



December 22, 2014

*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  
[thomas.f.hogan@dcd.uscourts.gov](mailto:thomas.f.hogan@dcd.uscourts.gov)

Re: *LaShawn A. v. Gray*, Civil Action No. 89-1754 (TFH)  
Supplemental Report on Performance on Select Exit Standards during  
July – October 2014

Dear Judge Hogan:

On November 17, 2014, the Monitor provided the Court with the *LaShawn A. v. Gray Progress Report for the Period January 1 – June 30, 2014* which is scheduled to be discussed during the January 7, 2015 status hearing. At the request of District officials, the Monitor has agreed to provide the Court and parties with performance data for select Exit Standards where more recent performance data were available and could be verified prior to the January 2015 status hearing. Attached is a summary table with these additional data on select Exit Standards from the *LaShawn A. v. Gray Implementation and Exit Plan (IEP)* for the months of July through October 2014. The Exit Standards selected for this supplemental report are some of the areas in the IEP that remain to be achieved and for which the Monitor was able to verify the performance data provided by CFSA in an expedited timeframe.

Of the 88 Exit Standards in the IEP, there are 17 (19%) standards that remain to be achieved as of June 30, 2014; this supplemental report provides additional performance data for nine of those Exit Standards and for investigative caseloads is a subpart of a previously achieved Exit Standard that is now designated as an Outcome to be Maintained.<sup>1</sup> The attached summary table of the performance data on the selected standards includes data reprinted from the last full monitoring

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<sup>1</sup> For IEP citation I.A.6. (visits for children experiencing a new placement or placement change), only a subpart of the Exit Standard is included. Subpart d. of the Exit Standard was not newly assessed and is not included in the supplemental report.

report (January 1 – June 30, 2014) and adds performance data for the subsequent four months of 2014<sup>2</sup>. For each Exit Standards assessed, we have also indicated the direction of recent performance change. Complete performance for July through December 2014 for all Exit Standards will be included in the next full monitoring report, due to be provided to the Court in May 2015.

Below is a listing of the Exit Standards for which additional data has been provided and the summary finding from the analysis of that data:

**1. Timely Initiation of Investigations** (IEP citation I.A.1.a.)

Exit Standard: 95% of all investigations will be initiated within 48 hours or there will be documented good faith efforts to initiate investigations whenever the alleged victim child(ren) cannot be located.

Data for July – October 2014: CFSA’s performance on timely initiation of investigations showed improvement between July and October 2014. In October 2014, with 92 percent of investigations were initiated within 48 hours or there was documentation that good faith efforts were made. Monthly performance between January and June 2014 ranged from 84 to 91 percent.

**2. Timely Completion of Investigations** (IEP citation I.A.1.b.)

Exit Standard: 90% of investigations will be completed and a final report of findings shall be entered in FACES.NET within 35 days.

Data for July – October 2014: – Performance for the timely completion of investigations remains unchanged since the January through June 2014 monitoring period. Compliance ranged from 36 to 62 percent between January and June 2014 and ranged from 36 to 56 percent between July and October 2014. Improvements over the previous period have been noted in the number of investigations in backlog status (those having been open for longer than 35 days) – from 229 in June 2014 down to 107 in October 2014.

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<sup>2</sup> For those Exit Standards where data is not yet available for October 2014, it is noted as such in the summary table.

### **3. Investigative Worker Caseloads (IEP citation I.D.25.a.)**

Exit Standard: 90% of investigators will have caseloads that do not exceed 1:12 investigations. No individual investigator shall have a caseload greater than 15 cases.

Data for July – October 2014: During the previous monitoring period, the percentage of CPS investigators who met the required standard declined from 100 percent in January to 48 percent in June 2014. CFSA has worked intensively to hire and train addition workers and caseloads did begin to improve between July and October 2014. In this four month period, investigation caseload compliance ranged from 77 to 88 percent.

### **4. Social Worker Visitation for Children Experiencing a New Placement or Placement Change (IEP citation I.A.6.a.-c.)**

Exit Standard: 90% of children newly placed in foster care or experiencing a placement change will have four visits in the first four weeks of a new placement or placement change as described.

Data for July – September 2014: Performance remains unchanged since the previous period. Monthly performance for January through June 2014 ranged from 77 to 87 percent and July through September 2014 performance ranged from 81 to 85 percent. Performance is thus close to but not yet meeting the IEP Exit standard.

### **5. Visitation between Parents and Workers (IEP citation I.B.10.)**

Exit Standard: 80% of parents will have twice monthly visitation with workers in the first three months post-placement or there will be documentation that the parents are unavailable or refuses to cooperate with the Agency.

Data for July – September 2014: Performance data for the third quarter of 2014 show that visitation between parents and workers improved since the January through June 2014 monitoring period, increasing from a monthly range of 59 to 73 percent to 76 to 81 percent between July and September 2014. For the first time, CFSA met the required level of performance during the months of August and September 2014.

## **6. Visitation between Parents and Children (IEP citation I.B.11.)**

Exit Standard: 85% of children with the goal of reunification will have weekly visitation with the parent with whom reunification is sought or there will be documentation that a visit is not in the child's best interest, is clinically inappropriate or did not occur despite the Agency's efforts.

Data for July – September 2014: Performance remains unchanged from the previous monitoring period. January through June 2014 performance ranged from 69 to 82 percent and performance between July and September ranged from 75 to 78 percent.

## **7. Timely Permanency through Reunification, Adoption or Legal Guardianship (IEP citation I.B.16.c.)**

Exit Standard: Required performance is based on the fiscal year and timely permanency as of September 30, 2014 for three cohorts of children in foster care – those who entered care for first time in FY2013 and remained in care for 8 days or longer (45% will achieve permanency), those children in foster care for more than 12 months but less than 25 months (45% will achieve permanency) and those children in foster care for 25 months or more (40% will achieve permanency).

Data as of September 30, 2014: Compared to performance in FY2013, CFSA performance declined for the first cohort, slightly improved for the second cohort and improved for the third cohort of children/youth. For those in care for more than 8 days but less than 12 months, 36 percent achieved permanency in FY2014 compared to 48 percent in FY2013. For those in care for more than 12 months but less than 25 months, 40 percent achieved permanency in FY2014 compared to 38 percent in FY2013 and for those in care for more than 25 months, 28 percent achieved permanency in FY2014 compared to 20 percent in FY2013. Performance on permanency exits for none of the three cohorts of children have met the IEP Exit Standards.

## **8. Health Screenings for Children in Foster Care prior to Placement (IEP citation I.C.22.a.)**

Exit Standard: 95% of children in foster care shall have a health screening prior to an initial placement or re-entry into care and 90% of children in foster care who experience a placement change shall have a replacement health screening.

Data for July – October 2014: Performance toward completion of health screenings prior to an initial placement or re-entry into care showed improvement over the previous period (January – June 2014 performance monthly range of 78 – 100% and July – October 2014 performance monthly range of 93 – 100%). Completion of replacement health screenings for children experiencing a placement change remained the same (January – June 2014 performance monthly range of 77 – 89% and July – October 2014 performance monthly range of 77 – 88%).

**9. Full Medical Evaluations for Children in Foster Care (IEP citation I.C.22.b.i.)**

Exit Standard: 85% of children in foster care shall receive a full medical evaluation within 30 days of placement and 95% of children in foster care shall receive a full medical evaluation within 60 days of placement.

Data for July – October 2014: There are two subparts to this Exit Standard and improvements over the previous period were seen for completion of full medical evaluation within 30 days of placement (January – June 2014 performance monthly range of 77 – 88% and July – October 2014 performance monthly range of 82 – 92%). For the second part of the Exit Standard – full medical evaluation within 60 days of placement – performance remains the same as the previous period (January – June 2014 performance monthly range of 94 – 97% and July – October 2014 performance monthly range of 90 – 98%). Notably, in September and October 2014, CFSA met the required level of performance for both subparts of this Exit Standard.

**10. Full Dental Evaluations for Children in Foster Care (IEP citation I.C.22.b.ii.)**

Exit Standard: 25% of children shall receive a full dental evaluation within 30 days of placement; 50% of children shall receive a full dental evaluation within 60 days of placement; and 85% of children shall receive a full dental evaluation within 90 days of placement.

Data for July – October 2014: There are three subparts to this Exit Standard, and overall, CFSA demonstrated improvement in all subparts and met the required level of performance for all subparts in August, September and October 2014. Completion of full dental evaluations within 30 days of placement increased from a monthly range of 37 to 54 percent between January and June 2014 to a monthly range of 47 to 69 percent between July and October 2014. Completion of

December 22, 2014

6 | Page

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full dental evaluations within 60 days of placement increased from a monthly range of 64 to 82 percent between January and June 2014 to a monthly range of 74 to 88 percent between July and October 2014. And, for the final subpart of the Exit Standard related to completion of full dental evaluations within 90 days of placement, the monthly range of performance increased from 64 to 88 percent between January and June 2014 to a monthly range of 81 to 91 percent between July and October 2014.

### **Leadership Transition**

Since we have filed the monitoring report with the Court, we have been informed a major leadership transition that will occur in 2015. Director Brenda Donald who has spearheaded the improvements at CFSA over the last three and half years has accepted the appointment as the new Deputy Mayor for Health and Human Services under Mayor Muriel Bowser's administration. Director Donald will transition to her new position on January 2, 2015, where she will support the Mayor in coordinating comprehensive services across multiple agencies including CFSA, Department of Behavioral Health, Department on Disability Services, Department of Health, Department of Health Care Finance, Department of Human Services, Department of Parks and Recreation, Department of Youth Rehabilitative Services, Office of Disability Rights and Office on Aging. Director Donald has named Raymond Davidson, Deputy Director of Administration, as the interim Director of CFSA while the District conducts a search for her permanent replacement. Director Donald is scheduled to discuss the transition with counsel for Plaintiffs on December 22, 2014.

Please let me know if you have any questions.

Sincerely,



Judith Meltzer  
Deputy Director  
Court-appointed Monitor, *LaShawn A. v. Gray*

cc: Marcia Lowry, A Better Childhood, Inc.  
Sara Glasser, A Better Childhood, Inc.

*SUPPLEMENTAL REPORT FOR JULY – OCTOBER 2014 PERFORMANCE ON SELECT EXIT  
STANDARDS*

December 22, 2014

7 | Page

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Brenda Donald, Director, CFSA  
Beatriz Otero, Deputy Mayor for Health and Human Services  
Richard Love, OAG  
Lucy Pittman, Deputy General Counsel  
Mary Williams, CFSA  
Cameron Currie, Clerk, US District Court

**SUMMARY TABLE OF SELECT *LaSHAWN A. v. GRAY* IMPLEMENTATION AND EXIT PLAN  
 STANDARD PERFORMANCE between July and October 2014**

Implementation and Exit Plan Requirement	Exit Standard	January – June 2014 Performance <sup>1</sup>	July 2014 Performance	August 2014 Performance	Sept 2014 Performance	Oct 2014 Performance	Direction of Change <sup>2</sup>
1. <i>Investigations</i> : Investigations of alleged child abuse and neglect shall be initiated or documented good faith efforts shall be made to initiate investigations within 48 hours after receipt of a report to the hotline of child maltreatment.  (IEP citation I.A.1.a.)	95% of all investigations will be initiated within 48 hours or there will be documented good faith efforts to initiate investigations whenever the alleged victim child(ren) cannot be immediately located.	Monthly range 84 – 91% <sup>3</sup>	83%	86%	90%	92%	↑
2. <i>Investigations</i> : Investigations of alleged child abuse and neglect shall be completed within 30 days after receipt of a report to the hotline of child maltreatment and the final report of findings for each investigation shall be completed within five days of the completion of the investigation.  (IEP citation I.A.1.b.)	90% of investigations will be completed and a final report of findings shall be entered in FACES.NET within 35 days.	Monthly range of 36 – 62%	36% <sup>4</sup>	42% <sup>5</sup>	44% <sup>6</sup>	56% <sup>7</sup>	↔

<sup>1</sup> Data from January – June 2014 are reprinted from the November 17, 2014 monitoring report.

<sup>2</sup> Where applicable, “↑” indicates that, in the Monitor’s judgment based on data and an understanding of case practice, performance is trending upwards generally by at least three percentage points; “↓” indicates performance is trending downward generally by at least three percentage points; “↔” indicates that, in the Monitor’s judgment, there has been no change in performance; and “N/A” indicates a judgment regarding direction of change is not currently applicable to the Exit Standard.

<sup>3</sup> The backlog of open investigations exceeding 35 days between January and June 2014 ranged monthly from 52 to 229.

<sup>4</sup> The backlog of open investigations exceeding 35 days in July 2014 was 190.

<sup>5</sup> The backlog of open investigations exceeding 35 days in August 2014 was 140.

<sup>6</sup> The backlog of open investigations exceeding 35 days in September 2014 was 88.

<sup>7</sup> The backlog of open investigations exceeding 35 days in October 2014 was 107.

Implementation and Exit Plan Requirement	Exit Standard	January – June 2014 Performance <sup>1</sup>	July 2014 Performance	August 2014 Performance	Sept 2014 Performance	Oct 2014 Performance	Direction of Change <sup>2</sup>
<p>10. <u>Visitation for Children Experiencing a New Placement or a Placement Change:</u></p> <p>a. A CFSA social worker or private agency social worker with case management responsibility shall make at least two visits to each child during the first four weeks of a new placement or a placement change.</p> <p>b. A CFSA social worker, private agency social worker, family support worker or nurse care manager shall make two additional visits to each child during the first four weeks of a new placement or a placement change.</p> <p>c. At least one of the above visits during the first four weeks of a new placement or a placement change shall be in the child’s home.</p> <p>d. At least one of the visits during the first four weeks of a new placement or a placement change shall include a conversation between the social worker and the resource parent to assess assistance needed by the resource parent from the Agency.</p> <p>(IEP citation I.A.6.a-d.)<sup>8</sup></p>	<p>90% of children newly placed in foster care or experiencing a placement change will have four visits in the first four weeks of a new placement or placement change as described.</p>	<p>a.-c. Monthly range of 77 – 87% of applicable children had four visits in first four weeks of new placement or placement change.</p>	<p>a.-c. 81%</p>	<p>a.-c. 85%</p>	<p>a.-c. 81%</p>	<p>Performance data not yet available</p>	<p>a.-c. ↔</p>

<sup>8</sup> Subsection d. of this standard was not newly assessed for this supplemental report and therefore is not included in the Table.

Implementation and Exit Plan Requirement	Exit Standard	January – June 2014 Performance <sup>1</sup>	July 2014 Performance	August 2014 Performance	Sept 2014 Performance	Oct 2014 Performance	Direction of Change <sup>2</sup>
<p>18. <u>Visits between Parents and Workers:</u>            a. For children with a permanency goal of reunification, in accordance with the case plan, the CFSA social worker or private agency social worker with case-management responsibility shall visit with the parent(s) at least one time per month in the first three months post-placement.            b. A CFSA social worker, nurse care manager or family support worker shall make a second visit during each month for the first three months post-placement.            (IEP citation I.B.10.)</p>	<p>80% of parents will have twice monthly visitation with workers in the first three months post-placement.<sup>9</sup></p>	<p>Monthly range of 59 – 73%</p>	<p>76%</p>	<p>81%</p>	<p>80%</p>	<p>Performance data not yet available</p>	<p>↑</p>
<p>19. <u>Visits between Parents and Children:</u> There shall be weekly visits between parents and children with a goal of reunification unless clinically inappropriate and approved by the Family Court. In cases in which visitation does not occur, the Agency shall demonstrate and there shall be documentation in the case record that visitation was not in the child’s best interest, is clinically inappropriate or did not occur despite efforts by the Agency to facilitate it.            (IEP citation I.B.11.)</p>	<p>85% of children with the goal of reunification will have weekly visitation with the parent with whom reunification is sought.<sup>10</sup></p>	<p>Monthly range of 69 – 82%</p>	<p>78%</p>	<p>76%</p>	<p>75%</p>	<p>Performance data not yet available</p>	<p>↔</p>

<sup>9</sup> This Exit Standard is also satisfied when there is documentation that the parent(s) is(are) unavailable or refuses to cooperate with the Agency.

<sup>10</sup> This Exit Standard is also satisfied when there is documentation that a visit is not in the child’s best interest, is clinically inappropriate or did not occur despite efforts by the Agency to facilitate it.

Implementation and Exit Plan Requirement	Exit Standard	January – June 2014 Performance <sup>1</sup>	July 2014 Performance	August 2014 Performance	Sept 2014 Performance	Oct 2014 Performance	Direction of Change <sup>2</sup>
32. <i>Timely Adoption</i> : Timely permanency through reunification, adoption or legal guardianship. (IEP citation I.B.16.c.)	i. Of all children who entered foster care for the first time in FY2013 and who remain in foster care for 8 days or longer, 45% will achieve permanency (reunification, kinship guardianship, adoption or non-relative guardianship) by September 30, 2014.	As of September 30, 2013, 48% of the children in this cohort achieved permanency.	As of September 30, 2014, 36% of the children in this cohort achieved permanency.				↔ <sup>11</sup>
	ii. Of all children who are in foster care for more than 12 but less than 25 months on September 30, 2013, 45% will be discharged from foster care to permanency (reunification, kinship guardianship, adoption or non-relative guardianship) by September 30, 2014.	As of September 30, 2013, 38% of the children in this cohort achieved permanency.	As of September 30, 2014, 40% of the children in this cohort achieved permanency.				
	iii. Of all children who are in foster care for 25 months or longer on September 30, 2013, 40% will be discharged through reunification, adoption, legal guardianship prior to their 21st birthday or by September 30, 2014, whichever is earlier.	As of September 30, 2013, 20% of the children in this cohort achieved permanency.	As of September 30, 2014, 28% of the children in this cohort achieved permanency.				

<sup>11</sup> For those children who were in foster care for 25 months or longer on September 30, 2014, there was an increase in the percentage of children who achieved permanency in FY14 compared with FY2013.

Implementation and Exit Plan Requirement	Exit Standard	January – June 2014 Performance <sup>1</sup>	July 2014 Performance	August 2014 Performance	Sept 2014 Performance	Oct 2014 Performance	Direction of Change <sup>2</sup>
<p>39. <i>Health and Dental Care</i>: Children in foster care shall have a health screening prior to placement.  (IEP citation I.C.22.a.)</p>	<p>95% of children in foster care shall have a health screening prior to an initial placement or re-entry into care.</p> <p>90% of children in foster care who experience a placement change shall have a replacement health screening.</p>	<p>Initial and re-entries: monthly range of 78 – 100%</p> <p>Replacements: monthly range of 77 – 89%</p>	<p>Initial and re-entries: 100%</p> <p>Replacements: 88%</p>	<p>Initial and re-entries: 98%</p> <p>Replacements: 77%</p>	<p>Initial and re-entries: 93%</p> <p>Replacements: 87%</p>	<p>Initial and re-entries: 94%</p> <p>Replacements: 85%</p>	↑
<p>40. <i>Health and Dental Care</i>: Children in foster care shall receive a full medical evaluation within 30 days of placement.  (IEP citation I.C.22.b.i.)</p>	<p>85% of children in foster care shall receive a full medical evaluation within 30 days of placement.</p> <p>95% of children in foster care shall receive a full medical evaluation within 60 days of placement.</p>	<p>Within 30 days: monthly range of 77 – 88%</p> <p>Within 60 days: monthly range of 94 – 97%</p>	<p>Within 30 days: 82%</p> <p>Within 60 days: 90%</p>	<p>Within 30 days: 85%</p> <p>Within 60 days: 92%</p>	<p>Within 30 days: 88%</p> <p>Within 60 days: 98%</p>	<p>Within 30 days: 92%</p> <p>Within 60 days: 97%</p>	↑
<p>41. <i>Health and Dental Care</i>: Children in foster care shall receive a full dental evaluation within 30 days of placement.  (IEP citation I.C.22.b.ii.)</p>	<p>25% of children shall receive a full dental evaluation within 30 days of placement.</p> <p>50% of children shall receive a full dental evaluation within 60 days of placement.</p> <p>85% of children shall receive a full dental evaluation within 90 days of placement.</p>	<p>Within 30 days: monthly range of 37 – 54%</p> <p>Within 60 days: monthly range of 64 – 82%</p> <p>Within 90 days: monthly range of 64 – 88%</p>	<p>Within 30 days: 47%</p> <p>Within 60 days: 74%</p> <p>Within 90 days: 81%</p>	<p>Within 30 days: 54%</p> <p>Within 60 days: 80%</p> <p>Within 90 days: 85%</p>	<p>Within 30 days: 57%</p> <p>Within 60 days: 82%</p> <p>Within 90 days: 87%</p>	<p>Within 30 days: 69%</p> <p>Within 60 days: 88%</p> <p>Within 90 days: 91%</p>	↑

Implementation and Exit Plan Requirement	Exit Standard	January – June 2014 Performance <sup>1</sup>	July 2014 Performance	August 2014 Performance	Sept 2014 Performance	Oct 2014 Performance	Direction of Change <sup>2</sup>
46. <u>Caseloads</u> : a. The caseload of each worker conducting investigations of reports of abuse and/or neglect shall not exceed the MFO standard, which is 1:12 investigations. (IEP citation I.D.25.a.-e.) <sup>12</sup>	90% of investigators and social workers will have caseloads that meet the above caseload requirements. No individual investigator shall have a caseload greater than 15 cases.	a. Monthly range of 48 – 100% of investigators met the caseload requirements. Monthly range of 0 – 15 investigators had a caseload of more than 15.	77%	87%	88%	78%	↑

<sup>12</sup> Subsections b.-e. of this standard was not newly assessed for this supplemental report and therefore are not included in the Table.