time, which she said helps with communication between social workers and CHET screeners.

Siblings placed together

Ken Nichols stated that although region 2 had shown strong performance in this area, he didn't have any magic solution to ensuring that siblings are placed together. He said that the region trains staff on the importance of this issue, and that even though it is sometimes more convenient to place children separately when placement options are limited, children need to be placed with their siblings whenever it is possible. He noted that this issue is reinforced in Family Team Decision Meetings (FTDMs), and that these meetings are very helpful. He said that placing sibling groups of 4 or more children together remains a challenge.

Marty Butkovitch said that the significant improvement in placing children with their siblings in region 1 could largely be attributed to FTDMs. He agreed with Ken Nichols that the importance of placing siblings together is a key social work value that the region works to reinforce with staff. In addition, he noted that the region is very happy with its foster parent recruitment contract with Families for Kids, and that they are always working to recruit homes with the capacity to serve sibling groups.

Jeanine Long noted that CA had indicated that it has the capacity to conduct FTDMs about 70% of the time they could be used, and asked whether this is adequate. Chris Robinson confirmed that there had been no cuts or additions to this in the recent budget, and that the Department prioritizes situations in which FTDMs would be most useful. She noted that there are other types of shared planning meetings not included in these figures. Randy Hart agreed that FTDMs are an important strategy in a number of areas, and that managers across the state had found these very useful and are always looking for ways to improve their capacity to hold FTDMs. Casey Trupin stated that it would be helpful to know what would be required for the Department to get to 100% capacity for FTDMs.

Nancy Sutton stated that placing siblings together remains a challenge for region 5. She said that the region had a relatively high ratio of licensed beds to children in need of foster care placements, so that this is not likely the explanation for the region not performing as well in placing siblings together. Similarly, she said the region has a higher than average proportion of children placed with relatives, which is usually connected to siblings being placed together. She noted that the region uses a large number of treatment foster care homes, in which children often cannot be placed together. Chris Robinson pointed out that region 5 is home to the state's only women's prison, which means they often take babies born to women incarcerated there into placement.

Joel Odimba said that region 4 has recently expanded FTDM staff into all offices, and he is hopeful that this will assist them in placing siblings together. He also noted a slight decrease recently in the rate of relative placement, and said the region will be examining this issue. Joel stated that another priority is to support foster parents when one child in a home presents challenging behaviors, so that they will not ask for that child to be removed.

Jess McDonald said that this discussion was very helpful. He noted that placement of siblings together is a challenging and critically important issue, and it's helpful to have additional background on the data.

Monthly visits

John Lansdsverk noted that overall monthly visit performance lagged well behind the benchmark, but that region 3 appeared to perform higher for all time periods for which the Panel has received data.

Yen Lawlor said that in region 3, administrators have been getting the word out to offices that monthly visits are a top priority and must be done. She said supervisors are expected to track and review this with workers, and managers receive frequent data on this.

Randy Hart noted that CA implemented the monthly visit policy in September 2008, and since then has been instilling in staff the importance of these visits. He pointed out that social workers can't do their job well without knowing these children and their families, and that this is accomplished through more frequent visits. He said that in addition to discussing with staff that monthly visits are essential to good practice, CA is also holding staff accountable. Yen Lawlor agreed, and said that staff appreciate that supervisors have approached this by trying to help workers prioritize tasks so that they can make their visits.

Ken Nichols reported that in region 2, the office performing highest on this measure each month receives recognition and an award.

Chris Robinson pointed out that with the transition to FamLink, there are challenges in documenting monthly visits. Myra Casey, region 6, agreed, and said that they have been working to ensure that staff understands how to enter monthly visits in the new system.

Joel Odimba, region 4, echoed this statement. He said that sometimes staff enters visits with the wrong codes, so training is important. He said that the region has been working on reducing the time social workers spend on tasks such as facilitating parent-child visitation (through creation of a visitation center), supervising children while waiting in the office for placement, and paperwork in order to free them up for monthly visits.

Tim Farris applauded the improvement in this area, and asked whether more frequent visits are helping with foster parent retention. Lee Doran stated that it is too early to tell.

Jess McDonald asked whether CA believes that implementation of the monthly visit policy is improving every month. Myra Casey said that it is, and that supervisors are constantly reinforcing the importance of these visits. Jess McDonald noted that the way in which monthly visits are measured does not allow the Panel to see the progress during the year.

Placement Stability

Marty Butkovitch stated that, similar to placing siblings together, the strategies that have been helpful with placement stability in region 1 are FTDMs and the work with Families for Kids on foster parent recruitment and retention.

Ken Nichols, region 2, highlighted several strategies that have contributed to improved placement stability. He stated that the region has a mediation process for foster parents who have disagreements with their social worker or supervisor. In addition, he said that an intern randomly calls about 5-10% of caregivers each month; these are called "touching base" calls, and concerns noted by caregivers are reported back to area administrators. Ken also noted that the region plans several celebrations each year for foster parents and youth in care, which help to build community. Finally, he noted that the region has developed "hubs." Although they have not yet implemented a hub with all the intensive supports of the Mockingbird model, the region has about 20 hubs; these are groups of foster homes that provide support to each other. Jim Theofelis of the Mockingbird society clarified that the major feature that distinguishes the Mockingbird model is that each hub has a home with at least two empty beds, which is available to provide respite for other caregivers in the hub. The hub model is also a way to promote sibling contact, by placing siblings in the same constellation, even when they are not in the same home.

Dorothy Roberts said that the discussion at today's meeting had led her to wonder whether anyone had done any analysis of the relationship between Braam outcomes—for example, the correlation between siblings being placed together and placement stability, or between caseload size and monthly visits. John Landsverk agreed that it could be useful to look at these relationships.

Joel Odimba reported that region 4 does make calls similar to the touching base calls in region 2. In addition, he cited Mockingbird hubs, FTDMs, and the availability of evidence-based programs as strategies that contribute to improved stability.

Jan McCarthy asked about the status of the implementation of solution-based casework (SBC), and whether the regions thought that this would be helpful with promoting compliance with Braam outcomes.

Myra Casey, region 6, said that solution-based casework would be helpful in placement stability because more information will be available to caregivers at the time a child is placed. She noted that the Tumwater office had been a pilot site for SBC, and also has a Mockingbird hub. In addition, she noted that region 6 may have been the last region to have FTDMs available in all offices, but that they are very pleased with the model and would love to expand capacity even further.

Chris Robinson reported that when SBC was implemented in Kentucky, foster parents who were working with social workers trained in SBC were more likely to feel supported by the agency and reported better visits than those served by workers not trained in the model. She reported that training for staff in SBC began the last week in April and will continue to October. The implementation model has been modified, to focus on group case consultation rather than individual coaching.

Runaways

Marty Butkovitch noted that region 1 covers 13 counties, but that the majority of behavioral rehabilitation services (BRS) placements and most runaways are in Spokane. He reported that the region's lower rate of runaways may be a result of strong relationships between DCFS and providers, and good communication with law enforcement. In addition, he said that the

placement coordinator in Spokane does an excellent job of matching youth to appropriate BRS placements.

Joel Odimba noted that region 4 has a much higher runaway rate than other regions. As a major urban center, Seattle may attract youth who have run away in other areas; although these events would appear in the data in the region from which the youth originated, if the child re-enters care in Seattle and then runs away again, this may affect rates in region 4. Joel said that the region is working on a number of strategies, including improving the match between youth and their placement, getting more feedback from youth on why they run away, and working with schools, the court, the mental health system and the juvenile justice system on stronger supports for shared clients.

Nancy Sutton noted that region 5's performance on the proportion of children running away was in line with other regions. She reiterated that region 5 uses a high proportion of treatment foster care rather than congregate care placements, which may reduce runaway behavior. In addition, she noted that the region has been emphasizing the importance of having older youth participate in their FTDMs so that their concerns are considered by the planning team.

John Landsverk noted that in the discussion of performance on the runaway outcome, all of the regional administrators had highlighted BRS placements, and he expressed concern about the impact of budget cuts in this area.

There was discussion of reasons for runaway behavior. Chris Robinson noted that the highest risk of runaway behavior is in the first week of placement. Joel Odimba reported that data reveals that girls run away at a higher rate than boys. Jeanine Long suggested that further information is needed on both what youth are running from, as well as what they are running to. Casey Trupin asked whether there had been any analysis of the correlation between the availability of respite and the run away rate.

Ken Nichols, region 2, said that he hasn't looked at that issue in particular, but that he does review reports on runaway youth every month. In looking at a variety of factors, he has found that there are three main factors associated with runaway behavior: a history of running away before entering care, involvement in the delinquency system (about 85% of runaways, usually involving drugs) and gang involvement (particularly in Yakima and the Tri-Cities).

Jim Theofelis of the Mockingbird Society said that with the hub model, the hub home can be a resource for youth to get away from their foster home without running away, and can serve as a safe point of reentry for youth who have run away.

Discussion

Panel members agreed that the discussion with the regional administrators had been extremely helpful, and had provided context to the data and helped to make the strategies included in the compliance plans real. Casey Trupin stated that the plaintiffs very much agreed.

John Landsverk asked that CA and its regional administrators discuss whether this had been a useful meeting and whether the Panel should invite regional administrators in the future. Randy Hart agreed that his team would discuss this. He noted that it had been a mistake for the Department to not involve regional leadership in the Braam process in the past, and at the very

least, CA would continue to have at least one regional administrator at every Braam meeting on a rotating basis.

Stakeholder comments

John Landsverk invited stakeholder comment. He noted that the individual stories brought by people affected by the child welfare system provide a different type of insight than the data and statistics that were discussed in the earlier part of the meeting, and he reinforced that the Panel does not investigate or in any way become involved in individual cases.

Jan Smith noted that she was alarmed by the discussion of termination of parental rights as a strategy to reduce caseloads. She said that too often parents have not received services, not received the right services, or not been recognized for their participation in services. She proposed a system of "deferred prosecution", where services would be offered right away, would last no more than 12 months and would be followed by 12 months of monthly monitoring.

Deborah Morrison, stepmother of a child in foster care, stated that the child welfare system does not support parents. She said the system does not care about families or about preventing placement in foster care; instead, the focus is on removing children and investing in foster homes. She reflected on the discussion of runaways, and said it is clear that children run away because they miss their families. She said that the Department needs to investigate before taking children away from their parents.

Beth Canfield, co-chair of the foster parent association of Washington state, expressed a few concerns. First, she noted that the secure crisis residential centers, which should be a resource for youth in crisis, are falling victim to budget cuts. She said that this leaves children with nowhere to go, and could lead to increased placements in out-of-home care. Second, Beth expressed concern about the budget cuts for foster parent child care, and she worried that this would mean that some working parents or full-time students will no longer be able to serve as foster parents. In addition, she noted that the curriculum that had been developed to train foster parents serving sexually aggressive and physically aggressive/ assaultive youth has been changed from a 12-hour training to a 1 hour and 10 minute online session. She expressed concern that this short online training would qualify someone to care for extremely challenging youth. Beyond SAY and PAAY, she stated that more foster parent training is being offered online, with fewer in-person training opportunities. This is a loss for foster parents who gain support from networking with one other in person.

John Landsverk thanked stakeholders for their comments and adjourned the meeting at 12:15pm.