

## MINUTES

Braam Oversight Panel  
Red Lion, Rainier Room  
SeaTac, WA  
March 9, 2010

**Panel Members:** John Landsverk (Chair), Jan McCarthy, Jeanine Long, Jess McDonald  
Dorothy Roberts (*by phone for selected portions of meeting*)

**Panel staff:** Carrie Whitaker

**Plaintiffs' Attorneys:** Casey Trupin, Bill Grimm

**Attorney General's Office:** Steve Hassett, Carrie Hoon

**DSHS Staff:** Denise Revels Robinson, Deborah Purce, Elizabeth Jones, Tammy Cordova, Robin McIlvaine, Nancy Sutton, Myra Casey, Nancy Anderson, Andrea Parrish, Christina Garcia, Becky Smith, David DeVillar Fox, Jeanne McShane, Rich Pannkuk and Kelci Karl-Robinson (*by phone for budget discussion*)

**Others:** Ron Murphy, Jim Theofelis, Janis Avery, Dave Wood, Teresa Montoya, Patrick Dowd

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 called the meeting to order at 12:40pm.

### Updates from Children's Administration, Denise Revels Robinson

Denise Revels Robinson noted that the legislative session is not yet over, and therefore updates on the budget and new legislation represent a work in process.

Rich Pannkuk, Children's Administration Budget Director, joined the meeting by phone to provide an update on the budget. He noted that because the final budget has not yet passed, it is difficult to provide specific details. He stated that the agency continues to work with legislative staff on budget questions.

Rich explained that the agency receives a maintenance level budget allocation, which provides funds to maintain current services, and a policy level budget, which reflects specific program and policy directives from the Legislature and the Governor. Rich noted that both the House and Senate budget proposals include an increase in CA's total budget as a result of increases in the maintenance level budget. However, both include reductions in the policy level budget. Overall, the House budget proposal would increase CA's budget allocation by \$4million, while the Senate proposal would increase the allocation by \$6million.

The House and Senate budget proposals differ with respect to what programs would be reduced through the policy level budget, and these differences will need to be resolved in the final budget. Both the House and Senate budgets include reductions in administrative staff by approximately 23-30 positions. In the House budget, the biggest

reduction is a \$6.5 million cut to behavioral rehabilitation services (BRS). In the Senate budget, significant areas of reduction include Family Preservation and Crisis Family Intervention.

Rich noted that both the House and Senate budget proposals would fully fund the education advocates program, despite earlier concerns that cuts may occur in this area. Janis Avery of Treehouse asked for clarification, noting that her understanding was that the House budget proviso requires DSHS to raise 1/3 of the funds from other sources, while the Senate proposal would fully fund the program. Rich confirmed that this is the case.

Casey Trupin commented that many of plaintiffs' concerns with the Governor's budget proposal, such as the elimination of educational advocates and cuts to HOPE beds, had been addressed in the House and Senate budgets. He noted that their largest remaining concern related to Braam issues affected by the budget is the proposed reduction of supervised visits, which includes sibling visits. He asked whether this would impact compliance with Braam sibling visit requirements. Rich confirmed that both the House and Senate budgets include reductions in this area, and would change the way in which transportation for visitation is reimbursed. Under the new proposal, the agency would pay an hourly transportation rate or a mileage rate, but not both. Casey asked whether that would affect the ability to ensure that visits occur. Steve Hassett predicted that this would have a larger impact on the contracted visitation programs that provide parent-child visits, and less of an impact on caregivers facilitating sibling visits.

Jeanine Long observed that the areas of disagreement in the House and Senate budget, such as cuts to Family Preservation and Behavioral Rehabilitation Services, could potentially impact the number of children entering foster care and increase costs in the long run. She asked whether there had been discussion of this possibility.

Kelci Karl-Robinson in the budget office replied that Children's Administration does have the opportunity to reevaluate caseloads every budget cycle. Therefore if a reduction in family preservation services were to result in an increase in foster care placements, the agency would request funding for the increased caseload during the next legislative session. Jess McDonald asked whether CA is predicting an increase in entries to foster care as a result of the changes, and Rich replied that they are not.

David DeVillar Fox presented an overview of legislative proposals that the Department has been monitoring. He noted that because the session is not over, it is not yet certain which bills will be passed and signed by the Governor. David provided updates on the following bills:

- SHB 2680- Guardianship program
- HB 2375- Dependency matters
- ESHB 2752- Safety of runaway youth
- SHB 3124- DUI with child in car/ report
- SSB 6416- Dependency proceedings
- SSB 6470- Indian children/ dependency
- ESSB 6476- Sex crimes involving minors
- SSB 6639- Confinement alternatives

- SSB 6730- Concerning child welfare
- SSB 6832- Child welfare services
- 2 SHB 1357- Definition of social worker
- ESHB 2777- Modifying domestic violence provisions

Denise Revels Robinson proceeded with general updates related to CA's current efforts. *See update memo, [www.braampanel.org/MinutesMar10\\_Caupdates.pdf](http://www.braampanel.org/MinutesMar10_Caupdates.pdf).*

She thanked the plaintiffs for their positive comments in response to the recently-submitted compliance plans, and noted that CA is open to additional feedback about format and structure of these plans.

Denise introduced staff who have been recently been appointed to fill key positions: Becky Smith, Acting Director of Field Operations; Elizabeth Jones, Statewide Quality Assurance Manager and new CA Liaison for Braam Oversight Panel; and Jeanne McShane, Acting Regional Administrator for the Division of Licensed Resources.

Denise noted that one of the agency's most critical priorities is a heightened focus on child safety. She indicated that she has asked regional administrators to lead this effort, and to be more directly involved in review and approval of safety plans. Denise highlighted other efforts related to the focus on child safety, including a request for technical assistance from the National Resource Center for Child Protection, training for supervisors and managers on safety assessments and safety plans, and revised critical incident protocols.

Denise provided an update on CA's enhanced quality assurance capacity to improve practice and increase compliance with Braam requirements. She discussed the ongoing effort to build FamLink's capacity to generate electronic monitoring reports, use of FamLink in monthly supervisor case reviews, and the formation of a statewide quality assurance team.

Denise noted that the onsite review for the Child and Family Service Review (CFSR) will take place during the week of September 13. She noted that planning efforts are already underway, and a diverse team will be involved in preparing for this. Consistent with federal guidelines, there will be closer collaboration with the judiciary in this round of the CFSR, and DSHS is working with judges to prepare for the review process.

Denise stated that an additional area of focus is to strengthen CA's relationship with foster care alumni and foster parents. She reviewed recent efforts to heighten collaboration with both youth and caregivers in a number of forums.

Denise indicated that she is working to strengthen CA's compliance with the Indian Child Welfare Act (ICWA). This effort includes new training for supervisors, to begin in April 2010, and read-only access to FamLink for the tribes. Denise also mentioned a recent joint case review of ICWA cases conducted by CA with the tribes.

Bill Grimm noted that recent national data suggest an increase in child fatalities in many states, and he asked about trends in Washington. Denise said that she would get back

to him about this to ensure that she reported accurate numbers. Bill asked whether critical incidents, for which protocols have recently been revised, include fatalities. Denise confirmed. Steve Hassett explained that state law requires DSHS to conduct a review of all unexpected deaths for children in care or receiving services within the last 12 months. Bill asked whether the Ombudsman's office is involved in this process. Patrick Dowd from the Ombudsman's office indicated that the office tracks fatalities and conducts reviews on select cases, depending on the nature of the case and history of DSHS involvement. Denise added that the Ombudsman's office had provided input on the revised critical incident protocols.

### **Comments from plaintiffs- Casey Trupin**

Casey Trupin spoke on behalf of plaintiffs, indicating that they are pleased with progress they've observed in a number of areas including CHET screenings, monthly visits, caseload size, and runaways. Still, he noted that much work remains to be done, and there are concerns in areas such as placement of siblings together and sibling visitation.

Casey also commented on the compliance plans recently submitted by the Department, and noted that plaintiffs felt that the plans were a huge improvement over previous submissions and were much more comprehensive and specific. He also commented that the attitude toward Braam from the Department appears to be more positive and action-oriented.

Casey reiterated concerns about possible cuts to supervised visits in the budget, and also expressed concern about the possible impact of reductions to BRS on placement stability.

Casey expressed support for the legislative proposal that would create guardianship as a permanency option for children exiting foster care. He noted that this bill is positive for children, and would also eliminate confusion about the status of children in dependency guardianships.

### **Monitoring Report #8- Panel presentation**

Carrie Whitaker delivered a presentation summarizing the Panel's Monitoring Report #8, which was posted to the Panel's website on March 4, 2010. She noted that this Monitoring Report addresses all Braam outcomes and provides new data for FY09.

The presentation provided a summary of the Panel's findings with respect to Braam action steps and outcomes, and categorized outcomes according to the magnitude of the difference between performance and the benchmark as well as whether or not progress is being made.

*See power point presentation, [www.braampanel.org/MinutesMar10\\_MonRept8.pdf](http://www.braampanel.org/MinutesMar10_MonRept8.pdf)*

Jim Theofelis asked about the status of the adolescent survey. Steve Hassett replied that the survey had not been required by the Braam Panel, but had been done voluntarily by CA in order to obtain data for one of the Braam outcomes and to gather information on Braam-related issues from the youth perspective. Although the survey had been useful, it was not required for Braam and had not been repeated due to resource limitations.

Jan McCarthy noted that the Department's recent compliance plans discuss heightened youth involvement in a number of areas. Jim Theofelis stated that this is positive, and that the Department's new leadership has been excellent on this issue. Still, he reiterated that the youth survey is invaluable. Denise replied that this is something the Department would be willing to discuss with Jim and other stakeholders.

### **Unsafe and Inappropriate Placements- Placement in Adult Psychiatric Facilities**

John Landsverk raised the issue of four youth in foster care who had spent time in adult mental health facilities during FY09. He noted that the Braam outcome prohibits this type of placement, but that the Panel does review information submitted by the Department on case details and grants exceptions based on specific circumstances. For the explanations submitted for the four children experiencing this type of placement during FY09, the Panel had approved two exceptions, but had lingering concerns about the remaining two children. As a result, the outcome had been declared out of compliance in Monitoring Report #8. However, John noted that the Panel would be interested in additional explanation of these cases and of the circumstances of their placement in the adult facilities. He noted that Steve Hassett's letter on this subject had explained that these placements were made under the Involuntary Treatment Act (ITA) and had argued that CA does not have the ability to control these placements.

Casey Trupin noted that the procedure for involuntary commitment of dependent child does not necessarily have to involve the ITA. The dependency statute does allow for an alternate process that puts that Department in place of the parent and therefore allows the child to be committed without going through the ITA. Casey stated that he does not know how often this process is used, but that using this mechanism instead of the ITA would give Children's Administration more control of the placement process.

Steve Hassett agreed with the Panel's observation that the 2 cases for which the Panel did not allow exceptions do raise some concerns as a result of the ages of the children and the long period of placement in the adult facility for one of the youth. He also noted that since his earlier letter, CA had received written confirmation that the adult facility in question does provide one-on-one supervision for youth placed in the facility. Steve indicated that the larger question is the ITA process and the Department's lack of control over that type of placement.

Jan McCarthy pointed out that Steve's letter did not specify for these two youth that the placements had been made in the adult facility because there had been no youth beds available. Robin McIlvaine, Division of Behavioral Health Resources, replied that both of these youth were admitted to the adult facility only because there were no acute beds available for youth in the entire state- there are only 91 acute beds statewide for children. She pointed out that admitting these youth to the adult facility was a better option than boarding them at an emergency room. She also noted that the child who had spent a longer period of time at the adult facility needed more support than what was available at the available Child Long-Term Inpatient Program (CLIP) placement, and was awaiting a bed at the Child Study and Treatment Center (CSTC).

Steve Hassett provided additional explanation of the ITA process. He explained that the County-Designated Mental Health Professional has the statutory authority under specific, narrowly defined circumstances in which the individual is a danger to self or others to have that person involuntarily committed to a mental health facility. Once admitted under the ITA, the individual has a right to judicial review. Steve noted that CA does not have control over that part of the process. Steve acknowledged that, once the youth is placed pursuant to the ITA, there is a legitimate question regarding CA's role and authority in terms of finding a more suitable placement for the child. In addition, Steve pointed out language from the Braam settlement agreement, which defines a placement as a home or facility in which a child is placed by DCFS. Since DCFS does not make these placements, they should not be considered placements for Braam purposes and therefore are not relevant to this outcome.

Jeanine Long noted that if placement of youth in adult facilities happens regularly, there may be an issue of whether statewide capacity (91 youth beds) is adequate. She indicated that even if the Department does not have control over the specific placement, it has a responsibility to look at capacity to serve youth.

Steve agreed, and noted that this is a concern. He agreed that it is problematic that one of these children stayed in the adult facility for almost a month. Still, he reiterated that this was not a DCFS placement and therefore not relevant to Braam according to the Settlement Agreement.

Jan McCarthy asked for clarification as to who is responsible to find a more suitable placement for the youth once the child has been placed under the ITA. Steve Hassett noted that ITA placements are subject to Court review. Christina Garcia noted that her experience in the field is that the County-Designated Mental Health Professional is responsible for finding the next placement.

Jan McCarthy reiterated the concern about capacity, noting that whether or not these placements are made by DCFS, the Department has a responsibility to ensure that the resources needed for youth to be served in appropriate facilities are available.

Steve Hassett stated that he understood, but reiterated that the Braam Agreement defines a placement as a setting in which a child is placed by DCFS. In addition, he said that more analysis would be necessary before concluding based on these exceptional cases that there is a shortage of beds for children needing mental health treatment.

Jess McDonald asked for clarification about the CA caseworker's role during this process, and whether the caseworker is managing the case while the child is in the adult facility. Steve Hassett agreed that more information is needed on this issue. Jess replied that a psychiatric facility is generally not a good place for these children, and that child welfare workers often have little control over treatment and discharge planning. Even though these placements are uncommon, they needed to be tightly managed because the consequences for youth can be very negative.

Jim Theofelis reminded the group of the proposed reductions to BRS, and expressed concern that the lack of availability of BRS placements could lead to an increase in this

type of situation. He noted that when youth are stepped down from BRS placements but then need additional support, there may be situations in which a psychiatric facility becomes the only option.

Casey Trupin suggested that these issues should be further discussed in a workgroup with the parties and a Panel representative. Such a workgroup, he suggested, would be able to outline what type of admissions are appropriate and which are inappropriate.

John Landsverk agreed that a small group discussion would be the appropriate next step.

### **Initial Health Screening**

Denise Revels Robinson provided an update on the progress to date on implementing initial health screening. She indicated that although she can not provide specific timelines for planned implementation, much progress has been made since the last meeting in December.

Denise indicated that, since December, the Department had adopted a set of principles to guide development and implementation strategies. These principles acknowledge that children entering foster care often have chronic/ unmet health care needs and that it is critically important to factor information about children's health status into the selection of who will care for child and to share that information with the caregiver as quickly as possible. In addition, the principles speak to the primary importance of child safety, the importance of continuity of care whenever possible, and the use of initial health screen to address emergent needs prior to the EPSDT.

Denise noted that initial health screenings are happening in a limited way in all regions, but that there is a need to build capacity. In addition, she noted that the Department needs to do further work to define the roles and responsibilities in this process for staff inside CA, external partners, and partners within HRSA.

Denise also pointed out that CA has identified four groups of children who would not require initial health screens—children requiring immediate medical care who are seen by health professionals at the time of placement, infants born in a hospital and released to CA, children placed from a hospital inpatient or emergency room, and children who receive medical evaluation through a Child Advocacy Center or sexual assault clinic.

Denise pointed to several challenges in implementing initial health screens across the state, including the fact that not all health care professionals agree that screening children with no symptoms will be useful or necessary; the difficulty of providing records to medical professionals immediately after placement in order to facilitate a more useful screening process; and the uneven capacity across the state to conduct health screens.

John Landsverk noted that some of the examples of current screening programs in the regions provide screens within 72 hours of placement, while in other places the timeframe is 5 days. Tammy Cordova noted that the Braam requirement is 72 hours, but many providers have indicated that 5 days is more realistic. CA wants to be transparent about capacity.

Dr. Nancy Anderson, the Fostering Well-Being Physician Liaison from HRSA, provided an update regarding the Fostering Well-Being initiative. *See power point, slides 3-11, [www.braampanel.org/MinutesMar10\\_CApresentation.pdf](http://www.braampanel.org/MinutesMar10_CApresentation.pdf)*

Nancy's presentation provided background on the Fostering Well-Being program and the components of the program—care coordination, regional medical consultants, clinical review, records and eligibility, and the Division of Behavioral Health and Recovery. Nancy provided an update on accomplishments to date and next steps in each of these areas.

Jess McDonald asked whether CA caseworkers can access Medicaid records at intake. Dr. Anderson replied that this is not easy to do. She said that for children remaining in care for more than 30 days, the records unit will obtain all records and upload them to FamLink. Dr. Anderson indicated that the records unit has opened cases for over 800 children since January, and has sent letters to caregivers including health information and uploaded records to FamLink.

Jan McCarthy asked how the records unit relates to the CA CHET screeners, who also gather medical records. Dr. Anderson indicated that by uploading the health information to FamLink, the records unit provides assistance to the CHET screeners.

Dr. Anderson provided an overview of the work of the care coordination unit. One key function is to make contact with caregivers to notify them that an EPSDT exam is due. In addition, this unit will be developing care coordination plans for CA's most medically complex children. In addition to following up on referrals from social workers, HRSA has been working on a predictive modeling system to identify children with complex medical needs. The modeling system is based on factors such as past utilization, point of utilization, diagnosis, absence of follow up for certain conditions, hospitalizations, and emergency department use.

Jess McDonald asked whether substance-affected infants are captured in the predictive modeling process. Dr. Anderson replied that they are. She noted that the care coordination team has received 38 new referrals and 40 carryover referrals since January, and is about to start identifying at-risk children through the modeling program.

Jess McDonald asked whether there is information on children who have no prior health records. He noted that in Illinois, there were high Medicaid enrollment rates among children in foster care, but low participation rates. Nancy replied that program managers are working with benefits staff to try to obtain as much information as possible. Tammy Cordova noted that 88% of children entering foster care are Medicaid eligible.

John Landsverk complimented the Department on its use of Medicaid data to create an electronic health record for these children, noting that this is a rich source of information.

John Landsverk asked how the CHET screening process relates to the new Fostering Well-Being efforts. Nancy said that there are similarities, in that both the Fostering Well-

Being Team and the CHET screeners seek to gather children's health information and share it with social workers, caregivers, and the child's medical home. Jeanine Long asked whether there is duplication of effort. Tammy Cordova clarified that the CHET screeners continue to be responsible for obtaining medical records within a child's first 30 days in placement in order to complete the CHET screen, and that HRSA is responsible for obtaining medical records and posting this information in FamLink for children in care longer than 30 days. Nancy added that the HRSA group has better access to this type of information and is highly successful at receiving medical records very quickly.

Jan McCarthy stated that in her experience in other jurisdictions, she has heard stories of families trying to convey information to social workers when their child is placed, but feeling as if nobody listened to their input. She asked whether this system gives families a vehicle to provide information about their children. Tammy replied that social workers are required to document this type of information in FamLink, and HRSA is able to access it.

John Landsverk noted that Nancy had indicated that the care coordination unit would develop coordination plans for 1,500 children, and he commented that this is a large number. Nancy replied that this is the total number of children throughout the year, not at a single time.

John Landsverk returned to the issue of the initial health screen, and asked Nancy's opinion as to why some pediatricians do not agree that there is a need for an initial health screen when children enter foster care. He noted that some pediatricians believe that it is not necessary unless the child presents with symptoms.

Dr. Anderson replied that she believes that all pediatricians working with foster children are united around the idea that it is important to know as much as possible about the health status of children entering care, but that they differ in what they think will make the difference. She commented on her own experience working in emergency departments, and stated that it can be frustrating from the perspective of a health care practitioner to try to care for a child about whom they have very little or no information.

Jan McCarthy followed up on the issue of initial health screens, and stated that she believes the Department is headed in a positive direction on that issue. She noted that despite the lack of timeframes and details, she believes that CA and HRSA have the commitment and talent to make the screens happen. She asked Denise to provide an update on this issue at each Panel meeting. Denise expressed appreciation for Jan's comments and the acknowledgement of the progress to date. She confirmed that the Department planned to provide these updates to the Panel at the quarterly public meetings.

Jeanine Long agreed that the presentation had been promising and encouraging. She asked whether the Department was looking at outcomes for children and whether this preventive approach results in fewer children needing more intensive services later on. Nancy indicated that HRSA is developing an evaluation of the initiative.

John Landsverk commented that it is remarkable that this unit could be built in such a challenging budget climate. Nancy agreed. She noted that the federal match for skilled medical professionals working in a clinical setting is quite high, which allows this to be done with relatively few state dollars.

### **Braam Data by Race/ Ethnicity**

Panel member Dorothy Roberts was unable to attend the meeting in person but joined by phone to provide an update on her discussions on behalf of the Panel with the Racial Disproportionality Advisory Committee (RDAC). She reiterated the Panel's position that it is critically important to work closely with the RDAC on issues of race and ethnicity.

Dorothy noted that the Panel had presented a power point presentation at the September 2009 Braam public meeting about the data it had received up to that point showing Braam outcomes by race/ ethnicity, and posed questions to the RDAC representatives at the meeting about what level of disproportionality should trigger Braam action, and what that action should be. She noted that in November, Carrie Whitaker had attended the RDAC meeting and delivered the same presentation. In February, Dorothy Roberts participated in a phone call with Dr. Marian Harris and Dr. Tom Crofoot to discuss how the Braam Panel and the RDAC might work together. In addition, Dorothy had participated in the February meeting of the full RDAC to discuss these issues. At that meeting, the RDAC had expressed support for working with the Braam Panel and had indicated that the committee would send a letter formally stating its support and interest in working with Braam.

Dorothy noted that the Panel intended to issue an informational report in April 2010 including all race/ ethnicity data received to date. Once the Panel has done that, there will be a more concrete basis to work with the RDAC on next steps.

Ron Murphy of Casey Family Programs, a member of the RDAC, indicated that Dorothy had accurately described the discussion at the last RDAC meeting. He stated that the RDAC feels it is very important to connect with other groups looking at data and practice related to disproportionality, and that they are glad to have this liaison from the Panel. He said that the next step will be to chart out direction about how the two entities can work together, and how the RDAC can use the Braam data in its remediation plan. He underscored that the RDAC is very appreciative of the emerging working relationship with the Panel, and he noted that the co-chairs intend to draft a letter to the Panel about this collaboration.

Deborah Purce noted that the RDAC has already received the Braam race/ ethnicity data for FY09 and will also look at these data at the regional level. The committee will then discuss these issues with regional administrators. She also noted that as part of the Department's CFSR preparation, the group has made clear that looking at issues of disproportionality is a key part of all system improvement activities.

Deborah noted that Dorothy has agreed to participate in future RDAC meetings by phone, and Dorothy agreed.

John Landsverk noted that the data received from CA for Braam outcomes include race categories of “unknown” and “other”. He stated that it is difficult to know how to interpret these categories, and as a result the Panel was inclined to exclude them from the graphs and analysis it is compiling. He asked the RDAC representatives for their reaction. Deborah Purce stated that the Department is working internally to reduce the number of children for whom race is not identified in administrative data. Ron Murphy suggested that the RDAC should discuss whether it is important to include these race categories in analyzing the data, and could get back to the Panel next week.

Deborah also noted that she has discussed the question of what level of disproportionality might trigger action with the co-chairs of the RDAC, and that they believe in zero tolerance for disproportionality. The co-chairs have said that they feel that setting a trigger would imply that some level of disproportionality is acceptable, which they do not believe. John noted that there are complexities to the data, such as when the data show different trends from one year to the next.

Dorothy noted that there are actions other than Panel benchmarks that could be used when disproportionality is observed—remediation plans, additional data analysis and reporting, etc. In addition, she noted that some outcomes will be more within the advisory committee’s area of focus than others.

Deborah agreed, and added that in addition to the work of the RDAC, CA on its own has a responsibility to address racial disproportionality. Therefore some outcomes that may not be part of the RDAC’s focus will be of concern to CA.

Dorothy Roberts stated that she looks forward to ongoing work with the RDAC.

**Public comment**

John Landsverk asked for public comment; no comments were offered.

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**Panel staff:** Carrie Whitaker

**Plaintiffs' Attorneys:** Erin Shea McCann, Casey Trupin, Bill Grimm

**Attorney General's Office:** Steve Hassett, Carrie Hoon

**DSHS Staff:** Denise Revels Robinson, Deborah Purce, Elizabeth Jones, Tammy Cordova, Christina Garcia, Becky Smith, Jeanne McShane, Nancy Sutton, Randy Hart, Joel Odimba, Myra Casey, Ken Nichols (by phone), Marty Butkovitch (by phone)

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 called the meeting to order at 9:05am. He recognized the CA Regional Administrators participating by phone (Marty Butkovitch, region 1; Ken Nichols, region 2) and in person (Randy Hart, region 3; Joel Odimba, region 4; Nancy Sutton, region 5; and Myra Casey, region 6). Jeanne McShane, the new DLR administrator, was also present.

### Foster youth experiencing stays in juvenile detention- Steve Hassett

Steve Hassett delivered a power point presentation on the issue of children in foster care who experience stays in juvenile detention. *See power point, slides 12-42- LINK*

In response to a Braam action step, the Department had conducted a data match between CA administrative records and data from the King County court system and the Administrative Office of the Courts (AOC). Steve's presentation focused on the analysis of that data match, and addressed a number of issues including foster youth involvement in juvenile detention by race, gender, age, length of the detention, and reason for the detention. In addition, background data on Washington state population trends and race breakdowns was provided.

Steve noted that JRA facilities had not been included in the data analysis. He explained that it would be very rare for a youth to be sent to a JRA facility without first being in county detention, so this examination of county detention data provides a more comprehensive view of the issue.

Steve noted that overall detention rates in Washington are lower than in other states. He cited two studies by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). A 1999 study found a detention rate of 371 youth per 100,000 nationally,

compared to 307 per 100,000 in Washington. In 2006, an OJJDP study found a national rate of 295 per 100,000 nationwide, compared to Washington's rate of 206.

Steve noted that the AOC and King County data cover almost all children in the state, with the exception of Mason County. Mason County had provided aggregate data that was not suitable for additional analysis, but it included only a very small number of youth. He also explained that the format of the data from AOC and King County were very different, making comparisons difficult.

Jan McCarthy asked for clarification on the data showing the average number of detentions per child (slide 27), observing that these youth experienced large numbers of detention episodes. Steve agreed, and noted that once youth are detained, they are very likely to be detained again. John Landsverk agreed that these data were of concern.

Jess McDonald asked whether there is information on where the youth were placed at the time of the detention. He noted that there had been problems in Illinois with congregate care providers who called the police whenever a youth got in a fight or was on runaway status even for a brief time. Steve noted that the data do not include information on the youth's placement type, but that this could be an additional area of analysis. Steve also noted that the AOC data includes stays in detention that last as little as 6 hours, and that it would be useful to look at detention episodes that last less than a day separately from those of longer duration.

Steve referred to a handout that showed the detention record for one youth, which illustrated the complexity of the data. This particular youth experienced 14 detention episodes in both eastern and western Washington between the ages of 13 and 17, with a long gap between age 14 and 17. In addition, the example demonstrated a confusing issue related to dates and length of stay in the King County data that warrants further follow up.

Jeanine Long suggested that it is important to look a youth's history of detention before they enter foster care. Steve agreed.

Steve pointed out that detention episodes in King County were on average about four times longer than in the rest of the state, and suggested that this issue should be examined more closely.

Steve noted that the categories of reasons for detention were very different in the King County and the AOC data.

Referring to slide 33 showing King County data, Steve pointed out that 25% of youth are detained for "other" and "non-offender" reasons, rather than for felonies or misdemeanors. He stated these categories include contempt findings and immigration holds, and he indicated that it would be important to examine more closely what these categories represent.

Jess suggested that it would be interesting to look at the reasons for detention by race. Jeanine Long added that she would be interested in analysis of length of stay by race. Steve stated that these analyses would be possible using the available data.

Jess raised the issue of youth in congregate care. He noted that in Illinois, when fights would break out in these facilities, programs would sometimes call law enforcement and press assault charges. He asked whether this might be occurring in Washington. Steve Hassett replied that he was unsure, and he pointed out that congregate care is not as widely used in Washington as in other states such as Illinois. Casey Trupin noted that there has long been discussion due to concerns about exactly the type of situation that Jess mentioned. He noted that some congregate care facilities have the reputation of being quick to call the police when incidents occur within their programs. This is a contrast to the Child Study and Treatment Center, which rarely involves law enforcement despite serving a very difficult population. Erin Shea McCann noted that she had worked in one of these facilities about 8 years earlier, and stated that at that time, it was general practice to call police when incidents occurred. Joel Odimba commented that one facility in King County had been using calls to law enforcement as a behavior management tool, and the region had intervened to end this practice.

Steve indicated that another question raised in the data is whether it includes youth subject to alternate forms of detention, such as electronic home monitoring, in addition to those in locked facilities.

On slide 35, Steve noted that the AOC data included over 30 reasons for detention. He noted that one of these reasons was "secure crisis residential center runaway" and he stated that this is another issue the Department would like to look at more closely.

Steve noted that an additional component of the analysis of the detention data had been to examine how accurate CA's CAMIS data were on this issue. He explained that this had been examined in several ways, and that the analysis suggested that short-term detentions (less than 7 days) were often not recorded in CAMIS.

Steve commented that the Department would like to form a workgroup involving plaintiffs' counsel, a Panel representative, CA staff, and members with expertise in juvenile detention issues and data in order to more thoroughly review the data and consider possible strategies or system improvements.

Jess McDonald encouraged the workgroup to look at these issues by race, the youth's placement setting, and the type of violation. He noted that in Illinois, different outcomes were observed for youth committing the same offense—some youth (particularly African American youth) were sent to corrections, while others were placed in residential treatment or mental health facilities. Steve Hassett agreed, but he noted that looking at the issue of placement setting may require pulling a sample of specific cases because of the nature of the data.

John Landsverk noted that there is no Braam outcome related to juvenile detention issues. The Braam action step requires DSHS to compile data and consider system improvements to address any issues it reveals. He asked the parties about their goals

with this action step. Carrie Whitaker pointed out that the action step had been created by the Panel, and had not been part of the original agreement.

Steve Hassett noted that one problem that has been identified from the data is that CA did not know who all of the youth with involvement in juvenile detention are because not all detentions were documented in CAMIS. He said that issue is being addressed with FamLink. Beyond that, he noted that it is not yet clear what can be learned from the data and what sort of improvements are within CA's power. He noted that the data raise a lot of interesting questions. However, he questioned whether it was reasonable to expect CA to make changes that address issues related to youth charged with felonies, for example.

John Landsverk noted that the data reveal a large number of youth with involvement in juvenile detention while they are in the care and custody of the state dependency system, and this is a problem. Jess McDonald noted that certain issues are within CA's control, such as addressing the issue of CA contracted providers using calls to law enforcement as a behavior management tool.

Steve noted that another issue to examine for youth with multiple detention episodes would be the age at which they entered the dependency system and their reasons for entry. He noted that older youth often enter foster care for behavioral reasons, not for abuse and neglect. John Landsverk expressed the opinion that this should not matter, stating that as long as the youth is in foster care, DSHS is the responsible party and it is the Department's job to address these issues.

Casey Trupin thanked the Department for the excellent data analysis. He commented that the data are a very powerful starting place for discussion. The data raise lots of questions, such as exactly who these youth are, why they are there, and whether this level of detention involvement is excessive. He said that his initial reaction is that the amount of crossover to the detention system is very high, but he agreed that the question of how much of this is within CA's power to impact is valid. He noted that he was hopeful that there would be actions that the Department could take to better address detentions as a result of contempt charges and status offenses.

Dorothy Roberts noted that when a youth is in trouble, it is not a given they will go to detention. Their outcome in court depends largely on the response of whoever is caring for them and whether there is someone to advocate for them. She noted that many studies show that Black children are far more likely to be detained for the same offense than White children. She stated that she was pleased that CA is looking into these questions because of the seriousness of the issue. When a child is detained, this episode triggers a whole new path that is not promising.

Jan McCarthy agreed. She returned to the issue of the workgroup being formed to examine these data, and suggested that CA involve a youth in that process. Steve Hassett agreed, and noted that CA could coordinate with Mockingbird Society and/or Passion to Action.

Steve also noted that the Department has a good opportunity to address some of these issues through the performance-based contracting process. For example, issues related to behavior management and alternatives to involving law enforcement could be incorporated in contract standards for congregate care.

Jeanine Long noted that the different lengths of stay in King County and the rest of the state may reflect differences in sentencing practices. Steve Hassett agreed, and noted that it difficult to tell from the available data.

### **Selected Outcomes for Discussion**

John Landsverk noted that set of compliance plans related to the October 2009 Monitoring Report had recently been revised by the Department and reviewed by the Panel and the plaintiffs.

Jeanine Long commented that the Panel had been very impressed with the format and substance of the new compliance plans. She had been delighted to see much more specific and comprehensive plans that include details and timelines. She said the Panel found the plans to be proactive and promising, and a big step in the right direction. She noted that the Panel was very pleased and looked forward to seeing real change after a long period of receiving vague plans that were “plans to plan.” She commended Denise and the rest of the CA team.

Denise thanked Jeanine for the feedback, and noted that the development of the plans had been a team effort. She said the group had taken a step back to look at what’s working well, where the Department could improve, where a different approach would be useful. She said that CA is making an effort to be more critical in their internal thinking.

The group discussed a number of specific Braam outcomes.

#### *Foster parent training, support, information*

John Landsverk noted that these outcomes are measured through the foster parent survey. Although performance has been relatively close to benchmarks, it has been sliding slowly over the past few years. He noted that the compliance plan that CA had submitted looked very good to the Panel.

Elizabeth Jones presented power point slides providing an overview of the compliance plans, and provided some additional information regarding participation in training and evaluation data. She indicated that the Department had emphasized working with the Foster Parent Association of Washington State (FPAWS) and foster parent hubs in the compliance plans. *See power point, slides 44-52-*  
[www.braampanel.org/MinutesMar10\\_CApresentation.pdf](http://www.braampanel.org/MinutesMar10_CApresentation.pdf)

Jeanine Long stated that the plan’s emphasis on partnership between social workers and foster parents was critically important, as she had heard for many years that foster parents feel they are not valued. Denise agreed and noted that this type of partnership is invaluable. She said that through heightened collaboration with FPAWS, the HB 1624

regional groups and other groups, the Department was seeking to build a partnership with caregivers based respect and transparency.

Marty Butkovitch, Regional Administrator in Region 1, reported on efforts in his region to more effectively support and collaborate with caregivers. He discussed monthly meetings with foster parents in Spokane, regular problem-solving meetings with a core group of foster parents, and the existence of 13 foster parent hubs in the region. He also reported that the retention support contracts in the region are excellent. In addition, he said that there is a regional foster parent website that has been a useful tool to communicate and share information with caregivers.

*Sexually Aggressive Youth/ Physically Aggressive or Assaultive Youth (SAY/ PAAY)*  
John Landsverk said that the Panel and plaintiffs had both had questions related to the compliance plans for these outcomes.

Jess McDonald noted that there were two concerns about the supervision plans mentioned in the compliance plans: (1) is there clear guidance in policy that the supervision plan is, first and foremost, a *safety* plan; and (2) is it the Department's expectation that the plan is developed in coordination with the caregiver, not developed by the social worker and then presented to the caregiver after the fact. In addition, Jess noted that the Panel had questions related to the 30-day period allowed to obtain SAY/ PAAY training for unlicensed caregivers caring for youth with SAY/ PAAY behaviors or for licensed caregivers caring for youth for whom SAY/ PAAY behaviors were manifested after the time of placement.

Elizabeth Jones indicated that the Department's expectation is that the supervision plan is to be developed *with* the caregiver. She acknowledged that there is work to be done to improve practice, but said that this is the expectation. She also noted that supervisors and a regional committee are also involved with the supervision plan, so there are a lot of eyes on the plan in order to ensure that it is a strong plan.

Jess asked for clarification on the issue of child safety. Elizabeth replied that the term "supervision plan" is used interchangeably with "supervision & safety plan." She agreed that the term "safety" should be used more consistently to underscore the importance of child safety.

Jan McCarthy noted that she has observed expert committees create a plan that they believe makes sense, but the plan may not end up being workable for the caregiver who needs to implement it. Jeanine Long referred to a CA document that stated that the plan should be reviewed, signed and discussed with the caregiver, but did not say "developed with" the caregiver. Denise agreed that this is a concern, and committed to revising these materials to reflect the intention that the plan be developed with the caregivers.

John Landsverk noted that both the Panel and the plaintiffs had expressed concern about the fact that untrained caregivers caring for youth with SAY/ PAAY behaviors were allowed 30 days to obtain the training. Casey Trupin noted that plaintiffs understand the logistical difficulties of getting training, but also pointed out that a lot of problems can

surface in 30 days. Not only could another child be victimized, but an incident could occur that results in the placement falling apart. He suggested that when the supervision plan is developed, perhaps there could be some one-on-one training with caregiver, or maybe online training could be provided.

Becky Smith noted that the safety plan is to be developed immediately when the child is placed or when the behavior is identified. It is the Department's hope that the full 30 days will not go by before training is obtained, but that the goal was to set a reasonable expectation allowing caregivers time to obtain the training so that a placement move does not have to be considered if the deadline comes and the training has not been obtained. She noted that SAY/ PAAY training is already available online, and that the social worker may also provide one-on-one training at the time the supervision plan is developed. Steve clarified that training is also available as a DVD through the resource family lending library.

Casey said that the mention of one-on-one training at the time the plan is developed is positive, but asked whether or not it was a requirement. Jess asked whether the safety plan addresses what needs to be done until the training is obtained, and Denise indicated that this is the foundation of the plan.

Denise indicated that the Department would reassess its requirements and respond in writing to the concerns about safety and supervision plans and training timelines. It was agreed that CA would revise the compliance plan and resubmit it for approval.

#### *Sibling visits & contacts*

John Landsverk noted that the issue of sibling visits and contacts had been identified for discussion at the public meeting because of the wide gap between performance (53.7% in FY09) and the benchmark (75% in FY09). See *power point presentation, slides 53-55*, [www.braampanel.org/MinutesMar10\\_CApresentation.pdf](http://www.braampanel.org/MinutesMar10_CApresentation.pdf)

Jan McCarthy stated that the Panel was inclined to approve the compliance plan, and felt that the plan included a comprehensive array of strategies to improve the rates at which siblings visit one another.

Jan noted that the plan included a statement about working with a national resource center on this issue. Denise stated that this would be the National Resource Center for Permanency and Family Connections at Hunter College.

Jan also pointed out that one of the strategies in the plan mentioned work with youth and the birth parent advisory board, but that these entities had not been mentioned in the strategy related to the creation of a workgroup to develop protocols regarding placement decisions. She suggested that youth and birth parents be involved in this workgroup. Denise agreed, and indicated that this is consistent with the Department's values.

Jan indicated that with this change the plan would be acceptable to the Panel.

### *Monthly social worker visits*

John Landsverk noted that a lot of progress had been shown on implementation of monthly social worker visits when looking at cross-sectional data for individual months—for example, 84% of children requiring a visit had received one in January 2010. However, the Braam outcome looks at each and every month a child is in care, and showed only 14% compliance for FY09. John noted that the Panel is not proposing that the outcome measure be changed, but does believe that the outcome data should be contextualized with the monthly cross sectional data as an informational report in future Monitoring Reports.

Elizabeth stated that monthly visits are a key priority for CA, and that substantial work has gone into ensuring that visits are occurring and are documented, including work with staff on FamLink and monthly supervisory case reviews. She noted that the Department also reports on this measure to the Governor. *See power point presentation, slides 56-58, [www.braampanel.org/MinutesMar10\\_CApresentation.pdf](http://www.braampanel.org/MinutesMar10_CApresentation.pdf)*

The group noted that Region 3 has shown the highest performance on this outcome. Randy Hart, Regional Administrator in Region 3, noted that the policy went into effect in September 2008, but that Region 3 had begun implementing monthly visits in January 2008. After that, improved performance was achieved through a basic quality assurance process- setting clear expectations, creating accountability measures, treating this as an office-wide expectation with an emphasis on teamwork, and providing problem-solving support at the regional level. Randy noted that monthly performance is now above 90%, and it becomes much more difficult to achieve improvements at this level. Now, the focus is on problem-solving with FamLink and with individual staff as needed.

Jess noted improvements in most regions on the monthly data. He stated that it is important to show publicly that through investments in the workforce over time, improved outcomes have resulted. He noted that the Braam outcome data does not show this improvement as well as the monthly data, and therefore it is necessary to share both sets of data publicly. Jess also asked whether the Department has any updates on the use of private agencies to provide monthly visits. Denise replied that this is under discussion, and the Department could respond in writing.

Casey Trupin indicated that plaintiffs are very supportive of including the month-to-month data as an informational report in public documents. He pointed out that there is a third source of data on this outcome, which is the foster parent survey. John Landsverk noted that this outcome had been added to the foster parent survey when there was not a source of administrative data. Now that administrative data on monthly visits is available, he suggested that this outcome could be dropped from the foster parent survey. He said that it is problematic to have two data sources for the same outcome. Carrie Whitaker clarified that all Panel reports have been clear that foster parent survey data for this outcome are for informational purposes, and that administrative data are used to assess compliance. Jan McCarthy disagreed with the suggestion that questions about monthly visits from the foster parent survey should be eliminated, indicating that this it is useful to obtain this information from the foster parent's perspective. Casey suggested that if it is retained in the foster parent survey, it would be helpful to change the wording so that foster parents report on whether a visit

occurred at least once a month, rather than “about” once a month. In addition, he thought it would be useful to add questions about the quality of the visit and what occurred during the visit.

Steve Hassett indicated that the Department appreciates the idea of including the monthly data as an informational report in future Panel monitoring reports, as it reflects the most current data. In addition, he noted that CA still has concerns about the outcome and the 95% benchmark. He noted that this is a higher standard than federal requirements, and is very difficult to attain given the way in which the outcome is measured. He indicated that CA would raise this with plaintiffs in party-to-party discussions. John replied that if the two parties were to come to the Panel and request an adjustment in the outcome measurement or the benchmark, the Panel would of course consider it.

John noted that there had not been consensus on whether the monthly visit questions should be eliminated from or modified in the foster parent survey. He suggested that the foster parent survey workgroup discuss this question.

#### *Placement stability*

Elizabeth Jones reported that after several years of steady improvement, data for the placement stability outcome showed a significant drop from FY08 to FY09. She noted that this marked decline coincided with the time at which FamLink was implemented. David Marshall and Lee Doran had studied this issue and they view this as a data conversion issue, not a change in actual practice or performance. For example, in FamLink, trial return home is shown as a placement, while in CAMIS it had not been. This makes it difficult to compare the CAMIS and FamLink data. She indicated that CA continues to study and analyze the data to better understand the issues. *See power point presentation, slides 59-60, [www.braampanel.org/MinutesMar10\\_CApresentation.pdf](http://www.braampanel.org/MinutesMar10_CApresentation.pdf)*

Casey Trupin said that these explanations had helped to assuage plaintiffs’ initial concerns about the significant drop. He asked whether there is any way to re-run the data in order to allow for an apples-to-apples comparison over time. Dawn Tatman replied that unfortunately there is not.

The group agreed that the data issue needs to be noted and is problematic, but there is no real alternative. Casey stated that it is unfortunate that there is now no real trend data for one of the most important Braam measures, especially considering that progress had been shown in the previous years. It is now necessary to start over to find out whether there are improvements.

#### *Exit staffings for youth aging out of care*

Elizabeth noted that the Department had not been providing data on this outcome, but had submitted data the previous week for the July 1- December 31, 2009 period. These data showed 25% compliance with the outcome, which requires an exit staffing 6 months before a youth leaves care in order to plan for the transition. *See power point presentation, slides 62-64, [www.braampanel.org/MinutesMar10\\_CApresentation.pdf](http://www.braampanel.org/MinutesMar10_CApresentation.pdf)*

Elizabeth reported that CA is conducting data cleanup on this issue, and has implemented strategies including automatic FamLink reminders when a youth is turning 17.5 and reissuance of expectations regarding transition planning.

Elizabeth indicated that CA would be working on this issue, and would issue a compliance plan addressing improvement on this outcome.

*CHET Shared Planning Meetings w/in 60 Days of Entry to Care*

Elizabeth Jones reported that CA still does not have data for this outcome, and that this is a priority for the FamLink team. She stated that CHET supervisors at the regional level are tracking this outcome, and that CA will look at this data while the FamLink report is still in development. With respect to performance, Elizabeth indicated that CA is conducting additional training and has re-published practice expectations with respect to this requirement. See *power point presentation, slide 65*, [www.braampanel.org/MinutesMar10\\_CApresentation.pdf](http://www.braampanel.org/MinutesMar10_CApresentation.pdf)

The group agreed that compliance plan would be submitted for this outcome along with other compliance plans related to Monitoring Report #8.

*Compliance plan reporting*

John Landsverk noted that plaintiffs' written comments on the most recent set of compliance plans asked for CA to share data, reports, and information with the plaintiffs and the Panel in a number of areas. John noted that in discussions within the Panel, the group had agreed that compliance plans for Braam outcomes differed from the original action steps in terms of whether it is necessary to monitor the details of whether each component was done by a certain time. The Panel has shifted its focus to monitoring the data. He noted that if the data don't show improvements, then the Panel will be interested in whether the compliance plan had not been fully implemented, or whether it had been implemented but the strategies had not been successful. He noted that plaintiffs' comments seemed to imply an interest in more detailed and active monitoring.

Steve Hassett noted that the Department had not yet had time to respond to plaintiffs' letter, but planned to do so. He said the Department would look closely at plaintiffs' requests and intended to share information and be transparent whenever possible. John Landsverk indicated that although the Panel wasn't requiring the Department to respond to each of plaintiffs' requests, the Panel would like to receive copies of whatever the Department decides to share. Steve agreed that this is standard practice.

Steve Hassett noted that, with the exception of comments about SAY/ PAAY training, there had not been substantive disagreements from plaintiffs about the compliance plans. Erin Shea McCann agreed. Jess McDonald noted that the SAY/ PAAY compliance plan discussed the issue of quarterly reviews of SAY/ PAAY cases, and he indicated that this is one item that the Panel would like to receive. Steve indicated that the Department would share either actual reports or summaries of these reports, depending on confidentiality issues with case-specific information.

### **Conclusion and Additional Comments**

Panel members noted that this had been a very positive meeting. John Landsverk expressed appreciation for the regional administrators' participation, and apologized for not having more time to hear from them. He noted that their leadership is crucial to progress in the Braam process.

Joel Obimba from Region 4 returned to the youth in detention discussion to mention efforts in King County across systems and involving the Courts to address issues related to disproportionate minority confinement.

Carrie Whitaker pointed out to the parties an issue related to compliance plans for outcomes that were addressed in both Monitoring Report #7 and #8. She noted that the Panel had reached a decision that, in areas in which the Panel had a pending compliance plan or a plan under active review, new compliance plans to address the new findings of non-compliance in Monitoring Report #8 would not be required. The specific outcomes to which this applies are detailed in Monitoring Report #8. Carrie noted that plaintiffs had not had an opportunity to comment on this decision. Casey Trupin indicated that plaintiffs supported this approach.

The meeting was adjourned at 11:55am.