



Jeanine B. Settlement Agreement Report of the Bureau of Milwaukee Child Welfare 2011

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Please note this information is embargoed from public release or publication until 12:00 p.m. on September 16, 2011.

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Introduction

Background to Jeanine B. Settlement Agreement

This report provides information on the progress of the Bureau of Milwaukee Child Welfare (BMCW) in meeting the requirements of the Jeanine B. Settlement Agreement.

In 1993 the American Civil Liberties Union Children's Rights Project (now Children's Rights, Inc.) filed suit in the Federal District Court for the Eastern District of Wisconsin on behalf of an estimated class of 5,000 children who were receiving child welfare services in Milwaukee County. The Milwaukee County Executive, the Director of the Milwaukee County Human Services Division, the Governor and the Secretary of the Department of Health and Social Services¹ were named as defendants.

The complaint was a broad-based challenge to the administration of the Milwaukee County child welfare system, stating that it failed in its obligation to provide adequate child welfare services to children and families. The complaint alleged that the State failed to adequately supervise and fund the Milwaukee County system.

In response to the lawsuit and to improve the safety and well-being of children, the state of Wisconsin assumed direct responsibility for administering and funding Milwaukee County child welfare effective January 1, 1998. The lawsuit subsequently continued only against the state defendants. In 2002, the parties reached a settlement of the litigation. The Settlement Agreement requires BMCW to achieve specific outcomes regarding the permanency, safety and well-being of Milwaukee County children in out-of-home care.

Format of Report

This is the first semi-annual report for 2011 and includes outcomes of BMCW's performance from January 1 through June 30, 2011.

This report is divided into three sections, with the first section reporting on the **remaining enforceable provisions**.

The second section includes the status of **provisions that are no longer subject to enforcement** because the defendants were in compliance with the provisions for two consecutive six-month periods as stipulated in the terms of the Settlement Agreement and therefore have been released from enforcement.

The third section includes the status of **non-enforceable process indicators and outcomes inclusive of safety, well-being and permanency objectives included in the Settlement Agreement**. This information was identified in previous reports as "monitoring items."

Provisions that are no longer operative are excluded from this report. For example, Section I.B.5 of the Settlement Agreement is inoperative because the Subsidized Guardianship waiver was not obtained before January 1, 2003; thus the controlling requirement is I.B.4.

Data

Most of the data presented in this report was generated from the electronic Wisconsin Statewide Automated Child Welfare Information System (eWiSACWIS). To create a more streamlined document for the reader, the rounding of performance percentages (past and present) occurs in most instances.

¹ The Department was subsequently renamed the Department of Health and Family Services. Beginning in July 2008, responsibility for BMCW was transferred to the newly created Department of Children and Families.

Remaining Enforceable Provisions – At a Glance – Annual Performance CY 2003 – YTD 2011

§I.B.6 Of all reunifications with parents/caregivers, at least the following percentages of children shall be reunified within 12 months of entry into care.

CURRENT PERFORMANCE	PAST PERFORMANCE							
CY 2011 Performance Standard	CY 2003 Standard	CY 2004 Standard	CY 2005 – 2010 Standard					
>= 71%	Monitor Only	>=65%	>=71%					
2011 YTD	CY 2003 Result	CY 2004 Result	CY 2005 Result	CY 2006 Result	CY 2007 Result	CY 2008 Result	CY 2009 Result	CY 2010 Result
66%	45%	63%	72%	71%	69%	64%	57%	61%

§I.D.9 At least the following percentages of children in BMCW custody within the period shall have had three or fewer placements after January 1, 1999, during their current episode in BMCW custody. The number of placements will exclude time-limited respite care placements and returns to the same caretaker after an intervening placement during the same out-of-care episode. Those children in BMCW custody through the Wraparound Milwaukee program shall be excluded from this calculation.

CURRENT PERFORMANCE	PAST PERFORMANCE							
CY 2011 Performance Standard	CY 2003 Standard	CY 2004 Standard	CY 2005 - 2010 Standard					
>= 90%	>=80%	>=82%	>=90%					
2011 YTD	CY 2003 Result	CY 2004 Result	CY 2005 Result	CY 2006 Result	CY 2007 Result	CY 2008 Result	CY 2009 Result	CY 2010 Result
81%	76%	72%	72%	73%	75%	77%	78%	80%

Section I. Remaining Enforceable Provisions

Reunification within 12 months of placement in out-of-home care.

§I.B.6. At least the following percentages of children who are reunified with parents or caretakers at the time of discharge from BMCW out-of-home care within the period shall be reunified within 12 months of entry into out-of-home care.

BMCW did not meet the performance standard for the first six-month period of 2011.

CY 2011 Performance Standard	January to June, 2011
>= 71%	66%

A. 2011 YTD reunification performance is 66 percent whereas the standard is 71 percent.

The data in Table 1.1 show historical reunification performance.

1. 2011 YTD performance (66 percent) improved compared to CY 2010 (61 percent). Current performance represents the highest six-month rate since the first six-month period of CY 2008.

Table 1.1: Semi-annual and annual reunification performance CY 2003 – YTD 2011

	January - June	July - December	Annual Performance
CY 2011	66%	NA	66%
CY 2010	57%	64%	61%
CY 2009	56%	58%	57%
CY 2008	66%	61%	64%
CY 2007	64%	74%	69%
CY 2006	70%	72%	71%
CY 2005	69%	75%	72%
CY 2004	59%	68%	63%
CY 2003	44%	47%	45%

B. 2011 YTD performance across the three regions spans from 60 percent to 73 percent.

The data in Table 1.2 show the monthly and semi-annual performance by each of the three regions.

1. Region 2, administered by Children’s Service Society of Wisconsin, Inc. (CSSW), achieved the highest semi-annual performance rate at 73 percent.
2. Region 1, administered by CSSW, and Region 3, administered by Integrated Family Services, Inc. (IFS), achieved semi-annual performance rates of 60 percent and 64 percent, respectively.

Table 1.2: Reunifications January through June, 2011, by region

	Jan	Feb	Mar	Apr	May	Jun	Semi-Annual Performance
CSSW – Region 1							
Number of reunifications	17	19	25	17	20	27	125
Number of children reunified within 12 or fewer months	4	12	11	10	14	24	75
Percentage reunified in 12 or fewer months	24%	63%	44%	59%	70%	89%	60%
CSSW – Region 2							
Number of reunifications	19	17	14	26	24	35	135
Number of children reunified within 12 or fewer months	17	10	8	22	19	23	99
Percentage reunified in 12 or fewer months	89%	59%	57%	85%	79%	66%	73%
IFS – Region 3							
Number of reunifications	12	13	26	10	9	26	96
Number of children reunified within 12 or fewer months	5	12	22	5	3	14	61
Percentage reunified in 12 or fewer months	42%	92%	85%	50%	33%	54%	64%
BMCW Totals							
BMCW Total reunifications	48	49	65	53	53	88	356
Number of children reunified within 12 or fewer months	26	34	41	37	36	61	235
Percentage reunified in 12 or fewer months	54%	69%	63%	70%	68%	69%	66%

Placement Stability

§I.D.9 At least the following percentages of children in BMCW custody within the period shall have had three or fewer placements after January 1, 1999, during their current episode in BMCW custody. The number of placements will exclude time-limited respite care placements and returns to the same caretaker after an intervening placement during the same out-of-home episode. Those children in BMCW custody through the Wraparound Milwaukee program shall be excluded from this calculation.

BMCW did not meet the performance standard for the first six-month period of 2011.

CY 2011 Performance Standard	January to June, 2011
>= 90%	81%

A. 2011 YTD placement stability performance is 81 percent whereas the standard is 90 percent.

The data in Table 1.3 show historical performance since 2003.

1. Although below the standard of 90 percent, performance during the first six-month period of CY 2011 (81 percent) improved compared to CY 2010 performance (80 percent)

Table 1.3: Semi-annual and annual placement stability performance CY 2003 – YTD 2011

	January - June	July - December	Annual Performance
CY 2011	81%	NA	81%
CY 2010	79%	81%	80%
CY 2009	78%	79%	78%
CY 2008	76%	78%	77%
CY 2007	74%	75%	75%
CY 2006	73%	73%	73%
CY 2005	71%	72%	72%
CY 2004	71%	73%	72%
CY 2003	75%	77%	76%

B. 2011 YTD performance across the three regions was between 76 percent and 85 percent.

The data in Table 1.4 show the monthly and semi-annual performance by each of the three regions.

1. Region 3, administered by IFS, achieved the highest semi-annual average at 85.2 percent, which is above their CY 2010 performance of 84.4 percent.
2. Semi-annual performance averaged 80.7 percent among the three regions, which is above CY 2010 performance of 79.9 percent.
 - a. Region 1, administered by CSSW, performed (75.7 percent) below their CY 2010 performance of 78.2 percent.
 - b. Region 2, administered by CSSW, performed (81.4 percent) above their CY 2010 performance of 77.1 percent.

- c. Region 3, administered by IFS, performed (85.2 percent) above their CY 2010 performance of 84.4 percent.

Table 1.4: Placement stability: performance January through June, 2011

	Jan	Feb	Mar	Apr	May	Jun	Semi-Annual Performance
CSSW – Region 1							
Percentage of children with three or fewer placements	75.8%	74.2%	74.2%	75.4%	77.1%	77.3%	75.7%
CSSW – Region 2							
Percentage of children with three or fewer placements	80.2%	80.7%	81.6%	82.7%	81.4%	81.9%	81.4%
IFS – Region 3							
Percentage of children with three or fewer placements	86.0%	85.4%	84.7%	84.4%	85.6%	85.2%	85.2%
BMCW Totals							
Children with three or fewer placements	1,534	1,494	1,498	1,516	1,552	1,507	
Children in OHC	1,905	1,867	1,870	1,876	1,909	1,853	
Percentage of children with three or fewer placements (monthly)	80.5%	80.0%	80.1%	80.8%	81.3%	81.3%	
Percentage of children with three or fewer placements (cumulative)	80.5%	80.3%	80.2%	80.4%	80.6%	80.7%	80.7%
Children with four or more placements	371	373	372	360	357	346	

Section II. Provisions No Longer Subject to Enforcement January to June, 2011

Provisions No Longer Subject to Enforcement	CY 2003	CY 2004	CY 2005	CY 2006	CY 2007	CY 2008	CY 2009	CY 2010	YTD 2011
§I.B.2 Children reaching 15 of the last 22 months in out-of-home care ... Termination of Parental Rights (TPR) petition filed ..., or an available Adoption and Safe Families Act (ASFA) exception documented in their case, by the end of their fifteenth month in care. <i>* 2005 performance standard >= 90%</i>	77%	88%	29%	79%	85%	90%	88%	90%	90%
§I.B.3 ... children in BMCW custody for more than 15 of the last 22 months in out-of-home care without a TPR previously filed or an available exception previously documented shall have had a TPR petition filed ..., an exception documented ... <i>* 2005 performance standard >= 90%</i>	88%	93%	93%	89%	90%	95%	95%	90%	91%
§I.B.4 ... percentage of children in BMCW out-of-home care ... for more than 24 months ... calculated against a baseline of 5,533 children in BMCW out-of-home care. <i>* 2005 performance standard <=25%</i>	44%	30%	23%	18%	18%	18%	16%	14%	12%
§I.B.7 ... adoption is finalized ... within 24 months of entry into care. <i>* 2005 performance standard >= 30%</i>	14%	16%	22%	32%	34%	38%	33%	37%	35%
§I.C.1 ... children in BMCW custody shall be free of substantiated abuse or neglect allegations within the period by a foster parent or staff of a facility required to be licensed. <i>* 2005 performance standard <=0.60%</i>	0.57%	0.79%	0.81%	0.15%	0.93%	0.39%	0.40%	0.24%	0.04%
§I.C.2 ... reports within the period alleging abuse or neglect of a child in BMCW custody shall be referred to the independent investigation agency for independent investigation within three business days. <i>* 2005 performance standard >= 90%</i>	99%	99%	99%	97%	98%	95%	99%	98%	97%
§I.C.3 ... reports referred for independent investigation ... shall be assigned to an independent investigator within three business days of the independent investigation agency's receipt of the referral from BMCW. <i>* 2005 performance standard >= 90%</i>	99%	99%	99%	96%	98%	100%	100%	100%	100%
§I.C.4 Determination of the independent investigations within 60 days of receipt of the referral. <i>* 2005 performance standard >= 90%</i>	98%	98%	99%	98%	96%	100%	100%	100%	100%
§I.D.1-2 BMCW shall ensure that Ongoing Case Managers have ... <i>caseloads not to exceed 11 families per case carrying manager per site ... (Average)</i>	10	10	10	10	12	11	11	10	9.1
§I.D.3 By January 1, 2003... meets <i>90% compliance with monthly face-to-face contact.</i>	90%	97%	97%	97%	96%	92%	94%	96%	96%
§I.D.7 ... By December 31, 2003, BMCW developed special diagnostic/assessment centers for children ... Placement in such centers follows applicable state law.	NA	81%	82%	79%	76%	76%	78%	97%	100%

KEY: **Bold** values in cells indicate that the performance met the standard for that period allowing for release from the provision.

Provisions No Longer Subject to Enforcement - Numbers behind the performance (January to June 2011)

Provisions No Longer Subject to Enforcement
§I.B.2 Of the 348 children reaching 15 of the last 22 months in out-of-home care, 314 (90 percent) children had a Termination of Parental Rights (TPR) petition filed or an allowable exception documented.
§I.B.3 Of the 33 children in BMCW custody for more than 15 of the last 22 months in out-of-home care without a TPR petition previously filed or an allowable exception indicated, 30 children (91 percent) belatedly had a TPR petition filed or an allowable exception documented.
§I.B.4 On average each month, 650 (12 percent) children in BMCW out-of-home care were in care for 24 or more months (measured against the baseline of 5,533 children).
§I.B.7 Of the 103 children with a finalized adoption, 36 (35 percent) of the finalizations occurred within 24 months of the child's entry into care.
§I.C.1 Of the 2,612 children in an out-of-home care placement YTD 2011, one child (0.04 percent) was the victim of Child Abuse or Neglect by a treatment foster parent.
§I.C.2 Of the 105 reports referred to the independent investigation agency, 102 (97 percent) were referred within three business days.
§I.C.3 Of the 105 reports referred for independent investigation, 105 (100 percent) were assigned to an independent investigator within three business days of the referral from BMCW.
§I.C.4 Of the 85 investigations completed by the independent investigative agency, 85 (100 percent) of the determinations were completed within 60 days of receipt of the referral.
§I.D.3 Of the 13,464 (cumulative total) expected monthly face-to-face contacts YTD 2011, 12,935 (96 percent) were achieved.
§I.D.7 ... The Centers were developed prior to December 31, 2003. 122 of the 122 (100%) placement episodes were within the established timelines.

§I.D.1-2 BMCW shall ensure that Ongoing Case Managers have ... caseloads not to exceed 11 families per case carrying manager per site....

Compliance with this provision at any given point in time is measured by averaging the current monthly caseload average with the corresponding averages for the preceding two months. Performance was between 9.0 cases per Ongoing Case Manager and 9.5 cases per Ongoing Case Manager.

	November 2010	December 2010	January 2011	February 2011	March 2011	April 2011	May 2011	June 2011
Open Cases			1,463	1,442	1,440	1,445	1,469	1,472
Active Ongoing Case Managers at End of Month			160	161	158	160	163	162
Monthly Average	9.8	9.5	9.1	9.0	9.1	9.0	9.0	9.1
Performance			9.5	9.2	9.1	9.0	9.0	9.0

Section III. Process Indicators and Outcomes January to June, 2011

Process Indicators (Previously - Monitor Only)	CY 2003	CY 2004	CY 2005	CY 2006	CY 2007	CY 2008	CY 2009	CY 2010	YTD 2011
Family assessments completed within 90 days	96%	97%	95%	95%	88%	66%	96%	90%	94%
Initial health screens – within five business days	58%	76%	67%	75%	61%	62%	69%	89%	87%
Placement packets to foster parents	91%	85%	97%	73%	86%	88%	92%	97%	92%
Annual medical exam	75%	74%	73%	85%	78%	80%	91%	91%	94%
Annual dental exam	57%	65%	64%	78%	67%	68%	87%	87%	90%
Initial Permanency Plans within 60 days	97%	97%	98%	95%	90%	82%	82%	85%	91%
Annual and administrative Permanency Plan reviews	77%	77%	92%	91%	92%	85%	85%	95%	93%
Re-entry within 12 months of a prior out-of-home care episode	9%	7%	7%	10%	11%	8%	8%	10%	10%
BMCW turnover	30%	39%	33%	26%	34%	35%	30%	25%	13%
Children per caseload (six month average)	19.5	18.5	17.0	18.4	21.9	20.9	20.2	17.1	15.7

KEY: Cells where the font is in **BOLD** indicate that performance has improved compared to the previous review period.

Numbers Behind the Process Indicators (January to June, 2011)
Of the 251 required family assessments, 237 were completed within 90 days.
Of the 484 expected initial health screens, 421 were completed within five business days.
Of the 51 children in the sample who changed placements or experienced their first placement, 47 providers received and signed for a copy of the Information for Foster Parent's Face Sheet and Checklist.
Each month, an average of 1,974 of 2,094 children were current with their annual medical exams.
Each month, an average of 1,515 of 1,677 children were current with their annual dental exams.
Of the 348 Initial Permanency Plans, 315 were completed within 60 days.
Of the 1,836 annual and administrative permanency plan reviews, 1,701 were conducted timely.
Of the 578 children who entered out-of-home care, 55 of the children entered care within 12 months of a prior out-of-home care episode.
At the start of 2011, there were 195 Ongoing Case Managers. During the first six-months 29 Ongoing Case Managers separated from their position and 24 were hired.
Each month, an average of 160 Ongoing Case Managers worked with an average of 2,509 children.