



June 18, 2012

Via Electronic Mail

The Honorable Thomas F. Hogan
U.S. District Court for the District of Columbia
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, NW, Room 4012
Washington, DC 20001

Re: *LaShawn A. v. Gray*, Civil Action No. 89-1754 (TFH)

Dear Judge Hogan:

On May 21, 2012, we submitted the monitoring report for *LaShawn A. v. Gray* for the period ending December 31, 2011. As was mentioned during the March 30, 2012 status conference, the performance data in this most recent report covers the six-month period prior to the appointment of the new Child and Family Services Agency (CFSA) Director Brenda Donald. Thus, we had agreed to provide an update to the Court prior to the scheduled June 20, 2012 status hearing regarding CFSA's recent implementation of the 2012 Strategy Plan. The purpose of this letter is to provide a brief update on the implementation of the activities in the 2012 Strategy Plan that were to be completed in April and May 2012, with the understanding that a more comprehensive discussion of CFSA's implementation of the 2012 Strategy Plan will be provided in the next full monitoring report.

It has now been approximately six months since the appointment of Director Donald and it has been a busy and active time for CFSA. Director Donald almost immediately launched a series of activities with Agency leadership and staff as well as a broad range of external partners and stakeholders to assess the strengths and weaknesses of CFSA policy and practice and carry out an inclusive strategic planning process. Director Donald also engaged several national foundations and their technical assistance staff in a range of activities to deepen the assessment and strategic plan. Finally, Director Donald has used the last six months to recruit additional members to her leadership team and to begin an organizational restructuring in alignment with the goals of the developing strategic plan. The Monitor and staff have been involved in many parts of the assessment and strategic planning process and have been working closely and collaboratively with CFSA during this period.

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In general, it is the Monitor's assessment that CFSA is moving forward with a sense of urgency to identify underlying policy, practice and management barriers to improved outcomes and to frame and take deliberate steps to address and resolve some longstanding problems. CFSA's strategic agenda is organized around four goals: (1) *Narrowing the front door* which equates to providing supports to families to prevent removal except when needed to ensure child safety; (2) *Temporary safe haven* which encompasses strategies to make foster care a temporary experience with planning for permanence from the start; (3) *Well-being* which encompasses a more intentional focus on meeting healthy growth and development milestones for children and youth in CFSA's care; and (4) *Exit to permanence* which includes strategies to ensure that every child and youth, including older youth, exit to a family or with life-long connections.

As beginning steps to implement the strategic agenda, CFSA has reorganized to integrate some formerly disconnected activities and has created a new Kinship Support Division and Foster Care Resources Administration. In addition, CFSA has launched intensive, targeted work to more comprehensively support older youth who will exit the District's care in the next three to twelve months.

In the course of doing this work, Director Donald and CFSA staff have in several areas refined the strategies articulated in the 2012 Strategy Plan and have begun to identify and implement additional actions that are intended to lead to the improved outcomes required by the IEP. For a total of five strategies within the areas of Review of Repeat Reports (IEP citation I.A.1.c.), Quality Investigations (IEP citation I.A.2.) and Relative Resources (IEP citation I.B.7.), CFSA requested a modification to the 2012 Strategy Plan, either to better align the strategic actions and due dates with other ongoing activities and/or to modify the original strategy. The modifications are attached to this letter and were shared in advance with the Monitor for comment; the modifications were minor and the Monitor had no comments or concerns about them. Director Donald and the Monitor anticipate that additional modifications to the 2012 Strategy Plan will be proposed in the next few months to better align the 2012 Strategy Plan with the comprehensive Agency strategic plan. The Monitor will share any proposed changes with counsel for the Plaintiffs and provide CFSA and Plaintiffs' counsel with any comments or concerns on Strategy Plan changes.

The 2012 Strategy Plan includes activities directed toward several outcomes that were to be completed in the period between April and May 2012. Below is information for those activities where the Monitor has been able to gather sufficient information to verify beginning strategy implementation or completion. As previously stated, additional information will be provided in the next monitoring report.

Initiating Investigations

The 2012 Strategy Plan includes a number of steps to increase CFSA's ability to initiate investigations beginning with efforts to ensure that practice adheres to requirements to carry out all "good faith efforts" to see children within required timeframes to initiate child abuse or neglect investigations. CFSA has implemented the following strategies:

- Beginning June 17, 2012, adjustments to CPS investigator's tour of duty will take effect. Such adjustments provide for additional units during evening shifts and will make it possible to begin investigative work as soon as a call comes into the hotline.
- The Child Protective Services Administration (CPS) has trained and given access to an additional 16 staff in ACEDS (Automated Client Eligibility Determination System), for a total of 29 staff having access to ACEDS. CPS staff use the ACEDS database to assist in identifying and locating parents and relatives. In addition, CFSA has sought assistance from Deputy Mayor's Office and the District of Columbia Public Schools for additional access to STARS (the educational system's Student Tracking and Reporting System), which is an additional tool to locate children and their families. Increased access to these systems will allow more CPS investigators to utilize these methods to quickly identify addresses for children and families.
- CFSA developed and began utilizing a supervisory tool to review worker's adherence to good faith efforts to initiate an investigation within 48 hours of receipt of a report to the hotline. Additionally, CFSA began to implement Quality Assurance (QA) reviews to evaluate performance in this area. Ten percent of investigations closed in February and March 2012 where child(ren) were not initially seen within 48 hours were reviewed by QA staff. These findings, which showed some staff are not yet consistently making or documenting required good faith efforts, were shared with the CFSA Director, Principal Deputy Director, Director of LaShawn Accountability and CPS Program Administrator. CFSA leadership is planning a review of CPS practice (to include good faith efforts) in the next couple of weeks.

Reviews of Repeat Reports/Quality Investigations

Strategies within this outcome area which were due for completion prior to the end of May 2012 include actions to carry out and collect data on "four plus" staffings, which are comprehensive case reviews that are to occur for families who are subject to a new investigation for whom the new report of child maltreatment is the fourth or greater report of child maltreatment, with the most recent report occurring within the last twelve months. CFSA has instructed staff to enter information documenting the occurrence of and discussion from a "four plus" staffing into contact notes within FACES.NET

prior to closing an investigation. Additionally, CFSA has developed a report within FACES.NET which quantifies the number of cases in which a "four plus" staffing should occur and the number of cases in which a "four plus" staffing did occur prior to closing the investigation.

Visitation

Making sure that visits between children and their parents and children and their separated siblings is a critical area of child welfare practice and the 2012 Strategy Plan identified several strategies to be completed before the end of May 2012. These include:

- CFSA reports that as of April 20, 2012, weekly meetings have been initiated with social workers, supervisors and program managers to review visitation reports and develop strategies to address visitation issues. Additionally, Program Administrators are reviewing May 2012 data to further assess visitation outcomes, including identifying barriers to visitation and developing proposed strategies. In addition, CFSA conducted a review of visitation practices at its June management meeting. Managers of high performing units shared strategies that are working within their units to increase visitation.
- CFSA has engaged in discussion with New Jersey's Department of Children and Families, who is similarly struggling to achieve goals regarding visitation, regarding specific strategies they have been using to increase visitation between parents and children, sibling visits and social worker and parent visits. New Jersey's Visitation Model which utilizes contracts with private providers to support parent-child visitation and a visitation assessment tool are currently being reviewed by CFSA Program Administrators to develop an assessment tool for CFSA. Program Managers will use this assessment tool to review 100 cases by June 30, 2012 with the goal of better understanding the District's performance barriers around visitation and determining additional strategies to improve performance.

Appropriate Permanency Goals

Strategies within this outcome area focus on services and planning for older youth. CFSA has implemented the following actions:

- The Monitor, in collaboration with CFSA and the Citizen Review Panel, reviewed Youth Transition Plans (YTPs) and transition planning for the 76 youth who were in CFSA care and were 20.5 years old or older between January 1 and March 31, 2012. Based upon a review of each youth's record, this review examined the youth's needs, development of a youth transition plan to capture these needs and implementation of the plan following the planning meeting. The primary domains reviewed were housing; education; employment or

vocational; health; crisis management; financial literacy; emotional or psychological health; and pregnant and parenting needs. Results from this review will be shared in the next monitoring report.

- On March 20, 2012, as part of efforts to continue to engage Family Court Judges on CFSA's policy regarding assignment of APPLA goals to children and youth in care, Director Donald discussed CFSA's policy with Family Court Judges. Additionally, on February 17, 2012, Deputy Attorney General Cory Chandler sent an email to Assistant Attorneys General (AAGs) reminding the attorneys of CFSA's APPLA assignment policy and requesting that attorneys assist in ensuring compliance with Agency policy that no youth be recommended for an APPLA goal without such recommendation from a LYFE meeting and the Director's approval.

Health and Dental Care

The single strategy within this outcome area addresses the need for a protocol to document the receipt and delivery of Medicaid numbers and cards for youth in care to their foster parent or placement provider. Collecting and quantifying this information was also a component of CFSA's data plan development. Actions taken between April and May include:

- On April 28, 2012, CFSA sent to staff a protocol detailing the process for receipt and centralization of children and youth's Medicaid numbers and cards. CFSA will be monitoring performance and collecting data on this strategy moving forward.

Special Corrective Action

Strategies within this outcome area are focused on developing a "SWAT team" approach to comprehensively review children and youth who fall into one or more of the Special Corrective Action categories. These strategies include data analysis and development of specific action plans for each child. CFSA has taken the following actions:

- CFSA has begun special corrective action reviews for children and youth who are within one of three categories: 1) children with permanency goal of adoption for more than one year and has not been placed in a pre-adoptive home; 2) children with a permanency goal of reunification for more than 18 months; and 3) children placed in foster homes or facilities that exceed their licensed capacities or placed in facilities without a valid license. Corrective Action plans have been developed for all children with an adoption goal for more than one year and not placed in pre-adoptive home. Corrective Action plans for reunification cases should be completed by June 2012.

Timely Adoption

The 2012 Strategy Plan includes several strategies related to timely adoption targeted in several ways: to improve tracking efforts to timely finalize adoptions; identifying and addressing barriers to adoption and guardianship; and assessing recruitment barriers and identifying strategies for children and youth who have had a goal of adoption for six months or longer where a pre-adoptive home has not been identified. CFSA has implemented the following strategies:

- In early-May 2012, CFSA adoption social workers began utilizing a checklist which was developed by modifying a tool used by the Monitor and CFSA in a case record review conducted in the fall of 2011 to review adoptions finalized between July through December 2011 to determine if timely, reasonable efforts were being made toward achieving the goal of adoption for children placed in pre-adoptive homes. An audit team from Out of Home & Permanency Administration (OHPA) is in the process of conducting a secondary review of these cases and checklists.
- OHPA continues to conduct barrier staffing for internal administrators and private agencies to address barriers to permanency for children in pre-adoptive home and children with goal of guardianship who have not achieved permanency.

Case Planning Process

Strategies within this outcome area committed CFSA to modify its Quality Service Reviews (QSR) protocol to be consistent with their practice model, as well as to share QSR findings and actions taken in response to findings from prior QSR reviews during monthly management meetings. CFSA has implemented the following strategy:

- CFSA and the Department of Mental Health (DMH) are jointly holding a series of stakeholder meetings in early-June to solicit input as part of the development of a joint protocol for reviews of children in the care and custody of CFSA who are also receiving services from the DMH network. The goal is to have a protocol which can assess and promote coordinated case planning, teamwork, and implementation when children and families are involved with multiple systems and providers.

Training

Strategies within this outcome area are focused on ensuring staff have notice and a full understanding of training requirements. CFSA has implemented the following strategies:

- In May, CFSA's Human Resource Administration sent a notice to all supervisors and staff regarding the training requirements and the need to complete a training requirement acknowledgement form. Similarly, in April, private agency staff were sent a notification reminder of the training requirements, availability of training and training management reports. In April, CFSA issued an Administrative Issuance regarding the required training hours.

Performance-Based Contracting

One strategy within this outcome area committed CFSA to begin to revise performance scorecards, contract language and service delivery expectations to reflect an outcomes-based contracting system.

- CFSA has enlisted the help of and begun working with Casey Family Programs, a national foundation that supports State's child welfare reform initiatives. CFSA staff and a Casey Family Programs consultant had meetings on March 27 and April 17, 2012. Discussion at these meetings involved CFSA's current contract structure and desired outcomes. CFSA has provided Casey Family Programs with the scope of work for several congregate care and family-based providers and the Collaboratives for review and feedback. This work is ongoing.

Child Fatality Reviews

The single strategy within this outcome area addresses the development of strategies to achieve compliance with the Exit Standard associated with the City-wide Child Fatality Review Committee. Progress on this strategy is discussed below:

- The 2009 Annual Report of the City-wide Child Fatality Review Committee has been completed and is expected to be published soon. The 2010 and 2011 reports are scheduled to be completed this summer. CFSA, the Office of the Chief Medical Examiner (OCME) and the Boards and Commissions are working to clarify Committee membership and vacancies. The Committee will schedule an orientation for new members to be sworn-in. CFSA and the OCME continue to work together to address any remaining requirements.

Development of a Data Plan to Provide for Measurement of all IEP Outcomes

As part of the 2012 Strategy Plan, CFSA committed to the development of a plan and timeframes for measuring performance or monitoring each of the Exit Standards where data are not routinely available. This plan was to be shared with the Monitor by May 1, 2012 for input. CFSA provided the Monitor with a draft data plan on May 1, 2012. The Monitor and CFSA have discussed the

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proposed plan and have come to an agreement on how to collect data and monitor performance for specific Exit Standards where data are not routinely available. In some areas, new reports will be developed using data from FACES.NET and other free-standing databases. Other Exit Standards will require qualitative review or additional case record reviews, to be conducted jointly by Monitor and CFSA staff.

Please let me know if you have any questions regarding the information provided above prior to the status hearing on June 20, 2012.

Sincerely,



Judith Meltzer
Court-appointed Monitor, *LaShawn A. v. Gray*
Deputy Director
Center for the Study of Social Policy

cc: Beatriz Otero, Deputy Mayor
 Richard Love, OAG
 Brenda Donald, Director CFSA
 Lucy Pittman, Deputy General Counsel
 Mary Williams, CFSA
 Marcia Lowry, CRI
 Sarah Bartosz, CRI
 Adam Dembrow, CRI
 Justin Sallis, Clerk, U.S. District Court

Attachment

CFSA'S MODIFICATIONS TO THE 2012 STRATEGY PLAN
SUBMITTED TO CSSP MAY ____, 2012

LaShawn Requirement	Original Strategy	Modified Strategy (changes are in bold)	Justification for the Modification
<p>Review of Repeat Reports [Exit Standard 1(c)]</p> <p>Quality Investigations [Exit Standard 2]</p> <p>(Page 3)</p>	<p><u>Practice:</u> By May 31, 2012, CFSA will revise the investigations practice operational manual (POM) to reflect policy and practice changes and the findings of quality assurance reviews (e.g., the POM will be updated on the critical events procedures, hotline worker expectations, standards for staff, and "four plus" staffing protocol).</p>	<p><u>Practice:</u> By July 31, 2012 and August 31, 2012, CFSA will revise the hotline practice operational manual (POM) and the investigations POM respectively to reflect policy and practice changes and the findings of quality assurance reviews (e.g., the POM will be updated on the critical events procedures, hotline worker expectations, standards for staff, and "four plus" staffing protocol).</p>	<p>The Agency began to work to update the investigations POM and policy. The workgroup, who included internal and external stakeholders, committed fully revising the policy, rather than just make updates. The group's goal is to make the policy a more general document with the agency's guiding principles and to put all of the details and procedures into the POMs. This will require additional work but in the longer run it should produce more consistent and practical documents for staff. In addition, the group believes that beginning with the front door – the Hotline – and then working on Investigations thereafter was a more logical order for completing these tasks. CFSA believes that it can accomplish both of the POMs/policies for the hotline and investigations this summer.</p>
	<p><u>Training:</u> CFSA will train CPS social workers, supervisors and hotline workers on both the updated investigations and hotline POMs. The training will highlight any changes to policy and practice as well as areas that need improvement based on the quality assurance reviews. The training will be completed by June 30, 2012.</p>	<p><u>Training:</u> CFSA will train CPS social workers, supervisors and hotline workers on both the updated investigations and hotline POMs. The training will highlight any changes to policy and practice as well as areas that need improvement based on the quality assurance reviews. The training will be completed by September 30, 2012.</p>	<p>Please see above concerning the modification to the POMs/policies. Because the POMs and policies will be completed this summer, the training will need to be delayed as well.</p>

LaShawn Requirement	Original Strategy	Modified Strategy (changes are in bold)	Justification for the Modification
Relative resources [Exit Standard 7] (Page 4)	<p><u>Identification of Relatives:</u> Beginning in April 2012, CPS will make a referral to the diligent search unit at the same time a referral is made for an FTM with the goal of identifying parents, grandparents, and other relatives. Contact information on relatives located by the diligent search unit will be shared with the CPS investigator, the FTM unit, and the ongoing worker, where applicable.</p>	<p><u>Identification of Relatives:</u> Beginning in June 1, 2012, the Family Team Meeting Unit (FTMU) will make a referral to the diligent search unit at the same time a referral is received from the CPS with the goal of identifying parents, grandparents, and other relatives (as applicable). Contact information on relatives located by the diligent search unit will be shared with the FTMU and CPS investigator, and the ongoing worker, where applicable.</p>	<p>In April, CPS started to make referrals to the Diligent Search Unit (DSU) when they made a referral to the FTMU. However, the referrals were also being sent from FTMU to DSU for the same families. This duplication caused some confusion and inefficiencies. Through discussions with the three managers (FTMU, CPS, and DSU) they determined that the most efficient method of referring cases to DSU was from FTMU. The FTMU worker needs the information for coordinating and facilitating the FTM and the referrals can be better managed through their unit. Thus, beginning in June, FTMU will continue to refer cases to the DSU when it receives a referral from CPS.</p> <p>The other change - adding "as applicable" - is necessary to distinguish that CPS will send two types of FTM referrals to FTMU. For the FTMs requested after a child or children have been removed (removal FTMs), the FTMU needs contact information for any/all family members that DSU can locate. However, for FTMs that occur without a removal (the non-removal FTMs), CFSA is more limited in the family information that can be located and used. If the parent(s) consent then relatives can be located and DSU will be asked to assist. In addition, locating both parents to</p>

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LaShawn Requirement	Original Strategy	Modified Strategy (changes are in bold)	Justification for the Modification
			seek their consent is key and therefore, even in cases where the custodial parent does not consent, if the non-custodial parent is unknown, then DSU will be asked to locate that parent for both participation in the FTM and for consent to contact his or her relatives. If consent is obtained, DSU may be needed again to locate relatives.
	<u>Data Collection</u> : By June 1, 2012, and each month thereafter, CFSA will track the families who require a pre-removal FTM. CFSA will track families where a pre-removal FTM was offered or held and will document information on who was invited and who attended the FTM.	<u>Data Collection</u> : By June 20, 2012 , and each month thereafter, CFSA will track the families who require a pre-removal FTM. CFSA will track families where a pre-removal FTM was offered or held and will document information on who was invited and who attended the FTM.	The modification is to bring the date in line with final FACES.NET reports. The final report for a given month is available on the 15 th of the following month. Therefore, CFSA, in tracking the data for May, will need until June 20th rather than June 1 to complete its reconciliation of FACES.NET data and manual data.
	<u>Quality Improvement</u> : By June 1, 2012, CFSA will develop a standard operating procedure that expands the current eligibility criteria for pre-removal FTMs.	<u>Quality Improvement</u> : By July 15, 2012 , CFSA will develop a standard operating procedure that expands the current eligibility criteria for pre-removal FTMs.	The FTM policy is set for updating and revisions. The standard operating procedure that will set forth the eligibility criteria for pre-removal or non-removal FTMs will be included in that policy. Staff, in developing the new policy
	<u>Resources</u> : By October 1, 2012, CFSA will assess the capacity to provide removal and pre-removal FTMS for all eligible families and expand coordinator and facilitator capacity, if needed.	Not Applicable	language, determined that some additional research is required to ensure that the criteria developed are informed and practical. Thus, in April, staff began a review of cases where a removal occurred three or more days after an investigation was initiated to determine if there are common themes or patterns that will inform the development of the

CFSA's Modifications to the 2012 Strategy Plan (cont'd)

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			<p>criteria. In addition, while CFSA is not changing the strategy on resources, the work to assess capacity for conducting removal and non-removal FTMs will also be assessed as CFSA develops its criteria for non-removal FTMs. This was a step that should have coincided with the development of the criteria rather than be due three months later.</p> <p>CFSA anticipates that based on the reviews, staff will have draft criteria for approval for the deputy director and director by the end of May or early June, which will include an assessment of the capacity to provide additional FTMs. Thereafter, the policy will be finalized by July 15.</p>