

Jeanine B. Settlement Agreement Report
of the
Bureau of Milwaukee Child Welfare
2010

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TABLE OF CONTENTS

Introduction

1. Background to Jeanine B. Settlement Agreement

Section I. Performance on Remaining Enforceable Provisions

1. Reunification within 12 months of placement in out-of-home care
2. Development of Special Diagnostic Assessment Centers
3. Placement stability

Section II. Provisions No Longer Subject to Enforcement

1. Timeliness of ASFA compliance
2. “Belated” ASFA compliance
3. Length of stay in care
4. Adoption within 24 months of removal
5. Children in foster care are safe from maltreatment
6. Timeliness of referrals from Access to the independent investigation agency
7. Timeliness of the assignment by the independent investigation agency to an independent investigator
8. Timeliness of the independent investigation agency completing the investigations
9. Caseload size for ongoing case management program
10. Face-to-face contact

Section III. Other Process Indicators and Outcomes

1. Timeliness of completing initial family assessments
2. Timeliness of initial health screens for children entering out-of-home care
3. Placement packet information
4. Children with updated annual physical and dental examinations
5. Timeliness of completing the initial permanency plan
6. Timeliness of judicial or administrative permanency plan reviews
7. Children re-entering out-of-home care within 12 months of leaving a prior out-of-home care episode
8. Turnover within Ongoing Case Management programs
9. Average number of children per caseload January through June, 2010

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 approximately 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. 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 2010. It includes outcomes of BMCW's performance for the period January 1 through June 30, 2010.

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.

The third section includes the status of **process indicators and outcomes inclusive of safety, well-being and permanency objectives**. 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 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) occur in some 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 January to June, 2010

§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 2010 Performance Standard	CY 2003 Standard	CY 2004 Standard	CY 2005 – 2009 Standard				
>= 71%	Monitor Only	>=65%	>=71%				
YTD 2010 Result	CY 2003 Result	CY 2004 Result	CY 2005 Result	CY 2006 Result	CY 2007 Result	CY 2008 Result	CY 2009 Result
57%	45%	63%	72%	71%	69%	64%	57%

§I.D.7 Diagnostic/Assessment Centers. By December 31, 2003, BMCW developed special diagnostic/assessment centers for children over 12 years of age who need further assessment in order to determine the appropriate placement. Placement in such centers follows applicable state law.

CURRENT PERFORMANCE – The Centers were developed prior to December 31, 2003. 141 of the 148 (**95%**) placement episodes were within the established timelines.

§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 2010 Performance Standard	CY 2003 Standard	CY 2004 Standard	CY 2005 - 2009 Standard				
>= 90%	>=80%	>=82%	>=90%				
YTD 2010 Result	CY 2003 Result	CY 2004 Result	CY 2005 Result	CY 2006 Result	CY 2007 Result	CY 2008 Result	CY 2009 Result
79%	76%	72%	72%	73%	75%	77%	78%

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 2010.

CY 2010 Performance Standard	January – June, 2010
>= 71%	57%

A. 2010 YTD reunification performance is 57 percent whereas the standard is 71 percent.

The data in Table 1.1 show historical reunification performance.

1. YTD 2010 performance is consistent with CY 2009 performance, but continues to show a decline since CY 2006.

Table 1.1: Semi-annual and annual reunification performance CY 2003 - YTD 2010

	January - June	July - December	Annual Performance
CY 2010	57%	NA	57%
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. 2010 YTD performance across the three regions ranges from 54 percent to 63 percent.

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

1. Region 3, administered by Integrated Family Services, Inc. (IFS), achieved the highest semi-annual performance at 63 percent.
2. Regions 1 and 2, administered by Children’s Service Society of Wisconsin, Inc. (CSSW), each achieved a semi-annual performance rate of 54 percent.

Table 1.2: Reunifications January through June, 2010, by Region

	Jan	Feb	Mar	Apr	May	Jun	Semi-Annual Performance
CSSW – Region 1							
Number of reunifications	23	8	14	12	10	33	100
Number of children reunified within 12 or fewer months	10	6	8	9	4	17	54
Percentage reunified in 12 or fewer months	43%	75%	57%	75%	40%	52%	54%
CSSW – Region 2							
Number of reunifications	16	21	17	14	14	19	101
Number of children reunified within 12 or fewer months	4	10	10	11	11	9	55
Percentage reunified in 12 or fewer months	25%	48%	59%	79%	79%	47%	54%
IFS – Region 3							
Number of reunifications	16	19	17	17	10	20	99
Number of children reunified within 12 or fewer months	7	11	13	9	7	15	62
Percentage reunified in 12 or fewer months	44%	58%	76%	53%	70%	75%	63%
BMCW Totals							
BMCW Total reunifications	55	48	48	43	34	72	300
Number of children reunified within 12 or fewer months	21	27	31	29	22	41	171
Percentage reunified in 12 or fewer months	38%	56%	65%	67%	65%	57%	57%

Development of Special Diagnostic Assessment Centers

§I.D.7. By December 31, 2003, BMCW shall develop special diagnostic/assessment centers for children over 12 years of age who need further assessment in order to determine the appropriate placement. Placement in such centers shall not exceed 30 days or 60 days if the placement is extended in accordance with applicable state law.

BMCW complied with the requirement to develop special diagnostic/assessment centers for children over 12 years of age.

In the first six months of 2010, there were 89 adolescents placed in an Assessment Center.

1. The 89 adolescents accounted for 148 placement episodes.
2. Of the 148 placement episodes, 95 percent (141) were within the prescribed timelines and five percent (seven) went beyond timelines.

January – June, 2010
95%

A. Number of adolescents exceeding the timelines has decreased.

Table 1.3 shows by month and quarter the number of children in placement at an Assessment Center who exceeded the statutory limit during the month.

1. In the first six months of 2010, the number of placement episodes that exceeded the prescribed time limits dropped to seven with a pre-dispositional status and zero under a post-dispositional status.
2. The first six months of CY 2010 had 79 percent fewer placement episodes (seven) over the prescribed time limits compared to the same period in CY 2009 (34).

Table 1.3 Placement episodes which exceeded the time limits

	Jan	Feb	Mar	Apr	May	Jun
	1st Qtr			2nd Qtr		
Pre-Dispo	5	1	1	0	0	0
By Qtr	7			0		
Post-Dispo	0	0	0	0	0	0
By Qtr	0			0		

B. Percentage of adolescents staying beyond the timelines for the first six months of 2010 was significantly reduced compared to previous years.

Table 1.4 shows by year the percentage of children in a center placement who did not exceed the statutory time limits.

1. In the first six months of 2010, performance significantly improved to 95 percent, the highest performance to date.

Table 1.4 Placement episodes between 2004 and YTD 2010

	2004	2005	2006	2007	2008	2009	YTD 2010
Percentage of episodes within time limits	81%	82%	79%	76%	76%	78%	95%

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 2010.

CY 2010 Performance Standard	January to June, 2010
>= 90%	79%

A. Placement stability performance in the first six months of 2010 was 79 percent compared to the 90 percent standard.

The data in Table 1.5 show historical performance since 2003.

1. Although below the standard of 90 percent, semi-annual performance continued to show slight improvement during the first six months of CY 2010.

Table 1.5: Semi-annual and annual placement stability performance CY 2003 – YTD 2010

	January - June	July - December	Annual Performance
CY 2010	79%	NA	79%
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. Performance across the three regions ranges from 75 percent to 83 percent in the first six months of 2010.

The data in Table 1.6 show the monthly and semi-annual performance by each of the three Regions.

1. Region 3, administered by IFS, achieved the highest monthly performance at 83.8 percent as well as the highest semi-annual average at 83.3 percent.
2. Semi-annual performance averaged 79.2 percent among the three regions.
 - a. Region 1, administered by CSSW, performed below the semi-annual average in five of the first six months.
 - b. Region 2, administered by CSSW, performed below the semi-annual average in all six months.
 - c. Region 3, administered by IFS, performed above the semi-annual average for all six months.

Table 1.6: Placement stability: performance January through June, 2010

	Jan	Feb	Mar	Apr	May	Jun	Semi-Annual Performance
CSSW – Region 1							
Percentage of children with three or fewer placements	77.7%	77.9%	78.6%	78.9%	79.8%	78.5%	78.5%
CSSW – Region 2							
Percentage of children with three or fewer placements	74.6%	75.0%	74.3%	74.4%	75.4%	77.5%	75.2%
IFS – Region 3							
Percentage of children with three or fewer placements	82.4%	83.3%	83.8%	83.6%	83.0%	83.4%	83.3%
BMCW Totals							
Children with three or fewer placements	1,556	1,556	1,572	1,582	1,599	1,576	
Children in OHC	1,987	1,973	1,985	1,994	2,007	1,975	
Percentage of children with three or fewer placements (monthly)	78.3%	78.9%	79.2%	79.3%	79.7%	79.8%	
Percentage of children with three or fewer placements (cumulative)	78.3%	78.6%	78.8%	78.9%	79.1%	79.2%	79.2%
Children with four or more placements	431	417	413	412	408	399	

Section II. Provisions no longer subject to enforcement January to June, 2010

Previously released provisions	CY 2003	CY 2004	CY 2005	CY 2006	CY 2007	CY 2008	CY 2009	YTD 2010
§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. * 2005 performance standard >= 90%	77%	88%	29%	79%	85%	90%	88%	92%
§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 ... * 2005 performance standard >= 90%	88%	93%	93%	89%	90%	95%	95%	87%
§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. * 2005 performance standard <=25%	44%	30%	23%	18%	18%	18%	16%	14%
§I.B.7 ... adoption is finalized ... within 24 months of entry into care. * 2005 performance standard >= 30%	14%	16%	22%	32%	34%	38%	33%	37%
§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. * 2005 performance standard <=0.60%	0.57%	0.79%	0.81%	0.15%	0.93%	0.39%	0.40%	0.22%
§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. * 2005 performance standard >= 90%	99%	99%	99%	97%	98%	95%	99%	99%
§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. * 2005 performance standard >= 90%	99%	99%	99%	96%	98%	100%	100%	100%
§I.C.4 Determination of the independent investigations within 60 days of receipt of the referral. * 2005 performance standard >= 90%	98%	98%	99%	98%	96%	100%	100%	100%
§I.D.1-2 BMCW shall ensure that Ongoing Case Managers have ... caseloads not to exceed 11 families per case carrying manager per site ... (June 2010)	10	10	10	10	12	11	11	10
§I.D.3 By January 1, 2003... meets 90% compliance with monthly face-to-face contact ..	90%	97%	97%	97%	96%	92%	94%	96%

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 percentages January to June, 2010

Previously Released Provisions
§I.B.2 Of the 311 children reaching 15 of the last 22 months in out-of-home care, 285 (92 percent) children had a Termination of Parental Rights (TPR) petition filed or an allowable exception documented.
§I.B.3 Of the 52 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, 45 children (87 percent) belatedly had a TPR petition filed or an allowable exception documented (this is an annual cumulative total).
§I.B.4. On average each month, 788 (14 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 118 children with a finalized adoption, 44 (37 percent) of the finalizations occurred within 24 months of the child's entry into care.
§I.C.1 Of the 2,747 children in an out-of-home care placement during the first six months of 2010, six children (0.22 percent) were the victim of Child Abuse or Neglect by a foster parent (two children), treatment foster parent (three children), or staff of a facility required to be licensed (one child).
§I.C.2 Of the 89 reports referred to the independent investigation agency, 88 (99 percent) were referred within three business days.
§I.C.3 Of the 89 reports referred for independent investigation, 89 (100 percent) were assigned to an independent investigator within three business days of the referral from BMCW.
§I.C.4 Of the 72 investigations completed by the independent investigative agency, 72 (100 percent) of the determinations were completed within 60 days of receipt of the referral.
§I.D.3 Of the 13,726 (cumulative total) expected monthly face-to-face contacts for the first six months of 2010, 13,202 (96 percent) were achieved.

§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. Range of performance was between 9.8 cases per Ongoing Case Manager and 11 cases per Ongoing Case Manager.

	November 2009	December 2009	January 2010	February 2010	March 2010	April 2010	May 2010	June 2010
Open Cases			1,612	1,602	1,566	1,558	1,565	1,559
Active Ongoing Case Managers at End of Month			152	159	159	160	158	162
Monthly Average	11.3	11.1	10.6	10.1	9.8	9.7	9.9	9.6
Performance			11.0	10.6	10.2	9.9	9.8	9.8

Section III. Process Indicators and Outcomes

Process Indicators (Previously - Monitor Only)	CY 2003	CY 2004	CY 2005	CY 2006	CY 2007	CY 2008	CY 2009	YTD 2010
Family assessments completed within 90 days	96%	97%	95%	95%	88%	66%	96%	94%
Initial health screens – within five business days	58%	76%	67%	75%	61%	62%	69%	86%
Placement packets to foster parents	91%	85%	97%	73%	86%	88%	92%	98%
Annual medical exam	75%	74%	73%	85%	78%	80%	91%	92%
Annual dental exam	57%	65%	64%	78%	67%	68%	87%	87%
Initial Permanency Plans within 60 days	97%	97%	98%	95%	90%	82%	82%	84%
Annual and administrative Permanency Plan reviews	77%	77%	92%	91%	92%	85%	85%	96%
Re-entry within 12 months of a prior out-of-home care episode	9%	7%	7%	10%	11%	8%	8%	11%
BMCW turnover	30%	39%	33%	26%	34%	35%	30%	15%
Children per caseload (CY 2009 six - month average)	19.5	18.5	17.0	18.4	21.9	20.9	20.2	17.0

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, 2010)
Of the 239 required family assessments, 224 were completed within 90 days.
Of the 450 expected initial health screens, 388 were completed within five business days.
Of the 51 children in the sample who changed placements or experienced their first placement, 50 providers received and signed for a copy of the Information for Foster Parent's Face Sheet and Checklist.
Each month, an average of 2,064 of 2,242 children were current with their annual medical exams (Region 1 achieved a six-month average of 96%).
Each month, an average of 1,583 of 1,818 children were current with their annual dental exams (Region 1 achieved a six-month average of 92%).
Of the 309 Initial Permanency Plans, 260 were completed within 60 days.
Of the 1,651 annual and administrative permanency plan reviews, 1,582 were conducted timely.
Of the 567 children who entered out-of-home care, 61 of the children entered care within 12 months of a prior out-of-home care episode.
At the start of 2010, there were 196 Ongoing Case Managers. During the year 35 Ongoing Case Managers separated from their position and 39 were hired.
Each month, an average of 158 Ongoing Case Managers worked with an average of 2,744 children.