

## **Child Welfare Case Review Protocol for Child Deaths, Serious Injuries and Egregious Incidents**

The Department of Children and Families (DCF), Division of Safety and Permanence (DSP) is the supervising entity for child welfare services in Wisconsin and administers child welfare services in Milwaukee County. The DSP reviews complaints and cases of abuse or neglect involving death, serious injury, or an egregious incident<sup>1</sup>, and other cases at the discretion of the DSP Administrator. The Office of Performance and Quality Assurance (OPQA) is designated by DCF to review critical incidents involving the Bureau of Milwaukee Child Welfare (BMCW).<sup>2</sup>

This protocol may require a formal onsite review, which is a comprehensive examination of program and practice issues. The Director of the Bureau of Safety and Well Being and the Director of the Bureau of Performance Management will assess the need and define the purpose for an onsite review.

The purpose of a review is to assess child welfare case practice to:

1. identify ways to reduce and prevent future child deaths, serious injuries or egregious incidents related to maltreatment or insufficient child welfare case practice;
2. identify the conditions, system dynamics or other factors that may have negatively impacted the case or efforts to protect a child;
3. develop requirements or recommendations to improve the quality of local and statewide child protective services; and
4. identify needed changes to child welfare statutes, Standards, policies or procedures.

This protocol is established to ensure that child death, serious injury or egregious incident case reviews are conducted in a uniform manner that is transparent and fair to all parties involved.

### **Criteria for Initiating a Review:**

#### *Onsite Reviews*

DCF will conduct a formal onsite review in all open cases involving the death of a child due to alleged maltreatment. Onsite reviews may also occur in cases where the child or family is known to the county or state child welfare agency (referred to as “agency” throughout this protocol). This includes closed cases or cases where a report of child abuse or neglect was screened out by the agency. DCF has the discretion to conduct an onsite review of other critical incident cases as deemed necessary by DCF based on case information.

An onsite review may also be initiated upon request by the DCF Secretary, the Division Administrator, or the Director of the agency.

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<sup>1</sup> Serious injury and egregious incident are defined in the Disclosure Act, Sect. 48.981(7)(cr), Stats.

<sup>2</sup> Deaths, serious injuries, or egregious incidents are referred to as “critical incidents” throughout this protocol.

### *Record Review and Other Practice Reviews*

At a minimum, a review of the case record will occur in all egregious incident or serious injury cases where maltreatment is suspected at the time of the report and the family is known to the child welfare agency. DCF has the discretion to conduct a record review of other critical incident cases as deemed necessary by DCF based on case information.

A record or practice review may also be initiated upon request by the DCF Secretary, the Division Administrator, or the Director of the agency.

### **Independent Review Team Membership:**

An Independent Review Team (IRT) will conduct all onsite reviews. The IRT will consult with the agency regarding the composition of the IRT, which may vary based on the nature of the case and related issues. The IRT leader will determine the size of the IRT to ensure that the number of members is conducive to a thorough and expedient review in addition to being reasonable given the sensitive nature of the task. Authority to make final decisions regarding IRT size and composition rests with the IRT leader. The IRT members are required to adhere to strict confidentiality guidelines to maintain the privacy of all individuals involved in the review.

The IRT for a critical incident review will, at a minimum, consist of:

1. the IRT leader (DSP Child Welfare Case Review Specialist or DSP designee or the OPQA Performance Review and Evaluation Manager or OPQA designee); and
2. a peer reviewer from another child welfare agency.

Other IRT members may be included from other areas of expertise as needed based on the specific case under review. Some examples, which reflect current job titles but are meant to convey specific expertise and perspective include:

1. Area Administrator or Human Services Area Coordinator from the agency's Bureau of Regional Operations;
2. Continuous Quality Improvement Specialists or certified peer reviewers; and
3. Ad hoc experts, such as tribal child welfare professionals, medical professionals, or other specialized service providers.

### **Review Process:**

#### *Notification*

DCF will notify the agency director that an onsite review will be conducted. The director will designate an internal staff person as the primary contact person to coordinate the review with DCF.

#### *Onsite Reviews*

Generally, the onsite review will commence with an entrance conference with the agency director and other managers and staff as identified by the director to discuss the review process and the objectives and the scope of the review. During this meeting agency staff may ask questions, provide an overview of the situation, discuss applicable agency policies and practices, and discuss other issues related to the onsite review process.

The IRT is authorized by DCF to conduct a thorough review employing, but not limited to, any or all of the following:

1. A review of all documents and records related to the case (electronic and hard copy);
2. A review of policies and procedures of the child welfare agency;
3. Individual interviews with managers, supervisors, staff, contracted and non-contracted service providers, clients of the agency, and other persons as applicable; and
4. Where available, information from the local agency's internal review of the case or critical incident.

The onsite review will conclude with an exit conference with the agency director, other managers and staff as identified by the director. Depending on the nature of the onsite review, the IRT will hold the exit conference at the end of the review day or at a later date.

#### *Elements Reviewed*

The IRT will consult with the agency to identify which elements to examine during an onsite review based on the unique nature of the case (see list below). While multiple systems (court, medical, Corrections, etc.) simultaneously serve any one child or family, the IRT will primarily focus on the child welfare system. Other systems that played a critical role prior to the incident under review may be recognized and when appropriate, identified in the findings and recommendations.

Through the records review and the interviews, the IRT will consult with the agency to identify areas of practice and critical decisions that preceded the incident. It will then examine applicable procedures, policies, practice indicators, and organizational and system factors. The IRT will assess child welfare practice for compliance and quality using the applicable elements. The IRT will use applicable QSR indicators only when a certified reviewer is a member of the IRT. See Appendix I for definitions of the elements listed below.

Elements may include but are not limited to:

1. Applicable areas of practice and critical decisions:
  - a. Agency child welfare case practice prior to the critical incident
  - b. Access
  - c. Initial Assessment
  - d. Ongoing Services
  - e. Out of Home Care
  - f. Safety Intervention
2. Applicable statutes, Standards, and state or local policies, and procedures
3. Organizational Factors and Resources
4. Applicable Quality Service Review (QSR) and other practice indicators:
  - a. Engagement, Role and Voice

- b. Assessment and Understanding
- c. Resource and Support Use
- d. Tracking and Adjusting
- e. Diligence of Inquiry
- f. Critical Discernment

### **Final Report:**

#### *Onsite Reviews*

Each onsite review will result in a constructive, informative report to be used for enhancing practice and initiating systemic improvements. The written report will list any policies, procedures, Standards or other documents used to inform the review. It will document the review findings and, where indicated, recommendations and requirements. The report will remain in draft format while under DCF management and child welfare agency review as allowed by law.

The agency will have ten (10) working days to review the draft report and request a meeting with DCF to discuss the findings, recommendations and any other content of the report. Any disagreement over facts will be resolved prior to finalization of the report. If differences cannot be resolved, the agency can provide a document articulating their perspective and it will be attached to the final report.

A hard copy of the final report will be distributed solely to the agency and the original electronic copy will be retained by DCF. Draft copies and the final report may not be distributed or shared by any entity other than DCF unless required by law.

#### *Other Reviews*

DCF will collaborate with the agency regarding reviews that do not meet the above criteria and determine the best mechanism to effectively communicate the results of these reviews.

### **Process for Implementation of Review Recommendations:**

The agency under review will develop an action plan to address any findings and recommendations in the report. DCF may assist with the development of the action plan, including the identification or provision of technical assistance as needed.

In reviews where there are compliance or practice findings and related requirements, the agency will be required to submit a corrective action plan within 60 days after receipt of the final report. DCF will monitor an agency's corrective action plan to ensure that it is implemented.

## **APPENDIX I - ELEMENT DEFINITIONS**

### *Areas of Practice and Critical Decisions*

The IRT will identify critical decisions throughout the record review and onsite review. It will understand how critical decisions were made by examining the context in which those decisions were made. This system-centered approach recognizes that decisions and outcomes are a product of the interaction of child welfare staff with the rest of the system. The IRT will consider system factors such as individual background, organizational context, and resource availability to understand how decisions were made. Below is the list of practice areas with definitions and some examples of critical decisions.

#### 1. Agency child welfare case practice prior to the critical incident

The IRT will review the entire case record to identify the appropriate time period within the case that must be reviewed. All of the following areas of practice (2-6) within this time period must be reviewed to assess the quality of practice at those points in the case. The review may also include agency involvement in cases other than Child Protective Services cases. Examples include but are not limited to cases receiving services through home visitor, juvenile justice or voluntary services programs.

#### 2. Access

The IRT will review the completed Access report and other information gathered by the Access worker and supervisor to determine if the screening decision is timely, correct and was assigned the correct response time in compliance with statutes and Standards.

#### 3. Initial Assessment

The IRT will review the initial assessment(s) and the assessment process to identify if comprehensive information was gathered in each required element, the collected information was reconciled, and safety decisions were supported by the gathered information. The assessment will also be evaluated for compliance with Standards and statutes in regards to timeliness, interviews, collateral information, etc.

#### 4. Ongoing Services

The purpose of reviewing Ongoing Services in response to a critical incident is to address case management as it pertains to the identification and management of risk and safety factors for the child and family. The IRT will review ongoing case management to determine if the family received effective services and a responsive intervention that supports the change process. The review may include assessment (e.g., Family Assessment, Safety Assessment, Case Progress Evaluation) and subsequent case planning. A review of critical decisions in Ongoing Services may include case transition, case planning, safety intervention and supporting the family to make needed changes.

#### 5. Out of Home Care Placement

In cases where the alleged maltreatment occurred in the Out of Home Care placement, the IRT will review the licensing and placement processes. Review of ongoing case management throughout the placement will include, but is not limited to, required caseworker contacts, quality of the contacts and safety management.

## 6. Safety Intervention

The IRT will review safety practice over the life of the case. Safety assessments will be reviewed for compliance with the Safety Intervention Standards regarding information gathering, threshold criteria, safety plan monitoring and timeliness. The IRT will confirm identified safety threats or identify missed threats based on the information gathered. The safety plan will be assessed to determine if the plan addresses and controls the identified threats and, where possible, family participation in the development of the plan.

### *Standards, policies and procedures*

The IRT will identify applicable statutes, Standards, and State or local agency policies and procedures throughout the record and onsite review and determine whether child welfare practice was in compliance. Non-compliance will be noted as a finding in the report.

### *Organizational Factors and Resources*

As part of the system-centered approach, the IRT will review organizational factors, resources and other constraints that may have impacted case practice and decisions. These factors include, but are not limited to, the following areas:

1. Resources and Constraints
  - a. Worker access to supervision, training and technical assistance
  - b. Community services and other resources to support families
  - c. Other systems involved with the case such as court, police, hospitals, schools
2. Organizational Factors
  - a. Managerial changes, supervisory standards and expectations
  - b. Managing staffing patterns, absences, staff retention and turnover
  - c. Managing case transitions
  - d. Agency targets or performance indicators
  - e. Agency policies and procedures
  - f. Agency staffing levels and caseload sizes

### *Qualitative Service Review and Other Practice Indicators*

The IRT will identify applicable practice indicators from the listed elements (4a-f). The IRT will assess the quality of child welfare practice by comparing what happened to what might have happened as defined by the indicators. Below are definitions for each practice indicator.

#### 1. Engagement, Role and Voice

This indicator evaluates the level at which relevant individuals (e.g., child, mother, father, caregivers, etc.) are engaged in the change process and have a role and voice in decision making. Engagement refers to a trust based relationship between the individual and those within the child welfare system and is not based on whether the individual likes his or her worker.

#### 2. Assessment and Understanding

This indicator evaluates whether there is a shared understanding among the service providers and the family of the child and family's strengths, needs, and diminished parent/caregiver protective

capacities that must change to assure child safety. The IRT will also review the safety assessment and corresponding in-home or out of home safety plan.

### 3. Resource and Support Use

This indicator evaluates whether relevant individuals (e.g., child, mother, father, caregivers, etc.) have been provided the necessary training, support, resources and assistance to provide the child with a safe and stable living arrangement. The IRT will focus on whether individual/family needs were addressed by appropriate interventions.

### 4. Tracking and Adjustment

This indicator evaluates whether the family and those involved with them have maintained ongoing communication to monitor progress. Adjustment evaluates the team's response to changes and the ability to adapt when something (i.e. resource, support, intervention, etc.) is not working or no longer needed.

### 5. Diligence of Inquiry

This indicator evaluates the depth of information gathered at Access and at other critical decision points. The IRT will assess whether reasonable efforts have been made to obtain and provide information that is relevant, sufficient, and accurate in supporting critical decisions made throughout the case.

### 6. Critical Discernment

This indicator evaluates the degree to which the case manager (either individually or in the context of a team) has used a thoughtful and deliberate process to understand and apply available information when making critical decisions. The IRT will apply this indicator to the applicable critical decisions in the case.